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Vol. 65, No. 170
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–24–AD; Amendment 39–11880; AD 2000–17–06]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped With General Electric CF6–80C2 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 and 767 series airplanes, that requires repetitive functional tests of the directional pilot valve (DPV) of the thrust reversers to detect pneumatic leakage, and corrective action, if necessary. This amendment is prompted by a report of a latent failure mode of the fail-safe features of the thrust reverser system identified as possible leakage of the DPV that is due to a poppet being jammed slightly open or a leaking o-ring. The actions specified by this AD are intended to ensure the integrity of the fail-safe features of the thrust reverser system by preventing possible failure modes, which could result in inadvertent deployment of a thrust reverser during flight, and consequent reduced controllability of the airplane.

DATES: Effective October 5, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of October 5, 2000.

ADDRESSES: 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: Dennis Kammers, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2793; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747 and 767 series airplanes series airplanes was published in the **Federal Register** on March 16, 2000 (65 FR 14216). That action proposed to require repetitive functional tests of the directional pilot valve (DPV) of the thrust reversers to detect pneumatic leakage, and corrective action, if necessary.

Comments

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

Supportive Comment

One commenter concurs with the proposed rule and states that it has accomplished the initial inspection (functional test) specified in the proposal, and has incorporated the 5,000 hour repetitive inspection (test) requirements into its existing maintenance program for the affected airplanes.

Request Credit for Previous Accomplishment of Functional Test

One commenter requests that the FAA revise the proposal to provide credit for accomplishment of the directional pilot valve (DPV) functional test during production. The FAA concurs. The required DPV functional test can be accomplished in accordance with either the service bulletin or a production equivalent. A note has been added to the final rule to clarify that credit is given for previous accomplishment of the DPV functional test during production.

Request To Extend Repetitive Test Interval

One commenter requests that the FAA extend the interval for the proposed repetitive functional tests, as specified in paragraph (b) of the proposal, from 5,000 flight hours to 6,000 flight hours. The commenter states that the 6,000-flight-hour interval coincides with the check recommended in the Boeing 767 Maintenance Planning Document, and would allow operators to accomplish the functional test during scheduled ''C'' checks. The commenter adds that this extension would decrease the necessity to schedule additional maintenance time for its airplanes in order to meet the 5,000 flight-hour requirement.

The FAA concurs with the commenter's request. The intent of the AD is that the functional tests be conducted during a regularly scheduled maintenance visit, for the majority of the affected fleet, while still ensuring the thrust reverser system integrity. This would occur when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. Based on the information supplied by the commenter, the FAA now recognizes that an interval of 6,000 flight hours corresponds more closely to most of the affected operators' normal maintenance schedules. Paragraph (b) of the final rule has been revised to require accomplishment of the repetitive tests at intervals not to exceed 6,000 flight hours.

Request To Revise Cost Impact Information

One commenter notes that the proposed rule incorrectly states, ''None of the Model 747 series airplanes affected by this action are on the U.S. Register.'' The commenter states that this is inaccurate because all of its Model 747 series airplanes are affected by the proposed rule.

In light of the information supplied by the commenter, the FAA agrees that there are eight Model 747 series airplanes on the U.S. Register that are affected by this final rule. Therefore, the cost impact information, below, has been revised accordingly.

Terminating Modification

One commenter states that the proposed rule appears to be open-ended in that there is no modification available to correct the potential latent failure of the DPV and terminate the DPV inspections/tests. The commenter requests information on any planned corrective modification to the DPV in the future.

The FAA agrees with the commenter's observation that there is no proposed modification to the potential latent failure of the DPV or to terminate the repetitive DPV inspections/tests. Since the issuance of the proposed rule, the manufacturer has advised the FAA that it is developing a modified DPV that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking. That rulemaking may provide terminating action for the requirements of this final rule if a DPV that is not subject to the unsafe condition is approved for installation on an airplane equipped with GE CF6–80C2 series engines.

Request To Revise Paragraph (c)

One commenter states that paragraph (c) of the proposal should be revised to allow use of the 747–400 Dispatch Deviations Procedures Guide-specifically, minimum equipment list (MEL) Chapter 78–31–1, which enables airplanes to dispatch with a thrust reverser deactivated for up to 10 days. The commenter states that this ensures flight safety. The FAA does not concur. The MEL is not intended to provide safeguard measures for hardware with known, potentially catastrophic, failure modes. While this DPV failure mode does not lead directly to a thrust reverser deployment, it does lower the overall reliability of the thrust reverser system. Therefore, when DPV leakage is identified, this AD requires correction of the problem, rather than deferral. No change to paragraph (c) of the final rule is necessary in this regard.

Conclusion

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

Cost Impact

There are approximately 418 Model 747 and 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 116 airplanes of U.S. registry will be affected by this AD.

For affected Model 747 series airplanes (8 U.S.-registered airplanes): It will take approximately 20 work hours (5 work hours per engine) to accomplish the required functional test, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the functional test required by this AD on U.S. operators is estimated to be approximately $9,600, or $1,200 per airplane, per test cycle.

For affected Model 767 series airplanes (108 U.S.-registered airplanes): It will take approximately 10 work hours (5 work hours per engine) per airplane to accomplish the required functional test, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the functional test required by this AD on U.S. operators is estimated to be $64,800, or $600 per airplane, per test cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. 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 adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–17–06 Boeing: Amendment 39–11880. Docket 2000–NM–24–AD.

Applicability: Model 747 and 767 series airplanes equipped with General Electric CF6–80C2 series 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 (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 ensure the integrity of the fail-safe features of the thrust reverser system by preventing possible failure modes, which could result in inadvertent deployment of a thrust reverser during flight, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Functional Tests

(a) For Model 747 and 767 series airplanes equipped with thrust reversers that HAVE NOT been modified in accordance with Boeing Service Bulletin 747–78–2151 or 767–78–0063, as applicable, or a production equivalent: Within 60 days after the effective date of this AD, perform a functional test of the directional pilot valve (DPV) of the thrust reversers to detect pneumatic leakage in accordance with Boeing Alert Service Bulletin 747–78A2170, or Boeing Service Bulletin 767–78–0084, as applicable, both

dated October 21, 1999. Repeat the functional test thereafter at intervals not to exceed 1,000 flight hours.

(b) For Model 747 and 767 series airplanes equipped with thrust reversers that have been modified in accordance with Boeing Service Bulletin 747–78–2151 or 767–78–0063, as applicable, or a production equivalent: Within 180 days after the effective date of this AD, perform a functional test of the DPV of the thrust reversers to detect pneumatic leakage in accordance with Boeing Alert Service Bulletin 747–78A2170, or Boeing Service Bulletin 767–78–0084, as applicable, both dated October 21, 1999. Repeat the functional test thereafter at intervals not to exceed 6,000 flight hours.

Note 2: For airplanes modified during production: Functional tests accomplished in accordance with a production equivalent are acceptable for the initial functional test required by paragraph (b) of this AD.

Corrective Action

(c) If any functional test required by paragraph (a) or (b) of this AD cannot be successfully performed as specified in Boeing Alert Service Bulletin 747–78A2170, or Boeing Service Bulletin 767–78–0084, as applicable, both dated October 21, 1999; or if any discrepancy is detected during any functional test required by paragraph (a) or (b) of this AD: Prior to further flight, correct the discrepancy in accordance with the procedures specified in the applicable Boeing Model 747 or 767 Airplane Maintenance Manual. Additionally, prior to further flight, any failed functional test required by paragraph (a) or (b) of this AD must be repeated and successfully accomplished. Repeat the functional test thereafter at the intervals required by paragraph (a) or (b) of this AD, as applicable.

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, 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

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

Incorporation by Reference

(f) Except as provided by paragraphs (b) and (c) of this AD, the functional test shall be done in accordance with Boeing Alert Service Bulletin 747–78A2170, dated October 21, 1999; or Boeing Service Bulletin 767–78–0084, dated October 21, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial 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.

(g) This amendment becomes effective on October 5, 2000.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–21717 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 98F–0484]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of di-2-ethylhexyl terephthalate as a component of closures with sealing gaskets for food containers This action responds to a petition filed by Eastman Chemical Co.

DATES: This rule is effective August 31, 2000. Submit written objections and request for a hearing by October 2, 2000.

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

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 2, 1998 (63 FR 36246), FDA announced that a food additive petition (FAP 8B4593) had been filed by Eastman Chemical Co., P.O. Box 431, Kingsport, TN 37662. The petition proposed to amend the food additive regulations in § 177.1210 *Closures with sealing gaskets for food containers* (21 CFR 177.1210) to provide for the safe use of di-2-ethylhexyl terephthalate as a component of closure-sealing gaskets for food containers.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in § 177.1210 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 8B4593. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by October 2, 2000. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number

found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 177.1210 is amended in the table in paragraph (b)(5) by alphabetically adding an entry under the headings ''List of substances'' and ''Limitations'' to read as follows:

§ 177.1210 Closures with sealing gaskets for food containers.

* * * * *

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
* * *	* * *
Di-2-ethylhexyl terephthalate (CAS Reg. No. 006422–86–2).	For use as a plasticizer at levels not exceeding 75 parts per hundred by weight of permitted vinyl chloride homo- and/or copolymer resins used in contact with food of Types I, II, IV–B, VI–A, VI–B, VI–C (up to 15 percent alcohol by volume), VII–B, and VIII described in § 176.170(c) of this chapter, table 1, and under conditions of use A through H described in § 176. 170 (c) of this chapter, table 2.
* * *	* * *

* * * * *

Dated: August 21, 2000.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–22228 Filed 8–30–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 99F–0127]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of trimethylolethane as a dispersant for pigments used as components of food-contact articles. This action is in response to a petition filed by GEO Specialty Chemicals.

DATES: This rule is effective August 31, 2000. Submit written objections and requests for a hearing by October 2, 2000.

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

FOR FURTHER INFORMATION CONTACT: Mark A. Hepp, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3098.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 3, 1999 (64 FR 5300), FDA announced that a food additive petition (FAP 9B4635) had been filed by GEO Specialty Chemicals, c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 178.3725 *Pigment dispersants* (21 CFR 178.3725) to provide for the safe use of trimethylolethane as a dispersant for pigments used as components of food-contact articles.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in § 178.3725 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the environmental effects of this rule as announced in the notice of filing for the petition. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by October 2, 2000. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in

support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.3725 is amended in the table by alphabetically adding an entry under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 178.3725 Pigment dispersants.

* * * * *

Substances	Limitations
* * * * * * *	
Trimethylolethane (CAS Reg. No. 77–85–0).	For use only at levels not to exceed 0.45 percent by weight of inorganic pigment. The pigmented articles may contact all food under conditions of use A through H described in Table 2 of § 176.170(c) of this chapter.

Dated: August 21, 2000.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–22226 Filed 8–30–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8898]

RIN 1545–AV81

Continuity of Interest

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations providing guidance regarding the continuity of interest requirement for corporate reorganizations. The final regulations affect corporations and their shareholders. The final regulations provide that distributions and redemptions by a target corporation prior to a potential reorganization are taken into account for continuity of interest purposes to the extent that the consideration received by the target shareholder in the redemption or distribution is treated as other property or money under section 356 of the Internal Revenue Code, or to the extent that the consideration would be treated as other property or money if the target shareholder also had received stock of the issuing corporation in exchange for stock owned by the shareholder in the target corporation.

DATES: *Effective Dates:* These regulations are effective August 30, 2000.

Applicability Dates: For dates of applicability of these regulations, see the ''Effective Dates'' portion of the Supplementary Information of the preamble.

FOR FURTHER INFORMATION CONTACT: Marie Byrne, (202) 622–7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information in these final regulations has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned control number 1545–1691.

The collection of information in these regulations is in § 1.368–1(e)(7). The information is a private letter ruling request to apply the final regulations to a transaction in which a taxpayer has entered into a binding agreement on or after January 28, 1998 (the effective date of § 1.368–1T), and before the effective date of the final regulations. This information will be used to ensure that all parties to the transaction take consistent positions for Federal tax purposes. The collection of information is elective. If § 1.368–1T would apply to a transaction, but the taxpayer would prefer to apply the final regulations, the taxpayer may elect to submit the information. The likely respondents are businesses or other for-profit institutions.

Comments concerning the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224. Any such comments should be submitted not later than October 30, 2000.

Comments are specifically requested concerning:

(a) Whether the collection of information is necessary for the proper performance of the functioning of the Internal Revenue Service, including whether the information will have practical utility;

(b) The accuracy of the estimated burden associated with the collection of information (see below);

(c) How the quality, utility, and clarity of the information requested may be enhanced;

(d) How the burden of complying with the collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs, and costs of operation, maintenance, and purchase of services to provide information. Estimated total annual reporting burden: 1,500 hours. The annual burden per respondent

varies from 50 to 200 hours, depending on individual circumstances, with an estimated average of 150 hours. Estimated number of respondents: 10. Estimated frequency of responses: Once.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the OMB.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

On January 28, 1998, the Treasury Department and IRS published final regulations on the continuity of interest (COI) requirement for potential corporate reorganizations, which permitted former target corporation (T) shareholders to sell stock in the issuing corporation (P) without causing the potential reorganization to fail to satisfy the COI requirement (63 FR 4174). Additionally, the IRS and Treasury Department published temporary and proposed regulations (the Temporary Regulations) in the **Federal Register** at 63 FR 4183 and 63 FR 4204, respectively, relating to redemptions of, and extraordinary distributions on, T stock prior to certain otherwise qualifying reorganizations.

The Treasury Department and IRS received written comments in response to the proposed regulations. A public hearing on the proposed regulations was held on May 26, 1998. After consideration of all comments, § 1.368–1T, published at 63 FR 4183, is removed. Section 1.368–1(e) is amended by this Treasury decision.

Explanation of Provisions

The Internal Revenue Code provides general nonrecognition treatment for reorganization transactions specifically described in section 368. In addition to complying with the statutory requirements and certain other requirements, a transaction generally must satisfy the COI requirement. The purpose of the COI requirement is to prevent transactions that resemble sales from qualifying for nonrecognition of gain or loss available to corporate reorganizations. COI requires that in substance a substantial part of the value of the proprietary interests in T be preserved in the reorganization. These final regulations address the effect on COI of prereorganization redemptions and distributions.

The Temporary Regulations

The Temporary Regulations provide that a proprietary interest in T is not preserved if, prior to and in connection with a potential reorganization, it is redeemed, or to the extent that, prior to and in connection with a potential reorganization, an extraordinary distribution is made with respect to it.

Several commentators argued that the Temporary Regulations are overly broad. Some suggested that the scope of the COI requirement should closely parallel the law regarding the ''solely for voting stock'' requirement for reorganizations under § 368(a)(1)(B) and (C), because both the solely for voting stock requirement and the COI requirement arose out of similar concerns, *i.e.,* to prevent transactions that resemble sales from qualifying for nonrecognition treatment available to corporate reorganizations. These commentators maintain that, similar to the solely for voting stock rule, prereorganization redemptions and extraordinary distributions by T should not be taken into account for COI purposes unless P directly or indirectly furnishes the consideration for the redemption or distribution. A rule that goes beyond this, they argue, converts the COI requirement into an asset continuity test, and thus overlaps with the continuity of business enterprise requirement (COBE) and the ''substantially all the assets'' requirement for certain reorganizations.

In addition, one commentator maintained that the Temporary Regulations provide inconsistent results by treating extraordinary distributions taxed as dividends under section 301 as the equivalent of sales proceeds for purposes of COI.

Other commentators expressed concern that certain types of taxpayers, such as S corporations, are inappropriately adversely affected by the approach of the Temporary Regulations. The commentators noted that when an S corporation merges into a C corporation, it is common for the S corporation, in advance of the reorganization, to make distributions in the amount of its accumulated adjustments account (AAA). If large enough, such distributions may cause the potential reorganization to fail to qualify for tax-free treatment because the COI requirement is not satisfied under the Temporary Regulations. These commentators believe that this application of the COI rules in the Temporary Regulations to S corporation reorganizations is inconsistent with section 1371, which generally provides that subchapter C applies to an S corporation, except to the extent inconsistent with subchapter S, because the practice of making prereorganization AAA distributions makes it more difficult for S corporations than for C corporations to qualify for reorganization treatment. Similar concerns arise when a controlled foreign corporation (CFC) distributes income from its previously taxed income account with respect to its subpart F income (see section 959). Another commentator suggested that distributions made by a C corporation immediately prior to a merger with a Regulated Investment Company (RIC) or Real Estate Investment Trust (REIT) should not be treated as extraordinary distributions. Under §§ 1.852–12 (for RICs) and 1.857–11 (for REITs), a C corporation that merges into a RIC or REIT must distribute all non-RIC or non-REIT earnings and profits before the end of the RIC's or REIT's first taxable year. Consequently, a C corporation typically will distribute such earnings and profits prior to a merger with a RIC or REIT.

After considering these comments, the purpose of the COI requirement, and the other existing protections that prevent transactions that resemble sales from qualifying for nonrecognition of gain or loss available to corporate reorganizations, the Treasury Department and IRS have concluded that the approach of the final regulations best reflects the purpose of the COI requirement. The regulations provide that a proprietary interest in T (other than one held by P) is not preserved to the extent that consideration received prior to a potential reorganization, either in a redemption of T stock or in a distribution with respect to T stock, is treated as other property or money received in the exchange for purposes of section 356 or would be so treated if the T shareholder also had received stock of P in exchange for stock owned by the shareholder in T. In determining whether consideration is treated as other property or money under section 356 received in an exchange for a proprietary interest in T, taxpayers should consider all facts, circumstances, and relevant legal authorities.

The regulations posit for COI purposes that each T shareholder receives some P stock in exchange for T stock. Section 356 generally does not apply to a T shareholder who does not receive any P stock in exchange for T stock in a reorganization. See Rev. Rul. 74–515 (1974–2 C.B. 118). Solely for purposes of determining whether the COI requirement is satisfied, however, the regulations deem each T shareholder to have received some P stock in

exchange for T stock (without ascribing any value to that stock). The regulations thus use the same criterion for determining whether COI is satisfied, regardless of whether a T shareholder receives any P stock. These final regulations do not offer safe harbors or special rules for the transactions about which commentators expressed concern. Unlike the temporary regulations, however, the final regulations do not automatically take all prereorganization redemptions and extraordinary distributions in connection with the reorganization into account for COI purposes.

Stock Repurchase Programs

Example 8 of § 1.368–1(e)(6) illustrates the effect on COI of a general stock repurchase program. In the example, P repurchases a small percentage of its stock after a reorganization, as part of a preexisting stock repurchase program. COI is satisfied because the redemption of a small percentage of P stock was not in connection with the merger. In response to comments received, the IRS and Treasury Department issued further guidance on the effect of a stock repurchase program on COI in Rev. Rul. 99–58 (1999–52 I.R.B. 701). Because *Example 8* suggests a more restrictive approach to COI than was intended in this context, *Example 8* is removed by this Treasury decision.

Effect on Other Authorities

These COI regulations apply solely for purposes of determining whether the COI requirement is satisfied. No inference should be drawn from any provision of this regulation as to whether other reorganization requirements are satisfied, or as to the characterization of a related transaction.

Effect on Other Documents

The following publications do not apply to the extent they are inconsistent with these regulations:

Rev. Proc. 77–37 (1977–2 C.B. 568)
Rev. Proc. 86–42 (1986–2 C.B. 722)

Effective Dates

These regulations apply to transactions occurring after August 30, 2000, unless the transaction occurs pursuant to a written agreement that is (subject to customary conditions) binding on that date and at all times thereafter. Taxpayers who entered into a binding agreement on or after January 28, 1998 (the date that the temporary and proposed regulations were filed with the **Federal Register**), and before August 30, 2000, may request a private letter ruling permitting them to apply the final regulations to their transaction. A private letter ruling will not be issued unless the taxpayer establishes to the satisfaction of the IRS that there is not a significant risk of different parties to the transaction taking inconsistent positions, for U.S. tax purposes, with respect to the applicability of the final regulations to the transaction.

Special Analyses

It has been determined that these regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these final regulations. It is hereby certified that the collection of information in these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that while the burden of making this collection of information may be significant when applicable, taxpayers will have to make this collection of information only if they are corporations or shareholders of corporations who are parties to a purported reorganization in which COI would not be preserved under the Temporary regulations. The IRS estimates that the number of taxpayers who will need to make this collection of information will be 10 or fewer. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, these final regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Marie Byrne of the Office of the Associate Chief Counsel (Corporate), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.368–1 is amended by:

1. Revising paragraph (e)(1)(ii).
2. Removing paragraph (e)(2)(ii).
3. Removing the paragraph designation (e)(2)(i).
4. Removing *Example* 8 of paragraph (e)(6).
5. Redesignating *Example* 9 of paragraph (e)(6) as *Example 8*.
6. Adding new *Example 9* to paragraph (e)(6).
7. Adding three sentences to the end of paragraph (e)(7).

The additions and revision read as follows:

§ 1.368–1 Purpose and scope of exception of reorganization exchanges.

* * * * *

(e) * * * (1) * * *

(ii) For purposes of paragraph (e)(1)(i) of this section, a proprietary interest in the target corporation (other than one held by the acquiring corporation) is not preserved to the extent that consideration received prior to a potential reorganization, either in a redemption of the target corporation stock or in a distribution with respect to the target corporation stock, is treated as other property or money received in the exchange for purposes of section 356, or would be so treated if the target shareholder also had received stock of the issuing corporation in exchange for stock owned by the shareholder in the target corporation.

* * * * *

(6) * * *

Example 9. Preacquisition redemption by target corporation. T has two shareholders, A and B. P expresses an interest in acquiring the stock of T. A does not wish to own P stock. T redeems A's shares in T in exchange for cash. No funds have been or will be provided by P for this purpose. P subsequently acquires all the outstanding stock of T from B solely in exchange for voting stock of P. The cash received by A in the prereorganization redemption is not treated as other property or money under section 356, and would not be so treated even if A had received some stock of P in exchange for his T stock. The prereorganization redemption by T does not affect continuity of interest, because B's proprietary interest in T is unaffected, and the value of the proprietary interest in T is preserved.

(7) * * * Paragraph (e)(1)(ii) of this section, however, applies to transactions occurring after August 30, 2000, unless the transaction occurs pursuant to a written agreement that is (subject to customary conditions) binding on that date and at all times thereafter. Taxpayers who entered into a binding agreement on or after January 28, 1998, and before August 30, 2000, may request a private letter ruling permitting them to apply the final regulation to their transaction. A private letter ruling will not be issued unless the taxpayer establishes to the satisfaction of the IRS that there is not a significant risk of different parties to the transaction taking inconsistent positions, for Federal tax purposes, with respect to the applicability of the final regulations to the transaction.

§ 1.368–1T [Removed]

Par. 3. Section 1.368–1T is removed.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 4. Section § 602.101, paragraph (b) is amended by adding an entry to the table in numerical order to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR part or section where identified or described	Current OMB control No.
* * * * *	
1.368–1	1545–1691
* * * * *	

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: August 23, 2000.

Jonathan Talisman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 00–22075 Filed 8–30–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

[Docket No. SLSDC 2000–7543]

RIN 2135–AA11

Seaway Regulations and Rules: Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation of Canada (SLSMC) publish joint Seaway Regulations. The SLSDC and the SLSMC have determined that a number of existing regulations need to be amended. Only four of the amendments are substantive and of applicability in both U.S. and Canadian waters. (See **SUPPLEMENTARY INFORMATION.**) The remaining amendments are merely editorial, ministerial, for clarification without substantive change in interpretation, or applicable only in Canada. The Canada Marine Act has abolished the Saint Lawrence Seaway Authority of Canada and replaced it with the SLSMC, made changes in the manner in which the SLSMC conducts or may conduct its operations as compared to the Authority, and made minor changes in some of the terminology used in the Canadian law applicable to the Seaway. Accordingly, most of the amendments are strictly editorial, reflect procedures undertaken unilaterally by the SLSMC, or otherwise are applicable only in Canada because of unilateral action by the SLSMC or Canadian law. Other changes are due strictly to Canadian circumstances or unilateral action, such as: removal of reference to bridges that no longer exist; removal of references to the Canadian entity in the rules on detention and sale; and adding provisions that are only applicable on Canadian property. Some minor changes in numbering and lettering also are being made.

DATES: This rule is effective on October 2, 2000.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 366–6823.

SUPPLEMENTARY INFORMATION: As a result of discussions with the Saint Lawrence Seaway Management Corporation of Canada, the Saint Lawrence Seaway Development Corporation is amending the Seaway Regulations and Rules in 33 CFR part 401. A Notice of Proposed Rulemaking was published on June 29, 2000 (65 FR 40070). Interested parties have been afforded an opportunity to participate in the making of these amendments. No comments were received. The amendments are described in the following summary.

Only four of the amendments are substantive and of applicability in both U.S. and Canadian waters, which are as follows. Section 401.3, ''Maximum vessel dimensions'', is amended by revising paragraph (e) to allow a vessel with a beam in excess of 23.2 m, but not more than 23.8 m. and an overall length in excess of 222.5 m, but not more than 225.5 m, to be considered for transit upon application to the SLSMC and SLSDC. This amendment follows successful feasibility testing by both corporations. Section 410.10, ''Mooring lines'', is amended by adding a new paragraph (a)(2) requiring mooring lines to have a diameter not greater than 28 mm. This is in response to safety concerns for linehandling personnel of both corporations. The larger, heavier mooring lines that have been used by some vessels are difficult to handle and may cause back injuries. Section 401.13, ''Hand lines'', is amended by changing the minimum diameter from 12 mm to 15 mm, the maximum diameter from 20 mm to 17 mm, and the minimum length from 35 m to 30 m for similar safety of linehandling personnel reasons. Schedule III, ''Calling-In Table'', is amended by changing a number of reporting requirements at certain calling-in points. The SLSDC and the SLSMC now share the same computer database, which eliminates the need for vessels to report particulars more than once unless a change has occurred.

The remaining amendments, described in the rest of this preamble, are merely editorial, ministerial, for clarification without substantive change in interpretation, or applicable only in Canada. Some minor changes in numbering and lettering also are being made. The Canada Marine Act has abolished the Saint Lawrence Seaway Authority of Canada and replaced it with the SLSMC, made changes in the manner in which the SLSMC conducts or may conduct its operations as compared to the Authority, and made minor changes in some of the terminology used in the Canadian law applicable to the Seaway. Accordingly, most of the amendments in this proposal are strictly editorial, reflect procedures undertaken unilaterally by

the SLSMC, or otherwise are applicable only in Canada because of unilateral action by the SLSMC or Canadian law. The principal change of this type is wherever the terms ''Saint Lawrence Seaway Authority'', ''Authority'', etc. appear, they are replaced with ''Saint Lawrence Seaway Management Corporation'', ''Manager'', etc. Another change is the term ''vessel'' is referred to as ''ship'' in the Canadian Act and the regulations will so note. Similarly, the SLSMC now refers to the ''Tariff of Tolls'' as the ''Schedule of Tolls'' and to ''tolls and charges'' as ''fees'', both of which also are to be noted in the regulations. Finally, the SLSMC now refers to these regulations as ''Practices and Procedures'' and that is so noted.

There are a number of changes that merely reflect current Canadian practice in their procedures for clearances and tolls collection, and similar matters, such as adding a requirement for 3 copies of applications for preclearance in section 401.24 or the type of bonding they will accept in paragraph 401.26(a)(5). Some administrative provisions, such as paragraphs 401.26(b), 401.54(a), and 401.59(c) and section 401.33, have been rewritten simply for clarity with no substantive change. In addition, where the Canadian SLSMC is solely handling the administrative aspect of the Seaway's operations, such as in section 401.26 for security for tolls, references to the SLSDC are being removed. Other changes are due strictly to Canadian circumstances or unilateral action include: removal of the reference to Bridges 20 and 21 in paragraph 401.52(b) is removed because the bridges no longer exist; removal of references to the Canadian entity in the rules on detention and sale, sections 401.86, 401.87, and 401.88, which the SLSMC will no longer use, but which remain of current and prospective use by the SLSDC. Finally, new paragraphs (b) and (c) are being added to section 401.90, ''Boarding for inspection'', which are only applicable on Canadian property.

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States, and therefore, Executive Order 12866 does not apply. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures and the regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of human environment.

Federalism

The Corporation has analyzed this regulation under the principles and criteria in Executive Order 13132, Dated August 4, 1999, and has determined that it will not have a substantial, direct effect on the States or on the distribution of power and responsibilities among various levels of government. The regulation will not limit the policymaking discretion of the States. Nothing in it would directly preempt any State law or regulation. Because the regulation will have no significant effect on State or local governments, no consultations with those governments on this regulation were necessary.

Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Radio reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation amends Part 401—Seaway Regulations and Rules (33 CFR part 401) as follows:

PART 401—[AMENDED]

1. The authority citation for part 401, subpart A, is revised to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.50a, unless otherwise noted.

§ 401.1 [Amended]

2. Section 401.1 is amended by adding the parenthetical phrase ''(the ''Practices and Procedures'' in Canada'') after the words ''Seaway Regulations''.

§ 401.2 [Amended]

3. Section 401.2 is amended as follows:

a. Remove paragraph (a).

b. Redesignate paragraphs (b) and (c) as paragraphs (a) and (b).

c. Add a new paragraph (c);

d. Redesignate current paragraphs (m) through (p) as paragraphs (o) through (r).

e. Add new paragraphs (m) and (n).

f. In newly redesignated paragraph (q), add the parenthetical phrase ''(''ship'' in Canada)'' after the word ''Vessel''.

g. In newly redesignated paragraph (r), add the parenthetical phrase ''(''ship traffic controller'' in Canada)'' after the word ''controller''.

The additions read as follows:

§ 401.2 Interpretation.

* * * * *

(c) ''Manager'' means the St.Lawrence Seaway Management Corporation;

* * * * *

(m) ''Tariff of Tolls'' means the same as ''Schedule of Tolls in Canada.

(n) ''Tolls(s)'' or ''tolls and charges'' is included in the definition of ''fees'' in Canada.

* * * * *

4. Section 401.3 is amended by revising paragraph (e) to read as follows:

§ 401.3 Maximum vessel dimensions.

* * * * *

(e) A vessel having a beam width in excess of 23.2 m, but not more than 23.8 m, and having dimensions that do not exceed the limits set out in the block diagram in Appendix I of this Part or overall length in excess of 222.5 m, but not more than 225.5 m, shall, on application to the Manager or Corporation, be considered for transit in accordance with directions issued by the Manager and Corporation.

* * * * *

5. Section 401.10 is amended by redesignating current paragraphs (a)(2), (3), and (4) as paragraphs (a)(3), (4), and (5) and by adding a new paragraph (a)(2) to read as follows:

§ 401.10 Mooring lines.

(a) * * *

(2) Have a diameter not greater than 28mm;

* * * * *

6. Section 401.13 is amended by revising paragraph (b) to read as follows:

§ 401.13 Hand lines.

* * * * *

(b) Be of uniform thickness and have a diameter of not less than 15 mm and not more than 17 mm and a minimum length of 30 m.

* * * * *

§ 401.22 [Amended]

7. Section 401.22 is amended by removing the words ''the Corporation or'' the first time they appear in paragraph (a).

§ 401.24 [Amended]

8. Section 401.24 is amended by adding the parenthetical phrase ''(3 copies)'' after the word ''form''.

§ 401.25 [Amended]

9. Section 401.25 is amended by removing the words ''in writing'' in paragraph (a).

10. Section 401.26 is revised to read as follows:

§ 401.26 Security for tolls.

(a) Before transit by a vessel to which the requirement of preclearance applies, security for the payment of tolls in accordance with the ''St. Lawrence Seaway Tariff of Tolls'' as well as security for any other charges, shall be provided by the representative by means of:

(1) A deposit of money with the Manager;

(2) A deposit of money to the credit of the Manager with a bank in the United States or a member of the Canadian Payments Association, a corporation established by section 3 of the Canadian Payments Association Act, or a local cooperative credit society that is a member of a central cooperative credit society having membership in the Canadian Payments Association;

(3) A deposit with the Manager of negotiable bonds of the Government of the United States or the Government of Canada; or

(4) A letter of guarantee to the Manager given by an institution referred to in paragraph (a)(2) of this section.

(5) A letter of guarantee or bond given to the Manager by an acceptable Bonding Company. Bonding companies may be accepted if they:

(i) Appear on the list of acceptable bonding companies as issued by the Treasury Board of Canada; and

(ii) Meet financial soundness requirements as may be defined by the Manager at the time of the request.

(b) The security for the tolls of a vessel shall be sufficient to cover the tolls established in the ''St. Lawrence Seaway Tariff of Tolls'' for *the* gross registered tonnage of the vessel, cargo carried, and lockage tolls as estimated by the Manager.

(c) Where a number of vessels:

(1) For each of which preclearance has been given;

(2) Are owned or controlled by the same individual or company; and

(3) Have the same representative, the security for the tolls is not required if the individual, company, or representative has paid every toll invoice received in the preceding five years within the period set out in § 401.75(a).

(d) Notwithstanding paragraph (c) of this section, where a number of vessels, for each of which a preclearance has been given, are owned or controlled by the same individual or company and have the same representative, the security for tolls may be reduced or eliminated provided the representative has paid every toll invoice received in the preceding five years within the period set out in § 401.75(a). The representative must provide the Manager with a financial statement that meets the requirements established by the Manager.

(e) Where, in the opinion of the Manager, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Manager may suspend the preclearance of the vessel.

11. Section 401.28 is amended by revising paragraphs (a) and (b) to read as follows:

§ 401.28 Speed limits.

(a) The maximum speed over the bottom for a vessel of more than 12 m in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in any area between the place set out in Column I of an item of Schedule II to this part and a place set out in Column II of that item exceed the speed set out in Column III or Column IV of that item, whichever speed is designated by the Corporation and the Manager in a Seaway Notice from time to time as being appropriate to existing water levels.

(b) Where the Corporation or the Manager designate any speed less than the maximum speeds set out in Schedule II of this part, that speed shall be transmitted as transit instructions referred to in § 401.27.

* * * * *

12. Section 401.29 is amended by revising paragraph (b) to read as follows:

§ 401.29 Maximum draft.

* * * * *

(b) The draft of a vessel shall not, in any case, exceed 79.2 dm or the maximum permissible draft designated in a Seaway Notice by the Corporation and the Manager for the part of the Seaway in which a vessel is passing.

* * * * *

13. Section 401.33 is revised to read as follows:

§ 401.33 Special instructions.

No vessel of unusual design, vessel, or part of a vessel under tow, or vessel whose dimensions exceed the maximum vessel dimensions § 401.3 shall transit the Seaway except in accordance with special instructions of the Corporation or the Manager given on the application of the representative of the vessel.

§ 401.37 [Amended]

14. Section 401.37 is amended by inserting the words ''U.S. Coast Guard or Canadian approved'' after the word ''wear'' in paragraph (b).

§ 401.52 [Amended]

15. Section 401.52 is amended by removing the phrase ''or at Bridges 20 and 21 on the Welland Canal,''.

§ 401.54 [Amended]

16. Section 401.54 is amended by removing the words ''moored to'' in paragraph (a) and adding in their place the words ''used as moorings''.

§ 401.59 [Amended]

17. Section 401.59 is amended by adding the words ''by the vessel'' after the word ''kept'' in paragraph (c).

§ 401.68 [Amended]

18. Section 401.68 is amended by removing the word ''Authority'' and adding in its place the words ''Management Corporation'' in paragraph (c).

19. Section 401.74 is amended by revising paragraphs (a), (e), (f) and (g) to read as follows:

§ 401.74 Transit declaration.

(a) A Seaway Transit Declaration Form (Cargo and Passenger) shall be forwarded to the Manager by the representative of a vessel, for each vessel that has an approved preclearance except non-cargo vessels within fourteen days after the vessel enters the Seaway on any upbound or downbound transit. The form may be obtained from the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662, or the St. Lawrence Seaway Management Corporation, 202 Pitt Street, Cornwall, Ontario K6J 3P7.

* * * * *

(e) Where a Seaway Transit Declaration Form is found to be inaccurate concerning the destination, cargo or passengers, the representative shall immediately forward to the Manager a revised Declaration Form.

(f) Seaway Transit Declaration Forms shall be used in assessing toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls and toll accounts shall be forwarded in duplicate to the representative or its designated agent.

(g) Where government aid cargo is declared, appropriate Canadian (Revenue Canada Customs and Excise form B–13) or U.S. (Shippers Export Declaration form 7525) customs form or a stamped and signed certification letter from the U.S. or Canada Customs must accompany the transit declaration form.

* * * * *

§ 401.75 [Amended]

20. Section 401.75 is amended by removing the phrase ''or American funds, as indicated on the invoice,'' and adding in their place the word ''funds'' in paragraph (a).

21. Section 401.81 is amended by revising paragraph (a) to read as follows:

§ 401.81 Reporting an accident.

(a) Where a vessel on the Seaway is involved in an accident, the master of the vessel shall report the accident to the nearest Seaway station immediately or as soon as the vessel can make radio contact with the station.

* * * * *

§ 401.84 [Amended]

22. Section 401.84 is amended by removing the number ''401.21'' and adding in its place the number ''401.19''in paragraph (c).

§§ 401.86, 401.87, and 401.88 [Amended]

23. In Sections 401.86, 401.87, and 401.88, remove the words ''or the Authority'' wherever they appear in the following places;

a. Section 401.86 (a), (b), and (c).

b. Section 401.87 (c), (d), and (d)(3).

c. Section 401.88 (a)(2) and (b).

§ 401.89 [Amended]

24. Section 401.89 is amended by removing the number ''401.6'' and adding in its place the number ''401.5'' and removing the number ''401.21'' and adding in its place the number ''401.19'' in paragraph (a)(1).

25. Section 401.90 is revised to read as follows:

§ 401.90 Boarding for inspections.

(a) For the purpose of enforcing these Regulations in this part in both Canadian and U.S. waters, an officer may board any vessel and:

(1) Examine the vessel and its cargo; and

(2) Determine that the vessel is adequately manned.

(b) In addition to § 401.90(a)(1) and (2) in Canadian waters, a Manager's officer may also:

(1) Require any person appearing to be in charge of the vessel to produce for inspection, or for the purpose of making copies or extracts, any log book, document or paper; and

(2) In carrying out an inspection:

(i) Use or cause to be used any computer system or data processing system on the vessel to examine any data contained in, or available to, the system;

(ii) Reproduce any record, or cause it to be reproduced from the data, in the form of a print-out or other intelligible output and remove the print-out or other output for examination or copying; and

(iii) Use or cause to be used any copying equipment in the vessel to make copies of any books, records, electronic data or other documents.

(c) In Canadian waters, the owner or person who is in possession or control of a vessel that is inspected, and every person who is found on the vessel, shall:

(1) Give the officer all reasonable assistance to enable the officer to carry out the inspection and exercise any power conferred by the Canada Marine Act; and

(2) Provide the officer with any information relevant to the administration of these practices and procedures that the officer may reasonable require.

§ 401.93 [Amended]

26. Section 401.93 is amended by adding the words ''or its successor'' after the words ''*Shore Traffic Regulations*'' in paragraph (b).

§ 401.94 [Amended]

27. The heading for § 401.94 is amended by removing the word ''copy'' and adding in its place the word ''copies''.

Schedule III to Subpart A [Amended]

28. Schedule III to subpart A, part 401 is amended as follows:

a. Amend item 5 by removing items 3, 4, and 5 in the third column, under the heading ''Message Content'', and redesignating item 6 in that column as item 3.

b. Amend item 8 by removing the words ''and call sign'' from item 1 in the third column, under the heading ''Message Content'', by removing items 5 and 6 in that column, and adding a new item 5 in that column to read as follows, ''5. All ports of call''.

c. Amend item 19 by removing items 3, 4, 5, and 6 in the third column, under the heading ''Message Content'', and redesignating item 7 in that column as item 3.

d. Amend item 35 by removing item 3 in the third column, under the heading ''Message Content''.

e. Amend item 36 by removing items 3, 4, and 5 in the third column, under the heading ''Message Content'', and redesignating items 6, 7 and 8 in that column as items 3, 4 and 5.

f. Amend item 40 by removing items 3, 4, and 5 in the third column, under the heading ''Message Content''.

§§ 401.2, 401.12, 401.13, 401.22, 401.24, 401.25, 401.31, 401.34, 401.54, 401.59, 401.66, 401.72, 401.78, 401.91, 401.92, 401.93, 401.96, 401.97, and Schedule II to subpart A [Amended]

29. In addition to the amendments set forth above, in 33 CFR part 401 remove the word ''Authority'' and add in its place the word ''Manager'' in the following places:

a. Section 401.2 (d), (e), (h), (j), and (k);

b. Section 401.12 (a)(2) and (a)(4)(ii);

c. Section 401.13(a);

d. Section 401.22(a);

e. Section 401.24;

f. Section 401.25;

g. Section 401.31(b);

h. Section 401.34;

i. Section 401.54(b);

j. Section 401.59(d);

k. Section 401.66(b);

l. Section 401.72(e);

m. Section 401.78(b);

n. Section 401.91;

o. Section 401.92;

p. Section 401.93 (a) and (b);

q. Section 401.96 (a), (b), (c), and (e);

r. Section 401.97 (a), (b)(2), and (d); and

s. Footnote 1 to Schedule II to subpart A, ''Table of Speeds''.

Issued at Washington, DC on August 24, 2000.

Saint Lawrence Seaway Development Corporation.

Albert S. Jacquez,

Administrator.

[FR Doc. 00–22096 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Part 102

RIN 0651–AB21

Public Information, Freedom of Information and Privacy

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (USPTO) adds regulations implementing the Freedom of Information Act (FOIA), including the Electronic Freedom of Information Act (EFOIA) Amendments of 1996, and the Privacy Act (PA).

DATES: Effective October 2, 2000.

FOR FURTHER INFORMATION CONTACT: Joseph G. Piccolo, 703–305–9035.

SUPPLEMENTARY INFORMATION: This rule was proposed in a notice of proposed rulemaking published at 65 FR 41903 on July 7, 2000. Background information on this rule may be found in that notice. A public-interest group sent a comment with eleven recommendations. A section of a bar association submitted a comment with a single recommendation.

Discussion of Comments

(1) The first comment recommended deletion of the phrase ''created by USPTO'' in § 102.2(b). The comment appears to interpret the phrase as a limitation on what the FOIA Officer may have posted on the USPTO Web page. Since the comment's interpretation is not consistent with the plain language of the rule, the recommendation will not be adopted.

(2) The first comment recommended changing the date for determining responsive records in § 102.5(a) from the date of the request to the date of the response because requesters might be injured by processing delays. The recommendation is not adopted because it would exacerbate the problem it intends to address. The comment's proposal creates a circular definition for the response date because completion of processing would trigger a new search requiring further processing. Such a practice would increase processing time for all cases and would likely lead to inconsistent results. This recommendation is not adopted because it is not required by law and it would be administratively unworkable.

(3) The first comment recommended that § 102.5(b) be revised to limit referrals to other agencies to situations in which the other agency retained control over the requested record and the referral would not delay a response. The first part of the recommendation is not workable because the originating agency is often the best, even the only, agency in a position to determine the releasability of the record. The second part of the test is impossible to predict before the referral is made and, in any case, could require USPTO to waive another agency's exemptions routinely without consultation. Moreover, the comment appears to interpret the rule as barring the FOIA Officer from responding to a request that has been referred to another agency for consultation. Since that interpretation is not consistent with the plain language of the rule, the recommendation is not adopted.

(4) The first comment recommends eliminating what it characterizes as a ''pre-suit, non-judicial extension of time for the completion of requests'' in § 102.6(c)(3). The paragraph in question does not provide for such extensions. Since the rule simply places requesters on notice that there may be circumstances in which a backlog may excuse a delay, the recommendation is not adopted.

(5) The first comment recommends elimination of the last sentence of § 102.6(c)(3). The comment interprets the sentence as suggesting a jurisdictional bar to judicial review when a requester refuses to work with USPTO to permit a timely response. The sentence simply notes that a court might take a requester's conduct into account before reaching the merits of a complaint. Since the comment's interpretation is not consistent with the language of the rule, the recommendation is not adopted.

(6) The first comment recommends that § 102.6(d)(1) be revised to provide specific standards for multitracking. There is no basis in USPTO for more specific standards for multitracking at this time. When more specific standards become necessary, USPTO will promulgate them in accordance with 5 U.S.C. 552(a)(6)(D)(i).

(7) The first comment recommends revising the sections that require payment before the search results are released. The comment characterizes this requirement as an impermissible advance payment. The comment's characterization is inconsistent with *Strout* v. *United States Parole Comm'n,* 40 F.3d 136, 139 (6th Cir. 1994). Paragraph 102.11(i) explicitly bars the FOIA Officer from requiring advance payment except as permitted by statute and the case law. The recommendation is not adopted.

(8) The first comment recommends eliminating the provision in § 102.11(i)(4) that a request in which advance payment may be required is not considered received until the advance payment is received. Adopting the recommendation would create the paradoxical situation in which the USPTO response is untimely even though the advanced payment was never received or was received so late that no response was possible. The only alternative USPTO would have would be to process the request without any assurance that it would be paid in precisely the situation where the statute permits a requirement of advance payment. The rule provides a reasonable interpretation of the statute that eliminates the paradox. The recommendation is not adopted.

(9) The first comment recommends eliminating the last sentence of § 102.11(k)(2)(ii). The comment appears to interpret this provision as barring the FOIA Officer from granting a fee waiver to a second requester of previously released information. The plain language of the rule does not compel that result, but rather requires the FOIA Officer to evaluate that issue in the context of a specific request. Since the comment's interpretation is not consistent with the language of the rule, the recommendation is not adopted.

(10) The first comment recommends eliminating the provision in § 102.9(f) that permits the submitter of business information from pointing out all available exemptions from disclosure. It is not clear from the comment what basis USPTO would have to censor a business submitter from pointing out any exemption that might meet its interest in keeping its confidential information from disclosure. Moreover, the point of the rule is to ensure that a business submitter makes its entire case in a single response rather than advancing exemptions in a piecemeal fashion. The recommendation is not adopted.

(11) The first comment recommends revising the last sentence of § 102.10(d), which provides that an administrative appeal may continue after a requester has initiated a civil action. The comment appears to interpret paragraph (d) as requiring some requesters to choose between continuing an administrative appeal and filing a civil action. The sentence does not force such an election, but rather simply puts requesters on notice of a practice that is not universal in judicial review of USPTO action. Since the comment's interpretation is not consistent with the

language of the rule, the recommendation is not adopted.

(12) The second comment recommends that USPTO make the material available under § 102.2(c)(4)–(6) also available at the USPTO web site (www.uspto.gov). The recommendation is already adopted in § 102.2(b) for materials created on or after the effective date of the EFOIA amendments, November 1, 1996.

Other Considerations

This rule is not significant under Executive Order 12866.

This rule does not contain a ''collection of information'' as defined by the Paperwork Reduction Act (44 U.S.C. ch. 35).

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), USPTO has certified that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 37 CFR Part 102

Administrative practice and procedure, Freedom of Information, Privacy, Public information.

For the reasons stated in the preamble, amend 37 CFR Chapter I by adding Part 102 to read:

PART 102—DISCLOSURE OF GOVERNMENT INFORMATION

Subpart A—Freedom of Information Act

Sec.
102.1 General.
102.2 Public reference facilities.
102.3 Records under FOIA.
102.4 Requirements for making requests.
102.5 Responsibility for responding to requests.
102.6 Time limits and expedited processing.
102.7 Responses to requests.
102.9 Business Information.
102.10 Appeals from initial determinations or untimely delays.
102.11 Fees.

Subpart B—Privacy Act

102.21 Purpose and scope.
102.22 Definitions.
102.23 Procedures for making inquiries.
102.24 Procedures for making requests for records.
102.25 Disclosure of requested records to individuals.
102.26 Special procedures: Medical records.
102.27 Procedures for making requests for correction or amendment.
102.28 Review of requests for correction or amendment.
102.29 Appeal of initial adverse determination on correction or amendment.
102.30 Disclosure of record to person other than the individual to whom it pertains.
102.31 Fees.
102.32 Penalties.
102.33 General exemptions.
102.34 Specific exemptions.
Appendix to Part 102—Systems of Records Noticed by Other Federal Agencies and Applicable to USPTO Records, and Applicability of this Part Thereto

Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 553; 31 U.S.C. 3717; 35 U.S.C. 2(b)(2), 21, 41, 42, 122; 44 U.S.C. 3101.

Subpart A—Freedom of Information Act

§ 102.1 General.

(a) The information in this part is furnished for the guidance of the public and in compliance with the requirements of the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552). This part sets forth the procedures the United States Patent and Trademark Office (USPTO) follows to make publicly available the materials and indices specified in 5 U.S.C. 552(a)(2) and records requested under 5 U.S.C. 552(a)(3). Information routinely provided to the public as part of a regular USPTO activity (for example, press releases issued by the Office of Public Affairs) may be provided to the public without following this part. USPTO's policy is to make discretionary disclosures of records or information exempt from disclosure under FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court.

(b) As used in this subpart, *FOIA Officer* means the USPTO employee designated to administer FOIA for USPTO. To ensure prompt processing of a request, correspondence should be addressed to the FOIA Officer, United States Patent and Trademark Office, WASHINGTON DC 20231 or delivered by hand to Crystal Park Two, 2121 Crystal Drive, Suite 714, Arlington, Virginia.

§ 102.2 Public reference facilities.

(a) USPTO maintains a public reference facility that contains the records FOIA requires to be made regularly available for public inspection and copying; furnishes information and otherwise assists the public concerning USPTO operations under FOIA; and receives and processes requests for records under FOIA. The FOIA Officer is responsible for determining which of USPTO's records are required to be made available for public inspection and copying, and for making those records available in USPTO's reference and records inspection facility. The FOIA Officer shall maintain and make available for public inspection and copying a current subject-matter index of USPTO's public inspection facility records. Each index shall be updated regularly, at least quarterly, with respect to newly included records. In accordance with 5 U.S.C. 552(a)(2), USPTO has determined that it is unnecessary and impracticable to publish quarterly, or more frequently, and distribute copies of the index and supplements thereto. The public reference facility is located in the Public Search Room, Crystal Plaza Three, 2021 South Clark Place, Room 1A01, Arlington, Virginia.

(b) The FOIA Officer shall also make public inspection facility records created by USPTO on or after November 1, 1996, available electronically through USPTO's World Wide Web site (http://www.uspto.gov). Information available at the site shall include:

(1) The FOIA Officer's index of the public inspection facility records, which indicates which records are available electronically; and

(2) The general index referred to in paragraph (c)(3) of this section.

(c) USPTO maintains and makes available for public inspection and copying:

(1) A current index providing identifying information for the public as to any matter that is issued, adopted, or promulgated after July 4, 1967, and that is retained as a record and is required to be made available or published. Copies of the index are available upon request after payment of the direct cost of duplication;

(2) Copies of records that have been released and that the FOIA Officer determines, because of their subject matter, have become or are likely to become the subject of subsequent requests for substantially the same records;

(3) A general index of the records described in paragraph (c)(2) of this section;

(4) Final opinions and orders, including concurring and dissenting opinions made in the adjudication of cases;

(5) Those statements of policy and interpretations that have been adopted by USPTO and are not published in the **Federal Register**; and

(6) Administrative staff manuals and instructions to staff that affect a member of the public.

§ 102.3 Records under FOIA.

(a) Records under FOIA include all Government records, regardless of format, medium or physical characteristics, and include electronic

records and information, audiotapes, videotapes, and photographs.

(b) There is no obligation to create, compile, or obtain from outside USPTO a record to satisfy a FOIA request. With regard to electronic data, the issue of whether records are created or merely extracted from an existing database is not always apparent. When responding to FOIA requests for electronic data where creation of a record or programming becomes an issue, USPTO shall undertake reasonable efforts to search for the information in electronic format.

(c) USPTO officials may, upon request, create and provide new information pursuant to user fee statutes, such as the first paragraph of 15 U.S.C. 1525, or in accordance with authority otherwise provided by law. This is outside the scope of FOIA.

(d) The FOIA Officer shall preserve all correspondence pertaining to the requests received under this subpart, as well as copies of all requested records, until disposition or destruction is authorized by Title 44 of the United States Code or a National Archives and Records Administration's General Records Schedule. The FOIA Officer shall not dispose of records while they are the subject of a pending request, appeal, or lawsuit under FOIA.

§ 102.4 Requirements for making requests.

(a) A request for USPTO records that are not customarily made available to the public as part of USPTO's regular informational services must be in writing, and shall be processed under FOIA, regardless of whether FOIA is mentioned in the request. Requests should be sent to the USPTO FOIA Officer, United States Patent and Trademark Office, Washington DC 20231 (records FOIA requires to be made regularly available for public inspection and copying are addressed in § 102.2(c)). For the quickest handling, the request letter and envelope should be marked ''Freedom of Information Act Request.'' For requests for records about oneself, § 102.24 contains additional requirements. For requests for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to the requester or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) facilitates processing the request.

(b) The records requested must be described in enough detail to enable USPTO personnel to locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record, and the name and location of the office where the record is located. Also, if records about a court case are sought, the title of the case, the court in which the case was filed, and the nature of the case should be included. If known, any file designations or descriptions for the requested records should be included. In general, the more specifically the request describes the records sought, the greater the likelihood that USPTO will locate those records. If the FOIA Officer determines that a request does not reasonably describe records, the FOIA Officer will inform the requester what additional information is needed or why the request is otherwise insufficient. The FOIA Officer also may give the requester an opportunity to discuss the request so that it may be modified to meet the requirements of this section.

§ 102.5 Responsibility for responding to requests.

(a) *In general.* Except as stated in paragraph (b) of this section, the USPTO will process FOIA requests directed to USPTO. In determining records responsive to a request, the FOIA Officer shall include only those records within USPTO's possession and control as of the date the FOIA Officer receives the request.

(b) *Consultations and referrals.* If the FOIA Officer receives a request for a record in USPTO's possession in which another Federal agency subject to FOIA has the primary interest, the FOIA Officer shall refer the record to that agency for direct response to the requester. The FOIA Officer shall consult with another Federal agency before responding to a requester if the FOIA Officer receives a request for a record in which another Federal agency subject to FOIA has a significant interest, but not the primary interest; or another Federal agency not subject to FOIA has the primary interest or a significant interest. Ordinarily, the agency that originated a record will be presumed to have the primary interest in it.

(c) *Notice of referral.* Whenever a FOIA Officer refers a document to another Federal agency for direct response to the requester, the FOIA Officer will ordinarily notify the requester in writing of the referral and inform the requester of the name of the agency to which the document was referred.

(d) *Timing of responses to consultations and referrals.* All consultations and referrals shall be handled according to the date the FOIA request was received by the first Federal agency.

(e) *Agreements regarding consultations and referrals.* The FOIA Officer may make agreements with other Federal agencies to eliminate the need for consultations or referrals for particular types of records.

§ 102.6 Time limits and expedited processing.

(a) *In general.* The FOIA Officer ordinarily shall respond to requests according to their order of receipt.

(b) *Initial response and appeal.* Subject to paragraph (c)(1) of this section, an initial response shall be made within 20 working days (i.e., excluding Saturdays, Sundays, and legal public holidays) of the receipt of a request for a record under this part by the proper FOIA Officer identified in accordance with § 102.5(a), and an appeal shall be decided within 20 working days of its receipt by the Office of the General Counsel.

(c) *Unusual circumstances.* (1) In unusual circumstances as specified in paragraph (c)(2) of this section, the FOIA Officer may extend the time limits in paragraph (b) of this section by notifying the requester in writing as soon as practicable of the unusual circumstances and of the date by which processing of the request is expected to be completed. Extensions of time for the initial determination and extensions on appeal may not exceed a total of ten working days, unless the requester agrees to a longer extension, or the FOIA Officer provides the requester with an opportunity either to limit the scope of the request so that it may be processed within the applicable time limit, or to arrange an alternative time frame for processing the request or a modified request.

(2) As used in this section, *unusual circumstances* means, but only to the extent reasonably necessary to properly process the particular request:

(i) The need to search for and collect the requested records from field facilities or other establishments separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are the subject of a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another Federal agency having a substantial interest in the determination of the request.

(3) Unusual circumstances do not include a delay that results from a predictable workload of requests, unless

USPTO demonstrates reasonable progress in reducing its backlog of pending requests. Refusal to reasonably modify the scope of a request or arrange an alternate time frame may affect a requester's ability to obtain judicial review.

(4) If the FOIA Officer reasonably believes that multiple requests submitted by a requester, or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, and the requests involve clearly related matters, the FOIA Officer may aggregate them. Multiple requests involving unrelated matters will not be aggregated.

(d) *Multitrack processing.* (1) The FOIA Officer may use two or more processing tracks by distinguishing between simple and more complex requests based on the number of pages involved, or some other measure of the amount of work and/or time needed to process the request, and whether the request qualifies for expedited processing as described in paragraph (e) of this section.

(2) The FOIA Officer may provide requesters in a slower track with an opportunity to limit the scope of their requests in order to qualify for faster processing. The FOIA Officer may contact the requester by telephone or by letter, whichever is most efficient in each case.

(e) *Expedited processing.* (1) Requests and appeals shall be taken out of order and given expedited treatment whenever it is determined they involve:

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

(ii) The loss of substantial due process rights;

(iii) A matter of widespread and exceptional media interest in which there exist questions about the Government's integrity that affect public confidence; or

(iv) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information.

(2) A request for expedited processing may be made at the time of the initial request for records or at any later time. For a prompt determination, a request for expedited processing should be sent to the FOIA Officer.

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. For example, a requester within the category described in paragraph (e)(1)(iv) of this section, if not a full-time member of the news media, must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his or her sole occupation. A requester within the category described in paragraph (e)(1)(iv) of this section must also establish a particular urgency to inform the public about the Government activity involved in the request, beyond the public's right to know about Government activity generally. The formality of certification may be waived as a matter of administrative discretion.

(4) Within ten calendar days of receipt of a request for expedited processing, the FOIA Officer will decide whether to grant it and shall notify the requester of the decision. If a request for expedited treatment is granted, the request shall be given priority and processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision shall be acted on expeditiously.

§ 102.7 Responses to requests.

(a) *Grants of requests.* If the FOIA Officer makes a determination to grant a request in whole or in part, the FOIA Officer will notify the requester in writing. The FOIA Officer will inform the requester in the notice of any fee charged under § 102.11 and disclose records to the requester promptly upon payment of any applicable fee. Records disclosed in part shall be marked or annotated to show each applicable FOIA exemption and the amount of information deleted, unless doing so would harm an interest protected by an applicable exemption. The location of the information deleted shall also be indicated on the record, if feasible.

(b) *Adverse determinations of requests.* If the FOIA Officer makes an adverse determination regarding a request, the FOIA Officer will notify the requester of that determination in writing. An adverse determination is a denial of a request in any respect, namely: A determination to withhold any requested record in whole or in part; a determination that a requested record does not exist or cannot be located; a determination that a record is not readily reproducible in the form or format sought by the requester; a determination that what has been requested is not a record subject to FOIA (except that a determination under § 102.11(j) that records are to be made available under a fee statute other than FOIA is not an adverse determination); a determination against the requester on any disputed fee matter, including a denial of a request for a fee waiver; or a denial of a request for expedited treatment. Each denial letter shall be signed by the FOIA Officer and shall include:

(1) The name and title or position of the denying official;

(2) A brief statement of the reason(s) for the denial, including applicable FOIA exemption(s);

(3) An estimate of the volume of records or information withheld, in number of pages or some other reasonable form of estimation. This estimate need not be provided if the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable FOIA exemption; and

(4) A statement that the denial may be appealed, and a list of the requirements for filing an appeal under § 102.10(b).

§ 102.9 Business Information.

(a) *In general.* Business information obtained by USPTO from a submitter will be disclosed under FOIA only under this section.

(b) *Definitions.* For the purposes of this section:

(1) *Business information* means commercial or financial information, obtained by USPTO from a submitter, which may be protected from disclosure under FOIA exemption 4 (5 U.S.C. 552(b)(4)).

(2) *Submitter* means any person or entity outside the Federal Government from whom USPTO obtains business information, directly or indirectly. The term includes corporations; state, local and tribal governments; and foreign governments.

(c) *Designation of business information.* A submitter of business information should designate by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under FOIA exemption 4. These designations will expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(d) *Notice to submitters.* The FOIA Officer shall provide a submitter with prompt written notice of a FOIA request or administrative appeal that seeks its business information whenever required under paragraph (e) of this section, except as provided in paragraph (h) of this section, in order to give the submitter an opportunity under paragraph (f) of this section to object to disclosure of any specified portion of

that information. Such written notice shall be sent via certified mail, return receipt requested, or similar means. The notice shall either describe the business information requested or include copies of the requested records containing the information. When notification of a large number of submitters is required, notification may be made by posting or publishing the notice in a place reasonably likely to accomplish notification.

(e) *When notice is required.* Notice shall be given to the submitter whenever:

(1) The information has been designated in good faith by the submitter as protected from disclosure under FOIA exemption 4; or

(2) The FOIA Officer has reason to believe that the information may be protected from disclosure under FOIA exemption 4.

(f) *Opportunity to object to disclosure.* The FOIA Officer shall allow a submitter seven working days (i.e., excluding Saturdays, Sundays, and legal public holidays) from the date of receipt of the written notice described in paragraph (d) of this section to provide the FOIA Officer with a detailed statement of any objection to disclosure. The statement must specify all grounds for withholding any portion of the information under any exemption of FOIA and, in the case of exemption 4, it must show why the information is a trade secret or commercial or financial information that is privileged or confidential. If a submitter fails to respond to the notice within the time specified, the submitter will be considered to have no objection to disclosure of the information. Information a submitter provides under this paragraph may itself be subject to disclosure under FOIA.

(g) *Notice of intent to disclose.* The FOIA Officer shall consider a submitter's objections and specific grounds under FOIA for nondisclosure in deciding whether to disclose business information. If the FOIA Officer decides to disclose business information over the objection of a submitter, the FOIA Officer shall give the submitter written notice via certified mail, return receipt requested, or similar means, which shall include:

(1) A statement of reason(s) why the submitter's objections to disclosure were not sustained;

(2) A description of the business information to be disclosed; and

(3) A statement that the FOIA Officer intends to disclose the information seven working days from the date the submitter receives the notice.

(h) *Exceptions to notice requirements.* The notice requirements of paragraphs (d) and (g) of this section shall not apply if:

(1) The FOIA Officer determines that the information should not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than FOIA) or by a regulation issued in accordance with Executive Order 12600; or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous, in which case the FOIA Officer shall provide the submitter written notice of any final decision to disclose the information seven working days from the date the submitter receives the notice.

(i) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, the FOIA Officer shall promptly notify the submitter.

(j) *Corresponding notice to requesters.* Whenever a FOIA Officer provides a submitter with notice and an opportunity to object to disclosure under paragraph (d) of this section, the FOIA Officer shall also notify the requester(s). Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the FOIA Officer shall notify the requester(s).

§ 102.10 Appeals from initial determinations or untimely delays.

(a) If a request for records is initially denied in whole or in part, or has not been timely determined, or if a requester receives an adverse initial determination regarding any other matter under this subpart (as described in § 102.7(b)), the requester may file a written appeal, which must be received by the Office of General Counsel within thirty calendar days of the date of the written denial or, if there has been no determination, may be submitted anytime after the due date, including the last extension under § 102.6(c), of the determination.

(b) Appeals shall be decided by a Deputy General Counsel. Appeals should be addressed to the General Counsel, United States Patent and Trademark Office, Washington DC 20231. Both the letter and the appeal envelope should be clearly marked ''Freedom of Information Appeal''. The appeal must include a copy of the original request and the initial denial, if any, and may include a statement of the reasons why the records requested should be made available and why the initial denial, if any, was in error. No opportunity for personal appearance, oral argument or hearing on appeal is provided.

(c) If an appeal is granted, the person making the appeal shall be immediately notified and copies of the releasable documents shall be made available promptly thereafter upon receipt of appropriate fees determined in accordance with § 102.11.

(d) If no determination of an appeal has been sent to the requester within the twenty-working-day period specified in § 102.6(b) or the last extension thereof, the requester is deemed to have exhausted his administrative remedies with respect to the request, giving rise to a right of judicial review under 5 U.S.C. 552(a)(6)(C). If the person making a request initiates a civil action against USPTO based on the provision in this paragraph, the administrative appeal process may continue.

(e) A determination on appeal shall be in writing and, when it denies records in whole or in part, the letter to the requester shall include:

(1) A brief explanation of the basis for the denial, including a list of applicable FOIA exemptions and a description of how the exemptions apply;

(2) A statement that the decision is final;

(3) Notification that judicial review of the denial is available in the United States district court for the district in which the requester resides or has its principal place of business, the United States District Court for the Eastern District of Virginia, or the District of Columbia; and

(4) The name and title or position of the official responsible for denying the appeal.

§ 102.11 Fees.

(a) *In general.* USPTO shall charge for processing requests under FOIA in accordance with paragraph (c) of this section, except when fees are limited under paragraph (d) of this section or when a waiver or reduction of fees is granted under paragraph (k) of this section. USPTO shall collect all applicable fees before sending copies of requested records to a requester. Requesters must pay fees by check or money order made payable to the Treasury of the United States.

(b) *Definitions.* For purposes of this section:

(1) *Commercial use request* means a request from or on behalf of a person who seeks information for a use or purpose that furthers his or her commercial, trade, or profit interests, which can include furthering those interests through litigation. The FOIA

Officer shall determine, whenever reasonably possible, the use to which a requester will put the requested records. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because the FOIA Officer has reasonable cause to doubt a requester's stated use, the FOIA Officer shall provide the requester a reasonable opportunity to submit further clarification.

(2) *Direct costs* means those expenses USPTO incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include, for example, the labor costs of the employee performing the work (the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits). Not included in direct costs are overhead expenses such as the costs of space and heating or lighting of the facility in which the records are kept.

(3) *Duplication* means the making of a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies may take the form of paper, microform, audiovisual materials, or electronic records (for example, magnetic tape or disk), among others. The FOIA Officer shall honor a requester's specified preference of form or format of disclosure if the record is readily reproducible with reasonable efforts in the requested form or format.

(4) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education, that operates a program of scholarly research. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution, and that the records are sought to further scholarly research rather than for a commercial use.

(5) *Noncommercial scientific institution* means an institution that is not operated on a ''commercial'' basis, as that term is defined in paragraph (b)(1) of this section, and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research rather than for a commercial use.

(6) *Representative of the news media, or news media requester* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only if they can qualify as disseminators of ''news'') that make their products available for purchase or subscription by the general public. For ''freelance'' journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization. A publication contract would be the clearest proof, but the FOIA Officer shall also look to the past publication record of a requester in making this determination. To be in this category, a requester must not be seeking the requested records for a commercial use. However, a request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use.

(7) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. It also includes processing any record for disclosure—for example, doing all that is necessary to redact it and prepare it for disclosure. Review costs are recoverable even if a record ultimately is not disclosed. Review time does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(8) *Search* means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format. The FOIA Officer shall ensure that searches are done in the most efficient and least expensive manner reasonably possible.

(c) *Fees.* In responding to FOIA requests, the FOIA Officer shall charge the fees summarized in chart form in paragraphs (c)(1) and (c)(2) of this section and explained in paragraphs (c)(3) through (c)(5) of this section, unless a waiver or reduction of fees has been granted under paragraph (k) of this section.

(1) The four categories and chargeable fees are:

Category	Chargeable fees
(i) Commercial Use Requesters	Search, Review, and Duplication.
(ii) Educational and Non-commercial Scientific Institution Requesters	Duplication (excluding the cost of the first 100 pages).
(iii) Representatives of the News Media	Duplication (excluding the cost of the first 100 pages).
(iv) All Other Requesters	Search and Duplication (excluding the cost of the first 2 hours of search and 100 pages).

(2) *Uniform fee schedule.*

Service	Rate
(i) Manual search	Actual salary rate of employee involved, plus 16 percent of salary rate.
(ii) Computerized search	Actual direct cost, including operator time.
(iii) Duplication of records:	
(A) Paper copy reproduction	$.15 per page
(B) Other reproduction (*e.g.*, computer disk or printout, microfilm, microfiche, or microform).	Actual direct cost, including operator time.
(iv) Review of records (includes preparation for release, *i.e.* excising)	Actual salary rate of employee conducting review, plus 16 percent of salary rate.

(3) *Search.* (i) Search fees shall be charged for all requests—other than requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media—subject to the limitations of paragraph (d) of this section. The FOIA Officer will charge for time spent searching even if no responsive records are located or if located records are entirely exempt from disclosure. Search fees shall be the direct costs of conducting the search by the involved employees.

(ii) For computer searches of records, requesters will be charged the direct costs of conducting the search, although certain requesters (as provided in paragraph (d)(1) of this section) will be charged no search fee and certain other requesters (as provided in paragraph (d)(3) of this section) are entitled to the cost equivalent of two hours of manual search time without charge. These direct costs include the costs, attributable to the search, of operating a central processing unit and operator/programmer salary.

(4) *Duplication.* Duplication fees will be charged to all requesters, subject to the limitations of paragraph (d) of this section. For a paper photocopy of a record (no more than one copy of which need be supplied), the fee shall be $.15 cents per page. For copies produced by computer, such as tapes or printouts, the FOIA Officer shall charge the direct costs, including operator time, of producing the copy. For other forms of duplication, the FOIA Officer will charge the direct costs of that duplication.

(5) *Review.* Review fees shall be charged to requesters who make a commercial use request. Review fees shall be charged only for the initial record review—the review done when the FOIA Officer determines whether an exemption applies to a particular record at the initial request level. No charge will be made for review at the administrative appeal level for an exemption already applied. However, records withheld under an exemption that is subsequently determined not to apply may be reviewed again to determine whether any other exemption not previously considered applies, and the costs of that review are chargeable. Review fees shall be the direct costs of conducting the review by the involved employees.

(d) *Limitations on charging fees.*

(1) No search fee will be charged for requests by educational institutions, noncommercial scientific institutions, or representatives of the news media.

(2) No search fee or review fee will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(3) Except for requesters seeking records for a commercial use, the FOIA Officer will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent); and

(ii) The first two hours of search (or the cost equivalent).

(4) Whenever a total fee calculated under paragraph (c) of this section is $20.00 or less for any request, no fee will be charged.

(5) The provisions of paragraphs (d)(3) and (4) of this section work together. This means that for requesters other than those seeking records for a commercial use, no fee will be charged unless the cost of the search in excess of two hours plus the cost of duplication in excess of 100 pages totals more than $20.00.

(e) *Notice of anticipated fees over $20.00.* When the FOIA Officer determines or estimates that the fees to be charged under this section will be more than $20.00, the FOIA Officer shall notify the requester of the actual or estimated fees, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the FOIA Officer shall advise the requester that the estimated fee may be only a portion of the total fee. If the FOIA Officer has notified a requester that actual or estimated fees are more than $20.00, the FOIA Officer shall not consider the request received or process it further until the requester agrees to pay the anticipated total fee. Any such agreement should be in writing. A notice under this paragraph shall offer the requester an opportunity to discuss the matter with USPTO personnel in order to reformulate the request to meet the requester's needs at a lower cost.

(f) *Charges for other services.* Apart from the other provisions of this section, the FOIA Officer shall ordinarily charge the direct cost of special services. Such special services could include certifying that records are true copies or sending records by other than ordinary mail.

(g) *Charging interest.* The FOIA Officer shall charge interest on any unpaid bill starting on the 31st calendar day following the date of billing the requester. Interest charges shall be assessed at the rate provided in 31 U.S.C. 3717 and accrue from the date of the billing until payment is received by the FOIA Officer. The FOIA Officer shall follow the provisions of the Debt Collection Improvement Act of 1996 (Pub. L. 104–134), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) *Aggregating requests.* If a FOIA Officer reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees, the FOIA Officer may aggregate those requests and charge accordingly. The FOIA Officer may presume that multiple requests of this type made within a 30-calendar-day period have been made in order to avoid fees. If requests are separated by a longer period, the FOIA Officer shall aggregate them only if a solid basis exists for determining that aggregation is warranted under all the circumstances involved. Multiple requests involving unrelated matters shall not be aggregated.

(i) *Advance payments.* (1) For requests other than those described in paragraphs (i)(2) and (3) of this section, the FOIA Officer shall not require the requester to make an advance payment: a payment made before work is begun or continued on a request. Payment owed for work already completed (*i.e.*, a payment before copies are sent to a requester) is not an advance payment.

(2) If the FOIA Officer determines or estimates that a total fee to be charged under this section will be more than $250.00, the requester must pay the entire anticipated fee before beginning to process the request, unless the FOIA Officer receives a satisfactory assurance of full payment from a requester who has a history of prompt payment.

(3) If a requester has previously failed to pay a properly charged FOIA fee to USPTO or another responsible Federal agency within 30 calendar days of the date of billing, the FOIA Officer shall require the requester to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee, before the FOIA Officer begins to process a new request or continues to process a pending request from that requester.

(4) In cases in which the FOIA Officer requires payment under paragraphs (i)(2) or (3) of this section, the request shall not be considered received and further work will not be done on it until the required payment is received.

(5) Upon the completion of processing of a request, when a specific fee is determined to be payable and appropriate notice has been given to the requester, the FOIA Officer shall make records available to the requester only upon receipt of full payment of the fee.

(j) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute (except for FOIA) that specifically requires USPTO

or another responsible Federal agency to set and collect fees for particular types of records. If records responsive to requests are maintained for distribution by agencies operating such statutorily based fee schedule programs, the FOIA Officer shall inform requesters of how to obtain records from those sources.

(k) *Requirements for waiver or reduction of fees.* (1) Records responsive to a request will be furnished without charge or at a charge reduced below that established under paragraph (c) of this section if the FOIA Officer determines, based on all available information, that the requester has demonstrated that:

(i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government; and

(ii) Disclosure of the information is not primarily in the commercial interest of the requester.

(2) To determine whether the first fee waiver requirement is met, the FOIA Officer shall consider the following factors:

(i) *The subject of the request:* whether the subject of the requested records concerns the operations or activities of the Government. The subject of the requested records must concern identifiable operations or activities of the Federal Government, with a connection that is direct and clear, not remote or attenuated.

(ii) *The informative value of the information to be disclosed:* whether the disclosure is ''likely to contribute'' to an understanding of Government operations or activities. The disclosable portions of the requested records must be meaningfully informative about Government operations or activities in order to be ''likely to contribute'' to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be likely to contribute to such understanding.

(iii) *The contribution to an understanding of the subject by the public likely to result from disclosure:* whether disclosure of the requested information will contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media satisfies this consideration. It shall be presumed that a requester who merely provides information to media sources does not satisfy this consideration.

(iv) *The significance of the contribution to public understanding:* whether the disclosure is likely to contribute ''significantly'' to public understanding of Government operations or activities. The public's understanding of the subject in question prior to the disclosure must be significantly enhanced by the disclosure.

(3) To determine whether the second fee waiver requirement is met, the FOIA Officer shall consider the following factors:

(i) *The existence and magnitude of a commercial interest:* whether the requester has a commercial interest that would be furthered by the requested disclosure. The FOIA Officer shall consider any commercial interest of the requester (with reference to the definition of ''commercial use request'' in paragraph (b)(1) of this section), or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.

(ii) *The primary interest in disclosure:* whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ''primarily in the commercial interest of the requester.'' A fee waiver or reduction is justified if the public interest standard (paragraph (k)(1)(i) of this section) is satisfied and the public interest is greater than any identified commercial interest in disclosure. The FOIA Officer ordinarily shall presume that if a news media requester has satisfied the public interest standard, the public interest is the primary interest served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market Government information for direct economic return shall not be presumed to primarily serve the public interest.

(4) If only some of the records to be released satisfy the requirements for a fee waiver, a waiver shall be granted for those records.

(5) Requests for the waiver or reduction of fees should address the factors listed in paragraphs (k)(2) and (3) of this section, insofar as they apply to each request.

Subpart B—Privacy Act

§ 102.21 Purpose and scope.

(a) The purpose of this subpart is to establish policies and procedures for implementing the Privacy Act of 1974, as amended (5 U.S.C. 552a) (the Act). The main objectives are to facilitate full exercise of rights conferred on individuals under the Act and to ensure the protection of privacy as to individuals on whom USPTO maintains records in systems of records under the Act. USPTO accepts the responsibility to act promptly and in accordance with the Act upon receipt of any inquiry, request or appeal from a citizen of the United States or an alien lawfully admitted for permanent residence into the United States, regardless of the age of the individual. Further, USPTO accepts the obligations to maintain only such information on individuals as is relevant and necessary to the performance of its lawful functions, to maintain that information with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness in determinations made by USPTO about the individual, to obtain information from the individual to the extent practicable, and to take every reasonable step to protect that information from unwarranted disclosure. USPTO will maintain no record describing how an individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity. An individual's name and address will not be sold or rented by USPTO unless such action is specifically authorized by law; however, this provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

(b) This subpart is administered by the Privacy Officer of USPTO.

(c) Matters outside the scope of this subpart include the following:

(1) Requests for records which do not pertain to the individual making the request, or to the individual about whom the request is made if the requester is the parent or guardian of the individual;

(2) Requests involving information pertaining to an individual which is in a record or file but not within the scope of a system of records notice published in the **Federal Register**;

(3) Requests to correct a record where a grievance procedure is available to the individual either by regulation or by provision in a collective bargaining

agreement with USPTO, and the individual has initiated, or has expressed in writing the intention of initiating, such grievance procedure. An individual selecting the grievance procedure waives the use of the procedures in this subpart to correct or amend a record; and,

(4) Requests for employee-employer services and counseling which were routinely granted prior to enactment of the Act, including, but not limited to, test calculations of retirement benefits, explanations of health and life insurance programs, and explanations of tax withholding options.

(d) Any request for records which pertains to the individual making the request, or to the individual about whom the request is made if the requester is the parent or guardian of the individual, shall be processed under the Act and this subpart and under the Freedom of Information Act and USPTO's implementing regulations at Subpart A of this part, regardless whether the Act or the Freedom of Information Act is mentioned in the request.

§ 102.22 Definitions.

(a) All terms used in this subpart which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this subpart:

(1) *Act* means the ''Privacy Act of 1974, as amended (5 U.S.C. 552a)''.

(2) *Appeal* means a request by an individual to review and reverse an initial denial of a request by that individual for correction or amendment.

(3) *USPTO* means the United States Patent and Trademark Office.

(4) *Inquiry* means either a request for general information regarding the Act and this subpart or a request by an individual (or that individual's parent or guardian) that USPTO determine whether it has any record in a system of records which pertains to that individual.

(5) *Person* means any human being and also shall include but not be limited to, corporations, associations, partnerships, trustees, receivers, personal representatives, and public or private organizations.

(6) *Privacy Officer* means a USPTO employee designated to administer this subpart.

(7) *Request for access* means a request by an individual or an individual's parent or guardian to see a record which is in a particular system of records and which pertains to that individual.

(8) *Request for correction or amendment* means the request by an individual or an individual's parent or guardian that USPTO change (either by correction, amendment, addition or deletion) a particular record in a system of records which pertains to that individual.

§ 102.23 Procedures for making inquiries.

(a) Any individual, regardless of age, who is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States may submit an inquiry to USPTO. The inquiry should be made either in person at Crystal Park Two, 2121 Crystal Park Drive, Suite 714, Arlington, Virginia, or by mail addressed to the Privacy Officer, United States Patent and Trademark Office, WASHINGTON DC 20231 or to the official identified in the notification procedures paragraph of the systems of records notice published in the **Federal Register**. If an individual believes USPTO maintains a record pertaining to that individual but does not know which system of records might contain such a record, the USPTO Privacy Officer will provide assistance in person or by mail.

(b) Inquiries submitted by mail should include the words ''PRIVACY ACT INQUIRY'' in capital letters at the top of the letter and on the face of the envelope. If the inquiry is for general information regarding the Act and this subpart, no particular information is required. USPTO reserves the right to require compliance with the identification procedures appearing at § 102.24(d) where circumstances warrant. If the inquiry is a request that USPTO determine whether it has, in a given system of records, a record which pertains to the individual, the following information should be submitted:

(1) Name of individual whose record is sought;

(2) Individual whose record is sought is either a U.S. citizen or an alien lawfully admitted for permanent residence;

(3) Identifying data that will help locate the record (for example, maiden name, occupational license number, period or place of employment, etc.);

(4) Record sought, by description and by record system name, if known;

(5) Action requested (that is, sending information on how to exercise rights under the Act; determining whether requested record exists; gaining access to requested record; or obtaining copy of requested record);

(6) Copy of court guardianship order or minor's birth certificate, as provided in § 102.24(f)(3), but only if requester is guardian or parent of individual whose record is sought;

(7) Requester's name (printed), signature, address, and telephone number (optional);

(8) Date; and,

(9) Certification of request by notary or other official, but only if

(i) Request is for notification that requested record exists, for access to requested record or for copy of requested record;

(ii) Record is not available to any person under 5 U.S.C. 552; and

(iii) Requester does not appear before an employee of USPTO for verification of identity.

(c) Any inquiry which is not addressed as specified in paragraph (a) of this section or which is not marked as specified in paragraph (b) of this section will be so addressed and marked by USPTO personnel and forwarded immediately to the Privacy Officer. An inquiry which is not properly addressed by the individual will not be deemed to have been ''received'' for purposes of measuring the time period for response until actual receipt by the Privacy Officer. In each instance when an inquiry so forwarded is received, the Privacy Officer shall notify the individual that his or her inquiry was improperly addressed and the date the inquiry was received at the proper address.

(d)(1) Each inquiry received shall be acted upon promptly by the Privacy Officer. Every effort will be made to respond within ten working days (i.e., excluding Saturdays, Sundays and legal public holidays) of the date of receipt. If a response cannot be made within ten working days, the Privacy Officer shall send an acknowledgment during that period providing information on the status of the inquiry and asking for such further information as may be necessary to process the inquiry. The first correspondence sent by the Privacy Officer to the requester shall contain USPTO's control number assigned to the request, as well as a note that the requester should use that number in all future contacts in order to facilitate processing. USPTO shall use that control number in all subsequent correspondence.

(2) If the Privacy Officer fails to send an acknowledgment within ten working days, as provided above, the requester may ask the General Counsel to take corrective action. No failure of the Privacy Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.

(e) An individual shall not be required to state a reason or otherwise justify his or her inquiry.

(f) Special note should be taken of the fact that certain agencies are responsible for publishing notices of systems of records having Government-wide

application to other agencies, including USPTO. The agencies known to be publishing these general notices and the types of records covered therein appear in an appendix to this part. The provisions of this section, and particularly paragraph (a) of this section, should be followed in making inquiries with respect to such records. Such records in USPTO are subject to the provisions of this part to the extent indicated in the appendix to this part. The exemptions, if any, determined by an agency publishing a general notice shall be invoked and applied by USPTO after consultation, as necessary, with that other agency.

§ 102.24 Procedures for making requests for records.

(a) Any individual, regardless of age, who is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States may submit a request for access to records to USPTO. The request should be made either in person at Crystal Park Two, 2121 Crystal Drive, Suite 714, Arlington, Virginia, or by mail addressed to the Privacy Officer, United States Patent and Trademark Office, Washington, DC 20231.

(b) Requests submitted by mail should include the words ''PRIVACY ACT REQUEST'' in capital letters at the top of the letter and on the face of the envelope. Any request which is not addressed as specified in paragraph (a) of this section or which is not marked as specified in this paragraph will be so addressed and marked by USPTO personnel and forwarded immediately to the Privacy Officer. A request which is not properly addressed by the individual will not be deemed to have been ''received'' for purposes of measuring time periods for response until actual receipt by the Privacy Officer. In each instance when a request so forwarded is received, the Privacy Officer shall notify the individual that his or her request was improperly addressed and the date when the request was received at the proper address.

(c) If the request follows an inquiry under § 102.23 in connection with which the individual's identity was established by USPTO, the individual need only indicate the record to which access is sought, provide the USPTO control number assigned to the request, and sign and date the request. If the request is not preceded by an inquiry under § 102.23, the procedures of this section should be followed.

(d) The requirements for identification of individuals seeking access to records are as follows:

(1) *In person.* Each individual making a request in person shall be required to present satisfactory proof of identity. The means of proof, in the order of preference and priority, are:

(i) A document bearing the individual's photograph (for example, driver's license, passport or military or civilian identification card);

(ii) A document, preferably issued for participation in a federally sponsored program, bearing the individual's signature (for example, unemployment insurance book, employer's identification card, national credit card, and professional, craft or union membership card); and

(iii) A document bearing neither the photograph nor the signature of the individual, preferably issued for participation in a federally sponsored program (for example, Medicaid card). In the event the individual can provide no suitable documentation of identity, USPTO will require a signed statement asserting the individual's identity and stipulating that the individual understands the penalty provision of 5 U.S.C. 552a(i)(3) recited in § 102.32(a). In order to avoid any unwarranted disclosure of an individual's records, USPTO reserves the right to determine the adequacy of proof of identity offered by any individual, particularly when the request involves a sensitive record.

(2) *Not in person.* If the individual making a request does not appear in person before the Privacy Officer or other employee authorized to determine identity, a certification of a notary public or equivalent officer empowered to administer oaths must accompany the request under the circumstances prescribed in § 102.23(b)(9). The certification in or attached to the letter must be substantially in accordance with the following text:

City of _____
County of _____ :ss
(Name of individual), who affixed (his) (her) signature below in my presence, came before me, a (title), in and for the aforesaid County and State, this _____ day of _____, 20__, and established (his) (her) identity to my satisfaction.
My commission expires _____.
(Signature)

(3) *Parents of minors and legal guardians.* An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his or her personal identity in the same manner prescribed in either paragraph (d)(1) or (d)(2) of this section. In addition, such other individual shall establish his or her identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the court's order. For purposes of the Act, a parent or legal guardian may represent only a living individual, not a decedent. A parent or legal guardian may be accompanied during personal access to a record by another individual, provided the provisions of § 102.25(f) are satisfied.

(e) When the provisions of this subpart are alleged to impede an individual in exercising his or her right to access, USPTO will consider, from an individual making a request, alternative suggestions regarding proof of identity and access to records.

(f) An individual shall not be required to state a reason or otherwise justify his or her request for access to a record.

§ 102.25 Disclosure of requested records to individuals.

(a)(1) The Privacy Officer shall act promptly upon each request. Every effort will be made to respond within ten working days (i.e., excluding Saturdays, Sundays, and legal public holidays) of the date of receipt. If a response cannot be made within ten working days due to unusual circumstances, the Privacy Officer shall send an acknowledgment during that period providing information on the status of the request and asking for any further information that may be necessary to process the request. ''Unusual circumstances'' shall include circumstances in which

(i) A search for and collection of requested records from inactive storage, field facilities or other establishments is required;

(ii) A voluminous amount of data is involved;

(iii) Information on other individuals must be separated or expunged from the particular record; or

(iv) Consultations with other agencies having a substantial interest in the determination of the request are necessary.

(2) If the Privacy Officer fails to send an acknowledgment within ten working days, as provided above in paragraph (a) of this section, the requester may ask the General Counsel to take corrective action. No failure of the Privacy Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.

(b) *Grant of access*—(1) *Notification*. An individual shall be granted access to a record pertaining to him or her, except where the provisions of paragraph (g)(1) of this section apply. The Privacy Officer will notify the individual of a determination to grant access, and provide the following information:

(i) The methods of access, as set forth in paragraph (b)(2) of this section;

(ii) The place at which the record may be inspected;

(iii) The earliest date on which the record may be inspected and the period of time that the records will remain available for inspection. In no event shall the earliest date be later than thirty calendar days from the date of notification;

(iv) The estimated date by which a copy of the record could be mailed and the estimate of fees pursuant to § 102.31. In no event shall the estimated date be later than thirty calendar days from the date of notification;

(v) The fact that the individual, if he or she wishes, may be accompanied by another individual during personal access, subject to the procedures set forth in paragraph (f) of this section; and,

(vi) Any additional requirements needed to grant access to a specific record.

(2) *Methods of access*. The following methods of access to records by an individual may be available depending on the circumstances of a given situation:

(i) Inspection in person may be had in a location specified by the Privacy Officer during business hours;

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if the Privacy Officer determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records to that facility will not unduly interfere with operations of USPTO or involve unreasonable costs, in terms of both money and manpower; and

(iii) Copies may be mailed at the request of the individual, subject to payment of the fees prescribed in § 102.31. USPTO, on its own initiative, may elect to provide a copy by mail, in which case no fee will be charged the individual.

(c) Access to medical records is governed by the provisions of § 102.26.

(d) USPTO will supply such other information and assistance at the time of access as to make the record intelligible to the individual.

(e) USPTO reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in an automated data media such as tape or diskette, when the record contains information on other individuals, and when deletion of information is permissible under exemptions (for example, 5 U.S.C. 552a(k)(2)). In no event shall original records of USPTO be made available to the individual except under the immediate supervision of the Privacy Officer or the Privacy Officer's designee.

(f) Any individual who requests access to a record pertaining to that individual may be accompanied by another individual of his or her choice. ''Accompanied'' includes discussion of the record in the presence of the other individual. The individual to whom the record pertains shall authorize the presence of the other individual in writing. The authorization shall include the name of the other individual, a specific description of the record to which access is sought, the USPTO control number assigned to the request, the date, and the signature of the individual to whom the record pertains. The other individual shall sign the authorization in the presence of the Privacy Officer. An individual shall not be required to state a reason or otherwise justify his or her decision to be accompanied by another individual during personal access to a record.

(g) *Initial denial of access*—(1) *Grounds*. Access by an individual to a record which pertains to that individual will be denied only upon a determination by the Privacy Officer that:

(i) The record is exempt under § 102.33 or § 102.34, or exempt by determination of another agency publishing notice of the system of records, as described in § 102.23(f);

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(iii) The provisions of § 102.26 pertaining to medical records temporarily have been invoked; or

(iv) The individual has unreasonably failed to comply with the procedural requirements of this part.

(2) *Notification*. The Privacy Officer shall give notice of denial of access to records to the individual in writing and shall include the following information:

(i) The Privacy Officer's name and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate section of the Act and this part;

(iv) The individual's opportunities, if any, for further administrative consideration, including the identity and address of the responsible official. If no further administrative consideration within USPTO is available, the notice shall state that the denial is administratively final; and

(v) If stated to be administratively final within USPTO, the individual's right to judicial review provided under 5 U.S.C. 552a(g)(1), as limited by 5 U.S.C. 552a(g)(5).

(3) *Administrative review*. When an initial denial of a request is issued by the Privacy Officer, the individual's opportunities for further consideration shall be as follows:

(i) As to denial under paragraph (g)(1)(i) of this section, two opportunities for further consideration are available in the alternative:

(A) If the individual contests the application of the exemption to the records, review procedures in § 102.25(g)(3)(ii) shall apply; or

(B) If the individual challenges the exemption itself, the procedure is a petition for the issuance, amendment, or repeal of a rule under 5 U.S.C. 553(e). If the exemption was determined by USPTO, such petition shall be filed with the General Counsel. If the exemption was determined by another agency (as described in § 102.23(f)), USPTO will provide the individual with the name and address of the other agency and any relief sought by the individual shall be that provided by the regulations of the other agency. Within USPTO, no such denial is administratively final until such a petition has been filed by the individual and disposed of on the merits by the General Counsel.

(ii) As to denial under paragraphs (g)(1)(ii) of this section, (g)(1)(iv) of this section or (to the limited extent provided in paragraph (g)(3)(i)(A) of this section) paragraph (g)(1)(i) of this section, the individual may file for review with the General Counsel, as indicated in the Privacy Officer's initial denial notification. The procedures appearing in § 102.28 shall be followed by both the individual and USPTO to the maximum extent practicable.

(iii) As to denial under paragraph (g)(1)(iii) of this section, no further administrative consideration within USPTO is available because the denial is not administratively final until expiration of the time period indicated in § 102.26(a).

(h) If a request is partially granted and partially denied, the Privacy Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 102.26 Special procedures: Medical records.

(a) No response to any request for access to medical records by an individual will be issued by the Privacy Officer for a period of seven working days (*i.e.*, excluding Saturdays, Sundays, and legal public holidays) from the date of receipt.

(b) USPTO has published as a routine use, for all systems of records containing medical records, consultations with an individual's physician or psychologist if, in the sole judgment of USPTO, disclosure could have an adverse effect upon the individual. The mandatory waiting period set forth in paragraph (a) of this section will permit exercise of this routine use in appropriate cases. USPTO will pay no cost of any such consultation.

(c) In every case of a request by an individual for access to medical records, the Privacy Officer shall:

(1) Inform the individual of the waiting period prescribed in paragraph (a) of this section;

(2) Obtain the name and address of the individual's physician and/or psychologist, if the individual consents to give them;

(3) Obtain specific, written consent for USPTO to consult the individual's physician and/or psychologist in the event that USPTO believes such consultation is advisable, if the individual consents to give such authorization;

(4) Obtain specific, written consent for USPTO to provide the medical records to the individual's physician or psychologist in the event that USPTO believes access to the record by the individual is best effected under the guidance of the individual's physician or psychologist, if the individual consents to give such authorization; and

(5) Forward the individual's medical record to USPTO's medical expert for review and a determination on whether consultation with or transmittal of the medical records to the individual's physician or psychologist is warranted. If the consultation with or transmittal of such records to the individual's physician or psychologist is determined to be warranted, USPTO's medical expert shall so consult or transmit. Whether or not such a consultation or transmittal occurs, USPTO's medical officer shall provide instruction to the Privacy Officer regarding the conditions of access by the individual to his or her medical records.

(d) If an individual refuses in writing to give the names and consents set forth in paragraphs (c)(2) through (c)(4) of this section and USPTO has determined that disclosure could have an adverse effect upon the individual, USPTO shall give the individual access to said records by means of a copy, provided without cost to the requester, sent registered mail return receipt requested.

§ 102.27 Procedures for making requests for correction or amendment.

(a) Any individual, regardless of age, who is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States may submit a request for correction or amendment to USPTO. The request should be made either in person or by mail addressed to the Privacy Officer who processed the individual's request for access to the record, and to whom is delegated authority to make initial determinations on requests for correction or amendment. The office of the Privacy Officer is open to the public between the hours of 9 a.m. and 4 p.m., Monday through Friday (excluding legal public holidays).

(b) Requests submitted by mail should include the words ''PRIVACY ACT REQUEST'' in capital letters at the top of the letter and on the face of the envelope. Any request which is not addressed as specified in paragraph (a) of this section or which is not marked as specified in this paragraph will be so addressed and marked by USPTO personnel and forwarded immediately to the Privacy Officer. A request which is not properly addressed by the individual will not be deemed to have been ''received'' for purposes of measuring the time period for response until actual receipt by the Privacy Officer. In each instance when a request so forwarded is received, the Privacy Officer shall notify the individual that his or her request was improperly addressed and the date the request was received at the proper address.

(c) Since the request, in all cases, will follow a request for access under § 102.25, the individual's identity will be established by his or her signature on the request and use of the USPTO control number assigned to the request.

(d) A request for correction or amendment should include the following:

(1) Specific identification of the record sought to be corrected or amended (for example, description, title, date, paragraph, sentence, line and words);

(2) The specific wording to be deleted, if any;

(3) The specific wording to be inserted or added, if any, and the exact place at which to be inserted or added; and

(4) A statement of the basis for the requested correction or amendment, with all available supporting documents and materials which substantiate the statement. The statement should identify the criterion of the Act being invoked, that is, whether the information in the record is unnecessary, inaccurate, irrelevant, untimely or incomplete.

§ 102.28 Review of requests for correction or amendment.

(a)(1)(i) Not later than ten working days (*i.e.*, excluding Saturdays, Sundays and legal public holidays) after receipt of a request to correct or amend a record, the Privacy Officer shall send an acknowledgment providing an estimate of time within which action will be taken on the request and asking for such further information as may be necessary to process the request. The estimate of time may take into account unusual circumstances as described in § 102.25(a). No acknowledgment will be sent if the request can be reviewed, processed, and the individual notified of the results of review (either compliance or denial) within the ten working days. Requests filed in person will be acknowledged in writing at the time submitted.

(ii) If the Privacy Officer fails to send the acknowledgment within ten working days, as provided in paragraph (a)(1)(i) of this section, the requester may ask the General Counsel to take corrective action. No failure of the Privacy Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.

(2) Promptly after acknowledging receipt of a request, or after receiving such further information as might have been requested, or after arriving at a decision within the ten working days, the Privacy Officer shall either:

(i) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in magnetically recorded computer files); or

(ii) Inform the individual in writing that his or her request is denied and provide the following information:

(A) The Privacy Officer's name and title or position;

(B) The date of the denial;

(C) The reasons for the denial, including citation to the appropriate sections of the Act and this subpart; and

(D) The procedures for appeal of the denial as set forth in § 102.29, including the address of the General Counsel.

(3) The term *promptly* in this section means within thirty working days (*i.e.,* excluding Saturdays, Sundays, and legal public holidays). If the Privacy Officer cannot make the determination within thirty working days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Privacy Officer shall be responsible for notifying all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record, and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(c) The following criteria will be considered by the Privacy Officer in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in terms of purpose for which it was collected;

(4) The timeliness and currency of the information in light of the purpose for which it was collected;

(5) The completeness of the information in terms of the purpose for which it was collected;

(6) The degree of risk that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(d) USPTO will not undertake to gather evidence for the individual, but does reserve the right to verify the evidence which the individual submits.

(e) Correction or amendment of a record requested by an individual will be denied only upon a determination by the Privacy Officer that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in light of the criteria set forth in paragraph (c) of this section;

(2) The record sought to be corrected or amended is part of the official record in a terminated judicial, quasi-judicial, or quasi-legislative proceeding to which the individual was a party or participant;

(3) The information in the record sought to be corrected or amended, or the record sought to be corrected or amended, is the subject of a pending judicial, quasi-judicial, or quasi-legislative proceeding to which the individual is a party or participant;

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or

(5) The individual has unreasonably failed to comply with the procedural requirements of this part.

(f) If a request is partially granted and partially denied, the Privacy Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 102.29 Appeal of initial adverse determination on correction or amendment.

(a) When a request for correction or amendment has been denied initially under § 102.28, the individual may submit a written appeal within thirty working days (*i.e.,* excluding Saturdays, Sundays and legal public holidays) after the date of the initial denial. When an appeal is submitted by mail, the postmark is conclusive as to timeliness.

(b) An appeal should be addressed to the General Counsel, United States Patent and Trademark Office, Washington, DC 20231. An appeal should include the words ''PRIVACY APPEAL'' in capital letters at the top of the letter and on the face of the envelope. An appeal not addressed and marked as provided herein will be so marked by USPTO personnel when it is so identified and will be forwarded immediately to the General Counsel. An appeal which is not properly addressed by the individual will not be deemed to have been ''received'' for purposes of measuring the time periods in this section until actual receipt by the General Counsel. In each instance when an appeal so forwarded is received, the General Counsel shall notify the individual that his or her appeal was improperly addressed and the date when the appeal was received at the proper address.

(c) The individual's appeal shall include a statement of the reasons why the initial denial is believed to be in error and USPTO's control number assigned to the request. The appeal shall be signed by the individual. The record which the individual requests be corrected or amended and all correspondence between the Privacy Officer and the requester will be furnished by the Privacy Officer who issued the initial denial. Although the foregoing normally will comprise the entire record on appeal, the General Counsel may seek additional information necessary to assure that the final determination is fair and equitable and, in such instances, disclose the additional information to the individual to the greatest extent possible, and provide an opportunity for comment thereon.

(d) No personal appearance or hearing on appeal will be allowed.

(e) The General Counsel shall act upon the appeal and issue a final determination in writing not later than thirty working days (*i.e.,* excluding Saturdays, Sundays and legal public holidays) from the date on which the appeal is received, except that the General Counsel may extend the thirty days upon deciding that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension and the estimated date by which a final determination will issue. The estimated date should not be later than the sixtieth working day after receipt of the appeal unless unusual circumstances, as described in § 102.25(a), are met.

(f) If the appeal is determined in favor of the individual, the final determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the Privacy Officer who issued the initial denial. Upon receipt of such final determination, the Privacy Officer promptly shall take the actions set forth in § 102.28(a)(2)(i) and (b).

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and state the reasons for the denial. The notice of final determination also shall inform the individual of the following:

(1) The right of the individual under the Act to file a concise statement of reasons for disagreeing with the final determination. The statement ordinarily should not exceed one page and USPTO reserves the right to reject a statement of excessive length. Such a statement shall be filed with the General Counsel. It should provide the USPTO control number assigned to the request, indicate the date of the final determination and be signed by the individual. The General Counsel shall acknowledge receipt of such statement and inform the individual of the date on which it was received.

(2) The facts that any such disagreement statement filed by the individual will be noted in the disputed record, that the purposes and uses to which the statement will be put are those applicable to the record in which it is noted, and that a copy of the statement will be provided to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement;

(3) The fact that USPTO will append to any such disagreement statement filed by the individual, a copy of the final determination or summary thereof which also will be provided to persons and agencies to which the disagreement statement is disclosed; and,

(4) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by 5 U.S.C. 552a(g)(5).

(h) In making the final determination, the General Counsel shall employ the criteria set forth in § 102.28(c) and shall deny an appeal only on the grounds set forth in § 102.28(e).

(i) If an appeal is partially granted and partially denied, the General Counsel shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(j) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

(k) The provisions of paragraphs (g)(1) through (g)(3) of this section satisfy the requirements of 5 U.S.C. 552a(e)(3).

§ 102.30 Disclosure of record to person other than the individual to whom it pertains.

(a) USPTO may disclose a record pertaining to an individual to a person other than the individual to whom it pertains only in the following instances:

(1) Upon written request by the individual, including authorization under § 102.25(f);

(2) With the prior written consent of the individual;

(3) To a parent or legal guardian under 5 U.S.C. 552a(h);

(4) When required by the Act and not covered explicitly by the provisions of 5 U.S.C. 552a(b); and

(5) When permitted under 5 U.S.C. 552a(b)(1) through (12), which read as follows:[1]

(i) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(ii) Required under 5 U.S.C. 552 ;

(iii) For a routine use as defined in 5 U.S.C. 552a(a)(7) and described under 5 U.S.C. 552a(e)(4)(D);

(iv) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13;

(v) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(vi) To the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;

(vii) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(viii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(ix) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(x) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(xi) Pursuant to the order of a court of competent jurisdiction; or

(xii) To a consumer reporting agency in accordance with section 3711(e) of Title 31.

(b) The situations referred to in paragraph (a)(4) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by USPTO in certain circumstances;

(2) 5 U.S.C. 552a(d) requires disclosure of records to the individual to whom they pertain, upon request; and

(3) 5 U.S.C. 552a(g) authorizes civil action by an individual and requires disclosure by USPTO to the court.

(c) The Privacy Officer shall make an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C. 552a(c) (1) and (2). Except for a disclosure made under 5 U.S.C. 552a(b)(7), the Privacy Officer shall make such accounting available to any individual, insofar as it pertains to that individual, on request submitted in accordance with § 102.24. The Privacy Officer shall make reasonable efforts to notify any individual when any record in a system of records is disclosed to any person under compulsory legal process, promptly upon being informed that such process has become a matter of public record.

§ 102.31 Fees.

The only fees to be charged to or collected from an individual under the provisions of this part are for duplication of records at the request of the individual. The Privacy Officer shall charge fees for duplication of records under the Act in the same way in which they charge duplication fees under § 102.11, except as provided in this section.

(a) No fees shall be charged or collected for the following: Search for and retrieval of the records; review of the records; copying at the initiative of USPTO without a request from the individual; transportation of records and personnel; and first-class postage.

(b) It is the policy of USPTO to provide an individual with one copy of each record corrected or amended pursuant to his or her request without charge as evidence of the correction or amendment.

(c) As required by the United States Office of Personnel Management in its published regulations implementing the Act, USPTO will charge no fee for a single copy of a personnel record covered by that agency's Government-wide published notice of systems of records.

§ 102.32 Penalties.

(a) The Act provides, in pertinent part:

> Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000. (5 U.S.C. 552a(i)(3)).

[1] 5 U.S.C. 552a(b)(4) has no application within USPTO.

(b) A person who falsely or fraudulently attempts to obtain records under the Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495 and 1001.

§ 102.33 General exemptions.

(a) Individuals may not have access to records maintained by USPTO but which were provided by another agency which has determined by regulation that such information is subject to general exemption under 5 U.S.C. 552a(j). If such exempt records are within a request for access, USPTO will advise the individual of their existence and of the name and address of the source agency. For any further information concerning the record and the exemption, the individual must contact that source agency.

(b) The general exemption determined to be necessary and proper with respect to systems of records maintained by USPTO, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, is as follows: *Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT.—12.* Pursuant to 5 U.S.C. 552a(j)(2), these records are hereby determined to be exempt from all provisions of the Act, except 5 U.S.C. 552a (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i). These exemptions are necessary to ensure the proper functions of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to prevent interference with law enforcement proceedings, to avoid the disclosure of investigative techniques, to avoid the endangering of law enforcement personnel, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, and to maintain the integrity of the law enforcement process.

§ 102.34 Specific exemptions.

(a)(1) Some systems of records under the Act which are maintained by USPTO contain, from time-to-time, material subject to the exemption appearing at 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records published in the **Federal Register** by USPTO which are within this exemption are: COMMERCE/PAT–TM–6, COMMERCE/PAT–TM–7, COMMERCE/PAT–TM–8, COMMERCE/PAT–TM–9.

(2) USPTO hereby asserts a claim to exemption of such materials wherever they might appear in such systems of records, or any systems of records, at present or in the future. The materials would be exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) to protect materials required by Executive order to be kept secret in the interest of the national defense and foreign policy.

(b) The specific exemptions determined to be necessary and proper with respect to systems of records maintained by USPTO, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(1)(i) Exempt under 5 U.S.C. 552a(k)(2). The systems of records exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

(A) Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT–12, but only on condition that the general exemption claimed in § 102.33(b)(3) is held to be invalid;

(B) Investigative Records—Persons Within the Investigative Jurisdiction of USPTO—COMMERCE/DEPT–13;

(C) Litigation, Claims and Administrative Proceeding Records—COMMERCE/DEPT–14;

(D) Attorneys and Agents Registered to Practice Before the Office—COMMERCE/PAT–TM–1;

(E) Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents—COMMERCE/PAT–TM–2; and

(F) Non-Registered Persons Rendering Assistance to Patent Applicants—COMMERCE/PAT–TM–5.

(ii) The foregoing are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The reasons for asserting the exemption are to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel. Special note is taken of the fact that the proviso clause in this exemption imports due process and procedural protections for the individual. The existence and general character of the information exempted will be made known to the individual to whom it pertains.

(2)(i) Exempt under 5 U.S.C. 552a(k)(5). The systems of records exempt (some only conditionally), the sections of the act from which exempted, and the reasons therefor are as follows:

(A) Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT–12, but only on condition that the general exemption claimed in § 102.33(b)(3) is held to be invalid;

(B) Investigative Records—Persons Within the Investigative Jurisdiction of USPTO—COMMERCE/DEPT–13; and

(C) Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT–14.

(ii) The foregoing are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The reasons for asserting the exemption are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract. Special note is made of the limitation on the extent to which this exemption may be asserted. The existence and general character of the information exempted will be made known to the individual to whom it pertains.

(c) At the present time, USPTO claims no exemption under 5 U.S.C. 552a(k) (3), (4), (6) and (7).

Appendix to Part 102—Systems of Records Noticed by other Federal Agencies [1] and Applicable to USPTO Records and Applicability of this Part thereto

Category of records	Other federal agency
Federal Personnel Records	Office of Personnel Management.[2]
Federal Employee Compensation Act Program	Department of Labor.[3]
Equal Employment Opportunity Appeal Complaints	Equal Employment Opportunity Commission.[4]

Category of records	Other federal agency
Formal Complaints/Appeals of Adverse Personnel Actions	Merit Systems Protection Board.[5]

[1] Other than systems of records noticed by the Department of Commerce. Where the system of records applies only to USPTO, these regulations apply. Where the system of records applies generally to components of the Department of Commerce, the regulations of that department attach at the point of any denial for access or for correction or amendment.

[2] The provisions of this part do not apply to these records covered by notices of systems of records published by the Office of Personnel Management for all agencies. The regulations of OPM alone apply.

[3] The provisions of this part apply only initially to these records covered by notices of systems of records published by the U.S. Department of Labor for all agencies. The regulations of that department attach at the point of any denial for access or for correction or amendment.

[4] The provisions of this part do not apply to these records covered by notices of systems of records published by the Equal Employment Opportunity Commission for all agencies. The regulations of the Commission alone apply.

[5] The provisions of this part do not apply to these records covered by notices of systems of records published by the Merit Systems Protection Board for all agencies. The regulations of the Board alone apply.

Dated: August 25, 2000.

Q. Todd Dickinson,

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

[FR Doc. 00–22356 Filed 8–30–00; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6862–9]

Notice of Availability of Responses to Comments on Proposed Rulemaking for Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The EPA conducted an extensive rulemaking on petitions filed by eight Northeastern States under section 126 of the Clean Air Act (CAA). These petitions sought to reduce interstate transport of nitrogen oxides (NO_X), one of the precursors of ground-level ozone. During part of the rulemaking process and after EPA had taken one final action on the petitions (64 FR 28250, May 25, 1999), EPA issued a proposal (64 FR 33962, June 24, 1999) and solicited comments on a set of discrete issues. In response, a number of comments were submitted that were outside the scope of the June 24, 1999 proposal and that, effectively, sought reconsideration of issues on which EPA had already taken final action. On January 18, 2000, the Agency took final action on the June 24, 1999 proposal, and noted that it would respond to those comments at a later date. This notice informs the public that EPA has responded separately to those comments and that the responses are now available in the docket (Docket Number A–97–43).

ADDRESSES: Documents relevant to this action are available for inspection at the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A–97–43, U.S. Environmental Protection Agency, 401 M Street SW, room M–1500, Washington, DC 20460, telephone (202) 260–7548 between 8:00 a.m. and 5:30 p.m., Monday though Friday, excluding legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions concerning today's action should be addressed to David Cole, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD–15, Research Triangle Park, NC, 27711, telephone (919) 541–5565, e-mail at *cole.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Related Information

The official record for the section 126 rulemaking, as well as the public version of the record, has been established under docket number A–97–43. The public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information, is available for inspection from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in **ADDRESSES** at the beginning of this document. In addition, the **Federal Register** rulemakings and associated documents are located on EPA's websites at *http://www.epa.gov/ttn/rto/126* and at *http://www.epa.gov/acidrain/modlrule/main.html#126.*

Background

On May 25, 1999 (64 FR 28250), EPA made final determinations that portions of the petitions filed by eight Northeastern States under section 126 of the CAA are technically meritorious. The petitions sought to mitigate what they described as significant transport of one of the main precursors of ground-level ozone, NO_X, across State boundaries. Each petition specifically requested that EPA make a finding that certain stationary sources emit NO_X in violation of the CAA's prohibition on emissions that significantly contribute to nonattainment problems in the petitioning State.

On June 24, 1999 (64 FR 33962), EPA proposed to revise two aspects of the May 25, 1999 final rule. The EPA proposed to stay indefinitely the affirmative technical determinations based on the 8-hour standard pending further developments in the litigation of that standard (see 64 FR 33956, June 24, 1999). The EPA also proposed to remove the trigger mechanism for making section 126 findings that was based on deadlines specified in a related EPA action to reduce interstate transport of ozone, the NO_X State implementation plan (SIP) call, and to instead make the findings under the 1-hour standard.

The EPA finalized the revisions to the May 25, 1999 final rule on January 18, 2000 (65 FR 2674). In this revised rule, EPA noted that it received comments on the June 24, 1999 proposal that the Agency considers to be outside the scope of that proposal. These comments relate primarily to issues that have been addressed previously either in the NO_X SIP call final rule, the NO_X SIP call response to comments document, the May 25, 1999 final rule for the section 126 petitions, or the April 1999 response to comments document for the section 126 petitions. Although these comments were outside the scope of the rulemaking, EPA responded to most of them in the revised rule of January 18, 2000.

The EPA did not, in the revised rule, respond to certain comments that the Agency believes should be considered to be, in effect, petitions for reconsideration of the May 25, 1999 section 126 final rule. By today's action, EPA is notifying the public that EPA has responded to these comments separately in a document placed in the rulemaking docket for the section 126 petitions (A–97–43), document number XII–A–01.

Dated: August 24, 2000.

Carol M. Browner,

Administrator.

[FR Doc. 00–22382 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[Docket OR–84–7299a; FRL–6858–1]

Approval and Promulgation of Implementation Plans; Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) is approving the revisions to Oregon's State Implementation Plan which were submitted on November 10, 1999. These revisions consist of: approval of the 1993 carbon monoxide periodic emissions inventory for Grants Pass, Oregon; approval of the Grants Pass carbon monoxide maintenance plan; and redesignation of Grants Pass from nonattainment to attainment for carbon monoxide.

DATES: This direct final rule is effective on October 30, 2000 without further notice, unless EPA receives adverse comment by October 2, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to: Debra Suzuki, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, and State of Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Debra Suzuki, Office of Air Quality (OAQ–107), EPA, Seattle, Washington, (206) 553–0985.

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I. Supplementary Information

1. What Is the Purpose of This Rule Making?

Today's rule making announces three actions being taken by EPA related to air quality in the State of Oregon. These actions are taken at the request of the Governor of Oregon in response to Clean Air Act (Act) requirements and EPA regulations.

First, EPA approves the 1993 periodic carbon dioxide emissions inventory for Grants Pass. The 1993 inventory establishes a baseline characterization of emissions that EPA considers comprehensive and accurate. It provides the foundation for air quality planning in Grants Pass.

Second, EPA approves the carbon monoxide maintenance plan for the Grants Pass nonattainment area into the Oregon State Implementation Plan (SIP).

Third, EPA redesignates Grants Pass from nonattainment to attainment for carbon monoxide. This redesignation is based on validated monitoring data and projections made in the maintenance plan's demonstration. EPA believes the area will continue to meet the National Ambient Air Quality Standards for CO for at least ten years beyond this redesignation, as required by the Act.

2. What Is a State Implementation Plan?

The Clean Air Act requires States to keep ambient concentrations of specific air pollutants below certain thresholds to provide an adequate margin of safety for public health and welfare. These maximum concentrations are established by EPA based on current science and are known as the National Ambient Air Quality Standards, or NAAQS. The State's commitments for attaining the NAAQS are outlined in its State Implementation Plan, or SIP. The SIP is a planning document that, when implemented, is designed to ensure the achievement of the NAAQS. Each State currently has a SIP in place, and the Act requires that SIP revisions be made periodically.

A SIP includes the following: (1) inventories of emissions from point, area, and mobile sources; (2) statutes and regulations adopted by the state legislature and executive agencies; (3) air quality analyses that include demonstrations that adequate controls are in place to meet the NAAQS; (4) contingency measures to be undertaken if an area fails to attain or make reasonable progress toward attainment by the required date.

The SIP must be presented to the public in a hearing and approved by the Governor of the State or appointed designee prior to submittal to EPA. The approved SIP serves as the State's commitment to actions that will reduce or eliminate air quality problems. Once approved by EPA, the SIP becomes part of the Code of Federal Regulations and is federally enforceable. Any subsequent changes must go through the formal SIP revision process specified in the Act.

Oregon submitted their original section 110 SIP on January 25, 1972 and it was approved by EPA soon thereafter.

The Grants Pass CO maintenance plan and redesignation request was submitted as a revision to the SIP on November 10, 1999. This revision is the subject of today's action.

3. What National Ambient Air Quality Standards Are Considered in Today's Rulemaking?

The standards considered in today's action are the primary and secondary carbon monoxide NAAQS. These standards were originally promulgated in 1985 and are as follows: (1) 9 parts

per million (ppm) for an eight-hour average concentration not to be exceeded more than once per year; and (2) 35 ppm for a one-hour average concentration not to be exceeded more than once per year. (40 CFR 50.8)

The Grants Pass nonattainment area has violated the eight-hour standard but never exceeded the one-hour standard. As a result, the discussion in this rulemaking refers to the eight-hour CO NAAQS only.

4. What Is the Background Information for This SIP Action?

Grants Pass, OR was designated nonattainment for carbon monoxide on December 16, 1985. This designation was the result of ambient air quality monitoring data that showed violations of the CO NAAQS.

The Grants Pass nonattainment area is a 36 square block area of downtown Grants Pass known as the Central Business District. For planning purposes, however, the entire area within the urban growth boundary is treated as the nonattainment area.

In response to the requirements applicable at the time of designation, Oregon submitted an attainment plan to bring the area into attainment by 1990. This plan relied upon the construction of a third bridge over the Rogue River as its primary control measure. The plan showed that diverting motor vehicle traffic away from the Central Business District would bring the area into attainment by the deadline in the Act. EPA approved the SIP revision on January 15, 1988.

Later, upon enactment of the 1990 Clean Air Act Amendments, a new classification scheme was created which established revised attainment dates and planning requirements according to the severity of nonattainment. Under this system, Grants Pass was classified as a moderate nonattainment area because it had a design value of 10.3 ppm based on 1988–89 ambient air monitoring data. The attainment deadline was revised and became December 31, 1995, or as expeditiously as practicable.

The Grants Pass nonattainment area has shown attainment of the CO NAAQS since 1990. In compliance with requirements for moderate areas, Oregon submitted a maintenance plan and redesignation request to EPA on November 10, 1999. On December 16, 1999, EPA notified Oregon that this submittal constituted a complete redesignation request and maintenance plan under the general completeness criteria of 40 CFR part 51, appendix V, sections 2.1 and 2.2.

5. What Criteria Did EPA Use To Evaluate the State's Submittal?

Section 107(d)(3)(E) of the Act lists specific requirements that an area must meet in order to be redesignated from nonattainment to attainment. They are as follows:

1. The area must attain the applicable NAAQS;
2. The area must have a fully approved SIP under section 110(k) of the Act and the area must meet all the relevant requirements under section 110 part D of the Act;
3. The air quality improvement must be permanent and enforceable;
4. The area must have a fully approved maintenance plan pursuant to section 175A of the Act.

6. In Summary, What Are the Results of EPA's Evaluation?

EPA has found that the Oregon redesignation request for the Grants Pass, OR nonattainment area meets the requirements of section 107(d)(3)(E), noted above. The following questions and answers provide a brief description of how each of these requirements is met. A Technical Support Document on file at the EPA Region 10 office, contains a more detailed analysis of this redesignation request.

7. Has Grants Pass Attained the Carbon Monoxide NAAQS?

Yes. To attain the CO NAAQS, an area must have complete quality assured data showing no more than one exceedance of the standard per year for at least two consecutive years. The redesignation of Grants Pass is based on air quality data that shows that the CO standard was not violated from 1989 through 1993, or since. These data were collected by the Oregon Department of Environmental Quality (ODEQ) in accordance with 40 CFR 50.8, following EPA guidance on quality assurance and quality control and are entered in the EPA Aerometric Information and Retrieval System, or AIRS. Since the Grants Pass, OR area has five years of complete quality-assured monitoring data showing attainment with no violations, the area has met the statutory criterion for attainment of the CO NAAQS. ODEQ has committed to continue monitoring in this area in accordance with 40 CFR part 58.

8. Does Grants Pass Have a Fully Approved SIP?

Yes. Section 107(d)(3)(E)(ii) of the Act states that EPA may not approve redesignation of a nonattainment area to attainment unless EPA has fully approved all of the SIP requirements that were due under the 1990 amendments. The 1990 Clean Air Act requires that nonattainment areas achieve specific new requirements depending on the severity of the nonattainment classification.

As noted earlier, Grants Pass was classified as a nonattainment area with a design value less than 12.7 ppm. Therefore, the 1990 requirements applicable to the Grants Pass nonattainment area include the preparation of a 1990 emission inventory with periodic updates, adoption of an oxygenated fuels program, the development of contingency measures, adoption of an enhanced inspection and maintenance plan, a forecast of vehicle miles traveled, development of conformity procedures, and the establishment of a permit program for new or modified major stationary sources.

For the purposes of evaluating the request for redesignation to attainment, EPA has approved all but one element of the CO attainment SIP. Specifically, the 1990 emissions inventory was reviewed but not acted upon to allow for additional correction and revision. EPA later determined that a 1993 inventory that incorporated these changes would satisfy the requirement for a 1990 base year. This is discussed in further detail below.

A 1993 periodic emissions inventory was submitted with the maintenance plan and fulfills the requirement for a base year inventory. Today's action concurrently approves this required element of the 110 SIP with the redesignation to attainment.

9. How Does This Action Affect Transportation Conformity in Grants Pass?

Under section 176(c) of the Act, transportation plans, programs, and projects in nonattainment or maintenance areas that are funded or approved under 23 U.S.C. or the Federal Transit Act, must conform to the applicable SIPs.

For transportation conformity and regional emissions analysis purposes, an emissions budget has been established for on-road motor vehicle emissions in the Grants Pass Central Business District. The transportation emissions budget numbers for the plan are shown in Table 1.

TABLE 1.—CENTRAL BUSINESS DISTRICT TRANSPORTATION EMISSIONS BUDGET THROUGH 2015 (POUNDS CO/WINTER DAY)

Year	1993	2000	2005	2010	2015
Budget	4,626	4,404	4,245	4,087	3,929

10. Has the State Provided An Adequate Emissions Inventory?

Yes. Section 187(a) of the Act required moderate CO areas to submit a comprehensive, accurate, and current inventory of actual emissions from all sources as described in the nonattainment area provision section 172(c)(3). Oregon submitted a 1990 emissions inventory on November 15, 1992. The 1990 inventory was reviewed by EPA but never formally approved.

In lieu of an inventory revision, EPA advised Oregon to incorporate comments into the 1993 periodic inventory and use this as the new base year. The 1993 periodic emissions inventory was submitted on November 10, 1999 with the maintenance plan and redesignation request being considered in today's action.

EPA believes this inventory meets all applicable requirements and approves it as part of the Oregon SIP.

11. Is the Improvement in Air Quality in Grants Pass Due to Permanent and Enforceable Measures?

Yes. EPA approved Grants Pass' attainment plan as meeting the requirements of the 1990 amendments. Emissions reductions achieved through the implementation of control measures contained in that SIP are enforceable. These measures are: (1) a bridge over the Rogue River; (2) the Federal Motor Vehicle Control Program, establishing emission standards for new motor vehicles; and (3) an oxygenated fuels program. As discussed above, the Grants Pass area initially attained the NAAQS in 1990 (prior to the implementation of the oxygenated fuels program in November 1992) and the plan cites monitoring data in AIRS which shows continued attainment through 1998.

ODEQ has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the CO emissions in the base year are not artificially low due to a local economic downturn or unusual or extreme weather patterns. EPA believes the combination of certain existing EPA-approved SIP and federal measures contributed to permanent and enforceable reductions in ambient CO levels that have allowed the area to attain the NAAQS.

12. Does the State Provide a Fully Approvable Maintenance Plan?

Yes. Section 175A sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems.

In this document, EPA is approving Oregon's maintenance plan for Grants Pass because EPA finds that it meets the requirements of section 175A.

13. Did the State Provide Adequate Attainment and Maintenance Year Emissions Inventories?

ODEQ submitted comprehensive inventories of CO emissions from point, area and mobile sources using 1993 as the attainment year. This data was then used in calculations to demonstrate that the CO standard will be maintained in future years.

Since air monitoring recorded attainment levels of CO in 1993, this is an acceptable year for the attainment inventory. The 1993 emission inventory summaries by source category are listed in Table 2. Detailed inventory data is also contained in the docket for this action maintained by EPA.

Based on the CO emissions in the attainment year (1993), ODEQ calculated inventories for the required maintenance year (2010) and five years beyond (2015), as shown in Table 3 below. Future emission estimates are based on forecast assumptions about growth of the regional economy and vehicle miles traveled.

Mobile sources are the greatest source of carbon monoxide. Although vehicle use is expected to increase in the future, more stringent federal automobile standards and removal of older, less efficient cars over time will still result in an overall decline in CO emissions.

The following tables summarize the projections in the maintenance plan and demonstrate that future emissions are not expected to exceed attainment year levels.

TABLE 2.—1993 CO ATTAINMENT YEAR AND RECENT ACTUAL EMISSIONS FOR THE GRANTS PASS NONATTAINMENT AREA (CO TONS/YEAR)

Year	Mobile	Area	Non-road	Point	Total
1993	7,775	1,393	917	309	10,394
1994	7,649	1,389	932	196	10,249
1995	7,691	1,385	946	208	10,230
1996	7,773	1,381	961	213	10,204

TABLE 3.—PROJECTED MAINTENANCE YEAR EMISSIONS FOR THE GRANTS PASS NONATTAINMENT AREA (CO TONS/YEAR)

Year	Mobile	Area	Non-road	Point	Total
1997	7,606	1,377	976	210	10,169
1998	7,564	1,373	990	212	10,139
1999	7,522	1,369	1,005	213	10,109
2000	7,480	1,365	1,020	214	10,079

TABLE 3.—PROJECTED MAINTENANCE YEAR EMISSIONS FOR THE GRANTS PASS NONATTAINMENT AREA (CO TONS/YEAR)—Continued

Year	Mobile	Area	Non-road	Point	Total
2001	7,438	1,361	1,034	215	10,048
2002	7,396	1,357	1,049	217	10,018
2003	7,354	1,353	1,064	218	9,988
2004	7,311	??361	1,078	219	8,970
2005	7,269	1,344	1,093	220	9,927
2006	7,227	1,340	1,108	222	9,897
2007	7,185	1,336	1,122	223	9,867
2008	7,143	1,332	1,137	224	9,836
2009	7,101	1,328	1,152	226	9,806
2010	7,059	1,324	1,166	227	9,776
2011	7,016	1,320	1,181	232	9,749
2012	6,974	1,316	1,195	233	9,719
2013	6,932	1,312	1,210	234	9,689
2014	6,890	1,308	1,225	236	9,658
2015	6,848	1,304	1,239	237	9,658

14. Has the State Successfully Demonstrated Maintenance and Provided a Projected Emissions Inventory?

Yes. Total CO emissions were projected from the 1993 attainment year out to 2015. These projected inventories were prepared according to EPA guidance. The projections show that when CO emissions are calculated without the implementation of the oxygenated fuels program, they are not expected to exceed 1993 attainment year levels.

15. How Will This Action Affect the Oxygenated Fuels Program in Grants Pass?

ODEQ's maintenance demonstration shows that the Grants Pass Urban Growth Boundary is expected to continue to meet the CO NAAQS through 2015 without the oxygenated fuels program, while maintaining a safety margin. Therefore, EPA approves the State's request to discontinue the oxygenated fuels program. The oxygenated fuels program will not need to be implemented following redesignation unless a future violation of the standard triggers its use as a contingency measure.

16. How Will the State Continue To Verify Attainment?

In accordance with 40 CFR part 50 and EPA's Redesignation Guidance, ODEQ has committed to analyze air quality data on an annual basis to verify continued attainment of the CO NAAQS. ODEQ will also conduct a comprehensive review of plan implementation and air quality status eight years after redesignation. The State will then submit a SIP revision that includes a full emissions inventory update and provides for the continued maintenance of the standard ten years beyond the initial ten year period.

17. What Contingency Measures Does the State Provide?

Section 175(d) of the Act requires retention of all control measures contained in the SIP prior to redesignation as contingency measures in the CO maintenance plan.

Since the oxygenated fuels program was a control measure contained in the SIP prior to redesignation, the SIP retains oxygenated fuels as the primary contingency measure in the maintenance plan.

In the event of future violations, implementation of the oxygenated fuels program will be triggered. This contingency measure will require all gasoline blended for sale in Grants Pass to meet requirements identical to those of the current oxygenated gasoline program.

This contingency measure will be triggered in the event of a quality assured violation of the NAAQS for CO at any permanent monitoring site in the nonattainment area. A violation will occur when any monitoring site records two eight-hour average CO concentrations that equal or exceed 9.5 ppm in a single calendar year.

The oxygenated fuels program will be fully implemented no later than the next full winter season following the date when the contingency measure was activated. Implementation will continue throughout the balance of the CO maintenance period, or until such time that a reassessment of the ambient CO monitoring data establishes that the contingency measure is no longer needed.

EPA is approving the conversion of the oxygenated fuels program from a control measure to a contingency measure for the Grants Pass area.

18. How Will the State Provide for Subsequent Maintenance Plan Revisions?

In accordance with section 175A(b) of the Act, the state has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. That revised SIP must provide for maintenance of the standard for an additional ten years.

The plan states that ODEQ will likely conduct its first revision of the plan in 2009. It will include a full emissions inventory update and projected emissions demonstrating continued attainment for ten additional years.

19. How Does This Action Affect Specific Rules?

Upon the effective date of this action, Grants Pass will no longer be a nonattainment area, and will become a maintenance area. Therefore, OAR 340–204–0030, Designation of Nonattainment Areas, and OAR 340–204–0040, Maintenance Areas, have been revised to reflect this change. Additionally, OAR 340–204–0090, Oxygenated Gasoline Control Areas, has been revised to discontinue the program in Grants Pass upon the effective date of this action. EPA is approving these rules as revisions to the SIP.

ODEQ re-codified their rules last fall, so there is some discontinuity between the rule numbers of the rules EPA is approving, and the rule numbers currently in the SIP. Below is a list of the specific rules affected by this action, with the state effective date in parentheses.

A. The Rule Revisions EPA Is Incorporating by Reference Into the SIP

OAR 340–204–0030, Designation of Nonattainment Areas (10–22–99)
OAR 340–204–0040, Maintenance Areas (10–22–99)

OAR 340–204–0090, Oxygenated Gasoline Control Areas (10–22–99)

B. The Rules EPA is Removing From the Current SIP

OAR 340–031–0520, Designation of Nonattainment Areas (8–19–96)
OAR 340–031–0530, Maintenance Areas (8–19–96)
OAR 340–022–0470, Oxygenated Gasoline Control Areas (11–4–93)

20. In Conclusion, What is EPA Approving and Why?

EPA is approving the Grants Pass, Oregon CO maintenance plan and Oregon's request for redesignation to attainment because Oregon has demonstrated compliance with the requirements of section 107(d)(3)(E). The Agency believes that the redesignation requirements are effectively satisfied based on information provided by ODEQ and requirements contained in the Oregon SIP and maintenance plan.

III. Final Action

EPA is approving the following revisions to the Oregon State Implementation Plan: (1) the 1993 carbon monoxide periodic emissions inventory for Grants Pass, Oregon; (2) the Grants Pass carbon monoxide maintenance plan; and (3) redesignation of Grants Pass from nonattainment to attainment for carbon monoxide.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13045

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

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

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Additionally, redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the

Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective October 30, 2000 unless EPA receives adverse written comments by October 2, 2000.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 30, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

J. Oregon Notice Provision

During EPA's review of a SIP revision involving Oregon's statutory authority, a problem was detected which affected the enforceability of point source permit limitations. EPA determined that, because the five-day advance notice provision required by ORS 468.126(1) (1991) bars civil penalties from being imposed for certain permit violations, ORS 468 fails to provide the adequate enforcement authority that a state must demonstrate to obtain SIP approval, as specified in section 110 of the Clean Air Act and 40 CFR 51.230. Accordingly, the requirement to provide such notice would preclude federal approval of a section 110 SIP revision.

To correct the problem the Governor of Oregon signed into law new legislation amending ORS 468.126 on September 3, 1993. This amendment added paragraph ORS 468.126(2)(e) which provides that the five-day advance notice required by ORS 468.126(1) does not apply if the notice requirement will disqualify a state program from federal approval or delegation. ODEQ responded to EPA's understanding of the application of ORS 468.126(2)(e) and agreed that, because federal statutory requirements preclude the use of the five-day advance notice provision, no advance notice will be required for violations of SIP requirements contained in permits.

K. Oregon Audit Privilege

Another enforcement issue concerns Oregon's audit privilege and immunity law. Nothing in this action should be construed as making any determination or expressing any position regarding Oregon's Audit Privilege Act, ORS 468.963 enacted in 1993, or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act Program resulting from the effect of Oregon's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: August 17, 2000.

Ronald A. Kreizenbeck,

Acting Regional Administrator, Region 10.

Parts 52 and 81, chapter I, title 40 of the Code of Federal Regulations are amended as follows:

PART 52—[AMENDED]

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

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

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (133) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(133) On November 10, 1999, the Oregon Department of Environmental Quality requested the redesignation of Grants Pass to attainment for carbon monoxide. The State's maintenance plan and base year emissions inventory are complete and the redesignation satisfies all the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule (OAR) 340–204–0030, OAR 340–204–0040, and OAR 340–204–0090, as effective October 22, 1999.

(B) Remove without replacement the following provisions from the current incorporation by reference of the State Implementation Plan: OAR 340–031–0520 and OAR 340–031–0530, as effective August 19, 1996 and OAR 340–022–0470, as effective November 4, 1993.

PART 81—[AMENDED]

1. The authority citation for Part 81 continues to read as follows:

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

2. In § 81.338, the table entitled ''Oregon—Carbon Monoxide'' is amended by revising the entry for ''Grants Pass Area, Josephine County (part)'' to read as follows:

* * * * *

OREGON—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
*	*	*	*	*
Grants Pass Area:				
Josephine County (part) Central Business District	October 30, 2000	Attainment		
*	*	*	*	*

[1] This date is November 15, 1990, unless otherwise noted.

* * * * * * *

[FR Doc. 00–22054 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

Protection of Stratospheric Ozone

CFR Correction

In Title 40 of the Code of Federal Regulations, parts 81 to 85, revised as of July 1, 1999, in §82.3 the definition of ''Unexpended Article 5 allowances'' inadvertently removed, should be added after the term ''Transhipment'' as follows:

§82.3 Definitions.

* * * * *

Unexpended Article 5 allowances means Article 5 allowances that have not been used. At any time in any control period a person's unexpended Article 5 allowances are the total of the level of Article 5 allowances the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced in that control period until that time.

* * * * *

[FR Doc. 00–55514 Filed 8–30–00; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301040; FRL–6740–1]

RIN 2070–AB

Buprofezin (2-Tert-butylimino-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one); Time-Limited Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of buprofezin in or on lettuce, head; lettuce, leaf; and vegetables, cucurbits. Aventis CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire on December 31, 2004.

DATES: This regulation is effective August 31, 2000. Objections and requests for hearings, identified by docket control number OPP–301040, must be received by EPA on or before October 30, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301040 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Richard J. Gebken, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6701; and e-mail address: gebken.richard@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing 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 the table could also be affected. The North American Industrial Classification System (NAICS) codes have been 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.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.*You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' Regulations and Proposed Rules, and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301040. 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. Background and Statutory Findings

In the **Federal Register** of August 26, 1998 (63 FR 45483) (FRL–5791–1), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by Aventis CropScience (formerly AgrEvo USA Company, 2 T.W. Alexander Drive, Research Triangle Park, N.C. 27709). This notice included a summary of the petition prepared by Aventis CropScience, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.511 be amended by establishing a tolerance for residues of the insecticide buprofezin, in or on lettuce, head; lettuce, leaf; and vegetables, cucurbits at 5.0, 13.0, and 0.50 parts per million (ppm), respectively. The tolerances will expire on December 31, 2004.

Buprofezin is an insecticide which will be sold under the trade name of Applaud 70WP. Buprofezin is a new insect growth regulator used for the control of several species of *Homoptera spp.*, such as planthoppers, mealybugs, leafhoppers, whiteflies and scales. It is currently registered in 76 countries mainly for use on vegetables, cotton, citrus, rice and ornamentals.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of buprofezin on lettuce, head; lettuce, leaf; and vegetables, cucurbits at 5.0, 13.0, and 0.50 parts per million (ppm), respectively. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The toxicological data base for buprofezin is adequate for selecting toxicity endpoints according to the Agency guideline requirements for a food-use chemical by 40 CFR part 158. However, an additional developmental neurotoxicity study in rats is required to address Agency concerns raised from the presence of thyroid effects observed in rat and dog subchronic and/or chronic studies.

1. *Acute toxicity.* Buprofezin is classified by the Agency as toxicity Category III for acute oral and toxicity category IV for acute dermal toxicity, acute inhalation toxicity, eye irritation and dermal irritation, and is not a dermal sensitizer. The nature of the toxic effects caused by buprofezin are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—ACUTE TOXICITY DATA ON BUPROFEZIN TECHNICAL*

Guideline No.	Study Type	Results	Toxicity Category
870.1100	Acute oral toxicity	LD_{50} 1,653 mg/kg males, LD_{50} 2,015 mg/kg females	III
870.1200	Acute dermal toxicity	LD_{50} > 5,000 mg/kg	IV
870.1300	Acute inhalation toxicity	LC_{50} > 4.21 mg/L (estimated)	IV
870.2400	Acute eye irritation	Mild	IV
870.2500	Acute dermal irritation	Slight	IV
870.2600	Skin sensitization	Negative	NA

*Buprofezin Technical (99% a.i.)

2. *Subcronic, chronic, and other toxicity*. For subchronic toxicity, the primary effects of concern in the rat were increased microscopic lesions in male and female liver and thyroid, increased liver weights in males and females, and increased thyroid weight in males. Increased focal necrosis with an inflammatory infiltrate in the liver was observed in females following dermal subchronic exposure, as was increased acanthosis and hyperkeratosis in skin.

In chronic studies in the rat, an increased incidence of follicular cell hyperplasia and hypertrophy in the thyroid of males was reported. Increased relative liver weights were reported in female dogs. In the mouse, increased absolute liver weights in males and females, along with an increased incidence of hepatocellular adenomas and hepatocellular adenomas plus carcinomas in females were reported. The Agency has evaluated the carcinogenic potential of buprofezin, based on these liver tumors in female mice, and classified it as having ''Suggestive Evidence of Carcinogenicity, but not sufficient to assess human carcinogenic potential.''

The developmental toxicity study in the rat produced reduced ossification and reduced pup weight at maternally toxic doses (death, decreased pregnancy rates, and increased resorption rates). No developmental toxicity was observed in the rabbit at or below maternally toxic dose levels.

The reproductive toxicity study showed decreased pup body weights at dose levels where liver effects (increased relative and/or absolute liver weights) and decreased body weight gains were observed in the parental generations.

The data do not raise concern for susceptibility in offspring. The developmental and reproductive studies showed toxicity in the offspring only at dose levels that were toxic in the parent(s). The toxicity observed in the offspring was not more severe, qualitatively, than the toxicity observed in the parents.

The data do not indicate a basis for concern for neurotoxicity. Possible neurotoxicity (hunched positions, lethargy) was observed in the rat developmental toxicity study, at levels that caused death. In the 90–day rat subchronic study, a 24% decrease in plasma cholinesterase was reported in males and females at the high dose level. However, this was not correlated with any pathological observation or functional deficit. Neurotoxicity was not observed in any of the chronic studies in the rat, mouse, or dog.

There is no concern for mutagenic activity in several studies such as the Ames assay, forward mutation assay, mouse micronucleus assay, *in vitro* human cytogenetic assay, and unscheduled DNA synthesis.

A rat metabolism study indicated that 95% of the administered compound is recovered in the feces and urine within 72 hours, and that 45% is recovered as the parent compound, with the remainder as several metabolites. The nature of the toxic effects caused by buprofezin are discussed in the following Table 2 as well as the NOAEL and the LOAEL from the toxicity studies reviewed.

TABLE 2.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity rodents (rat)	NOAEL: 13.0 mg/kg/day (Males or M); 16.3 mg/kg/day (Females or F) LOAEL: 68.6 mg/kg/day (M); 81.8 mg/kg/day females based on increased relative thyroid weight males, increased liver weights M/F, increased microscopic lesions in liver and thyroid M/F
870.3200	24-Day dermal toxicity (rat)	Systemic NOAEL: 300 mg/kg/day Dermal NOAEL: 300 mg/kg/day Systemic LOAEL: 1,000 mg/kg/day based on increased focal necrosis with an inflammatory infiltrate in liver (F) Dermal LOAEL: 1,000 mg/kg/day based on increased acanthosis and hyperkeratosis in skin (F)
870.3700a	Developmental toxicity in rodents (rat)	Maternal NOAEL 200 mg/kg/day Developmental NOAEL 200 mg/kg/day Maternal LOAEL 800 mg/kg/day based on mortality, decreased pregnancy rates, increased resorption rates

TABLE 2.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
		Developmental LOAEL 800 mg/kg/day based on reduced ossification, reduced pup weight, fetal edema
870.3700b	Developmental toxicity in non-rodents (rabbit)	Maternal NOAEL 50 mg/kg/day Developmental NOAEL 250 mg/kg/day Maternal LOAEL 250 mg/kg/day based on decreased food consumption, decreased body weights. Developmental LOAEL, not established (> 250 mg/kg/day)
870.3800	Reproduction and fertility effects in rats	Parental NOAEL 7.89 mg/kg/day Reproductive/Developmental NOAEL 7.89 mg/kg/day Parental LOAEL 81.47 mg/kg/day based on decreased body weight gain and on organ weight changes Reproductive/Developmental LOAEL 81.47 mg/kg/day based on decreased pup weight.
870.4100	Chronic toxicity in dogs	NOAEL 2 mg/kg/day LOAEL 20 mg/kg/day based on increased bile duct hyperplasia M/F, increased serum alkaline phosphatase activity M/F, increased relative and absolute liver weights and decreased liver function in females
870.4200	Carcinogenicity study in mice	NOAEL 1.82/17.9 mg/kg/day (M/F) LOAEL 17.40/191.0 mg/kg/day (M/F) based on increased absolute liver weights in males and females, increased hepatocellular adenomas in females, increased hepatocellular adenomas + carcinomas in females
870.4300	Chronic toxicity/ carcinogenicity in rodents (rat)	NOAEL 1.0 mg/kg/day LOAEL 8.7 mg/kg/day based on increased incidence of follicular cell hyperplasia and hypertrophy in thyroid in males No evidence of carcinogenicity
870.5100	Mutagenicity: gene mutation Salmonella	Not mutagenic, with or without activation tested up to cytotoxic levels
870.5300	Mutagenicity: gene mutation mouse lymphoma	Not mutagenic, with or without activation tested up to cytotoxic levels
870.5300	Mutagenicity: *in vitro* human cytogenetic assay	Negative for chromosomal aberrations tested up to cytotoxic levels
870.5300	Mutagenicity: mouse micronucleus assay	Negative for micronucleus induction in bone marrow cells of males and females tested up to cytotoxic levels
870.5300	Mutagenicity: unscheduled DNA synthesis	Negative for DNA repair tested up to cytotoxic levels
870.7485	Metabolism	79.1% recovered from feces, 12.9% from urine within 72 hr. 45.4% recovered as parent cpd, several metabolites identified

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer), the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD=NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer), the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE)=NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk.

A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1 x 10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer}=point of departure/exposures) is calculated. The doses and toxicological endpoints selected and the LOC for margins of exposure for various exposure scenarios are summaried in the following Table 3.

TABLE 3.—TOXICOLOGICAL ENDPOINT SUMMARY FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose (mg/kg/day)	Endpoint	Study
Acute Dietary	NOAEL = 200 UF = 100	LOAEL = 800 mg/kg/day based on skeletal effects in offspring Acute RfD = 2.0 mg/kg (females 13 - 50); Acute RfD for general population including infants and children: None, no endpoint identified which was attributable to a single dose.	Developmental toxicity rabbit NA
Chronic Dietary	NOAEL = 1.0 UF = 100	LOAEL = 8.7 mg/kg/day based on increased incidence of follicular cell hyperplasia and hypertrophy in the thyroid in males. Chronic RfD = 0.01 mg/kg day	2-year chronic toxicity/oncogenicity in rat NA
Short-term (dermal)	NOAEL = 300	LOAEL = 1,000 mg/kg/day based on an increase of focal necrosis with an inflammatory infiltrate in liver in females	24-Day dermal rat
Intermediate-term (dermal)	NOAEL = 300	LOAEL = 1,000 mg/kg/day based on an increase of focal necrosis with an inflammatory infiltrate in liver in females	24-Day dermal rat
Long-term (dermal)	Oral NOAEL = 1.0*	LOAEL = 8.7 mg/kg/day based on increased incidence of follicular cell hyperplasia and hypertrophy in the thyroid in males. 30% dermal absorption estimated.	2-Year chronic oral toxicity/oncogenicity in rat
Short-term (inhalation)	Oral NOAEL = 200**	LOAEL = 800 mg/kg/day based on skeletal effects in offspring	Developmental toxicity rat
Intermediate-term (inhalation)	Oral NOAEL = 13**	LOAEL = 68.6 mg/kg/day abased on organ weight changes and microscopic findings in liver and thyroid (M and F) and kidney (M)	90-Day oral subchronic study in rat
Long-term (inhalation)	Oral NOAEL = 1**	LOAEL = 8.7 mg/kg/day based on increased incidence of follicular cell hyperplasia and hypertrophy in the thyroid in males.	2-Year chronic oral toxicity/oncogenicity in rat

*Since an oral NOAEL was selected, 30% dermal absorption was used.
**Since an oral NOAEL was selected, 100% inhalation absorption was used.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Time-limited tolerances under section 18 emergency exemptions have been established (40 CFR 180.511(b)) for the residues of buprofezin, in or on a variety of raw agricultural commodities. The following time-limited tolerances for residues of buprofezin are established in connection with use of the pesticide under section 18 emergency exemptions: citrus fruit (2.0 ppm); citrus pulp dried (10 ppm); cotton seed (1.0 ppm); cotton gin byproducts (20 ppm); cucurbits (0.5 ppm); tomatoes (0.7 ppm); tomato paste (1.0 ppm); milk (0.03 ppm); and fat (0.02 ppm), meat (0.02 ppm), and meat byproducts (0.5 ppm) of cattle, goats, hogs, horses, and sheep. Risk assessments were conducted by EPA to assess dietary exposures from buprofezin in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. The Dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the U.S. Department of Agriculture (USDA) 1989-1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: The acute dietary exposure analysis assumed tolerance level residues and 100% crop treated for all registered and proposed commodities (Tier 1). For females 13-50 years old, 4% of the aPAD is occupied by dietary (food) exposure (no acute RfD established for the general population including infants and children). Therefore acute exposure to buprofezin, as a result of dietary exposure, is below the Agency's level of concern. The anticipated residues were used for evaluation.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment, the DEEM™ analysis evaluated the individual food consumption as reported by respondents in the USDA 1989-1992 nationwide CSFII and accumulated exposure to the chemical

for each commodity. The following assumptions were made for the chronic exposure assessments: Since there are no chronic residential exposure scenarios, the chronic aggregate risk assessment is concerned with food and water only. The chronic dietary exposure analysis incorporated anticipated residues calculated from field trial data and assumed 100% crop treated for all commodities except tomatoes (44% and 0.6% crop treated for the fresh market and for processing, respectively; Tier 2 analysis). Only 49% of the cPAD is occupied by dietary (food) exposure The buprofezin estimated environmental concentrations in surface and ground water are less than the Agency's DWLOC (for all population subgroups). Chronic risk for buprofezin, as a result of dietary (food and water) exposure, is below the Agency's level of concern. The Agency concludes with reasonable certainty that residues of buprofezin in food and drinking water do not contribute significantly to the acute or chronic aggregate human health risk at the present time.

iii. *Cancer*. The Agency has evaluated the carcinogenicity potential of buprofezin, based on these liver tumors in female mice. Buprofezin was not carcinogenic to male and female rats. Administration of buprofezin in the diet was associated with increased incidence of liver tumors in female mice only because:

a. There was a significant increase by pair-wise comparison with the controls for combined hepatocellular adenomas/carcinomas at 2,000 and 5,000 ppm (191.9 and 493 mg/kg/day, respectively) in females. The increased incidence of combined tumors was driven by the incidence of adenomas. There was a significant positive trend for combined tumors and a dose-related increase in the incidence at the two top doses. The increase in the combined incidence of liver tumors at 2,000 and 5,000 ppm was associated with non-neoplastic changes and the incidences were slightly outside the historical control range. The increased incidence of hepatocellular adenomas/carcinomas at 2,000 ppm in females was considered by the Agency to be biologically significant.

b. In males, there was a significant increase by pair-wise comparison with the controls for combined adenomas/carcinomas of the lung at 20, 200 and 5,000 ppm (1.82, 17.4, or 481 mg/kg/day, respectively). Although there was evidence of a positive trend with increasing doses of buprofezin, the incidences in all dose groups were within the range for the historical controls. The Agency, therefore, concluded that the lung tumors in males were not treatment-related. The dosing at 5,000 ppm was considered to be adequate and not excessive based on increased liver weights in females, histopathological changes in the liver, and decreased body weight gains at 5,000 ppm in both sexes.

Although buprofezin was negative in *in vitro* and *in vivo* genotoxicity assays, the findings from the published literature indicate that it causes cell transformation and induces micronuclei *in vitro*. However, in the absence of a positive response in an *in vivo* micronucleus assay, the Agency concluded that buprofezin may have aneugenic potential which is not expressed in *vivo*.

Consistent with the EPA Guidelines for Carcinogen Risk Assessment (proposed July 1999), the Agency has classified buprofezin as having ''Suggestive Evidence of Carcinogenicity, but not sufficient to assess human carcinogenic potential.'' The Agency concluded that no quantification of cancer risk or assessment is appropriate, taking into account all of the evidence bearing on carcinogenicity including that a positive finding was limited to one sex of one species.

iv. *Anticipated residues*. Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a Data Call-In for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

2. *Dietary exposure from drinking water*. The maximum and average EECs for buprofezin in ground and surface water are less than the Agency's DWLOC for buprofezin as a contribution to acute and chronic aggregate exposure (for all population subgroups).

The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for buprofezin in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of buprofezin.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporates an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use EECs from these models to quantify drinking water exposure and risk as a %RfD or PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to buprofezin, they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models the EECs of buprofezin in surface water and ground water for acute exposures are estimated to be 11.48 ppb for surface water and 0.04 ppb for ground water. The EECs for chronic exposures are estimated to be 1.80 ppb for surface water and 0.04 ppb for ground water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Buprofezin is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether buprofezin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, buprofezin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that buprofezin has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity*. The Agency concluded that available toxicity data provide no indication of increased susceptibility of rats or rabbits following *in utero* exposure or of rats following prenatal/postnatal exposure to buprofezin. In the prenatal developmental toxicity study in rats, developmental effects were seen only in the presence of severe maternal toxicity including deaths. No developmental toxicity was seen at the highest dose tested in the prenatal developmental toxicity study in rabbits. And in the 2-generation reproduction study in rats, effects in the offspring were observed only at treatment levels which resulted in evidence of parental toxicity.

iii. *Conclusion*. The toxicology data base for buprofezin is complete for FQPA assessment. The developmental toxicity studies in rats and rabbits and the 2-generation reproduction study in rats are available and considered acceptable. Acute and subchronic neurotoxicity studies are not required for buprofezin.

The Agency determined that an additional developmental neurotoxicity study in rats is required based on the evidence of thyroid toxicity following subchronic and chronic exposures to rats as well as chronic exposures to dogs. In these studies, thyroid toxicity was characterized as decreases in serum thyroxine levels and increased thyroid weights in dogs and histopathological lesions in the subchronic and chronic toxicity studies in rats. While the Agency recognized the fact that thyroid toxicity was seen in the presence of hepatotoxicity, there was concern that thyroid effects were seen in two species following subchronic and chronic exposures. The Agency concluded that the DNT study is needed to further evaluate the hormonal responses associated with the developing fetal nervous system.

The Agency concluded that a safety factor is necessary for buprofezin since there is an additional developmental neurotoxicity characterization study needed in rats. This study is required due to the evidence of thyroid effects observed following subchronic and chronic exposures to rats and chronic exposure to dogs.

The safety factor was reduced to 3X because: There is no evidence of increased susceptibility to young rats or rabbits following *in utero* exposure or following prenatal and/or postnatal exposure to rats; Adequate actual data, surrogate data, and/or modeling outputs are available to satisfactorily assess dietary (food and water) exposure assessment; and there are no registered residential uses at the present time.

The FQPA safety factor for buprofezin is applicable to females 13-50 and to infants and children due uncertainty resulting from an additional confirmatory developmental neurotoxicity study in rats. This additional study will characterize the potential for neurotoxic effects on fetal development and may provide data that could be used in the toxicology endpoint selection and further refine the dietary exposure risk assessments for these population subgroups.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in

drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* The acute dietary exposure analysis assumed tolerance level residues and 100% crop treated for all registered and proposed commodities (Tier 1). For females 13-50 years old, 4% of the aPAD (.67 ppm/day) is occupied by dietary (food) exposure (no acute RfD established for the general population including infants and children). The acute exposure to buprofezin as a result of exposure from residues in food is below the Agency's level of concern.

2. *Chronic risk.* Since there are no chronic residential exposure scenarios, the chronic aggregate risk assessment is concerned with food and water only. The chronic dietary exposure analysis incorporated average residues calculated from field trial data and assumed 100% crop treated for all commodities except tomatoes (44% and 0.6% crop treated for the fresh market and for processing, respectively; Tier 2 analysis). Only 49% of the cPAD is occupied by dietary (food) exposure. The buprofezin EECs in surface and ground water are less than the Agency's DWLOC (for all population subgroups). Chronic risk for buprofezin, as a result of dietary (food and water) exposure, is below the Agency's level of concern. After calulating the DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4.

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO BUPROFEZIN

Subgroups exposure	(mg/kg/day)	% cPAD[1]
U.S. population all seasons	0.000957	29
All Infants (1 year)	0.000452	14
Children (1-6 years)	0.001615	49
Children (7-12 years)	0.001305	40
Females (13-50 years)	0.000871	26
Males (13-19 years)	0.000858	26
Males (20+ years)	0.000818	25
Seniors (55+)	0.000814	25

[1]cPAD = 0.0033 mg/kg/day

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Buprofezin is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's LOC.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Buprofezin is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's LOC.

5. *Aggregate cancer risk for U.S. population.* Buprofezin has been classified as ''Suggestive Evidence of Carcinogenicity, but not sufficient to assess human carcinogenic potential'' based on liver tumors in female mice, according to the Agency's Cancer Risk Assessment Guidelines (proposed July 1999). The Agency concluded that no quantification of cancer risk is required.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to buprofezin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (example - gas chromatography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

No maximum residue limits (MRLs) are established for buprofezin in/on cucurbits or lettuce in Mexico or Canada. Codex has a buprofezin MRL of 1 ppm in/on cucumbers. The field trial data do not support harmonization.

C. Conditions

Conditions for continued registration are as follows: A developmental neurotoxicity study in rats (OPPTS Guideline 870.6300) guideline requirement (40 CFR part 158) for food/feed use, validation of frozen storage intervals, petition method validation, an interference study, a confirmatory method, and additional cantaloupe and leaf lettuce field trials.

V. Conclusion

Therefore, the tolerance is established for residues of buprofezin, 2-tert-butylimino-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one, in or on lettuce, head; lettuce, leaf; and vegetables, cucurbits at 5.0, 13.0, and 0.50 ppm, respectively.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301040 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before October 30, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR

178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential 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. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301040, 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. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure '' ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the

Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 22, 2000.

Susan B. Hazen,

Deputy Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—AMENDED

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.511 is amended by adding paragraph (a) to read as follows:

§ 180.511 Buprofezin; tolerances for residues.

(a) *General.* Tolerances are established for residues of buprofezin in or on the following food commodities:

Commodity	Parts per million	Expiration/Revocation Date
Lettuce, head	5.0	12/31/04
Lettuce, leaf	13.0	12/31/04
Vegetables, cucurbits	0.50	12/31/04

* * * * *

[FR Doc. 00–22371 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6860–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of the Cimarron Mining Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces the partial deletion of the Cimarron Mining Superfund Site (Site). This partial deletion applies only to the surface soil portion of Operable Unit 1 (OU 1 or Cimarron) and all of Operable Unit 2 (OU 2 or Sierra Blanca, which consists solely of surface soils). The long-term remedial action for the ground water portion of the remedy for the surface soil portion of OU 1 will continue until further notice and remains on the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is codified at Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. This partial deletion is consistent with EPA's Notice of Policy Change: Policy Regarding Partial Deletion of Sites Listed on the National Priorities List. This partial deletion does not pertain to the subsurface portion of OU 1 (Cimarron) including without limitation ground water and subsurface soils. The subsurface portion of the Site will remain on the NPL, and response activities will continue for that portion. With the concurrence of the State of New Mexico, acting through the New Mexico Environment Department (NMED), EPA has determined that for the surface portion of OU 1 (Cimarron) and all of OU 2 (Sierra Blanca) all appropriate Hazardous Substance Response Trust Fund (Fund)—financed response under CERCLA has been implemented and that no further response action by responsible parties is appropriate. (Neither CERCLA-required five-year reviews nor operation and maintenance are considered further response action for the purpose of this partial deletion.) EPA, with State of New Mexico concurrence (acting through NMED), has determined that Site investigations show that the portions of the Site being deleted from the NPL now pose no significant threat to public health or the environment; consequently, pursuant to CERCLA section 105, and 40 CFR 300.425(e), the surface portions of the Site (the surface portion of OU 1 and all of OU 2) are hereby deleted from the NPL.

EFFECTIVE DATE: August 31, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Petra Sanchez, Remedial Project Manager, 214–665–6686, United States Environmental Protection Agency, Region 6, 6SF–LT, 1445 Ross Avenue, Suite 1200, Dallas, Texas, 75231. Information on the Site is available at the local information repository located at Carrizozo City Hall, P.O. Box 247, Carrizozo, New Mexico 88301. Requests for comprehensive copies of documents should be directed formally to Ms. Elizabeth Rogers, Regional Superfund Information Management Team, EPA Region 6, SF–PI, 1445 Ross Avenue, Suite 1200, Dallas, Texas, 75231.

SUPPLEMENTARY INFORMATION: The Site being partially deleted from the NPL is the Cimarron Mining Superfund Site located near the town of Carrizozo, in Lincoln County, New Mexico. This partial deletion pertains only to the surface portions of the Site (surface portion of OU 1, Cimarron, and the entire portion of OU 2, Sierra Blanca (the latter consisting solely of surface soils). This action does not pertain to the Long Term Remedial Action for ground water at OU 1, Cimarron. This partial deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (November 1, 1995). A Notice of Intent for Partial Deletion was published on June 21, 2000 (65 FR 38476). The closing date for comments on the Notice of Intent for Partial Deletion was July 21, 2000. No comments were received. The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Section 300.425(e)(3) of the NCP, 40 CFR 300.425(e)(3), states that Fund-financed actions may be taken at

sites deleted from the NPL in the event that future conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environment protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental regulations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 17, 2000.

Lynda F. Carroll,

Acting Regional Administrator, U.S. EPA Region 6.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. Table 1 of Appendix B to part 300 is amended by revising the entry for ''Cimarron Mining Corp.,'' Carrizozo, New Mexico to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
* * *	* * *	* * *	* * *
NM	Cimarron Mining Corp	Carrizozo	P.
* * *	* * *	* * *	* * *

(a) * * *
P=Sites with partial deletion(s).

[FR Doc. 00–22162 Filed 8–30–00; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6861–9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct Final Deletion of the Wheeling Disposal Service Company, Incorporated, Landfill Site from the National Priorities List (NPL).

SUMMARY: EPA Region VII announces the deletion of the Wheeling Disposal Service Company, Incorporated Landfill site (site) from the (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA). EPA and the Missouri Department of Natural Resources (MDNR) have determined that all appropriate response actions have been implemented and the site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: This ''direct final'' action will be effective October 30, 2000 unless EPA receives significant adverse or critical comments by October 2, 2000. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Catherine Barrett, Remedial Project Manager, U.S. EPA, Superfund Division, 901 North 5th Street, Kansas City, KS 66101, telephone (913) 551–7704, fax (913) 551–7063. Comprehensive information on this site is available through the public docket which is available for viewing at the Site Information Repository at U.S. EPA Region VII, Superfund Division Records Center, 901 North 5th Street, Kansas City, KS 66101 or the Wheeling Local Repository, Rolling Hills Library, 514 West Main Street, Savannah, Missouri.

FOR FURTHER INFORMATION CONTACT: Catherine Barrett, U.S. EPA, Superfund Division, 901 North 5th Street, Kansas City, KS 66101, telephone (913) 551–7704, fax (913) 551–7063.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis of Intended Site Deletion
V. Action

I. Introduction

The EPA Region VII announces the deletion of the Wheeling Disposal Service Company, Incorporated, Landfill site, Amazonia, Missouri, from the NPL, Appendix B of the NCP, 40 CFR Part 300. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. EPA and the MDNR have determined that the remedial action for the site has been successfully executed. EPA will accept comments on this notice thirty days after publication of this notice in the **Federal Register**.

Section II of this action explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the history of the Wheeling Disposal Service Company, Incorporated, Landfill site and explains how the site meets the deletion criteria. Section V states EPA's action to delete the releases of the site from the NPL unless dissenting comments are received during the comment period.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment; and, therefore, taking of remedial measures is not appropriate.

Even if the site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the remedy remains protective of human health and the environment. A 5-year review was conducted for the Wheeling Disposal Service Company, Incorporated, Landfill in 1999. Based on that review, EPA in consultation with the State, determined that conditions at the site remain protective of public health and the environment. As explained below, the site meets the NCP's deletion criteria listed above. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without the application of the Hazard Ranking System (HRS).

III. Deletion Procedures

The following procedures were used for the intended deletion of the release from the site: (1) All appropriate response under CERCLA has been implemented and no further action by EPA is appropriate; (2) The MDNR concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day dissenting public review. EPA is requesting only dissenting comments on the Direct Final Action to Delete; and (4) All relevant documents have been made available in the local site information repository.

For deletion of the release from the site, EPA's Regional Office will accept and evaluate public comments on EPA's Final Notice before making a final decision to delete. If necessary the Agency will prepare a Responsiveness Summary, responding to each significant comment submitted during the public comment period. Deletion of the site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this document, § 300.425 (e) (3) of the NCP states that the deletion of a release from a site from the NPL does not preclude eligibility for future response actions.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the proposal to delete this release from the NPL.

Site Background and History

The Wheeling Disposal Service Company, Incorporated, Landfill site is located in Andrew County, Missouri, and is a 20-acre site, centrally located on two adjacent areas totaling about 200 acres. The shallow groundwater below the site supplies water to a deeper aquifer. The site was added to the NPL on October 4, 1989.

The landfill was established in the early 1970s and the facility received a State permit in 1975 to operate as an industrial waste disposal facility. Between 1980 and 1981, the company voluntarily ceased operations. The facility resumed operations under the authority of a special waste disposal permit issued by the State of Missouri until it voluntarily closed in 1986. The MDNR periodically inspected the site and monitored groundwater when the landfill was in operation. Based on MDNR hazardous waste records, wastes containing pesticides, heavy metals, paint, solvents, and leather tanning sludge were disposed of in the landfill. In field investigations conducted by the EPA, contaminants were detected in monitoring wells and springs on the site.

The groundwater and soil on site were contaminated with various volatile organic compounds (VOCs) and heavy metals including arsenic, chromium, nickel, and lead from the former waste disposal activities. Several seeps on the north side of the site were contaminated, indicating that local surface water was potentially threatened.

In late 1990, the potentially responsible parties completed site investigations. In a Proposed Plan, the proposed remedy for the site included the following: well plugging, surface water and groundwater monitoring, and upgrading the existing landfill cover to comply with State and Federal standards. A Community Relations Plan was completed for the Wheeling Disposal Service Company, Incorporated, Landfill site. The Proposed Plan and the Administrative Record were available for public review during the public comment period. A public meeting was held to present the Proposed Plan for the remedy and to answer questions and receive any written comments. A Record of Decision explaining the remedy for the site was signed by EPA on September, 27, 1990.

A Consent Decree, Civil Action No. 92–0132–CV–W–1, which addressed the Remedial Design and Remedial Action (RD/RA) at the site, was entered by the court on October 1, 1992. The Wheeling Disposal Site RD/RA Trust hired a contractor to assist them in the implementation of the RD/RA. Construction documents were generated by the responsible party contractor and contractors were procured to carry out the bid contracts. The EPA approved RD documents on September 30, 1993.

In compliance with the Consent Decree, the responsible party completed all RA construction within the Consent Decree schedule. The pre-final site inspection by EPA was conducted on July 27, 1994. The EPA provided final Construction Completion Notification on September 1, 1994.

The RA construction completed included previous monitoring well and farm well closure according to MDNR regulations, placement of 10 new monitoring wells, surface water and groundwater monitoring, and upgrading the existing landfill cover to comply with State and Federal standards. The landfill upgrading included gas vent system installation, geotextile installation, 24-inch depth final soil cap, surface terraces, berms, and riprap channel installation, and topsoil placement and seeding.

Operations and Maintenance

Long-term maintenance and groundwater monitoring is being conducted by the parties potentially responsible for site contamination. The operation and maintenance (O&M) activities being conducted include ground water monitoring and surface water monitoring through a sampling program, and maintenance of the landfill cover. Sampling is to continue to be conducted annually by the responsible party in accordance with the Consent Decree.

Five-Year Review

CERCLA requires a five-year review of all sites with hazardous substances remaining above the health-based levels for unrestricted use of the site. Since hazardous materials remain at the Site, the five-year review process will be

used to insure that the landfill cover is still intact and the remedy is protective of human health and the environment. EPA issued a five-year review report in 1999 which was an evaluation of the results of the maintenance and monitoring activities at the Site. This report concluded that the Wheeling Disposal Service Company, Incorporated, Landfill site is protective of human health and the environment. The five-year review recommended continuing the O&M activities, including maintenance of the landfill cap and groundwater and surface water sampling.

V. Action

The remedy selected for this Site has been implemented in accordance with the Record of Decision. Therefore, no further response action is necessary. The remedy has resulted in the significant reduction of the long-term potential for release of contaminants, therefore, human health and potential environmental impacts have been minimized. EPA and the MDNR find that the remedy implemented continues to provide adequate protection of human health and the environment.

The EPA, with concurrence of the State of Missouri, has determined that the criteria for deletion of the release have been met. Therefore, EPA is deleting the site from the NPL.

This action will be effective October 30, 2000. However, if EPA receives dissenting comments by October 2, 2000, EPA will publish a document that withdraws this action.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

August 18, 2000.

William Rice,

Acting Regional Administrator, Region 7.

Part 300, title 40 of chapter 1 of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 33 U.S.C. 1321 (c) (2); 42 U.S.C. 9601–9657; E.O. 12777, 56FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p.193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site for ''Wheeling Disposal Service Co. Landfill, Amazonia, Missouri.''

[FR Doc. 00–22377 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1840]

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment,* 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications,* 8 FCC Rcd 4735 (1993).

DATES: Effective August 31, 2000.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted August 2, 2000, and released August 11, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 253B and adding Channel 253B1 at Delano and by removing Channel 237B1 and adding Channel 237B at Fort Bragg.

3. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 288A and adding Channel 289C3 at Sterling.

4. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 235C and adding Channel 235C1 at Atlanta.

5. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by removing Channel 271A and adding Channel 271C1 at Driggs and by removing Channel 296A and adding Channel 296C1 at Idaho Falls.

6. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by removing Channel 236A and adding Channel 236B1 at Carterville.

7. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 265A and adding Channel 265C3 at Clay Center.

8. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 221C3 and adding Channel 221C2 at Carlisle and by removing Channel 222C2 and adding Channel 222C3 at London.

9. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 250A and adding Channel 250C2 at De Ridder.

10. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 288A and adding Channel 288C1 at Pickford.

11. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 272C3 and adding Channel 275C1 at Kearney.

12. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 275A and adding Channel 275C2 at Las Vegas.

13. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 259A and adding Channel 259C3 at Bend.

14. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 251C2 and adding Channel 251C1 at Anson and by

removing Channel 240C3 and adding Channel 239C2 at Big Spring and by removing Channel 284C and adding Channel 284C1 at Burkburnett and by removing Channel 236C2 and adding Channel 236C1 at Comfort and by removing Channel 241C2 and adding Channel 241C1 at Odessa and by removing Channel 285C2 and adding Channel 285C1 at Pilot Point and by removing Channel 245A and adding Channel 245C3 at Pittsburg.

15. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 249A and adding Channel 249C3 at East Wenatchee.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–22350 Filed 8–30–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 201, 202, 208, 211, 215, 219, 222, 225, 226, 242, 252, and 253, and Appendices F and G to Chapter 2

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is making technical amendments to the Defense Federal Acquisition Regulation Supplement. The amendments reflect the establishment of the Defense Contract Management Agency (DCMA) and DCMA's renaming of its contract administration offices to contract management offices. In addition, the amendments update references and activity addresses and delete obsolete text.

EFFECTIVE DATE: August 31, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; telefax (703) 602–0350.

List of Subjects in 48 CFR Parts 201, 202, 208, 211, 215, 219, 222, 225, 226, 242, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 201, 202, 208, 211, 215, 219, 222, 225, 226, 242, 252, and 253, and Appendices F and G to Chapter 2 are amended as follows:

1. The authority citation for 48 CFR Parts 201, 202, 208, 211, 215, 219, 222, 225, 226, 242, 252, and 253, and Appendices F and G to subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

201.404 [Amended]

2. Section 201.404 is amended in paragraph (b)(ii) introductory text by adding, after ''Defense Commissary Agency'', the phrase '', the Defense Contract Management Agency,''.

PART 202—DEFINITIONS OF WORDS AND TERMS

3. Section 202.101 is amended as follows:

a. By adding a definition of ''Contract administration office'';

b. In the definition of ''Contracting activity'', under the heading ''NAVY'', in the last entry, by adding a period after ''U.S.'';

c. In the definition of ''Contracting activity'', under the heading ''DEFENSE ADVANCED RESEARCH PROJECTS AGENCY'' by removing the entry ''Defense Finance and Accounting Service External Services, Defense Finance and Accounting Service'', and adding in its place the following new headings and entries:

''DEFENSE CONTRACT MANAGEMENT AGENCY

Office of the Director, Defense Contract Management Agency

DEFENSE FINANCE AND ACCOUNTING SERVICE

External Services, Defense Finance and Accounting Service'';

d. In the definition of ''Contracting activity'', under the heading ''DEFENSE LOGISTICS AGENCY'', by removing the entry ''Office of the Commander, Defense Contract Management Command''; and

e. In the definition of ''Departments and agencies'' in the last sentence by adding, after ''Defense Commissary Agency,'', the phrase ''the Defense Contract Management Agency,''. The added definition reads as follows:

202.101 Definitions.

* * * * *

Contract administration office also means a contract management office of the Defense Contract Management Agency.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

4. Section 208.7002–2 is amended as follows:

a. By revising paragraph (b)(8)(ii);

b. In paragraph (b)(9) by adding the word ''and'' after the semicolon;

c. In paragraph (b)(10) by removing ''; and'' and adding a period in its place; and

d. By removing paragraph (b)(11). The revised text reads as follows:

208.7002–2 Requiring department responsibilities.

* * * * *

(b) * * *

(8) * * *

(ii) The basis for determining the acceptability of such supplies (see FAR 11.302(b));

* * * * *

5. Section 208.7301 is amended by revising the definition of ''Precious Metals Indicator code (PMIC)'' to read as follows:

208.7301 Definitions.

* * * * *

Precious Metals Indicator Code (PMIC) means a single-digit, alpha-numeric code assigned to national stock numbered items in the Defense Integrated Data System Total Item Record used to indicate the presence or absence of precious metals in the item. PMICs and the content value of corresponding items are listed in DoD 4100.39–M, Federal Logistics Information System (FLIS Procedures Manual, Volume 10, Chapter 4, Table 160.

* * * * *

208.7302 [Amended]

6. Section 208.7302 is amended as follows:

a. In the second sentence by removing the abbreviation ''DISC'' and adding in its place ''DSCP''; and

b. By removing the parenthetical ''(See DoDD 4160.22, Recovery and Utilization of Precious Metals.)''.

208.7303 [Amended]

7. Section 208.7303 is amended in the first sentence of paragraph (b) as follows:

a. By removing ''chapter X'' and adding in its place ''Chapter 11''; and

b. By removing the phrase ''Utilization and Disposal'' and adding in its place ''Material Disposition''.

8. Section 208.7304 is revised to read as follows:

208.7304 Refined precious metals.

The following refined precious metals are currently managed by DSCP:

Precious metal	National stock number (NSN)
Gold	9660–00–042–7733
Silver	9660–00–106–9432
Platinum Granules	9660–00–042–7768
Platinum Sponge	9660–00–151–4050
Palladium Granules	9660–00–042–7765
Palladium Sponge	9660–01–039–0320
Rhodium	9660–01–010–2625
Iridium	9660–00–011–1937
Ruthenium	9660–01–039–0313

208.7305 [Amended]

9. Section 208.7305 is amended in paragraph (b) as follows:

a. By removing ''chapter X'' and adding in its place ''Chapter 11''; and

b. By removing the phrase ''Utilization and Disposal'' and adding in its place ''Materiel Disposition''.

PART 211—DESCRIBING AGENCY NEEDS

211.273–2 [Amended]

10. Section 211.273–2 is amended in paragraph (b) by removing the word ''Command'' and adding in its place the word ''Agency''.

PART 215—CONTRACTING BY NEGOTIATION

11. Section 215.404–76 is amended by revising paragraph (g) to read as follows:

215.404–76 Reporting profit and fee statistics.

* * * * *

(g) These reporting requirements have been assigned Report Control Symbol DD–AT–&L(Q) 1751.

12. Section 215.407–4 is amended as follows:

a. By revising paragraph (c)(1) and the introductory text of paragraph (c)(2)(A); and

b. In paragraph (c)(2)(C) in the third sentence by removing ''DCMC/DLA led'' and adding in its place ''DCMA-led''. The revised text reads as follows:

215.407–4 Should-cost review.

* * * * *

(c) * * *

(1) Contact the Defense Contract Management Act (DCMA) (http:///www.dcmc.hq.dla.mil/) for questions on overhead should-cost analysis.

(2)(A) DCMA is the military department responsible for performing contact administration functions (e.g., Navy SUPSHIP) should consider, based on risk assessment, performing an overhead should-cost review of a contractor business unit (as defined FAR 31.001) when all of the following conditions exist:

PART 219—SMALL BUSINESS PROGRAMS

219.70 [Amended]

13. Section 219.708 is amended in paragraph (b)(2) by removing the word ''which'' and adding in its place the word ''that'', and by removing the words ''Small Business''.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

222.101–3–70 [Amended]

14. Section 222.101–3–70 is amended in paragraph (b) introductory text in the third sentence by removing ''DD–ACQ (AR) 1153'' and adding in its place ''DD–AT&L (AR) 1153''.

PART 225—FOREIGN ACQUISITION

225.802–70 [Amended]

15. Section 225.802–70 is amended in paragraph (a) in the first sentence by removing the parenthetical ''(as specified in DLAH 4105.5)''.

16. Section 225.870–1 is amended in paragraph (e)(2) by revising the last sentence to read as follows:

225.870–1 General.

* * * * *

(e) * * *

(2) * * * Requests for audit on non-Canadian Commercial Corporation contracts should be routed through the cognizant contract management office of the Defense Contract Management Agency.

* * * * *

17. Section 225.870–5 is amended by revising paragraph (a) to read as follows:

225.870–5 Contract administration.

(a) Assign contract administration in accordance with part 242. When contract administration is performed in Canada by the cognizant contract management office of the Defense Contract Management Agency, the paying office to be named in the contract for disbursement of DoD funds (DoD Department Code: 17-Navy; 21-Army; 57-Air Force; 97-all other DoD components), whether payment is in Canadian or U.S. dollars, shall be: DFAS-Columbus Center, DFAS–CO/New Dominion Division, PO Box 182041, Columbus, OH 43218–2041.

* * * * *

225.902 [Amended]

18. Section 225.902 is amended as follows:

a. In paragraph (2)(i)(D) introductory text by removing ''DCMC'' and adding in its place ''DCM'', and by adding after ''New York Avenue,'' the phase ''Building 120,'' and

b. In paragraph (2)(i)(E), and in paragraph (2)(ii) in the first and last sentences, by removing ''DCMC'' and adding in its place ''DCM''.

225.7002–2 [Amended]

19. Section 225.7002–2 is amended in paragraph (d) by removing ''FAR section 25.108(d)(1)'' and adding in its place ''FAR 25.104(a)''.

20. Section 225.7019–2 amended by revising paragraph (b) to read as follows:

225.7019–2 Exceptions.

* * * * *

(b) The restrictions in 225.7019–1(b) does not apply to contracts for acquisition of commercial items or subcontracts for acquisition of commercial items or commercial components (see 212.503(a)(xi) and 212.504(a)(xxv)).

PART 226—OTHER SOCIOECONOMIC PROGRAMS

226.104 [Amended]

21. Section 226.104 is amended as follows:

a. By removing the introductory text ''Use the following prescription instead of the prescription at FAR 26.10(a):'' and

b. By removing the paragraph (a) designation.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

242.002 [Amended]

22. Section 242.002 is amended in paragraph (S–70)(iii) introductory text in the first sentence by removing ''Defense Contract Management Command (DCMC), New York, NY'' and adding in its place ''Headquarters, Defense Contract Management Agency, International and Federal Team''.

242.202 [Amended]

23. Section 242.202 is amended as follows:

a. In paragraph (a)(ii) in the last sentence by removing ''Command (DCMC)'' and adding in its place ''Agency (DCMA)''; and

b. In paragraph (a)(iii) in the first and last sentences by removing ''DCMC'' and adding in its place ''DCMA''.

242.302 [Amended]

24. Section 242.302 is amended as follows:

a. In paragraph (a)(13)(A) by removing ''Command (DCMC)'' and adding in its place ''Agency (DCMA)'';

b. In paragraph (a)(13)(B) introductory text and the first sentence of paragraph (a)(13)(C) by removing ''DMC'' and adding in its place ''DCMA''; and

c. In paragraph (a)(41) by removing ''The Defense Contract Management Command (DCMC)'' and adding in its place ''DCMA''.

242.771–3 [Amended]

25. Section 242.771–3 is amended in paragraph (b) by removing the phrase ''Command of the Defense Logistics''.

242.7301 [Amended]

26. Section 242.7301 is amended as follows:

a. In paragraph (a) introductory text in the last sentence by removing ''Defense Logistics Agency (DLA)'' and adding in its place ''Defense Contract Management Agency (DCMA)''; and

b. In paragraphs (a)(2) and (b) by removing ''DLA'' and adding in its place ''DCMA''.

242.7302 [Amended]

27. Section 242.7302 is amended in paragraph (a)(1)(ii) by removing ''DLA'' and adding in its place ''DCMA''.

242.7303 [Amended]

28. Section 242.7303 is amended in paragraphs (a)(2) and (a)(3) and the introductory text of paragraph (b) by removing ''DLA'' and adding in its place ''DCMA''.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

29. Section 252.211–7005 is amended as follows:

a. By revising the clause date to read ''(AUG 2000)'';

b. In paragraph (a) in the last sentence by removing the word ''Command'' and adding in its place the word ''Agency''; and

c. In paragraph (b) by revising the last sentence to read as follows:

252.211–7005 Substitutions for Military or Federal Specifications and Standards.

* * * * *

(b) * * * A listing of SPI processes accepted at specific facilities is available via the Internet in PDF format at http://www.dcmc.hq.dla.mil/dcmc_o/oc/spi/files/dbreport/files/modified.pdf and in Excel format at http://www.dcmc.hq.dla.mil/dcmc_o/oc/spi/files/dbreport/files/modified.xls.

* * * * *

252.225–7009 [Amended]

30. Section 252.225–7009 is amended as follows:

a. By revising the clause date to read ''(AUG 2000)'';

b. In paragraph (f)(2)(iv)(A) in the last sentence by removing ''Command (DCMC)'' and adding in its place ''(DCMC)'', and by adding after ''New York Avenue,'' the phrase ''Building 120,'';

c. In paragraph (f)(2)(iv)(B) by removing ''Defense Contract Management Command (DCMC)'' and adding in its place ''DCM'';

d. In paragraph (f)(2)(vii) by removing ''DCMC'' and adding in its place ''DCM''; and

e. In paragraph (g)(1) in the second sentence by removing ''DCMC NY'' and adding in its place ''DCM New York''.

252.225–7010 [Amended]

31. Section 252.225–7010 is amended as follows:

a. By revising the clause date to read ''(AUG 2000)'';

b. In paragraph (e) introductory text in the first sentence by removing ''Command (DCMC)'' and adding in its place ''(DCM)'', and by adding after ''New York Avenue,'' the phrase ''Building 120,''; and

c. In paragraph (e)(3) and the second sentence of paragraph (f) by removing ''DCMC'' and adding in its place ''DCM''.

252.225–7012 [Amended]

32. Section 252.225–7012 is amended as follows:

a. By revising the clause date to read ''(AUG 2000)''; and

b. In paragraph (b)(1) by removing ''FAR section 25.108(d)(1)'' and adding in its place ''FAR 25.104(a)''.

252.225–7037 [Amended]

33. Section 252.225–7037 is amended as follows:

a. By revising the clause date to read ''(AUG 2000)'';

b. In paragraph (f)(2)(iv)(A) in the last sentence by removing ''Command (DCMC)'' and adding in its place ''(DCM)'', and by adding after ''New York Avenue,'' the phrase ''Building 120.'';

c. In paragraph (f)(2)(iv)(B) in the first sentence by removing ''DCMC, NY'' and adding in its place ''DCM New York'';

d. In paragraph (f)(2)(iv)(B) in the last sentence by removing ''CDMC, NY'' and adding in its place ''DCM New York'', and by adding an end parenthesis after the period;

e. In paragraph (f)(2)(vii) by removing ''DCMC'' and adding in its place ''DCM;'' and

f. In paragraph (g)(1) in the second sentence by removing ''DCMC NY'' and adding in its place ''DCM New York''.

PART 253—FORMS

34. Section 253.208–1 is amended as follows:

a. By revising paragraph (c)(6)(i)(A); and

b. In paragraph (e) in the first sentence by removing the word ''Command'' and adding in its place the word ''Agency''. The revised text reads as follows:

252.208–1 DD Form 448, Military Interdepartmental Purchase Request.

* * * * *

(c) * * *

(6) ***

(i) * * *

(A) The resulting contract is not to be paid by the Defense Finance and Accounting Service; and

* * * * *

253.213–70 [Amended]

35. Section 253.213–70 is amended in paragraph (e), under the heading ''BLOCK 19 Schedule of Supplies/Services—'', in the last sentence of the introductory text, by removing ''DCMC'' and adding in its place ''the Defense Contract Management Agency''.

36. The note at the end of Part 253 is amended as follows:

a. By removing the entry ''253.303–1348–1'' and adding in its place the following two new entries:

''253.303–1348–1A—Issue Release/Receipt Document.

253.303–1348–2—Issue Release/Receipt Document with Address Label.''; and

b. By removing the entry ''253.303–1651''.

Appendix F—Material Inspection and Receiving Report

F–301 [Amended]

37. Appendix F to Chapter 2 is amended in Part 3, Section F–301, as follows:

a. In paragraph (b)(2)(ii) by removing the parenthetical ''(Block 16(d)(6))'' and

adding in its place ''(see paragraph (b)(16)(iv)(F) of this section)'';

b. In paragraph (b)(16)(iii) introductory text by removing ''Defense Contract Management Command'' and adding in its place ''the Defense Contract Management Agency'';

c. In paragraph (b)(21)(ii) by removing ''Command (DCMC)'' and adding in its place ''Agency (DCMA)''; and

d. In paragraph (b)(21)(iii) in the second sentence and in paragraphs (b)(21)(iv)(B)*(2)*, (b)(21)(iv)(B)*(3)*, (b)(21)(iv)(D)*(1)*, and (b)(21)(iv)(D)*(2)*, by removing ''DCMC'' and adding in its place ''DMCA''.

F–401 [Amended]

38. Appendix F to Chapter 2 is amended in Part 4, Section F–401, under the heading ''Material Inspection and Receiving Report Table 1—Standard Distribution'', as follows:

a. In the parenthetical beneath the entry ''Contract Administration Office'', by removing ''DCMD, DCMAO, or a DPRO'' and adding in its place ''Defense Contract Management Agency (DCMA) office''; and

b. In the parenthetical beneath the entry ''Payment Office'', in paragraph (i), by removing ''DCMD or DCMAO'' and adding in its place ''DCMA office''.

Appendix G—Activity Address Numbers

39. Appendix G to Chapter 2 is amended in Part 4 as follows:

a. By removing the entries ''M60050'' and ''M67438'';

b. By revising the entry ''M67400''; and

c. By adding, in alpha-numerical order, a new entry ''M67865''. The revised and added text reads as follows:

Part 4—Marine Corps Activity Address Numbers

* * * * *

M67400–QJ

Marine Corps Regional Contracting Office (Far East), Marine Corps Base Camp Smedley D. Butler, PSC 577, Box 2000, FPO AP, NA 96379–2000

* * * * *

M67865—J9

Contracting Office, MCAS Miramar (Code 5KB), PO Box 452007, San Diego, CA 92145–2007

* * * * *

40. Appendix G to Chapter 2 is amended in Part 5 as follows:

a. In the entry ''F61521'' by removing ''UH, UJ'' and adding in its place ''UH''; and

b. By adding, in alpha-numerical order, a new entry ''F63197'' to read as follows:

Part 5—Air Force Activity Address Numbers

* * * * *

F63197—UJ

731 MUNSS/LGC, Unit 7230, Box 49, Araxos AB APO AE 09843–0049

* * * * *

[FR Doc. 00–22094 Filed 8–30–00; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 209 and 223

[DFARS Case 2000–D004]

Defense Federal Acquisition Regulation Supplement; Pollution Control and Clean Air and Water

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise and relocate policy on the level of approval required to except a contract from certain restrictions of the Clean Air Act or the Clean Water Act. The policy is moved from the Pollution Control and Clean Air and Water subpart to the Debarment, Suspension, and Ineligibility subpart of the DFARS, because the Federal Acquisition Regulation (FAR) subpart on Pollution Control and Clean Air and Water has been removed.

EFFECTIVE DATE: August 31, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0289; telefax (703) 602–0350. Please cite DFARS Case 2000–D004.

SUPPLEMENTARY INFORMATION:

A. Background

On December 27, 1999, Item I of Federal Acquisition Circular 97–15 (64 FR 72415) removed Subpart 23.1, Pollution Control and Clean Air and Water, from the FAR. Subpart 23.1 contained policy pertaining to entities that are ineligible for contract award due to a violation of the Clean Air Act or the Clean Water Act. The FAR text was deemed unnecessary, because contracting officers can use the General Services Administration List of Parties Excluded from Federal Procurement and Nonprocurement Programs to ensure that they do not award contracts to ineligible entities. In accordance with Environmental Protection Agency regulations at 40 CFR 32.215(b), FAR Subpart 23.1 permitted an agency head to except a contract from the prohibition on award to a Clean Air Act or Clean Water Act violator if it was in the paramount interest of the United States to do so. DFARS Subpart 223.1 limited delegation of this exception authority to a level no lower than an official who is appointed by and with the advice of the Senate.

This final rule—

1. Removes the text from DFARS Subpart 223.1, since FAR Subpart 23.1 no longer exists; and relocates the text to DFARS 209.405(b), since the corresponding text at FAR 9.405(b) addresses matters relating to entities on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs;

2. Retains a limitation on delegation of the exception authority, but lowers the permitted level of delegation to a level no lower than a general or flag officer or a member of the Senior Executive Service; and

3. Designates the text already located at DFARS 209.405 as 209.405(a), and amends the text to clarify that the provisions of 10 U.S.C. 2393 regarding a ''compelling reason'' determination apply only to the conduct of business with entities that are debarred or suspended.

DoD published a proposed rule at 65 FR 32065 on May 22, 2000. DoD received no public comments on the proposed rule. The proposed rule is converted to a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule pertains only to the exceptional situations where there is a need to conduct business with entities that are debarred or suspended or, because of a violation of the Clean Air Act or the Clean Water Act, are ineligible for award.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 209 and 223

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209 and 223 are amended as follows:

1. The authority citation for 48 CFR Parts 209 and 223 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 209—CONTRACTOR QUALIFICATIONS

2. Section 209.405 is revised to read as follows:

209.405 Effect of listing.

(a) Under 10 U.S.C. 2393(b), when a department or agency determines that a compelling reason exists for it to conduct business with a contractor that is debarred or suspended from procurement programs, it must provide written notice of the determination to the General Services Administration, Office of Acquisition Policy. Examples of compelling Reasons are—

(i) Only a debarred or suspended contractor can provide the supplies or services;

(ii) Urgency requires contracting with a debarred or suspended contractor;

(iii) The contractor and a department or agency have an agreement covering the same events that resulted in the debarment or suspension and the agreement includes the department or agency decision not to debar or suspend the contractor; or

(iv) The national defense requires continued business dealings with the debarred or suspended contractor.

(b)(i) The Procurement Cause and Treatment Code ''H'' annotation in the GSA List of Parties Excluded from Federal Procurement and Nonprocurement Programs identifies contractors that are declared ineligible for award of a contract or subcontract because of a violation of the Clean Air Act (42 U.S.C. 7606) or the Clean Water Act (33 U.S.C. 1368).

(ii) Under the authority of 40 CFR 32.215(b), the agency head may grant an exception permitting award to a Code ''H'' ineligible contractor if it is in the paramount interest of the United States.

(A) The agency head may delegate this exception authority to a level no lower than a general or flag officer or a member of the Senior Executive Service.

(B) The official granting the exception must provide written notice to the Environmental Protection Agency debarring official.

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 223.1—[Removed]

3. Subpart 223.1 is removed.

[FR Doc. 00–22093 Filed 8–30–00; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 000511131–0234–02; I.D. 021500A]

RIN 0648-AM75

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 12

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 12 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (Amendment 12). This rule extends the current moratorium on the issuance of commercial vessel permits for king mackerel through October 15, 2005. The intended effects of this final rule are to prevent speculative entry into the fishery and provide stability in the fishery.

DATES: This final rule is effective October 2, 2000.

ADDRESSES: Comments regarding the collection-of-information requirements contained in this final rule should be sent to Dr. Roy Crabtree, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer). Comments on any ambiguity or unnecessary complexity arising from the language used in this rule should be directed to the Southeast Regional Office, NMFS, at the above address.

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

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared jointly by the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council (Councils), approved by NMFS, and implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On March 1, 2000, NMFS announced the availability of proposed Amendment 12 to the FMP and requested comments on it (65 FR 11028). NMFS approved Amendment 12 on May 31, 2000, and on June 1, 2000, published a proposed rule to implement the extended commercial vessel permit moratorium in Amendment 12 (65 FR 35040). The background and rationale for the extended permit moratorium in the amendment and proposed rule are contained in the preamble to the proposed rule and are not repeated here.

Comments and Responses

NMFS received comments from five individuals regarding Amendment 12 or the proposed rule. A summary of those comments and NMFS responses follows.

Comment 1: All five individuals supported the extension of the permit moratorium because it would maintain stability in the fishery, prevent increasing effort, and aid in maintaining healthy fish stocks and fisheries.

Response: NMFS agrees that the action is appropriate. NMFS has approved Amendment 12 and is issuing this implementing final rule.

Comment 2: Two commenters offered suggestions for additional management measures for king mackerel, including slot limits, elimination of gears, and separate quotas for the charter industry. The commenters also suggested additional research to address the status of the king mackerel stocks in the Gulf of Mexico and the South Atlantic.

Response: NMFS agrees that there are numerous additional management options available to the Councils to effectively manage the coastal migratory pelagic resources of the southeastern United States. However, under the Magnuson-Stevens Act, NMFS cannot substitute measures for, or add measures to, the specific measures proposed by the Councils; NMFS can only approve, disapprove, or partially approve the

proposed measures and implement the approved measures by final rule. NMFS encourages the public to be actively involved in the Council process and provide suggestions to the Councils for their deliberations.

Classification

The Administrator, Southeast Region, NMFS, determined that Amendment 12 is necessary for the conservation and management of the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

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

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

This rule includes collection-of-information requirements that are subject to the PRA. The first collection-of-information pertains to applications for commercial vessel permits. That collection is currently approved under OMB control number 0648-0205 and its public reporting burden is estimated at 20 minutes per response. The second collection-of-information pertains to fishing records of vessels permitted in the commercial king or Spanish mackerel fisheries. That collection is currently approved under OMB control number 0648-0016 and its public reporting burden is estimated at 15 minutes per response. These burden estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this final rule. Such comments should be directed to NMFS Southeast Regional Office (see **ADDRESSES**).

List of Subjects in 50 CFR Part 622

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

Dated: August 23, 2000.

William T. Hogarth,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

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

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

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

2. In § 622.4, the last two sentences of paragraph (a)(2)(iii), the last sentence of paragraph (a)(2)(iv), and paragraph (q) are revised to read as follows:

§ 622.4 Permits and fees.

(a) * * *

(2) * * *

(iii) * * * To obtain or renew a commercial vessel permit for king mackerel, at least 25 percent of the applicant's earned income, or at least $10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application. See paragraph (q) of this section regarding a moratorium on commercial vessel permits for king mackerel, transfers of permits during the moratorium, and limited exceptions to the earned income or gross sales requirement for a permit.

(iv) * * * To obtain or renew a commercial vessel permit for Spanish mackerel, at least 25 percent of the applicant's earned income, or at least $10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.

* * * * *

(q) Moratorium on commercial vessel permits for king mackerel. This paragraph (q) is effective through October 15, 2005.

(1) No applications for additional commercial vessel permits for king mackerel will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (q)(2) through (q)(5) of this section, and are subject to the requirement for timely renewal in paragraph (q)(6) of this section.

(2) An owner of a permitted vessel may transfer the commercial vessel permit for king mackerel issued under this moratorium to another vessel owned by the same entity.

(3) An owner whose percentage of earned income or gross sales qualified him/her for the commercial vessel permit for king mackerel issued under the moratorium may request that NMFS transfer that permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for king mackerel for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the percentage of earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income or gross sales requirement not later than the first full calendar year after the permit transfer takes place.

(4) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may request that NMFS transfer the permit to the income-qualifying operator when such operator becomes an owner of a vessel.

(5) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may have the operator qualification on the permit removed, and renew it without such qualification through April 15 following the first full calendar year after removing it, without meeting the earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner must meet the earned income or gross sales requirement not later than the first full calendar year after the operator qualification is removed. To have an operator qualification removed from a permit, the owner must return the original permit to the RA with an application for the changed permit.

(6) NMFS will not reissue a commercial vessel permit for king mackerel if the permit is revoked or if the RA does not receive an application for renewal within 1 year of the permit's expiration date.

§§ 622.2, 622.6, 622.41, and 622.44 [Amended]

3. In addition to the amendments set forth above, in 50 CFR part 622, remove the word ''Dade'' and add, in its place, the words ''Miami-Dade'' in the following places:

(a) Section 622.2, in paragraph (2) of the definition of ''Migratory group'';

(b) Section 622.6(b)(2);

(c) Section 622.41(c)(3)(ii)(B); and

(d) Section 622.44(a)(1)(iii).

[FR Doc. 00–22237 Filed 8–30–00; 8:45 am]

Billing Code: 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211040–0040–01; I.D. 082500A]

Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/''Other flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for species in the rock sole/flathead sole/''other flatfish'' fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2000 Pacific halibut by catch allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery category.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 25, 2000, until 2400 hrs, A.l.t., December 31, 2000.

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

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

The Final 2000 Harvest Specifications of Groundfish (65 FR 8282, February 18, 2000) and subsequent technical amendment (65 FR 42302, June 10, 2000) established the halibut bycatch mortality allowance for the BSAI trawl rock sole/flathead sole/''other flatfish'' fishery category, which is defined at § 679.21(e)(3)(iv)(B)(2), as 779 metric tons.

In accordance with § 679.21(e)(7)(v), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2000 halibut bycatch allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery in the BSAI has been caught. Consequently, the Regional Administrator is closing directed fishing for species in the rock sole/flathead sole/''other flatfish'' fishery category by vessels using trawl gear in the BSAI.

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

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent exceeding the 2000 halibut bycatch allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery category. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to the public interest. The fleet will soon take the allowance. Further delay would only result in the 2000 halibut bycatch allowance being exceeded. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under U.S.C. 553(d), a delay in the effective date is hereby waived.

Classification

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

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

Bruce C. Morehead,

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

[FR Doc. 00–22216 Filed 8–25–00; 3:39 pm]

Billing Code: 3510–22–S

Proposed Rules

Federal Register
Vol. 65, No. 170
Thursday, August 31, 2000

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–53–AD]

RIN 2120–AA64

Airworthiness Directives; The Cessna Aircraft Company Models 425 and 441 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document withdraws a notice of proposed rulemaking (NPRM) that would have applied to all Cessna Aircraft Company (Cessna) Models 425 and 441 airplanes. The proposed AD would have required you to revise the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. The proposed AD was the result of reports of in-flight incidents and an accident (on airplanes other than the referenced Cessna airplanes) that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. Cessna has demonstrated that the design of the affected airplanes, including the language currently in the AFM, is adequate to address the conditions identified in the proposed AD for these airplanes. Therefore, AD action is not necessary to address the conditions on these airplanes and we are withdrawing the NPRM.

ADDRESSES: You may look at information related to this action at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–53–AD, 901 Locust, Room 506, Kansas City, Missouri 64106, between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Larry E. Werth, Airworthiness Directive Coordinator, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4147; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What Action Has FAA Taken to Date?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Cessna Models 425 and 441 airplanes that are equipped with pneumatic deicing boots. The proposal was published in the **Federal Register** as an NPRM on October 12, 1999 (64 FR 55184). The NPRM proposed to require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first sign of ice accumulation on the airplane.

Was the Public Invited to Comment?

The FAA invited interested persons to participate in the making of this amendment. We received a comment on the proposed AD from Cessna. Our analysis and disposition of this comment follow:

Comment Disposition

What Is the Commenter's Concern?

Cessna provides information it believes demonstrates that the design of the affected airplanes, including the language currently in the AFM, is adequate to address the conditions identified in the proposed AD for these airplanes. Therefore, Cessna requests that FAA withdraw the NPRM.

What Is FAA's Response to the Concern?

After evaluating the information that Cessna submitted, we have determined that the design of the affected airplanes, including the language currently in the AFM, is adequate to address the conditions identified in the proposed AD for these airplanes. We will withdraw the NPRM per the Cessna request.

The FAA's Determination

What Is FAA's Final Determination on This Issue?

Based on the above information, we have determined that there is no need for the NPRM, Docket No. 99–CE–53–AD, and that we should withdraw it.

Withdrawal of this NPRM does not prevent us from issuing another notice in the future, nor will it commit us to any course of action in the future.

Regulatory Impact

Does This AD Involve a Significant Rule or Regulatory Action?

Since this action only withdraws a proposed AD, it is not an AD and, therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, FAA withdraws the notice of proposed rulemaking, Docket No. 99–CE–53–AD, published in the **Federal Register** on October 12, 1999 (64 FR 55184).

Issued in Kansas City, Missouri, on August 23, 2000.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–22271 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–27–AD]

Airworthiness Directives; Siam Hiller Holdings, Inc. Model UH–12, UH–12A, UH–12B, UH–12C, UH–12D, UH–12E, UH–12E–L, UH–12L, and UH–12L4 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) for Siam Hiller Holdings, Inc. (Hiller), formerly Rogerson Hiller Corporation, Model UH–12, UH–12A, UH–12B, UH–12C, UH–12D, UH–12E, UH–12E–l, UH–12L, and UH–12L4 helicopters. The AD would require replacing all undrilled-shank bolts at pivoting joints in the control system linkage with drilled-shank bolts and

installing castellated nuts and cotter pins. This proposal is prompted by an accident caused by separation of the control system linkage of a Model UH–12E helicopter. The actions specified by the proposed AD are intended to prevent separation of the control system attachments at pivoting points and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before October 30, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–27–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jon Mowery, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712–4137, telephone (562) 627–5322, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–27–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–27–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

This document proposes the adoption of a new airworthiness directive (AD) for Hiller Model UH–12, UH–12A, UH–12B, UH–12C, UH–12D, UH–12E, UH–12E–l, UH–12L, and UH–12L4 helicopters. The AD would require replacing all undrilled-shank bolts at pivoting joints in control system linkage with drilled-shank bolts and installing castellated nuts and cotter pins. This proposal is prompted by an accident due to separation of the control system attachments at pivoting points on a Model UH–12E helicopter. The attachments are bolts with self-locking nuts that can lose the self-locking feature with repeated disassembly. This condition, if not corrected, could result in separation of the control system attachments at pivoting points and subsequent loss of control of the helicopter.

The FAA has reviewed Hiller Aircraft Service Bulletin No. 10–4, Revision 2, dated December 20, 1999 (SB), which describes procedures for replacing plain bolts and self-locking nuts, used at pivoting joints, with drilled-shank bolts, castellated nuts, and cotter pins.

We have identified an unsafe condition that is likely to exist or develop on other Hiller Model UH–12, UH–12A, UH–12B, UH–12C, UH–12D, UH–12E, UH–12E–L, UH–12L, and UH–12L4 helicopters of the same type design. The proposed AD would require at the next annual inspection or within 12 months, whichever occurs first, replacing all undrilled-shank bolts with drilled-shank bolts at pivoting joints in the control system linkage and installing castellated nuts and cotter pins. The actions would be required to be accomplished in accordance with the SB described previously.

The FAA estimates that 500 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 24 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $150 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $795,000.

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 a new airworthiness directive to read as follows:

Siam Hiller Holdings, Inc.: Docket No. 2000–SW–27–AD.

Applicability: Model UH–12, UH–12A, UH–12B, UH–12C, UH–12D, UH–12E, UH–12E–L, UH–12L, UH–12L4 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in

accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required at the next annual inspection or within 12 months, whichever occurs first, unless accomplished previously.

To prevent separation of the control system attachments at pivoting points and subsequent loss of control of the helicopter, accomplish the following:

(a) Replace all undrilled-shank bolts at pivoting joints in the control system linkage with drilled-shank bolts, and install castellated nuts and cotter pins in accordance with Hiller Aircraft Corporation Service Bulletin No. 10–4, Revision 2, dated December 20, 1999.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

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

Issued in Fort Worth, Texas, on August 24, 2000.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–22283 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–33]

Proposed Establishment of Class E Airspace; Oak Grove, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace at Oak Grove, NC. The United States Marine Corps operates a part time control tower at the marine Corps Outlying Landing Facility (MCOLF) Airport. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is required when the control tower is open to accommodate instrument approaches and for Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before October 2, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 00–ASO–33, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5586.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

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–ASO–33.'' The postcard will be date/time stamped and returned to the commenter. All communications received 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 the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, 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 NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO–520, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace at Oak Grove, NC. 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 would be published subsequently in the Order.

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. It, therefore, 91) 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.

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 Federal Aviation Administration Order 7400.9F, 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.

* * * * *

ASO NC E5 Oak Grove, NC [New]

Marine Corps Outlying Landing Facility Airport, NC
(Lat. 35°02′01″N, long. 77°14′59″W)
That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Marine Corps Outlying Landing Facility Airport, excluding that airspace within the New Bern, NC, Class E airspace area.

* * * * *

Issued in College Park, Georgia, on August 21, 2000.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–22364 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 00–ACE–23]

Amendment of Time of Use for Restricted Areas R–4501A, B, C, D, and E, Fort Leonard Wood; MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the times of use for Restricted Areas R–4501A, B, C, D, and E, Fort Leonard Wood, MO. Specifically, this action proposes to reduce and/or increase the published times and/or days the restricted areas are in use. The FAA is proposing this action in response to the United States Army's (USA) increased training requirements.

DATES: Comments must be received on or before October 16, 2000.

ADDRESSES: Send comments on this proposal in triplicate to: Manager, Air Traffic Division, ACE–500, Docket No. 00–ACE–23, Federal Aviation Administration, 601 East 12th Street, Federal Building, Kansas City, MO 64106. 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: William C. Nelson, 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 action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ACE–23.'' 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 action 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 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) using a modem and suitable communications software.

Internet users may reach the FAA's web page at *http://www.faa.gov* or the Federal Register's web page at *http://www.access.gpo.gov/nara* for access to recently published rulemaking documents.

Any person may also obtain a copy of this NPRM by submitting a request to the FAA, 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 docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA, Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

Background

The Department of Defense in a continuing need to meet its added national defense responsibilities has increased its training requirements of the USA Reserve and National Guard resources in many areas of the United States. One of the locations where this training has been increased is at Fort Leonard Wood, MO. This increase in training requires modification of the times of use for R–4501 and its subdivisions. Therefore, the USA has requested that the FAA amend the times and days of use for R–4501A, B, C, D, and E.

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to modify the times of use of R–4501 and its subdivisions over Fort Leonard Wood, MO. Specifically, the FAA proposes to activate R–4501A thirty minutes earlier and deactivate it three hours later. Additionally, R–4501B would be activated on the same schedule but deactivated four hours later. The day schedule (Monday-Saturday) would remain unchanged.

Also, the FAA proposes to activate R–4501C and D two hours later Monday–Friday and deactivate it three hours later than the current designation on

Monday and two hours earlier Tuesday–Friday. Saturday would no longer be designated as an active day unless done so by NOTAM 24 hours in advance. In addition, the FAA proposes to activate R–4501E on the same schedule as R–4501C and D. The FAA is proposing this action at the request of the USA to meet the increasing training efforts of the USA at Fort Leonard Wood, MO, and to better depict more realistic operational times of use of the restricted areas.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 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.

2. § 73.45 is amended as follows:

* * * * *

R–4501A Fort Leonard Wood West, MO [Amended]

By removing the words ''Time of Designation. 0700–1800 Monday–Saturday; other times by NOTAM issued at least 24 hours in advance.'' and inserting the words ''Time of Designation. 0630–2100 Monday–Saturday; other times by NOTAM issued at least 24 hours in advance.''

R–4501B Fort Leonard Wood East, MO [Amended]

By removing the words ''Time of Designation. 0700–1800 Monday–Saturday; other times by NOTAM issued at least 24 hours in advance.'' and inserting the words ''Time of Designation. 0630–2200 Monday–Saturday; other times by NOTAM issued at least 24 hours in advance.''

R–4501C Fort Leonard Wood, MO [Amended]

By removing the words ''Time of Designation. 0700–1800 Monday–Saturday; other times by NOTAM issued at least 24 hours in advance.'' and inserting the words ''Time of Designation. 0900–2100 Monday; 0900–1600 Tuesday–Friday; other times by NOTAM issued at least 24 hours in advance.''

R–4501D Fort Leonard Wood, MO [Amended]

By removing the words ''Time of Designation. 0700–1800 Monday–Saturday; other times by NOTAM issued at least 24 hours in advance.'' and inserting the words ''Time of Designation. 0900–2100 Monday; 0900–1600 Tuesday–Friday; other times by NOTAM issued at least 24 hours in advance.''

R–4501E Fort Leonard Wood, MO [Amended]

By removing the words ''Time of Designation. As specified by NOTAM at least 24 hours in advance.'' and inserting the words ''Time of Designation. 0900–2100 Monday; 0900–1600 Tuesday–Friday; other times by NOTAM issued at least 24 hours in advance.''

* * * * *

Issued in Washington, DC, on August 24, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–22358 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 630

[FHWA Docket No. FHWA–2000–7426]

RIN 2125–AE77

Federal-Aid Project Agreement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA proposes to combine its regulation on Federal-aid project authorization and its regulation on project agreements. Section 1305 of the Transportation Equity Act for the 21st Century (TEA–21) amended 23 U.S.C. 106(a) and combined authorization of work and execution of the project agreement for a Federal-aid project into a single action. Changes to the agreement provisions are being proposed to reflect these adjustments. Additionally, section 1304 of the TEA–21 amended 23 U.S.C. 102(b) to include a provision to allow the granting of time extensions for engineering cost reimbursement. Changes to the procedures would be added to agency regulations to provide this new flexibility.

DATES: Comments must be received on or before October 2, 2000. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at *http://dmses.dot.gov/submit.* All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal Holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Wasley, Office of Program Administration (HIPA), (202) 366–4658, or Mr. Harold Aikens, Office of the Chief Counsel (HCC–30), (202) 366–0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or retrieve comments online through the Document Management System (DMS) at: *http://dmses.dot.gov/submit.* Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site.

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's web page at: *http://www.access.gpo.gov/nara.*

Background

Under the provisions of 23 U.S.C. 106, a formal agreement between the State transportation department (STD) and the FHWA is required for Federal-aid highway projects. This agreement, referred to as the ''project agreement,'' is in essence a written contract between the State and the Federal Government defining the extent of the work to be undertaken, the State and the Federal shares of a project's cost, and commitments concerning maintenance of the project.

The present regulation at 23 CFR 630, subpart C, provides requirements concerning the project agreement. It

includes detailed instructions on preparation of the project agreement, and an assemblage of agreement provisions that are part of the project agreement.

The present regulation at 23 CFR 630, subpart A, provides requirements concerning the project authorization. The FHWA authorization commits the Federal Government to participate in the funding of a project, except in those instances where the State requests FHWA authorization without the commitment of Federal funds. In addition, FHWA authorization also establishes a point in time after which costs incurred on a project are eligible for Federal participation.

It is the FHWA's desire to update and modify the existing regulation to incorporate needed changes to reflect adjustments made by sections 1304 and 1305 of the TEA–21, Public Law 105–178, 112 Stat.107, to combine the project agreement and provisions into the authorization of work, and to retain existing versatility in its use. The proposed changes are discussed in the following section-by-section analysis.

Section-by-Section Analysis

Section 630.102 Purpose

Section 630.102 would be combined with § 630.301 to create a new § 630.102, with minor changes for clarity.

Section 630.104 Applicability

Section 630.104(a) would be retained without modification. Section 630.104(b) would be combined with § 630.104(c) to create a new § 630.104(b), to eliminate the need to cross reference projects financed with FHWA funds covered under separate regulations.

Section 630.106 Authorization To Proceed

Section 630.106 would be revised to reflect that a project agreement is needed before authorization can be given to proceed with a project. At times, certain special projects may have unique authorization requirements in advance of the commitment of Federal funds. A project agreement, therefore, would be used to authorize special projects to proceed and not be construed as creating in any manner any obligation of the part of the Federal government to provide Federal funds for that portion of the undertaking not fully funded in the agreement. This section would retain many of the basic principles set forth in existing § 630.106. The following discussion covers proposed § 630.106 by individual paragraph.

Section 630.106(a) would retain the requirement that the FHWA's authorization to proceed with a Federal-aid project will only be given in response to a request from the STD in a project agreement, and then only if the applicable requirements in law have been satisfied for the project.

Section 630.106(b) would retain the longstanding requirement that Federal-aid funds will only participate in costs incurred after the date the FHWA has authorized the State to proceed with the project. However, exceptions to this requirement have been allowed under a process set forth in 23 CFR 1.9(b). For informational purposes, wording has been included in paragraph (b) to identify and cross reference the exception process.

Section 630.106 (c), (d), and (e) would retain the requirement that at the time a project agreement is executed for a Federal-aid project, the appropriate Federal funds for this project must be available. Four general categories for exceptions to this rule are presented in § 630.106(c)(1)–(4), these being the same four categories that are in the existing regulation. Section 630.106(d) would be shortened to make it comparable with the clarification provided for other project agreement conditions and requirements.

Section 630.106(f) is revised for purposes of clarification. The FHWA project agreement represents a contractual action by the FHWA and the Federal share of eligible costs must be agreed upon when the project agreement is executed. The Federal share may be in the form of a specified percentage of eligible costs or a lump sum amount. Use of the lump sum share is to accommodate those instances where there is a desire to commit a fixed amount of Federal funds to a project. The lump sum amount may not exceed the legal pro rata share for the Federal funds involved. This may require downward adjustment of the lump sum amount when costs of eligible work on a project are less than the initial estimates at the time the project agreement is executed.

The Federal share agreed to would continue through the life of the project. Manipulation of funding levels of individual projects to accommodate program funding changes or needs would not be allowed. However, adjustments to the Federal share would be permitted for projects in situations where bid prices are significantly different from the estimates at the time of FHWA authorization.

Section 630.106(g) would retain cost sharing principles of title 23, U.S.C. This would continue the practice of allowing the State to contribute more than the normal State match on a Federal-aid project. A State may overmatch without being tied to a mandatory Federal share. However, token financing, such as when the Federal share represents only a minor percentage of eligible work or when large contributions are applied to the project to reduce the total cost, is not to be permitted. It is expected that the amount of Federal funds requested will represent at least 50 percent of eligible project costs. Exception to the 50 percent level should be based on sound project development or management reasons.

Section 630.106(h)(1) is new and would permit cash contributions from private sources for a specific Federal-aid project to be used to reduce the required State match of eligible costs. The FHWA participates in costs incurred on Federal-aid projects. Private cash contributions can be applied to either eligible or ineligible items of work. However, when a private cash contribution is applied to costs ineligible for Federal participation, the private cash contribution is not considered to have reduced the cost of the Federal-aid project and thus cannot reduce the State match.

Private cash contributions made to a State or local government with no designation to a specific project, are considered to be State or local government funds and may be used in any way State or local funds are authorized to be used, including providing State match on Federal-aid projects.

Contributions of funds from other Federal agencies to a specific project generally may not be used to provide the required State match on a Federal-aid project but, instead, are viewed as having reduced the cost incurred by the State on the project. The only exception is in those cases where specific legislative authority allows Federal funds to match other Federal funds.

The fair market value of any donated materials, services, or real property that are accepted and incorporated into the Federal-aid project by the STD may be credited against the State share in certain cases.

Section 630.106(h)(2) is new and would require that all contributions to a project be accounted for and properly credited to the project. The sum of cash contributions from all sources plus the Federal funds may not exceed the total cost of the project. This item is intended to prevent the State from making a profit on a Federal-aid project.

Section 630.108 Preparation of Agreement

This proposed new section would be a revision of existing § 630.303. A State is required to prepare a project agreement for each Federal-aid highway project. A State would continue to have the flexibility to develop its own format for the project agreement, provided it contains information identified as necessary by the regulation. The optional use of electronic forms and signatures as developed and implemented by the FHWA would also continue.

The following discussion covers proposed § 630.108 by individual paragraph:

Section 630.303(a) and (b) would be relocated to § 630.108(a) and (b), respectively, with the term ''State highway agency'' replaced with the new term ''State transportation department'' along with minor changes for clarity and consistency.

Sections 630.303(b)(1), (b)(2), (b)(3), and (b)(4), would be relocated to 23 CFR 630.108(b)(1), (b)(2), (b)(3), and (b)(4), respectively, without modification.

Section 630.108(b)(5) would be a new requirement for the project agreement. The Federal-aid share of eligible costs expressed as either a pro rata percentage or a lump sum is presently required to be established at the time of project authorization. The project agreement being combined with the project authorization requirements must contain this information.

Section 630.303(b)(5), (b)(6), and (b)(7), would be redesignated as § 630.108(b)(6), (b)(7), and (b)(8), and revised to reflect the new agreement provisions section.

Section 630.108(c) would be a new section containing the requirement that the project agreement must document instances when the State uses credit from special accounts and/or when other arrangements affecting Federal funding are used. The Federal share of eligible costs incurred by the State cannot exceed the maximum share permitted by legislation. The only exception is when using amounts of credits from special accounts (such as the 23 U.S.C. 120(j) toll credits, 23 U.S.C. 144(n) off-system bridge credits and 23 U.S.C. 323 land value credits) to cover all, or a portion, of the normal percent of non-Federal share of eligible project costs. The result is that the State may apply these credits to adjust the Federal participation in actual project costs up to 100 percent. The non-Federal participation of eligible costs must come from State funds. Local government funds are considered to be State funds. Thus, local government funds can be combined with STD funds to cover the required State match of eligible costs. The State has the flexibility of using amounts of credit from special accounts permitted by enabling legislation to cover all or a portion of the normal percent non-Federal share of the project.

Section 630.303(d) would be redesignated as § 630.108(d), without modification.

Section 630.110 Modification of Original Agreement

This proposed new section would be comprised of existing § 630.305 with minor revisions. References to the obsolete ''SHA'' nomenclature would be replaced with the current ''STD'' nomenclature and a clarifying statement added that would include our longstanding requirement that agreements should not be modified to replace one Federal fund category with another unless specifically authorized by statute.

Section 630.112 Agreement Provisions

This proposed new section would be a revision of existing § 630.307. The provisions contained in this section continue to be a required part of each project agreement. Only the provisions that are necessary are included in this section of the regulation. The project agreement, by reference to this section, incorporates the provisions into each agreement. The following discussion covers each of the existing provisions and describes the revisions that are being proposed.

Section 630.307(a), would be redesignated as § 630.312(a), replacing only the references to the obsolete ''SHA'' nomenclature with the current ''STD'' nomenclature. This general provision is so broad in scope that there is little or no need for other provisions. Under this general provision, the State agrees to comply with title 23, United States Code, the regulations implementing title 23, and the policies and procedures established by the FHWA. The States generally agree, in the project agreement process, to comply with all other applicable Federal laws and regulations.

Section 630.307(b), would be redesignated as § 630.312(a), with minor changes for clarity.

Section 630.307(c), would be redesignated as § 630.312(c), without modification, except for the use of ''STD'' nomenclature.

Section 630.307(c)(1), would be redesignated as § 630.312(c)(1), with minor changes for clarity. This provision requires repayment of Federal-aid highway funds authorized if road construction on this right-of-way had not begun within 20 years. It is proposed that information be added concerning the FHWA's process to approve a period longer than twenty years for the repayment of Federal funds that is allowed under 23 U.S.C. 108(a)(2).

Section 630.307(c)(2), would be redesignated as § 630.312(c)(2), with changes to allow the granting of time extensions for engineering cost reimbursement. This provision requires repayment of Federal-aid highway funds authorized if right-of way acquisition or actual construction had not begun within 10 years after authorization of the preliminary engineering. It is proposed that information be added indicating that the FHWA may approve a period longer than 10 years for the repayment of Federal funds if considered reasonable. This provision is now found in the statute; section 1304 of the TEA–21 incorporated this provision into 23 U.S.C. 102(c).

Sections 630.307(c)(3), (4), and (5) would be redesignated as § 630.312(c)(3), (4) and (5) without modification, except for the replacement of ''SHA'' nomenclature with ''STD'' nomenclature. These provisions require that certifications be given to the FHWA, for drug-free workplace certification required by 49 CFR 29.630, for suspension/debarment certification required by 49 CFR 29.510, and for lobbying certification required by 49 CFR 20.110. States must provide these certifications for each project. Placing language in the project agreement as part of the general provisions is considered the same as providing a separate certification action for every project placed under agreement.

Section 630.301 Purpose

This section would be removed because § 630.301 would be combined with § 630.102 to create a new § 630.102.

Section 630.303 Preparation of Agreement

This section would be removed because it would be relocated and revised as proposed new § 630.108.

Section 630.305 Modification of Original Agreement

This section would be removed because it would be relocated as proposed new § 630.110 with minor revisions.

Section 630.307 Agreement Provisions

This section would be removed because it would be relocated and revised as proposed new § 630.112.

The following derivation table is provided to assist the user in understanding the reorganization of sections contained in proposed subpart A of part 630. Note that many of the proposed new sections would contain revised language that originated from current subpart C, according to the description in the section-by-section analysis above:

New section	Old section
630.102	630.102 and 630.301
630.104(a)	630.104(a)
630.104(b)	630.104(b) and (c)
630.106(a)	630.106(a)
630.106(b)	630.106(b)
630.106(c)	630.106(c)
630.106(d)	630.106(d)
630.106(e)	630.106(e)
630.106(f)	630.106(f)
630.106(g)	630.106(g)
630.106(h)	Added
630.108(a)	630.303(a)
630.108(b)(1) through (b)(4).	630.303(b)(1) through (b)(4)
630.108(b)(5)	Added
630.108(b)(6), (b)(7), and (b)(8).	630.303(b)(5), (b)(6), and (b)(7)
630.108(c)	Added
630.108(d)	630.303(d)
630.110	630.305
630.112	630.307

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue a final rule at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file relevant information in the docket as it becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. The proposed amendments would merely update the Federal-aid project agreement regulation to conform to recent laws, regulations, or guidance and clarify existing policies. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities, such as local governments and businesses. Based on the evaluation, the FHWA hereby certifies that this action would not have a significant economic impact on a substantial number of small entities. The proposed amendments would merely clarify or simplify procedures used by State highway agencies in accordance with existing laws, regulations, or guidance. We specifically invite comments on this issue.

Unfunded Mandates Reform Act of 1995

This proposed rule would not impose a Federal mandate resulting in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1531 *et seq.*).

Executive Order 12988 (Civil Justice Reform)

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

Executive Order 13045 (Protection of Children)

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

Executive Order 12630 (Taking of Private Property)

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

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been preliminarily determined that it does not have a substantial direct affect or significant federalism implications on States or local governments that would limit the policymaking discretion of the States. Nothing in this document directly preempts any State law or regulation.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this proposal contains collection of information requirements for the purposes of the PRA. The requirements to collect information relating to the current provisions for the project agreement form are covered by a currently-approved information collection entitled ''Preparation and Execution of the Project Agreement and Modifications.'' This collection is covered under OMB Approval No. 2125–0529 with an expiration date of May 31, 2001.

This proposal would update and modify existing requirements to reflect statutory changes to the project agreement process enacted by Section 1305 of the Transportation Equity Act for the 21st Century (TEA–21, Pub. L. 105–178) amended 23 U.S.C. 106(a) and combined authorization of work and execution of the project agreement for a Federal-aid project into a single action. There are no changes to the current information collection burden estimates as a result of this proposal. The FHWA has estimated that the average number of project agreements executed annually by each of the respondents is 215 and that each agreement takes approximately one hour to complete. The 56 respondents include STDs in the 50 States, the District of Columbia, Puerto Rico, the Commonwealth of the Northern Mariana Islands and the Territories of Guam, the Virgin Islands, and American Samoa.

The FHWA seeks public comments regarding these information collection requirements. Interested parties are

invited to send comments regarding any aspect of these information collection requirements, including, but not limited to: (1) Whether the collection of information is necessary for the FHWA's performance, including whether the information has practical utility; (2) the accuracy of the estimated burdens; (3) ways to enhance the quality, utility, and clarity of the collection information; and (4) ways to minimize the collection burden without reducing the quality of the information collected.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 630

Government contracts, Grant programs—Transportation, Highways and roads, Project agreement procedures.

Issued on: August 24, 2000.

Kenneth R. Wykle,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA proposes to amend title 23, Code of Federal Regulations, by revising subpart A and removing and reserving subpart C of part 630 as set forth below:

PART 630—PRECONSTRUCTION PROCEDURES

1. Revise the authority citation for part 630 to read as follows:

Authority: 23 U.S.C. 106, 109, 115, 315, 320, and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

2. Revise subpart A of part 630 to read as follows:

Subpart A—Project Authorization and Agreements

Sec.

630.102 Purpose.
630.104 Applicability.
630.106 Authorization to proceed.
630.108 Preparation of agreement.
630.110 Modification of original agreement.
630.112 Agreement provisions.

§ 630.102 Purpose.

The purpose of this subpart is to prescribe policies for authorizing Federal-aid projects through execution of the project agreement required by 23 U.S.C. 106(a)(2).

§ 630.104 Applicability.

(a) This regulation is applicable to all Federal-aid projects unless specifically exempted.

(b) Other projects which involve special procedures are to be approved, or authorized as set out in the implementing instructions or regulations for those projects.

§ 630.106 Authorization to proceed.

(a)(1) The State transportation department (STD) must obtain an authorization to proceed from the FHWA before beginning work on any Federal-aid project. The STD may request an authorization to proceed in writing or by electronic mail for a project or a group of projects.

(2) The FHWA will issue the authorization to proceed either through or after the execution of a formal project agreement with the State. The agreement can be executed only after applicable prerequisite requirements of Federal laws and implementing regulations and directives are satisfied. Except as provided in subsections (c)(1)–(4) of the section, the FHWA will obligate Federal funds in the projects or group of projects upon execution of the project agreement.

(b) Federal funds shall not participate in costs incurred prior to the date of a project agreement except as provided by 23 CFR 1.9(b).

(c) The execution of the project agreement shall be deemed a contractual obligation of the Federal government under 23 U.S.C. 106 and shall require that appropriate funds be available at the time of authorization for the agreed Federal share, either pro rata or lump sum, of the cost of eligible work to be incurred by the State except as follows:

(1) Advance construction projects authorized under 23 U.S.C. 115.

(2) Projects for preliminary studies for the portion of the preliminary engineering and right-of-way (ROW) phase(s) through the selection of a location.

(3) Projects for ROW acquisition in hardship and protective buying situations through the selection of a particular location. This includes ROW acquisition within a potential highway corridor under consideration where necessary to preserve the corridor for future highway purposes. Authorization of work under this paragraph shall be in accord with the provisions of 23 CFR part 710.

(4) In special cases where the Federal Highway Administrator determines it to be in the best interest of the Federal-aid highway program.

(d) For projects authorized to proceed under paragraphs (c)(1) through (c)(4) of this section, the executed project agreement shall contain the following statement: ''Authorization to proceed is not a commitment or obligation to provide Federal funds for that portion of the undertaking not fully funded herein.''

(e) For projects authorized under paragraphs (c)(2) and (c)(3) of this section, subsequent authorizations beyond the location stage shall not be given until appropriate available funds have been obligated to cover eligible costs of the work covered by the previous authorization.

(f)(1) The Federal-aid share of eligible project costs shall be established at the time the project agreement is executed in one of the following manners:

(i) Pro rata, with the agreement stating the Federal share as a specified percentage; or

(ii) Lump sum, with the agreement stating that Federal funds are limited to a specified dollar amount not to exceed the legal pro rata.

(2) The pro-rata or lump sum share may be adjusted before or shortly after contract award to reflect any substantive change in the bids received as compared to the STD's estimated cost of the project at the time of FHWA authorization, provided that Federal funds are available.

(3) Federal participation is limited to the agreed Federal share of eligible costs actually incurred by the State, not to exceed the maximum permitted by enabling legislation.

(g) The State may contribute more than the normal non-Federal share of title 23, U.S.C., projects. In general, financing proposals that result in only minimal amounts of Federal funds in projects should be avoided unless they are based on sound project management decisions.

(h)(1) Donations of cash, land, material or services may be credited to the State's non-Federal share of the participating project work in accordance with title 23, United States Code, and implementing regulations.

(2) Contributions may not exceed the total costs incurred by the State on the project. Cash contributions from all sources plus the Federal funds may not exceed the total cost of the project.

§ 630.108 Preparation of agreement.

(a) The STD shall prepare a project agreement for each Federal-aid project.

(b) The STD may develop the project agreement in a format acceptable to both the STD and the FHWA provided the following are included:

(1) A description of the project location including State and project termini;

(2) The Federal-aid project number;

(3) The work covered by the agreement;

(4) The total project cost and amount of Federal funds under agreement;

(5) The Federal-aid share of eligible project costs expressed as either a pro rata percentage or a lump sum as set forth in § 630.106(f)(1);

(6) A statement that the State accepts and will comply with the agreement provisions set forth in § 630.112;

(7) A statement that the State stipulates that its signature on the project agreement constitutes the making of the certifications set for in § 630.112; and

(8) Signatures of officials from both the State and the FHWA, and the date executed.

(c) The project agreement should also document, by comment, instances where:

(1) The State is applying amounts of credits from special accounts (such as the 23 U.S.C. 120(j) toll credits, 23 U.S.C. 144(n) off-system bridge credits and 23 U.S.C. 323 land value credits) to cover all or a portion of the normal percent non-Federal share of the project; and

(2) The project involves other arrangements affecting Federal funding or non-Federal matching provisions, including tapered match, donations, or use of other Federal agency funds, if known at the time the project agreement is executed.

(3) The State is claiming finance related costs for bond and other debt instrument financing (such as payments to States under 23 U.S.C. 122).

(d) The STD may use an electronic version of the agreement as provided by the FHWA.

(Approved by the Office of Management and Budget under control number 2125–0529)

§ 630.110 Modification of original agreement.

(a) When changes are needed to the original project agreement, a modification of agreement shall be prepared. Agreements should not be modified to replace one Federal fund category with another unless specifically authorized by statute.

(b) The STD may develop the modification of project agreement in a format acceptable to both the STD and the FHWA provided the following are included:

(1) The Federal-aid project number and State;

(2) A sequential number identifying the modification;

(3) A reference to the date of the original project agreement to be modified;

(4) The original total project cost and the original amount of Federal funds under agreement;

(5) The revised total project cost and the revised amount of Federal funds under agreement;

(6) The reason for the modifications; and,

(7) Signatures of officials from both the State and the FHWA and date executed.

(c) The STD may use an electronic version of the modification of project agreement as provided by the FHWA.

§ 630.112 Agreement provisions.

(a) The State, through its transportation department, accepts and agrees to comply with the applicable terms and conditions set forth in title 23, United States Code, the regulations issued pursuant thereto, the policies and procedures promulgated by the FHWA relative to the designated project covered by the agreement, and all other applicable Federal laws and regulations.

(b) Federal funds obligated for the project must not exceed the amount agreed to on the project agreement, the balance of the estimated total cost being an obligation of the State. Such obligation of Federal funds extends only to project costs incurred by the State after the execution of a formal project agreement with the FHWA.

(c) The State must stipulate that as a condition to payment of the Federal funds obligated, it accepts and will comply with the following applicable provisions:

(1) *Project for acquisition of rights-of-way.* In the event that actual construction of a road on this right-of-way is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the project is authorized, the STD will repay to the FHWA the sum or sums of Federal funds paid to the transportation department under the terms of the agreement. The State may request a time extension beyond the 20-year limit with no repayment of Federal funds, and the FHWA may approve this request if it is considered reasonable.

(2) *Preliminary engineering project.* In the event that right-of-way acquisition for, or actual construction of, the road for which this preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the STD will repay to the FHWA the sum or sums of Federal funds paid to the transportation department under the terms of the agreement. The State may request a time extension for any preliminary engineering project beyond the 10-year limit with no repayment of Federal funds, and the FHWA may approve this request if it is considered reasonable.

(3) *Drug-free workplace certification.* By signing the project agreement, the STD agrees to provide a drug-free workplace as required by 49 CFR part 29, subpart F. In signing the project agreement, the State is providing the certification required in appendix C to 49 CFR part 29, unless the State provides an annual certification.

(4) *Suspension and debarment certification.* By signing the project agreement, the STD agrees to fulfill the responsibility imposed by 49 CFR 29.510 regarding debarment, suspension, and other responsibility matters. In signing the project agreement, the State is providing the certification for its principals required in appendix A to 49 CFR part 29.

(5) *Lobbying certification.* By signing the project agreement, the STD agrees to abide by the lobbying restrictions set forth in 49 CFR part 20. In signing the project agreement, the State is providing the certification required in the appendix to 49 CFR part 20.

Subpart C—[Removed and Reserved]

3. In part 630, remove and reserve subpart C.

[FR Doc. 00–22297 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–22–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL203–1; FRL–6862–2]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Illinois submitted a proposed rule to control emissions of oxides of nitrogen (NO_X). The proposed rule is to provide NO_X emission reductions to support attainment of the 1-hour ozone standard in the Metro-East/St. Louis ozone nonattainment area and will

contribute to attainment of the 1-hour ozone standard in the Chicago-Gary-Lake County ozone nonattainment area. Illinois' rule, which focuses on electric generating units, also represents a key portion of the State's response to EPA's October 27, 1998 NO_X SIP Call. EPA expects Illinois to adopt other rules to regulate NO_X emissions from other source types, and expects Illinois to submit an analysis of the adequacy of the full set of rules in conjunction with the other rules for addressing the NO_X SIP Call. Therefore, this EPA rulemaking does not address whether Illinois' rule (with or without rules for other source types) limits NO_X emissions to the extent required under the NO_X SIP Call. Through parallel processing, EPA is proposing to approve the rule, provided Illinois corrects identified deficiencies in its rule consistent with this notice. Most significantly, the rule has a provision that defers the compliance date of the rule beyond May 1, 2003, if any of certain Midwestern States do not have State NO_X regulations approved by the EPA or do not have effective federally promulgated NO_X regulations by the end of 2002. EPA proposes to approve the State's rule provided Illinois removes this provision from the final adopted rule by December 31, 2000. EPA also proposes in the alternative to disapprove Illinois' rule if this provision remains in the final adopted rule or if Illinois fails to address other significant identified deficiencies. Significant changes in the NO_X control rule from the version included in the State's draft rule submittal, other than those changes resulting from corrections to deficiencies noted in this proposed rulemaking, will result in a new proposal of the rulemaking on Illinois' subsequent submittal.

DATES: Written comments must be received on or before October 2, 2000.

ADDRESSES: Written comments should be sent to: Jay Bortzer, Acting Chief, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the State's submittals and materials relevant to this proposed rulemaking are available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604 (18th floor). (Please telephone John Paskevicz at (312) 886–6084 before visiting the Region 5 office.)

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number: (312) 886–6084, E-Mail Address: paskevicz.john@epamail.epa.gov.

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In the following questions and answers, the term ''you'' refers to the reader of this proposed rule and ''we,'' ''us,'' or ''our'' refers to the EPA.

I. Background

A. What Clean Air Act requirements apply to or led to the State's submittal of the NO_X emission control regulations?

The Clean Air Act (Act or CAA) requires the EPA to establish National Ambient Air Quality Standards (NAAQS) for certain air pollutants that cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare. Clean Air Act sections 108 and 109. In 1979, EPA promulgated the 1-hour ground-level ozone standard of 0.12 parts per million (ppm) or 120 parts per billion (ppb). 44 FR 8202 (February 8, 1979).

Ground-level ozone is generally not directly emitted by sources. Rather, volatile organic compounds (VOC) and NO_X, both emitted by a wide variety of sources, react in the presence of sunlight to form additional pollutants, including ozone. NO_X and VOC are referred to as precursors of ozone.

The Act, as amended in 1990, required EPA to designate as nonattainment any area that was violating the 1-hour ozone standard, generally based on air quality monitoring data from the 1987 through 1989 period. Clean Air Act section 107(d)(4); 56 FR 56694 (November 6, 1991). The Act further classified these areas, based on the areas' ozone design values, as marginal, moderate, serious, severe, or extreme. Marginal areas were suffering the least significant ozone nonattainment problems, while the areas classified as severe and extreme had the most significant ozone nonattainment problems.

The control requirements and date by which attainment with the ozone NAAQS is to be achieved vary with an area's classification. Marginal areas were subject to the fewest mandated control requirements and had the earliest attainment date, November 15, 1993. Moderate areas were subject to more stringent planning and control requirements but were provided more time to attain the ozone standard, until November 15, 1996. Severe and extreme areas are subject to even more stringent planning and control requirements but are also provided more time to attain the standard. Severe areas are required to attain the ozone NAAQS by November 15, 2005 or November 15, 2007, depending on the areas' ozone design values for the 1987 through 1989 period.

The St. Louis ozone nonattainment area (subsequently also referred to as the Metro-East/St. Louis ozone nonattainment area to denote the bi-state nature of the area) was classified as moderate, giving it an attainment

deadline of November 15, 1996. The Metro-East/St. Louis ozone nonattainment area is defined (40 CFR 81.314 and 81.326) to contain Madison, Monroe, and St. Clair Counties in Illinois, and Franklin, Jefferson, St. Charles, and St. Louis Counties and St. Louis City in Missouri.

The Chicago-Gary-Lake County ozone nonattainment area was classified as severe-17 and its attainment date is November 15, 2007. The Chicago-Gary-Lake County ozone nonattainment area is defined (40 CFR 81.314 and 81.315) to contain Cook, DuPage, Grundy (Aux Sable and Goose Lake Townships only), Kane, Kendall (Oswego Township only), Lake, McHenry, and Will Counties in Illinois, and Lake and Porter Counties in Indiana.

The Act requires moderate and above ozone nonattainment areas (including severe ozone nonattainment areas) to be addressed in ozone attainment demonstrations, including adopted emission control regulations sufficient to achieve attainment of the ozone NAAQS by the applicable ozone attainment dates. The requirements of the Act for ozone attainment demonstrations for moderate and above ozone attainment areas are determined by considering several sections of the Act. Section 172(c)(6) of the Act requires SIPs to include enforceable emission limitations, and such other control measures, means or techniques as well as schedules and timetables for compliance, as may be necessary to provide for attainment by the applicable attainment dates. Section 172(c)(1) of the Act requires the implementation of all reasonably available control measures (including reasonably available control technology [RACT]) and requires the SIP to provide for sufficient annual reductions in emissions of VOC and NO_X as necessary to attain the ozone NAAQS by the applicable attainment dates. Section 182(j)(1)(B) requires the use of photochemical grid modeling or other methods judged to be at least as effective to demonstrate attainment of the ozone NAAQS in multi-state moderate ozone nonattainment areas. Sections 182(c)(2) and (d) required SIP revision submissions by November 15, 1994 for serious and severe ozone nonattainment areas to demonstrate how the areas would attain the 1-hour standard and how they would achieve rate-of-progress (ROP) reductions in VOC emissions of 9 percent for each 3-year period until the date of attainment. (In some cases, NO_X emission reductions can be substituted for the required VOC emission reductions to achieve ROP.) Section 182(c)(2)(A) requires the ozone attainment demonstrations for serious and above ozone nonattainment areas to be based on the use of photochemical grid modeling or on other analytical methods determined to be at least as effective. The attainment demonstrations based on photochemical grid modeling can address the emission impacts of both VOC and NO_X. The NO_X emission control regulations addressed in this proposed rulemaking are, in part, intended to meet the requirements for the attainment demonstrations for the Metro-East/St. Louis and Chicago-Gary-Lake County ozone nonattainment areas.

On October 27, 1998, the EPA promulgated a NO_X SIP call for a number of States, including the State of Illinois. The NO_X SIP call requires the subject States to develop NO_X emission control regulations sufficient to provide for a prescribed NO_X emission budget in 2007, and is further discussed below. These NO_X emission reductions will address ozone transport in the area of the country primarily east of the Mississippi River. EPA promulgated the NO_X SIP call pursuant to the requirements of CAA section 110(a)(2)(D) and our authority under CAA section 110(k). Section 110(a)(2)(D) applies to all SIPs for each pollutant covered by a NAAQS and for all areas regardless of their attainment designation. It requires a SIP to contain adequate provisions that prohibit any source or type of source or other types of emissions within a State from emitting any air pollutants in amounts which will contribute significantly to nonattainment in, or interfere with maintenance of attainment of a standard by any other State with respect to any NAAQS. Section 110(k)(5) authorizes the EPA to find that a SIP is substantially inadequate to meet any CAA requirement when appropriate, and, based on such finding, to then require the State to submit a SIP revision within a specified time to correct such inadequacies.

B. What Analyses and EPA Rulemaking Actions Support the Need for the NO_X Emission Control Regulations?

The State of Illinois has the primary responsibility under the CAA for ensuring that Illinois meets the ozone NAAQS and is required to submit a SIP that specifies emission limitations, control measures, and other measures necessary for attainment, maintenance, and enforcement of the NAAQS within the State. The SIP for ozone must meet the CAA requirements discussed above, must be adopted pursuant to notice and comment rulemaking, and must be submitted to the EPA for approval. A number of analyses and EPA rulemaking actions have affected the SIP revisions needed for the Metro-East/St. Louis and Chicago-Gary-Lake County ozone nonattainment areas as discussed below.

The Metro-East/St. Louis and Chicago-Gary-Lake County nonattainment areas have not attained and continue to violate the 1-hour ozone standard. The States of Illinois and Missouri have worked cooperatively to provide the EPA with an ozone attainment demonstration for the Metro-East/St. Louis nonattainment area. The States of Illinois, Indiana, Wisconsin, and Michigan have worked cooperatively to provide the EPA with an ozone attainment demonstration for the Lake Michigan area, which includes the Chicago-Gary-Lake County ozone nonattainment area. Analyses conducted to support both of these ozone attainment demonstrations, as submitted in 1994 and supplemented in April 1998, indicate that reductions in upwind NO_X emissions are needed to reduce the transport of ozone into these nonattainment areas.

On March 2, 1995, Mary D. Nichols, Assistant Administrator for EPA's Air and Radiation Division, published a memorandum titled ''Ozone Attainment Demonstrations.'' In this memorandum, the EPA recognized that the development of the necessary technical information, as well as the emission control measures necessary to achieve the attainment of the ozone NAAQS had been difficult for the States affected by significant ozone transport. EPA established a two-phase process for States with serious and severe nonattainment areas to develop ozone attainment SIPs. Under Phase I, States were required to complete 1994 SIP requirements (with the exception of final ozone attainment demonstrations), submit regulations sufficient to meet ROP requirements through 1999, and submit initial ozone modeling analyses, including preliminary ozone attainment demonstrations based on assumed reductions in upwind ozone precursor emissions. Phase II called for a two-year consultative process to assess regional strategies to address ozone transport in the eastern United States and required submittal of all remaining ROP submittals to cover ROP through the attainment dates, final attainment demonstrations to address the emission reduction requirements resulting from the two-year consultative process and any additional rules and emission controls needed to attain the ozone standard, and any regional controls needed for attainment by all areas in the eastern half of the United States.

In response to problem of ozone transport, the Environmental Council of States (ECOS) recommended the formation of a national workgroup to assess the problem and to develop a consensus approach to addressing the transport problem. As a result of ECOS' recommendation and in response to the March 2, 1995 EPA memorandum, the Ozone Transport Assessment Group (OTAG), a partnership among EPA, the 36 eastern States and the District of Columbia, and industrial, academic, and environmental groups, was formed to conduct regional ozone transport analyses and to develop a recommended ozone transport control strategy. OTAG was given the responsibility of conducting the two years of analyses envisioned in the March 2, 1995 EPA memorandum.

OTAG conducted a number of regional ozone data analyses and regional ozone modeling analyses using photochemical grid modeling. In July 1997, OTAG completed its work and made recommendations to the EPA concerning the regional emissions reductions needed to reduce transported ozone as an obstacle to attainment in downwind areas. OTAG recommended a possible range of regional NO_X emission reductions to support the control of transported ozone. Based on OTAG's recommendations and other information, EPA issued the NO_X SIP call rule on October 27, 1998. 63 FR 57356.

In the NO_X SIP call, EPA determined that sources and emitting activities in 23 jurisdictions [1] emit NO_X in amounts that ''significantly contribute'' to ozone nonattainment or interfere with maintenance of the 1-hour ozone NAAQS in one or more downwind areas in violation of CAA section 110(a)(2)(D)(i)(I). EPA identified NO_X emission reductions by source sector that could be achieved using cost-effective measures and set state-wide NO_X emission budgets for each affected jurisdiction for 2007 based on the possible cost-effective NO_X emission reductions. The source sectors include nonroad mobile, highway mobile, area, electricity generating units (EGUs) (including stationary boilers and turbines, which may generate steam for industrial processes but whose primary purpose is to generate electricity for sale to the electrical grid), and major non-EGU stationary point sources (process stationary boilers or turbines, whose primary purpose is to generate steam for industrial processes). EPA established recommended NO_X emissions caps for large EGUs (serving a generator greater than 25 megawatts) and for large non-EGUs (maximum design heat input of 250 million British thermal units [Btu] per hour [mmBtu/hr]). EPA determined that significant NO_X reductions using cost-effective measures could be obtained as follows: application of a 0.15 pounds NO_X/mmBtu heat input emission rate limit for large EGUs; a 60 percent reduction of NO_X emissions from large non-EGUs; a 30 percent reduction of NO_X emissions from large cement kilns; and a 90 percent reduction of NO_X emissions from large stationary internal combustion engines not serving electricity generators. The 2007 state-wide NO_X emission budgets established by jurisdiction were based, in part, by assuming these levels of NO_X emission controls coupled with NO_X emissions projected by source sector to 2007.

Although the state-wide NO_X emission budgets were based on the levels of reduction achievable through cost-effective emission control measures, the NO_X SIP call allows each State to determine what measures it will choose to meet the state-wide NO_X emission budgets. It does not require the States to adopt the specific NO_X emission rates assumed by the EPA in establishing the NO_X emission budgets. The NO_X SIP call merely requires States to submit SIPs, which, when implemented, will require controls that meet the NO_X state-wide emission budget. The NO_X SIP call encourages the States to adopt a NO_X cap and trade program for large EGUs and large non-EGUs as a cost-effective strategy and provides an interstate NO_X trading program that the EPA will administer for the States. If States choose to participate in the national trading program, the States must submit SIPs that conform to the trading program requirements in the NO_X SIP call.

As a moderate ozone nonattainment area, the Metro-East/St. Louis nonattainment area was not included in the two-phase approach established in EPA's March 2, 1995 memorandum. The EPA, however, recognizes that some moderate ozone nonattainment areas may also have been significantly impacted by ozone transport from upwind areas, making attainment of the 1-hour ozone NAAQS difficult through the imposition of only local emission control measures. On July 16, 1998, EPA established a policy that allowed for a deferral of the attainment date for areas significantly impacted by ozone transport and where certain conditions are met. The EPA published this policy (Extension Policy) in the **Federal Register** on March 25, 1999. 64 FR 14441.

Under the Extension Policy, the EPA would defer final findings on the attainment status for moderate nonattainment areas and would instead allow these areas to submit attainment SIPs that include boundary reductions in ozone achieved by controls measures in upwind areas. The attainment date for these areas would be the date by which the relevant upwind areas will have reduced emissions, reducing the transported ozone. Along this line, on March 18, 1999, EPA published a proposed rule titled ''Clean Air Reclassification and Notice of Potential Eligibility for Attainment Date Extension, Missouri and Illinois, St. Louis Nonattainment Area; Ozone.'' In that proposed rule, the EPA proposed to defer final action on a proposed finding of nonattainment for the Metro-East/St. Louis nonattainment (which would have resulted in a bump-up of the area to serious nonattainment for ozone) until it could ascertain whether the attainment date should be extended for the area based on an application of the Extension Policy.

In an October 1999 draft supplement to its 1994 attainment demonstration for the Metro-East/St. Louis nonattainment area, the State of Illinois committed to implementing state-wide NO_X emission reductions from EGUs. Illinois officially submitted the adopted attainment demonstration supplement to the EPA in February 2000. The final attainment strategy for the Metro-East St. Louis area assumed that the 23 jurisdictions affected by the EPA NO_X SIP call, including the eastern one-third of Missouri would limit NO_X emissions from large EGUs beginning in May 2003 to an emission rate of no more than 0.25 pounds NO_X/mmBtu of heat input. Large EGUs in the western two-thirds of Missouri would be limited to a NO_X emission rate of no more than 0.35 pounds NO_X per mmBtu of heat input. The State's photochemical grid modeling supported attainment of the 1-hour ozone NAAQS in the Metro-East/St. Louis nonattainment area in May 2003 based on these regional NO_X reductions. The EPA proposed to conditionally approve this attainment demonstration on April 17, 2000, contingent, in part, on the States of Illinois and Missouri submitting regional (statewide) draft NO_X rules by June 2000 and completing adoption of these rules and submitting them in final form to the EPA by December 2000. 65 FR 20404.

[1] Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

On April 30, 1998, the State of Illinois submitted a major revision of the ozone attainment demonstration for the Chicago-Gary-Lake County ozone nonattainment area. In that attainment demonstration revision, the State demonstrated that significant reductions in transported ozone and NO_X would be necessary to achieve attainment of the 1-hour ozone standard in the nonattainment area. Illinois committed to complete the ozone attainment demonstration and to adopt sufficient local and regional controls as needed to demonstrate attainment of the ozone standard and to submit the final attainment demonstration and adopted regulations to the EPA by December 2000. The EPA proposed to conditionally approve the 1-hour attainment demonstration based, in part, on the State's commitment to adopt and submit a final attainment demonstration and a post-1999 ROP plan, including the necessary State emission control regulations, by December 31, 2000. 64 FR 70496. The NO_X regulations reviewed in this proposed rule are, in part, intended to meet part of the State's commitment to complete the ozone attainment demonstration for the Chicago-Gary-Lake County nonattainment area.

C. What Have Been the Court Rulings Regarding EPA's NO_X Emission Control Regulations?

When the EPA published the NO_X SIP call on October 27, 1998, a number of States and various industry groups filed petitions challenging the rulemaking before the United States Court of Appeals for the District of Columbia Circuit. See *Michigan* vs. *EPA,* 213 F.3d 663 (D.C. Cir. 2000). The Court, on May 25, 1999, stayed the obligation of State's to submit SIPs in response to the NO_X SIP call rule. Subsequently, on March 3, 2000, the Court upheld most of the NO_X SIP call rule. The Court, however, vacated the rule as it applied to Missouri and Georgia and remanded for further consideration the inclusion of portions of Missouri and Georgia in the rule. The Court also vacated the rule as it applied to Wisconsin because EPA had not made a showing that sources in Wisconsin significantly contribute to nonattainment or interfere with maintenance of the ozone NAAQS in any other State. Finally, the Court also remanded two issues concerning a limited portion of the NO_X emission budgets. On June 22, 2000, the Court removed the stay of States' obligation to submit SIPs in response to the NO_X SIP call and denied petitioners' motions for rehearing and rehearing en banc. In removing the stay, the Court provided that EPA should allow 128 days for States to submit SIPs. Thus, SIPs must be submitted to the EPA by October 30, 2000.

The State of Illinois has indicated that the NO_X regulations reviewed in this proposed rulemaking are intended primarily to meet the emission reduction needs of the Metro-East/St. Louis ozone attainment demonstration and secondarily to meet a portion of the NO_X emission budget established in the NO_X SIP call for Illinois. The State, however, needs to take further action to develop a submission in response to the NO_X SIP call emission budget, and, in this action, we are not reviewing the EGU NO_X rule for the purposes of determining whether the EGU NO_X rule is sufficient to allow the State to meet the NO_X SIP call emission budget.

II. Summary of the State Submittal

A. When Were the NO_X Emission Control Regulations Submitted to the EPA?

On June 29, 2000, the Illinois Environmental Protection Agency (IEPA) submitted a draft NO_X emission control rule to the EPA for pre-adoption review.

On July 18, 2000, EPA received a letter from David J. Kolaz, Chief, Bureau of Air, Illinois Environmental Protection Agency, which contained a number of documents, including the draft rule submitted on June 29, 2000 along with additional documentation for the draft rule. The letter included a request from the Bureau Chief to process the submittal in parallel (i.e., parallel processing) to the development of the rule at the State level and included a schedule for development and adoption of the rule by the State.

Parallel processing allows a State to submit a plan for approval prior to actual adoption by the State. 47 FR 27073 (June 23, 1982) A submittal for parallel processing must include the following three items: a letter from the State requesting parallel processing; a schedule for final adoption or issuance of the plan; and a copy of the proposed regulation or document. Illinois submitted these three items of information in the letter dated July 18, 2000, from the Bureau Chief. The Bureau Chief is the authorized representative for the State to submit SIP revisions. The letter asks that EPA parallel process the submittal, and it includes milestones leading to final adoption of the plan. The milestones are acceptable to EPA as a schedule, however the end date of final approval (final rule adoption) by the Illinois Pollution Control Board (IPCB) cannot precisely be established. Finally, enclosed with the letter was a copy of the draft NO_X rule along with a ''Statement of Reasons'' provided to the IPCB by the Legal Counsel of the Illinois Environmental Protection Agency to support the adoption of the rule.

B. What Are the Basic Components of the State's Draft Rule?

The State based the draft rule primarily on EPA's part 96 Trading Rule. Many sections of part 96 are incorporated by reference (IBR) into the draft rule. In addition to IBR of portions of 40 CFR part 96, Illinois' NO_X rule also includes IBR of portions of 40 CFR parts 60, 72, 75, and 76. Section 217.104 of the Illinois rule identifies the CFR parts and sections included in the IBR. Table 1 identifies the Volume 40 CFR parts and sections included by IBR in Illinois' NO_X rule.

TABLE 1.—40 CFR PARTS AND SECTIONS INCORPORATED BY REFERENCE IN ILLINOIS' EGU NO_X RULE

40 CFR Part	Section	Section Title/Subject
60	Appendix A	Method 7 (The phenol disulfonic acid method).
72	All Sections	Permits regulation.
75	All Sections	Continuous emission monitoring.
76	All Sections	Acid rain nitrogen oxides emission reduction program.
96	Subpart A:	
	96.1	Purpose.
	96.2	Definitions.
	96.3	Measurements, abbreviations, and acronyms.
	96.5	Retired unit exemptions.
	96.6	Standard requirements.
	96.7	Computation of time.

TABLE 1.—40 CFR PARTS AND SECTIONS INCORPORATED BY REFERENCE IN ILLINOIS' EGU NO_X RULE—Continued

40 CFR Part	Section	Section Title/Subject
	Subpart B:	
	96.10	Authorization and responsibility of the NO_X authorized account representative.
	96.11	Alternate authorized account representative.
	96.12	Changing the authorized account representative and alternate authorized account representative.
	96.13	Account certificate of representation.
	96.14	Objections concerning authorized account representative.
	Subpart D:	
	96.30	Compliance certification report.
	96.31	Permitting authority's and Administrator's action on compliance certification.
	Subpart F:	
	96.50	NO_X Allowance Tracking System accounts.
	96.51	Establishment of accounts.
	96.52	NO_X Allowance Tracking System responsibilities of NO_X authorized account representative.
	96.53	Recordation of NO_X allowance allocations.
	96.54	Compliance.
	96.55(a)	Banking.
	96.55(b)	Banking.
	96.56	Account error.
	96.57	Closing of general accounts
	Subpart G:	
	96.60	NO_X allowance transfers.
	96.61	EPA recordation.
	96.62	Notification
	Subpart H:	
	96.70	Monitoring and reporting, General requirements.
	96.71	Initial certification and recertification procedures.
	96.72	Out of control periods.
	96.73	Notifications.
	96.74	Recordkeeping and reporting.
	96.75	Petitions.
	96.76	Additional requirements to provide heat input data for allocations purposes.

In addition to the IBR portion of the rule, the rule contains a number of other sections or components. Table 2 lists these sections/components. Some of these sections/components were derived from federal regulations. (Illinois attempted to either revise the federal regulations to more abbreviated versions or to revise the federal regulations to make them more compatible with existing State regulations.) Where appropriate, the final column of Table 2 notes the federal regulation(s) from which the State regulation was derived or notes the effect of the State regulation relative to related federal regulations.

TABLE 2.—NON-IBR PORTIONS OF ILLINOIS' NO_X RULE

Subpart/Section	Title	Comparable federal regulation/note
Subpart B/Section 211	Definitions	Replace Some IBR Definitions
Subpart A	General Provisions.	
Section 217.100	Scope and organization.	
Section 217.101	Measurement Methods.	
Section 217.102	Abbreviations and Units	Replaces some abbreviations included by IBR.
Section 217.104	Incorporations by Reference.	
Subpart W	NO_X Trading Program for Electrical Generating Units.	
Section 217.750	Purpose.	
Section 217.752	Severability.	
Section 217.754	Applicability	See 40 CFR 96.4.
Section 217.756	Compliance Requirements.	
Section 217.756(b)	Permit requirements.	
Section 217.756(c)	Monitoring requirements.	
Section 217.756(d)	NO_X requirements.	
Section 217.756(e)	Recordkeeping and reporting requirements.	
Section 217.756(f)	Liability.	
Section 217.758	Permitting Requirements.	
Section 217.758(a)	Budget permit requirements	See 40 CFR 96.20 and 96.21.
Section 217.758(b)	Budget permit applications	See 40 CFR 96.22 and 96.23.
Section 217.760	NO_X Trading Budget	See 40 CFR 96.40, 96.41, and 96.42.
Section 217.762	Methodology for Calculating NO_X Allocations for Budget Electrical Generating Units.	See 40 CFR 96.42.

TABLE 2.—NON-IBR PORTIONS OF ILLINOIS' NO_X RULE—Continued

Subpart/Section	Title	Comparable federal regulation/note
Section 217.764	NO_X Allocations for Budget EGUs	See 40 CFR 96.42.
Section 217.768	New Source Set-Asides for "New" Budget EGUs.	
Section 217.770	Early Reduction Credits for Budget EGUs	See 40 CFR 96.55.
Section 217.774	Opt-in Units.	
Section 217.776	Opt-In Process	See 40 CFR 96.84.
Section 217.778	Budget Opt-in Units: Withdrawal from NO_X Trading Program.	
Section 217.780	Opt-in Units: Change in Regulatory Status.	
Section 217.782	Allowance Allocations to Budget Opt-In Units.	
Appendix D	Non-Electrical Generating Units.	
Appendix F	Allowances for Electrical Generating Units.	

Using information provided by the IEPA to the IPCB in support of the adoption of this rule, the following summarizes the various rule sections listed in table 2 above.

Subpart B, Section 211

A number of new definitions would be added to an existing part 211 of Illinois' air pollution rules. Definitions of the following terms would be added: Allowance; Combined Cycle System; Combustion Turbine; Common Commercial Operation; Commence Operation; Common Stack; Control Period; Excess Emissions; Fossil Fuel; Fossil Fuel-Fired; Generator; Heat Input; Heat Input Rate; Nameplate Capacity; Potential Electrical Output Capacity; and Repowering. The specifics of these definitions do affect the completeness and enforceability of the rule(s) that uses them. Therefore, they have been compared to definitions contained in 40 CFR parts 96 and 97 as part of the review conducted for this proposed rulemaking.

Subpart A

Section 217.100 Scope and Organization

This section specifies the purpose of the State's NO_X rule and limits its scope to prevent problems with existing rules.

Section 217.101 Measurement Methods

This section states that the measurement of NO_X emissions at sources and facilities covered by the rule shall be conducted according to: (a) The phenol disulfonic acid method (40 CFR part 60, appendix A, Method 7 (1999)); and continuous emissions monitoring pursuant to 40 CFR part 75 (1999).

Section 217.102 Abbreviations and Units

Like definitions of terms, abbreviation definitions can affect the completeness and enforceability of a rule, and the abbreviations added to this rule have been reviewed from this standpoint. It should be noted that part 211 of Illinois' air pollution rules also contains a number of defined abbreviations. The abbreviations added in section 217.102 are specific to the NO_X rule and do not necessarily apply to other Illinois air pollution control rules.

Section 217.104

As noted above, the State proposes to amend section 217.104 (to add this section to existing Illinois rules) to add portions of 40 CFR part 96 and 40 CFR parts 72, 75, and 76 (see table 1 above) to the documents that have been incorporated into Illinois' rules by reference. IBR documents are an integral part of Illinois' rules and are enforceable in the same manner as one would enforce any State rule.

Trading Program for Electrical Generating Units

Section 217.754 Applicability

This section addresses the applicability of the State's proposed NO_X trading program. Subsection (a) provides that the NO_X trading rule and emissions cap applies to all fossil fuel-fired stationary boilers, combustion turbines or combined cycle systems, serving a generator which has a nameplate capacity exceeding 25 megawatts (MWe) if the generated electricity is sold. This section also applies to fossil-fuel fire units with a maximum design heat input rate of greater than 250 mmBtu/hour and serving smaller generators under certain specified circumstances, including the condition that a served generator is larger than 50 percent of a unit's potential electrical output capacity (such a unit would also be classified as an electrical generating unit subject to the rule and the trading program requirements). Subsection (b) of this section provides that units meeting the above criteria are subject to the emission limits of the NO_X Trading Program.

Subsection (c) provides an exemption for low-emitters, such as units that burn natural gas and/or fuel oil exclusively and have potential NO_X emission rates of 25 tons or less during the control period. The owner or operator of such a unit may choose to get an operating permit that limits emissions to this lower level through federally enforceable conditions as specified in this subsection. Owners and operators seeking low emitter status affect the emission allowances covered in the NO_X Trading Program depending on whether the units are existing or new units.

Section 217.756 Compliance Requirements

This section specifies the compliance requirements for EGUs subject to the NO_X Trading Program (budget EGUs). Owners or operators of each source that has one or more budget EGUs must submit an application meeting the requirements of section 217.758 for an emissions budget permit from the IEPA. The budget permit must specify federally enforceable conditions covering the NO_X Trading Program and must satisfy all other permitting requirements in Illinois' air quality rules. The application for a budget permit is subject to specified timing requirements.

Subject budget EGUs must meet specified monitoring requirements, including continuous emissions monitoring. An account representative for a subject budget EGU must comply with specified monitoring compliance certification and reporting requirements of 40 CFR part 96, subpart H. The monitoring results will be used to certify compliance with the budget emissions limitations.

Subsection (d) requires the account representative for a budget EGU to hold sufficient emission allowances available for compliance deduction in the budget EGU's compliance account to account for the source's overdraft account by

November 30 of each year starting in the compliance year (1 allowance equals 1 ton of NO_X emissions). Only a certain number of allowances will be given to a budget EGU each control period (May 1 through September 30) based on an established State-wide NO_X emissions cap and an allowance distribution system devised cooperatively by the States and the affected sources. Budget EGUs can not use an allowance prior to the control period in which it is allocated by the State.

Subsection (d)(3) contains a provision that defers the compliance date for the program beyond May 1, 2003, if any of the neighboring States and other States in Region 5 subject to the NO_X SIP Call do not have fully approved regulations or effective federally promulgated regulations by the end of 2002. This raises an unacceptable risk that the rule as proposed by Illinois would not require NO_X emission controls by the time they are needed primarily for purposes of attainment in the Metro-East/St. Louis area, by May 1, 2003, to avoid a bump-up of the area to serious nonattainment of the 1-hour ozone standard or for purposes of the NO_X SIP Call.

Subsection (e) provides the recordkeeping requirements for the budget EGUs. All emission monitoring information must be recorded and maintained in accordance with 40 CFR part 96, subpart H. Documents and records must be kept and must be made available for inspection upon request for 5 years unless a different period is specified elsewhere (under other rules).

Subsection (f) contains the provisions governing liability of budget EGUs, their owner and operators, and account representatives. The owner and account representative of one budget EGU are not liable for any violation of any other budget EGU with which they are not affiliated, except with respect to requirements for EGUs with a common stack.

Section 217.758 Permitting Requirements

The budget permit of a budget EGU must contain federally enforceable conditions that apply to the unit and provide that the budget permit is a complete and segregable portion of the source's entire permit.

Subsection (a) prohibits the issuance of a budget permit and the establishment of a NO_X emissions allowance until the IEPA and the EPA have received a complete ''account certificate of representation'' from the budget EGU's account representative, and sets forth the timing for submitting a budget permit application where one or more of the budget EGUs are subject to the requirements of section 39.5 of the Illinois Clean Air Act Permit Program. Budget EGUs not subject to these requirements are also required to obtain a permit with federally enforceable conditions.

Section 217.760 The NO_X Trading Budget

Subsection (a) provides that the total base NO_X trading budget available statewide for allowance allocations for each control period (May 1 through September 30) is 30,701 tons (30,701 allowances). This budget may be increased or decreased under various circumstances, such as the opt-in of non-subject sources or the opt-out of exempted low-emitter sources. This subsection also provides that for the years of 2003 through 2005, 5 percent of the 30,701 allowances will be allocated to a new source set-aside. For the years 2006 and thereafter, the new source set-aside will be reduced to 2 percent of the 30,701 allowances.

Subsection (b) authorizes the IEPA to adjust the total EGU trading budget available for allocation. This is done to remove allowances for low-emitters opting to become exempt from the NO_X Trading Program.

Subsection (c) authorizes the IEPA to adjust the total base EGU trading budget pro-rata if the EPA subsequently makes adjustments in the EGU budget.

Section 217.762 Methodology for Calculating NO_X Allocations for Budget Electrical Generating Units (EGUs)

The methodology used to calculate allocations (not the total state-wide emission cap) is based on the emission rate limit and a unit's control period heat input. Appendix F of the rule lists the budget EGUs and their associated allowances. For budget EGUs, including opt-ins, not listed in appendix F, the limiting emission rate used in the calculation of allowances is the more stringent of 0.15 pounds NO_X/million Btu heat input or the permitted NO_X emission rate, but never less than 0.055 pounds NO_X per million Btu heat input.

Subsection (b) sets forth how the heat input is to be determined for the control period. This heat input for each budget EGU is used along with the emission limit to determine the NO_X allowance for the EGU.

Section 217.764 NO_X Allocations for Budget EGUs

This section sets forth, for each control period, the allowance allocations for budget EGUs. The allocations involve a ''fixed/flex'' approach from 2006 through 2009 and a ''100 percent flex'' approach in 2010 and thereafter (consult this section of the rule for the details of these approaches). The allocations for 2003 through 2005 are specified in subsection (a).

Section 217.768 New Source Set-Aside for ''New'' Budget EGUs

This section sets aside allowances for new sources as noted above. During the period of 2003 through 2005, any allowances that are not allocated to new sources will be allocated to certain EGUs. After January 1, 2003, new budget EGUs that commence commercial operation may purchase allowances from the new source set-aside based on a pricing structure defined in this section.

Section 217.770 Early Reduction Credits for Budget EGUs

The IEPA proposes to add this section that allows budget EGUs to request early reduction credits (ERCs) if they reduce NO_X emissions in the 2001 or 2002 control periods. This section sets forth the various requirements associated with the generation and recording of these ERCs.

C. Components of the Draft Regulations

1. What geographic regions and sources are affected by the draft regulations?

The proposed rules affect all fossil fuel-fired boilers, combustion turbines or combined cycle systems in the State of Illinois serving a generator with a nameplate capacity greater than 25 MWe (and boilers, turbines, and all combined cycle systems in the State of Illinois serving smaller generators provided that these units have heat input rates exceeding 250 mmBtu/hour and have a potential to provide more than 50 percent of their power output to the generators), and any opt-in sources in the State of Illinois as described in the rule.

2. What are the allowable NO_X emission rates or levels for affected sources?

The NO_X reductions called for in the proposed State rule are based on an NO_X emissions cap required for EGUs in the State. The target budget established in the State rule is 30,701 tons for the control period. The cap is based on an emission rate of 0.15 pounds/mmBtu heat input for EGUs operating in 1995/1996 applied to operating levels expected in 2007. The State believes the rule will bring about attainment of the 1-hour ozone standard in the Metro-East/St. Louis nonattainment area. With regard to the attainment demonstration for the Chicago-Gary-Lake County nonattainment area, the State can only

note that its analysis thus far will ‘‘ * * * likely demonstrate attainment * * * ’’ of the 1-hour ozone standard. The State will complete its air quality modeling and submit its final attainment demonstration to EPA in December 2000. Finally, this rule is intended to provide the level of control from EGUs that, in conjunction with rules establishing similar requirements for other source types, will meet Illinois' NO_X emission budget under the NO_X SIP call.

3. What are the monitoring, recordkeeping, and reporting requirements for affected sources?

The IEPA proposes to incorporate by reference the EPA Part 96 monitoring, Recordkeeping, and reporting requirements for the affected sources. However, in section 217.770(a) of the rule, which addresses early reduction credits for budget EGUs, the rule provides that ‘‘ * * * monitoring system availability shall be not less than 80 percent during the control period prior to the control period in which the NO_X emissions reduction is made * * * ’’. Also, in the opt-in process, the State, in section 217.776(b) addresses monitoring system availability of ‘‘ * * * not less than 80 percent * * * ’’. This differs with the EPA requirement for monitoring in section 96.84(b) of 40 CFR part 96, which requires 90 percent availability.

4. What is the compliance/implementation deadline for affected sources?

The Illinois rule has a compliance date that is contingent upon implementation of NO_X rules in other States. Section 217.756 states that sources ‘‘ * * * shall be subject to the monitoring and [emission control] requirements * * * starting on the later of May 1, 2003, * * * or [May 1 of the year after] all of the other States subject to the provisions of the NO_X SIP Call [in Region 5 or contiguous to Illinois] have adopted regulations to implement NO_X trading programs and other required reductions of NO_X emissions pursuant to the NO_X SIP Call, and such regulations have received final approval by EPA * * * , or a final FIP for ozone promulgated by EPA is effective.’’ The relevant other States are Indiana, Michigan, Ohio, Missouri, and Kentucky. This language provides for compliance with relevant requirements by May 1, 2003, except that a later compliance date will apply if any of these five other States does not have adequate NO_X regulations either as approved State regulations or as effective promulgated Federal regulations by the end of 2002.

This language raises significant concerns. To avoid reclassification of the St. Louis area to serious nonattainment, Illinois must submit rules that provide adequate NO_X emission reductions by May 1, 2003. Also, for EPA to approve this rule and the expected other related rules as satisfying the NO_X SIP Call, EPA must conclude that the controls needed to achieve the budget will be required by May 1, 2003. The language in Illinois' proposed rule would not achieve either of these purposes if problems arise in any of the five States, delaying approval of their NO_X rule until after the end of 2002 or the promulgation of an effective FIP after 2002. Of particular concern is the dependence on the timetable for Missouri, since, unlike Illinois, the Court remanded the NO_X SIP Call for Missouri. This will result in Missouri submitting NO_X SIP call-compliant regulations on a later schedule than other NO_X SIP call States. The EPA rulemaking on such rule may be sufficiently delayed, such that the language of the Illinois NO_X rule would delay the compliance date for the rule beyond the attainment date established in the attainment demonstration for the St. Louis area and beyond the required compliance date under the NO_X SIP call.

EPA is also concerned about other aspects of this provision of Illinois rule. The language in Ilinois' rule makes the compliance date contingent on adoption/approval or promulgation of ‘‘regulations to implement NO_X trading programs [and other required reductions].’’ While EPA is mandating achievement of specified amounts of NO_X emissions control, EPA is not mandating that States adopt provisions for emissions trading. Therefore, if a relevant State opts not to implement trading, Illinois' language suggests a permanent compliance date deferral.

D. Will the Illinois NO_X Trading Program Meet the Federal NO_X Budget?

Illinois' rule on EGUs is a key element of the set of rules Illinois is expected to submit to satisfy the reduction requirements for NO_X emissions that EPA's NO_X SIP Call mandates for Illinois. In fact, Illinois' EGU rule establishes a cap on emissions derived from the NO_X emission limit (0.15 pounds per million BTUs of heat input) that EPA used in calculating Illinois' budget. Nevertheless, this rulemaking does not evaluate the rule on EGUs as to whether it is an adequate step toward achieving the NO_X SIP Call reductions or whether the full set of expected rules will achieve the reductions.

Illinois has not yet submitted a detailed assessment of whether its full set of rules will assure achievement of the reductions. EPA expects such a submittal in conjunction with the other rules that Illinois must still submit. EPA will rulemake on the adequacy of Illinois' rules for achieving the State's NO_X SIP call budget as part of rulemaking on these other submittals.

E. What Public Review Opportunities Are/Were Provided?

The State reports that early in 1999, the IEPA commenced regular meetings with the NO_X Technical Committee and with representatives of the existing EGUs. The State met with these existing sources on numerous occasions. Most of the time was spent developing concepts in the flexible portions of the Federal NO_X Trading Program, i.e., initial allocations, allocation methodology, and the use of the Compliance Supplement Pool. The State also met with new EGUs and again with existing EGUs for a second time to discuss how allowances would be allocated.

Following the May 25, 1999 stay by the Court of Appeals, the IEPA shifted its effort to meet the requirements of the 1-hour standard attainment demonstrations. When this stay was lifted on June 22, 2000, IEPA again began to formulate a program to comply with the NO_X SIP Call rule. IEPA again met with the affected sources and also with the American Lung Association of Chicago, the Illinois Environmental Council, the Environmental Law and Policy Center, and the Illinois Environmental Regulatory Group.

F. What Requirements Are Contained in the NO_X Emission Control Regulations From the Standpoints of the Lake Michigan and the Metro-East/St. Louis Ozone Attainment Demonstrations?

As noted in the December 16, 1999 proposed rulemaking on the State's attainment demonstration for the Chicago-Gary-Lake County ozone nonattainment area (64 FR 70496), the State did not commit to develop regional NO_X controls for specific source categories or for specific emission control levels. The attainment demonstration, which has not been submitted in final form, did note that significant reductions in regional NO_X emissions would be needed to attain the standard in the nonattainment area. The State did assume significant future reductions in background (transported) ozone levels and upwind NO_X emissions to reflect possible impacts from EPA's NO_X SIP call based on information available prior to April 1998. The States (Illinois, Indiana, and

Wisconsin, and the Lake Michigan Air Directors Consortium) are currently modeling the possible impacts of the NO_X SIP call for inclusion in the final attainment demonstration submittals for the Lake Michigan area.

As noted in the proposed rulemaking for the Metro-East/St. Louis ozone nonattainment area (65 FR 20404), the attainment demonstration for this nonattainment area relies on NO_X emission controls from large EGUs in both Illinois and Missouri. As noted above, the attainment demonstration assumes that NO_X emission rates for large EGUs state-wide in Illinois will be limited to a level of 0.25 pounds NO_X/mmBtu of heat input or less. The attainment demonstration did not assume additional NO_X emission controls beyond those required by the Clean Air Act for a moderate ozone nonattainment area.

G. What Guidance Did EPA Use to Evaluate Illinois' NO_X Control Program?

The State of Illinois asked that the part 217 NO_X emissions control rule be parallel processed by EPA in order to expedite eventual approval of the State's NO_X SIP. Guidance for parallel processing is found at 47 FR 27073 (June 23, 1982). In addition, we used 40 CFR part 96 for review of portions of the submittal which apply. The State incorporated by reference a significant portion of 40 CFR part 96. The portions incorporated by reference are listed elsewhere in this proposal.

H. Does the Illinois Part 217 NO_X Emissions Control Program Meet the Needs of the Ozone Attainment Demonstrations?

Aside from the implementation delay problem and other deficiencies discussed elsewhere in this document, EPA proposes to find that the part 217 NO_X emissions control program meets the emission reduction needs of the ozone attainment demonstration for Metro-East/St. Louis ozone nonattainment area which EPA has recently proposed to approve. The States of Illinois and Missouri have completed additional revisions in the attainment demonstration which will be addressed in a separate rulemaking. These additional revisions have not affected the emission reduction requirements considered in the attainment demonstration addressed in EPA's proposed rule on April 17, 2000 (65 FR 20404).

Until Illinois and other Lake Michigan States complete the attainment demonstration for the Lake Michigan area, it cannot be determined whether the NO_X emissions reductions from the NO_X rule reviewed here will be adequate to lead to a demonstration of attainment for the Chicago-Gary-Lake County ozone nonattainment area.

I. Does the Illinois Part 217 NO_X Emissions Control Program Meet All of the Federal NO_X SIP Call Requirements?

No. The part 217 rule only addresses the NO_X controls for EGUs. Although these reductions are significant, they are not sufficient to guarantee that the State will achieve the NO_X emission budget established in the NO_X SIP call. To achieve the acceptable NO_X emission level of the NO_X SIP call, the State will have to adopt additional emission control regulations or further tighten the emission limits for EGUs. The adequacy of the full set of reductions to satisfy the NO_X SIP Call requirements will be addressed in separate rulemaking. Other deficiencies are noted below.

J. What Deficiencies Were Noted in Illinois' NO_X Emissions Control Regulations, and Do Any of These Deficiencies Constitute a Serious Disapprovability Issue?

EPA reviewed the State's draft part 217 NO_X emissions control rule and offers the following comments on deficiencies found in the draft rule, many of which are minor and should be readily correctable in the final rule adoption process. These deficiencies must be corrected before the EPA can give final approval to the Illinois NO_X rule.

Section 217.101

(a) The reference to Method 7 is questionable. Method 7 is a one time stack test. The rule should require Continous Emissions Monitoring System (CEMS). Additionally, there is a more recent method than method 7. It is method 7e.

(c) Low-emitter status. If a unit receives low emitter status, it will not be required to monitor anymore: it will need only to report operating hours. Therefore, item D, which requires potential NO_X emissions to be calculated by either part 75 or by the default emissions rate, should require only the use of default emissions rates.

Section 217.756

This section repeats section 96.6 of 40 CFR part 96, which is already incorporated by reference. Therefore, section 217.756 could be deleted.

(d)(3) This subsection is discussed in detail in the front of this proposal and is the main reason for EPA's proposed disapproval in the alternative. Basically, this rule as written will result in potential delay regarding implementation of elements of the trading program. This section provides opportunity for delay in implementation of the program until all States in EPA Region 5, and States on the Illinois border have their NO_X SIPs approved by EPA or are covered by a FIP in full effect. As written, section 217.756(d)(3) is a major deficiency in the State's plan.

(g) Effect on other authorities—Rather than referencing 40 CFR 96.4(b), the rule should reference 217.754(c).

Section 217.762

Throughout this section, when the State addresses allocation of allowances from the new source set-aside, it uses the phrase ''to budget EGUs that have not fully operated for the full 2000 control period (italics supplied).'' Read literally, it could authorize an existing source that was shut down for part of a control period to receive allowances from the new source set-aside. The State should clarify, perhaps by replacing the italicised phrase with the phrase ''commenced commercial operation.'' This latter term is used in section 217.768. The regulations should use consistent terminology.

Section 217.768

(i) In this section the State should clarify the phrase '' * * * less than one-half of the control period in 2002 * * * ''. Specifics on units and criteria are needed to define this phrase.

Section 217.770

(a) The unit's monitoring data availability should be 90 percent, not 80 percent. The phrase, the '' * * * control period prior to the control period * * * '' is ambiguous due to the double reference to ''control period.'' This phrase should be clarified.

Section 217.774 Opt-in Units

(a)(2) By its terms, the provisions authorize units to opt-in even if all of their emissions are not vented to a stack. This provision should be revised so that only units that vent all emissions to a stack may opt-in. 40 CFR part 96 contains this limit. In addition, part (a) of this provision limits opt-ins to stationary boilers, combustion turbines, or combined cycle systems—all of which vent to a stack.

Section 217.776

(b) Monitoring data availability should be 90 percent, not 80 percent.

Section 217.778

(b)(3) The rule refers to ''any allowances allocated to that unit under section 217.782 of this subpart for *the control period* * * * (emphasis

added).'' The emphasized term should be revised to read ''the same or earlier control period.''

Section 217.780

Throughout this section, the State refers to a unit which changes its regulatory status and becomes a budget opt-in unit. In fact, this provision is meant to address units which change their regulatory status and become budget units. Throughout this section the phrase '' * * * budget opt-in unit * * *'' should be replaced with the phrase '' * * * budget EGU * * *''.

Section 217.782

(b)(2)(B) This should refer to the year of the control period not to the year prior to the year of the control period.

III. Proposed Action

A. What Action Is EPA Proposing Today?

EPA objects to the provision in Illinois' rule that defers the compliance date for the program beyond May 1, 2003, if any of the neighboring States and other States in Region 5 subject to the NO_X SIP Call do not have fully approved regulations or effective federally promulgated regulations by the end of 2002. EPA has also noted other concerns with the language of this provision and has noted other deficiencies in the rule.

EPA believes that Illinois can adopt a rule that would ensure compliance by May 1, 2003. In its current draft form, which creates the potential for compliance delays beyond May 1, 2003, the drafted rule is unacceptable because it could cause compliance delays beyond the date currently established by the State for attainment of the 1-hour ozone standard in the St. Louis area. EPA proposes to approve the rule if the State adopts a final rule which assures compliance with NO_X emission controls required by the rule by May 1, 2003 and corrects the other deficiencies discussed in this document. In the alternative, EPA proposes to disapprove Illinois' rule if the State adopts the rule in its current drafted form.

B. What Happens if Illinois Significantly Changes the Regulations During the Final Adoption Process?

Since the EPA is proposing to rulemake on the Illinois NO_X rule under a parallel process, it must be recognized that a possibility exists that the State of Illinois will adopt a final version of the rule which differs from the version of the rule reviewed in this proposed rule.

If the State makes significant changes in the rule as a result of its own rule public comment and adoption process and based on further deliberation and/or on comments other than based on the deficiencies noted above, the EPA will re-evaluate the rule through a new proposed rule. If, on the other hand, the State only makes changes in the rule to correct the deficiencies addressed in this proposed rule consistent with the analysis presented here, the EPA will proceed to final rulemaking.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from the Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13045

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

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks that may have a disproportionate effect on children.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and

does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

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

Dated: August 24, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 00–22385 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[Docket OR–84–7299b; FRL–6858–2]

Approval and Promulgation of State Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Environmental Protection Agency (EPA) proposes to approve the revisions to Oregon's State Implementation Plan which were submitted on November 10, 1999. These revisions consist of: Approval of the 1993 carbon monoxide periodic emissions inventory for Grants Pass, Oregon; approval of the Grants Pass carbon monoxide maintenance plan; and redesignation of Grants Pass from nonattainment to attainment for carbon monoxide.

In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated.

If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received in writing by October 2, 2000.

ADDRESSES: Written comments should be addressed to Debra Suzuki, Office of Air Quality (OAQ–107), at the EPA Regional Office listed below.

Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, and State of Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Debra Suzuki, Office of Air Quality (OAQ–107), EPA, Seattle, Washington, (206) 553–0985.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: August 17, 2000.

Ronald A. Kreizenbeck,

Acting Regional Administrator, Region 10.

[FR Doc. 00–22055 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 125

[FRL–6862–8]

Extension of Comment Period for National Pollutant Discharge Elimination System; Regulations Addressing Cooling Water Intake Structures for New Facilities; Proposed Rule

AGENCY: Environmental Protection Agency.

ACTION: Notice of extension of comment period for proposed rule.

SUMMARY: EPA is extending the comment period for the proposed rule addressing cooling water intake structures for new facilities. The proposed rule was published in the **Federal Register** on August 10, 2000 (65 FR 49060). The comment period for the proposed rule is extended by 30 days, ending on November 9, 2000. In light of issues raised by the regulated community and the plaintiffs in the lawsuit establishing the schedule for this action, EPA agrees that extending the comment period to 90 days is appropriate due to the complexity and

the range of issues raised by the proposed rule.

DATES: Comments on the proposed rule will be accepted through November 9, 2000.

ADDRESSES: Send written comments to: Cooling Water Intake Structure (New Facilities) Proposed Rule Comment Clerk—W–00–03, Water Docket, Mail Code 4101, EPA, Ariel Rios Building, 1200 Pennsylvania Ave., N.W., Washington, DC 20460. Comments delivered in person (including overnight mail) should be submitted to the Cooling Water Intake Structure (New Facilities) Proposed Rule Comment Clerk—W–00–03, Water Docket, Room EB 57, 401 M Street, S.W., Washington DC 20460. Please submit any references cited in your comments. Submit an original and three copies of your written comments and enclosures. No facsimiles (faxes) will be accepted. For information on how to submit electronic comments, see the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional technical information, contact Deborah G. Nagle at (202) 260–2656, or James T. Morgan at (202) 260–6015. For additional economic information, contact Lynne Tudor at (202) 260–5384.

SUPPLEMENTARY INFORMATION: On August 10, 2000, EPA published proposed regulations under section 316(b) of the Clean Water Act (CWA) addressing cooling water intake structures for new facilities for public review and comment (65 FR 49060). The comment period was scheduled to end on October 10, 2000.

EPA has received requests to extend the comment period from the regulated community and from the plaintiffs in the lawsuit establishing the schedule for this action. In response to these requests, EPA is extending the comment period 30 days, through November 9, 2000, due to the complexity and the range of issues raised by the proposed rule. However, EPA does not believe that additional time beyond 90 days is needed to comment adequately on the proposed rule. The regulated community has known since October 1995 that EPA was operating under a court order entered by the U.S. District Court, Southern District of New York that requires EPA to propose and take final action on this rule. Thus, they have had sufficient time to plan and conduct research projects they would like to rely upon to support their comments (for example, research into the survival rates of organisms drawn into and later discharged from cooling water intake systems). EPA conducted two public meetings on this rulemaking in 1998 and has met on numerous occasions with interested parties to discuss the Agency's plans for regulating cooling water intake structures. In particular, in May and June 2000, EPA held a series of meetings with interested groups to describe the draft framework for the proposed rule. EPA also made copies of the proposed rule and preamble available to representatives of potentially regulated industries, States, and environmental groups on July 21, 2000, 19 days prior to publication of the proposed rule and preamble in the **Federal Register**.

In addition to accepting hard-copy written comments, EPA will also accept comments submitted electronically. Electronic comments must be submitted as a Word Perfect 5/6/7/8 or ASCII file and must be submitted to ow-docket@epa.gov.

Dated: August 24, 2000.

J. Charles Fox,

Assistant Administrator for Water.

[FR Doc. 00–22387 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–30115C; FRL–6743–4]

RIN 2070–AD23

Pesticide Tolerance Processing Fees; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule; Reopening of Comment Period.

SUMMARY: On July 24, 2000 EPA partially reopened the comment period on its proposed rule on tolerance processing fees to provide for public comment on additional data and information pertaining to fees for pesticide inert ingredients. EPA allotted 30 days for the submission of comments and due to the pressing nature of the proposed regulation, stated that it would not extend this 30–day comment period further. However, due to an overwhelming request from stakeholders for additional time, the Agency has decided to reopen and extend the comment period for an additional 15–day period.

DATES: Written comments, identified by the docket number OPP–30115C, must be received on or before September 15, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I of the **SUPPLEMENTARY INFORMATION** section. To ensure proper receipt by EPA, it is essential that you identify docket control number OPP–30115C in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Carol Peterson, Office of Pesticide Programs (7506C), U.S. Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6598; e-mail address: peterson.carol@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Document Apply to Me?

This document may directly affect any person or company who might petition the Agency for new tolerances, hold a pesticide registration with existing tolerances, or any person or company who is interested in obtaining or retaining a tolerance in the absence of a registration. This group can include pesticide manufacturers or formulators, companies that manufacture inert ingredients, importers of food, grower groups, or any person who seeks a tolerance. Federal, State, local, territorial, or tribal government agencies that petition for, or hold, emergency exemption tolerances are exempt from this rule. The vast majority of potentially affected categories and entities may include, but are not limited to:

Category	NAICS	Examples of Potentially Affected Entities
Chemical Industry	325320	Pesticide chemical manufacturers, formulators
	115112	Chemical manufacturers of inert ingredients

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. Other types of entities not listed above also could potentially be affected by this notice. The six-digit North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this notice applies to certain entities. To determine whether you or your business is regulated by this action, you should carefully examine the applicability provisions in this document. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. How Can I Get Additional Information or Copies of this Document or Other Documents?

1. *Electronically*. You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' 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/homepage/fedrgstr/.

2. *In person*. The official record for this notice, including the public version, has been established under docket control number OPP–30115C (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch telephone number is 703–305–5805.

C. How and to Whom Do I Submit Comments?

As described in Unit I.C of the July 24, 2000 **Federal Register** document (65 FR 45569) (FRL–6594–2), you may submit comments through the mail, in person, or electronically. Please follow the instructions that are provided in the July 24, 2000 notice and be sure to identify the appropriate docket number (i.e., ''OPP–30115C'') in the subject line on the first page of your response.

D. How Should I Handle Confidential Business Information that I Want to Submit to the Agency?

You may claim information that you submit 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. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the information presented, new approaches to be considered, the potential impacts of the information (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of the final action. 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 solid technical information and/or data to support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate.
5. Tell us what you support, as well as what you disagree with.
6. Provide specific examples to illustrate your concerns.
7. Offer alternative ways to improve the rule or collection activity.
8. Make sure to submit your comments by the deadline in this notice.
9. At the beginning of your comments (e.g., as part of the ''Subject'' heading), be sure to properly identify the document you are commenting on. You can do this by providing the docket number assigned to the notice, along with the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

The Agency issued a call for additional comments relating to new data and information tolerance processing fees for inert pesticide ingredients. The background and the contents of the document can be found in the **Federal Register** document published on July 24, 2000. The original proposed rule can be found in the **Federal Register** document published on June 9, 1999. The comment period for the proposed rule is being reopened for an additional 15 days. Comments must now be submitted to the Agency on or before September 15, 2000.

III. Do Any Regulatory Assessment Requirements Apply to this Action?

Yes. This action discusses and requests comments on additional data and/or information related to a proposed rule that was previously published in the **Federal Register** on June 9, 1999 (64 FR 31039) (FRL–6028–2). For information about the applicability of the regulatory assessment requirements to the proposed rule and this supplemental proposal, please refer to the discussion in Unit VII of that document.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 23, 2000.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

[FR Doc 00–22388 Filed 8–30–00; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6861–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: The Environmental Protection Agency (EPA).

ACTION: Proposed Deletion of the Wheeling Disposal Service Company, Incorporated, Landfill Site (site) from the National Priorities List (NPL).

SUMMARY: The EPA Region VII proposes to delete the Wheeling Disposal Service Company, Incorporated, Landfill site from the NPL and requests public comment on this action. The NPL constitutes Appendix B to Part 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980 (CERCLA), as amended. The EPA has determined that the site poses no significant threat to public health or the environment, as defined by CERCLA; and therefore, further remedial measures pursuant to CERCLA are not appropriate.

We are publishing this rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no dissenting comments. A detailed rationale for this approval is set forth in the direct final rule that appears elsewhere in this issue of the **Federal Register**. If no dissenting comments are received, no further activity is contemplated. If EPA receives dissenting comments, the direct final action will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Comments concerning this Action must be received by October 2, 2000.

ADDRESSES: Comments may be mailed to Catherine Barrett, Remedial Project Manager, Superfund Division, Missouri/Kansas Remedial Branch, U.S. Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101. Comprehensive information on this site is available through the public docket which is available for viewing at the Site Information Repository at U.S. EPA Region VII, Superfund Division Records Center, 901 North 5th Street, Kansas City, Kansas 66101 or Wheeling Local Repository, Rolling Hills Library, 514 West Main Street, Savannah, Missouri.

FOR FURTHER INFORMATION CONTACT: Catherine Barrett, Remedial Project Manager, Superfund Division, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101, telephone (913) 551–7704, fax (913) 551–7063.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Action which is located in the Rules Section of this **Federal Register**.

Dated: August 18, 2000.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 00–22378 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 65, No. 170

Thursday, August 31, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

Notice of Request for Extension of a Currently Approved Information Collection

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Farm Service Agency, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the subject agencies' intention to request an extension for a currently approved information collection in support of the programs for 7 CFR part 1956, subpart B, ''Debt Settlement—Farmer Loan Programs and Multi-Family Housing.''

DATES: Comments on this notice must be received by October 30, 2000 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Phillip Elder, Senior Loan Officer, USDA, FSA, Farm Loan Programs, Loan Servicing Division, 1400 Independence Ave. SW., Washington, DC 20250–0523, telephone (202) 690–4012. Electronic mail: phillip_elder@wdc.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Debt Settlement—Farm Loan Programs and Multi-Family Housing.

OMB Number: 0575–0118.

Expiration Date of Approval: October 31, 2000.

Type of Request: Extension of a currently approved information collection.

Abstract: This regulation defines items to be submitted by borrowers to request settlement of their debt. Information regarding past and present income, living expenses, debt repayment, assets and liabilities is obtained. The information is used to determine if acceptance of the settlement offer is in the best interest of the Government and document the borrower's request and offer.

Estimate of Burden: Public reporting for this collection of information is estimated to average 8.5 hours per response.

Respondents: Individuals or households, businesses or other for profit and farms.

Estimated Number of Respondents: 2,900.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 2,900.

Estimated Total Annual Burden on Respondents: 24,650.

Copies of this information collection can be obtained from Barbara Williams, Regulations and Paperwork Management Branch, Support Services Division at (202) 692–0045.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the subject agencies, including whether the information will have practical utility; (b) the accuracy of the Agencies' 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 Barbara Williams, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: August 18, 2000.

Jill Long Thompson,

Under Secretary for Rural Development.

Dated: August 8, 2000.

August Schumacher, Jr.,

Undersecretary for Farm and Foreign Agricultural Services.

[FR Doc. 00–22312 Filed 8–30–00; 8:45 am]

BILLING CODE 3410–XV–U

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: September 12, 2000; 9:30 a.m.–5 p.m.; September 13, 2000; 9:30 a.m.–11 a.m.

PLACE: Cohen Building, Room 3321, 330 Independence Ave., SW., Washington, DC 20237.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded non-military international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c) (2) and (6))

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact either Brenda Hardnett or John Lindburg at (202) 401–3736.

Dated: August 25, 2000.

John A. Lindburg,

Legal Counsel.

[FR Doc. 00–22507 Filed 8–29–00; 1:46 pm]

BILLING CODE 8230–01–M

CENSUS MONITORING BOARD

Sunshine Act Meeting

Announcement Date: August 29, 2000.

AGENCY: U.S. Census Monitoring Board.

ACTION: Notice of Public Meeting.

SUMMARY: This notice, in compliance with P.L. 105–119, sets forth the meeting date, time, and location for a public meeting of the U.S. Census Monitoring Board in Atlanta, Georgia. The agenda is to hear from community based groups regarding the operations of the census within the area. Additionally, the Board will have a general business meeting.

DATE: September 11, 2000.

TIME: 9 a.m. to 11:30 a.m.

LOCATION: Assembly Room II, Georgia Capitol Education Center, 180 Central Avenue, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Contact Clark Reid, 301–457–5080, Deputy Executive Director (Congressional Members) or Robert Cunningham, 301–457–9900, Deputy Executive Director (Presidential Members.)

Fred T. Asbell,

Executive Director, Congressional Members.

Mark Johnson,

Executive Director, Presidential Members.

[FR Doc. 00–22487 Filed 8–29–00; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Decennial Census Advisory Committee

AGENCY: Economics and Statistics Administration, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Public Law 92–463, as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a meeting of the Decennial Census Advisory Committee. The Committee will address policy, research, and technical issues related to the American Community Survey, Census 2000 operations and activities and related decennial programs. Last minute changes to the schedule are possible, which could prevent us from giving advance notice.

DATES: On Thursday, September 21, 2000, the meeting will begin at 9 a.m. and adjourn at approximately 5 p.m. On Friday, September 22, 2000, the meeting will begin at 9 a.m. and adjourn at approximately 12:15 p.m.

ADDRESSES: The meeting is at the Hilton Alexandria Mark Center Hotel, 5000 Seminary Road, Alexandria, VA.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room 1647, Federal Building 3, Washington, DC 20233; telephone 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The Decennial Census Advisory Committee is composed of a Chair, Vice-Chair, and up to 40 member organizations, all appointed by the Secretary of Commerce. The Committee considers the goals of the decennial census and users' needs for information provided by that census. The Committee provides an outside user perspective about how research and design plans for the 2010 decennial census, and the development of the American Community Survey and other related programs, will realize those goals and satisfy those needs. The members of the Advisory Committee draw on their experience with Census 2000 planning and operational processes, results of research studies, test censuses, and results of the Census 2000 Evaluation Program to provide input on the design and related operations of the 2010 decennial census, the American Community Survey, and other related programs.

A brief period will be set aside at the meeting for public comment. However, individuals with extensive statements for the record must submit them in writing to the Commerce Department official named above at least three working days prior to the meeting. Seating is available to the public on a first-come, first-served basis.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Census Bureau Committee Liaison Officer on 301–457–2308, TDD 301–457–2540.

Dated: August 24, 2000.

James K. White,

Associate Under Secretary for Management, Economics and Statistics Administration.

[FR Doc. 00–22231 Filed 8–30–00; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Dien's Auto Salvage, Inc.; Order Denying Export Privileges

On January 26, 2000, Dien's Auto Salvage, Inc. was convicted in the United States District Court for the Western District of Louisiana at Lafayette on multiple counts of violating the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. sections 2401–2420 (1991 & Supp. 2000)) (the Act),[1] among other crimes. Specifically, Dien's Auto Salvage, Inc. was convicted of knowingly and intentionally exporting United States military vehicles and military vehicle parts to Vietnam without obtaining the required export license from the Department of Commerce.

Section 11(h) of the Act provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of violating the Act, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2000), as amended (65 FR 14862, March 20, 2000)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating the Act, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person's export privileges for a period of up to 10 years from the date of conviction and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Dien's Auto Salvage, Inc.'s conviction for violating

[1] The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), which has been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 FR 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. sections 1701–1706 (1991 & Supp. 2000)).

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 11(h) of the Act.

the Act, and after providing notice and an opportunity for Dien's Auto Salvage, Inc. to make a written submission to the Bureau of Export Administration before issuing an Order denying its export privileges, as provided in Section 766.25 of the Regulations, I, following consultations with the Director, Office of Export Enforcement, have decided to deny Dien's Auto Salvage, Inc.'s export privileges for a period of 10 years from the date of its conviction. The 10-year period ends on January 26, 2010. I have also decided to revoke all licenses issued pursuant to the Act in which Dien's Auto Salvage, Inc. had an interest at the time of its conviction.

Accordingly, *it is hereby ordered*

I. Until January 26, 2010, Dien's Auto Salvage, Inc., 6157 Johnston Street, Lafayette, Louisiana 70503, may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported form the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Dien's Auto Salvage, Inc. by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until January 26, 2010.

VI. In accordance with Part 756 of the Regulations, Dien's Auto Salvage, Inc. may file an appeal from this Order with the Under Secretary for Export Administration. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to Dien's Auto Salvage, Inc. This Order shall be published in the **Federal Register**.

Dated: August 22, 2000.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 00–22249 Filed 8–30–00; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 52–2000]

Foreign-Trade Zone 44—Mount Olive, New Jersey, Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the New Jersey Commerce and Economic Growth Commission, grantee of Foreign-Trade Zone 44, requesting authority to expand its zone in the Mt. Olive, New Jersey, area, within the New York/Newark 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 August 22, 2000.

FTZ 44 was approved on October 19, 1978 (Board Order 139, 43 FR 50234,10/27/78). The general-purpose zone currently consists of one site (77 acres) within the 650-acre International Trade Center located in the Mt. Olive Township of Morris County, New Jersey.

The applicant is now requesting authority to expand its general purpose zone to include an additional site: *Proposed Site 2* (309 acres, 2 parcels)—Rockefeller Cranbury Industrial Park (Carter-Wallace, Inc./the Rockefeller Group), Half Acre Road and north of Cranbury Station Road in Cranbury Township, Middlesex County. 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 October 30, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 14, 2000.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Rockefeller Group, 500 International Drive—North, Suite 345, Mount Olive, NJ 07828;

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: August 24, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–22217 Filed 8–30–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–046]

Polychloroprene Rubber from Japan: Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On January 26, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** the notice of initiation of an administrative review of the antidumping duty order on polychloroprene rubber from Japan for Denki Kagaku Kogyo K.K. (''Denka'') and Tosoh Corporation (''Tosoh''). *See* 65 FR 4228. This review was requested by the petitioner, DuPont Dow Elastomers L.L.C. (''DuPont''), and covers the period December 1, 1998, through November 30, 1999. We are now rescinding this review as a result of DuPont's timely withdrawal of its request for an administrative review for Denka and the non-shipper status of Tosoh.

EFFECTIVE DATE: August 31, 2000.

FOR FURTHER INFORMATION CONTACT: Nova Daly or Ron Trentham, Group II, Office 4, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0989 or 482–6320, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments 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 regulations as codified at 19 CFR Part 351 (1999).

Background

On December 28, 1999, the petitioner, DuPont, requested that the Department conduct an administrative review of the antidumping duty order on polychloroprene rubber from Japan for the period December 1, 1998, through November 30, 1999, covering two producers and/or exporters: Denka and Tosoh. No other interested party requested that the Department conduct an administrative review. On January 26, 2000, the Department initiated an administrative review (65 FR 4228).

Scope of the Review

Imports covered by this review are shipments of polychloroprene rubber, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.42.00, 4002.49.00, 4003.00.00, 4462.15.21 and 4462.00.00 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). HTSUS item numbers are provided for convenience and for the U.S. Customs Service purposes. The written descriptions remain dispositive.

Rescission of 1998/1999 Antidumping Duty Administrative Review

On February 10, 2000, in response to the Department's questionnaire, Tosoh stated that it had made no shipments to the United States of the subject merchandise during the period of review (''POR''). The Department independently confirmed with the U.S. Customs Service that there were no shipments from Tosoh during the POR. Therefore, in accordance with section 351.213(d)(3) of the Department's regulations, and consistent with our practice, we are treating this firm as a non-shipper for purposes of this review. Moreover, the Department invited interested parties to comment on our intent to rescind this review with respect to Tosoh. *See* Rescission Memorandum from Ron Trentham to Holly A. Kuga, dated August 4, 2000 (''Recission Memo''). Interested parties were given until the close of business on August 18, 2000, to submit their comments. No parties submitted comments. Therefore, we are rescinding this review with respect to Tosoh (*see, e.g. Certain Welded Carbon Steel Pipe and Tube from Turkey: Final Results and Partial Recission of Antidumping Administrative Review,* 63 FR 35190, 35191 (June 29, 1998)).

On February 23, 2000, the petitioner filed a letter with the Department withdrawing its request that the Department conduct an administrative review of Denka's sales. This withdrawal complies with section 351.213(d)(1) of the Department's regulations which grants parties 90 days from the publication of the notice of initiation of review to withdraw their request for review. Because of the non-shipper status of Tosoh, DuPont's timely request for the termination of the review for Denka, and the fact that there were no responses to the Rescission Memo, the Department is rescinding this review in its entirety in accordance with section 351.213(d) of our regulations.

This notice is in accordance with section 751 of the Act and section 351.213(d) of the Department's regulations.

Dated: August 24, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–22355 Filed 8–30–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–804]

Continuation of Antidumping Duty Order: Sparklers from the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of continuation of antidumping duty order: Sparklers from the People's Republic of China.

SUMMARY: On February 3, 2000, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty order on sparklers from the People's Republic of China (''PRC''), is likely to lead to continuation or recurrence of dumping. See 65 FR 5312 (February 3, 2000).

On July 6, 2000, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty order on sparklers from the PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See* 65 FR 41728 (July 6, 2000). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping duty order on sparklers from the PRC.

EFFECTIVE DATE: July 13, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–5050.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1999, the Department initiated, and the Commission instituted sunset reviews (64 FR 35588 and 64 FR 35689) of the antidumping duty order on sparklers from the PRC, pursuant to section 751(c) of the Act. As a result of its review the Department found on February 3, 2000, that revocation of the antidumping duty order on sparklers from the PRC would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margins likely to prevail were the order revoked. See Final Results of Expedited Sunset Review: Sparklers From the People's Republic of China, 65 FR 5312 (February 3, 2000).

On July 6, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on sparklers from the PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See Sparklers from China, 65 FR 41728 (July 6, 2000) and USITC Publication 3317 (July 2000), Investigation No. 731–TA–464 (Review).

Scope

The merchandise subject to this antidumping duty order is sparklers from the PRC. Sparklers are fireworks each comprising a cut-to-length wire, one end of which is coated with a chemical mix that emits bright sparks while burning. Sparklers are currently classified under Harmonized Tariff Schedule (''HTS'') of the United States subheading 3604.10.00. The HTS subheading is provided for convenience and customs purposes. The written description remains dispositive.

Determination

As a result of the determination by the Department and the Commission that revocation of the antidumping duty order on sparklers from the PRC would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on sparklers from the PRC. The Department will instruct the U.S. Customs Service to continue to collect antidumping duty deposits at the rates in effect at the time of entry for all imports of subject merchandise.

Normally, the effective date of continuation of a finding, order, or suspension agreement will be the date of publication in the **Federal Register** of the Notice of Continuation. As provided in 19 CFR 351.218.(f)(4), the Department will issue its determination to continue a finding, order, or suspended investigation not later than seven days after the date of publication in the **Federal Register** of the Commission's determination concluding the sunset review and immediately thereafter will publish its notice of continuation in the **Federal Register**. In this instant case, however, the Department's publication of the Notice of Continuation was delayed. The Department has explicitly indicated that the effective date of continuation of this order is July 13, 2000, seven days after the publication in the **Federal Register** of the Commission's determination. As a result, pursuant to section 751(c)(6)(A) of the Act, the Department intends to initiate the next five year review of this order not later than June 2005.

Dated: August 25, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–22354 Filed 8–30–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that there will be a closed meeting of the Judges Panel of the Malcolm Baldrige National Quality Award on Thursday, September 21, 2000. The Judges Panel is composed of nine members prominent in the field of quality management and appointed by the Secretary of Commerce. The purpose of this meeting is to review the consensus process, determine possible conflict of interest for site visited companies, select applicants for site visits, begin stage III of the judging process, review feedback to first stage applicants, a debriefing on the State and Local Workshop, and an update on 2001 criteria. The application under review contain trade secrets and proprietary commercial information submitted to the Government in confidence.

DATES: The meeting will convene September 21, 2000 at 9:00 a.m. and adjourn at 4:30 p.m. on September 21, 2000. The entire meeting will be closed.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Red Training Room, Chemistry Building, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2361.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on March 31, 2000, that the meeting of the Judges Panel will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409. The meeting, which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with Section 522b(c)(4) of Title 5, United States Code, since the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Dated: August 25, 2000.

Karen H. Brown,

Deputy Director.

[FR Doc. 00–22348 Filed 8–30–00; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082500B]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Socioeconomic Panel (SEP).

DATES: The meeting will be held on Wednesday, September 20, 2000,

beginning at 1 p.m. through Friday, September 22, 2000, concluding at 4 p.m.

ADDRESSES: The meeting will be held at the Tampa Airport Hilton Hotel, 2225 Lois Avenue, Tampa, Florida 33607; telephone 813-877-6688.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000 Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Antonio B. Lamberte, Economist, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, Florida 33619; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: The SEP will convene to review available social and economic data on red snapper, red grouper, vermilion snapper, and greater amberjack, and to determine the social and economic implications of the levels of acceptable biological catches that may be recommended by the Council's Reef Fish Stock Assessment Panel. The SEP may recommend to the Council a total allowable catch each for greater amberjack, red grouper, and vermilion snapper for the 2001 fishing year.

Composing the SEP membership are economists, sociologists, and anthropologists from various universities and state fishery agencies throughout the Gulf. They advise the Council on the social and economic implications of certain fishery management measures.

A copy of the agenda can be obtained by calling 813-228-2815. Although other non-emergency issues not on the agendas may come before the SEP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the SEP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by September 13, 2000.

Dated: August 25, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–22322 Filed 8–30–00; 8:45 am]

Billing Code: 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082800D]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Atlantic Herring Advisory Panel on September 14, 2000 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from the panel will be brought to the Herring Oversight Committee and the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on September 14, 2000, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn Portsmouth, 300 Woodbury Avenue, Portsmouth, NH 03801; telephone: (603) 431-8000.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

SUPPLEMENTARY INFORMATION: The panel will develop recommendations for conditions and restrictions on permits for foreign vessels fishing for Atlantic herring in the U.S. EEZ. The Council has recommended to NMFS that up to 5,000 metric tons (mt) of herring be available for foreign fishing in 2001. To date, the Council has received a permit application from Lithuania for a portion (1,000 mt) of the total allowable foreign fishing specification (TALFF), in conjunction with an application to purchase 2,000 mt of herring through joint ventures (JV). The panel will develop recommendations on this particular permit, and provide recommendations on general conditions and restrictions for any future permit applications for the remainder of the 2001 TALFF that may be forthcoming.

The panel also will discuss issues and options for a limited entry/controlled access program for the herring fishery. Although the Council is not currently proposing such a program, it has indicated that it may consider one in the future and requests the panel to discuss the matter.

A third item before the panel is the annual specification of limits on the amount of herring available for U.S. at-sea processing by vessels greater than 165 feet in length and 750 gross tons (USAP). The Herring Fishery Management Plan (pending publication of a Final Rule) requires the Council to make such a specification. The Herring Plan Development Team recommends against retaining USAP as an annual specification because it increases the project's uncertainty for potential investors in a large domestic processing vessel and limits the potential for this portion of the domestic allowable processing (DAP) specification to be utilized. If the Council decides to make this change to the plan, it would have to do so through a plan amendment or framework adjustment.

Although non-emergency issues not contained in this agenda may come before this Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: August 28, 2000.

Richard W. Surdi,

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

[FR Doc. 00–22349 Filed 8–30–00; 8:45 am]

Billing Code: 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.082400B]

Endangered Species; Permits

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

ACTION: Receipt of application for a scientific research permit (1260); receipt of applications to modify permits (1190).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received a permit application from Dr. Joseph Powers, Acting Regional Administrator - Southeast Region - NMFS (SER) (1260); NMFS has received a request to modify permit (1190) from Dr. Rebecca Lent, Regional Administrator - Southwest Region, NMFS (SWR).

DATES: Comments or requests for a public hearing on the application or modification request must be received at the appropriate address or fax number no later than 5:00pm eastern standard time on October 2, 2000.

ADDRESSES: Written comments on the application or modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the 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 1260, 1190: Office of Protected Resources, Endangered Species Division, F/PR3, 1315 East-West Highway, Silver Spring, MD 20910 (ph: 301-713-1401, fax: 301-713-0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (ph: 301-713-1401, fax: 301-713-0376, e-mail: Terri.Jordan@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in this Notice

The following species are covered in this notice:

Sea Turtles

Green turtle (*Chelonia mydas*), Hawksbill turtle (*Eretmochelys imbricata*), Kemp's ridley turtle (*Lepidochelys kempii*), Leatherback turtle (*Dermochelys coriacea*), Loggerhead turtle (*Caretta caretta*), olive ridley turtle (Lepidochelys olivacea).

New Applications Received

Application 1260: The applicant has requested a four year permit to take listed sea turtles in the coastal waters of the Atlantic Ocean and Gulf of Mexico. The research conducted in these areas supports the National Marine Fisheries Service sea turtle recovery program. Research activities include: directed in water research, aerial surveys, resource assessment surveys, and fishery technology testing and implementation. Leatherback, loggerhead, green, hawksbill and Kemp's ridley sea turtles are the focus of the recovery efforts in the southeast region.

Modification Requests Received

Permit #1190: The applicant requests a modification to Permit 1190. Permit 1190 authorizes research activities on sea turtles captured incidentally by longline fishery vessels in the Hawaiian region. These activities will aid in monitoring the Hawaiian longline fishery, a term and condition of the November 3, 1998 biological opinion on that fishery. In addition, these research activities are described in the Pacific Sea Turtle Recovery Plans. The incidental take of these turtles is covered by the incidental take statement of the November 3, 1998 opinion. The purpose of the research is to document and evaluate the incidental take of pelagic turtles by the longline fishery, to help estimate the impact of the fishery on listed turtles as individuals and as populations, and to determine methods to reduce that impact. Research will evaluate how incidental captures affect sea turtle anatomy and physiology as a function of season, location of take, water temperature, species, size, time of day, and gear configuration. The results of the research will help NMFS to better meet the goals and objectives of the Pacific Sea Turtle Recovery Plans, the Hooking Mortality Workshop, and the requirements of Section 7 Biological Opinions developed for this fishery, and ultimately, to fulfill ESA responsibilities to protect, conserve, and recover listed species.

Incidentally-captured turtles will be examined, tagged, weighed, measured, resuscitated using approved techniques, have tissue samples taken, and be released. Some of these turtles will have transmitters attached. Dead turtles will be removed from the marine environment for research purposes, including necropsy and collection of life history data. Tissue samples may be used lab studies including the following: toxicology, histopathology, and genetic studies to identify nesting origins of incidentally taken turtles.

Modification #2 would increase the authorized annual take of listed sea turtles from 10 green, 25 leatherback, 150 loggerhead, 10 hawksbill and 25 olive ridley sea turtles annually to 40 green, 100 leatherback, 600 loggerhead, 40 hawksbill and 100 olive ridley turtles annually. The increases are necessary due to higher numbers of observed takes expected under court mandated requirements. On August 4, 2000 a court order was issued and filed in U.S. District Court, District of Hawaii, requiring the National Marine Fisheries Service (NMFS) to increase its observer coverage to over 20% for the Hawaii longline fishery (historically, NMFS has had a 3%-5% coverage level for the fishery). The increases in maximum takes requested are proportional to the increase in observer coverage required. Additionally, the applicant requests an increase in the number of hard-shelled turtles which may be tagged with satellite transmitters from 15 to 50 annually.

Dated: August 25, 2000.

Barbara Schroeder,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–22321 Filed 8–30–00; 8:45 am]

Billing Code: 3510–22 –S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Public Meeting To Develop Global Positioning System/Ultrawideband Operational Scenarios

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The Office of Spectrum Management (OSM) of the National Telecommunications and Information Administration (NTIA) will host a series of public meetings to develop the operational scenarios to be considered in the assessment of potential interference to Global Positioning System (GPS) receivers from ultrawideband (UWB) transmission systems. Interested parties are invited to make presentations describing GPS/UWB operational scenarios they expect to be considered in the NTIA analysis.

DATES: The first meeting will be held from 9 a.m.–5 p.m., Thursday September 7, 2000.

ADDRESSES: The first meeting will be held at the U.S. Department of Commerce, Room 3407, 1401 Constitution Avenue, NW., Washington, DC 20230. The meeting will be open to the public. For updated information on this meeting, please see NTIA's homepage at <http://www.ntia.doc.gov/osmhome/uwbtestplan/gpstestfr.htm>.

FOR FURTHER INFORMATION CONTACT: Steve Jones, Office of Spectrum Management, telephone: (202) 482–2791; or electronic mail: <skjones@ntia.doc.gov>; or Ed Drocella, Office of Spectrum Management, telephone: (202) 482–2608; or electronic mail: <edrocella@ntia.doc.gov>.

Media inquiries should be directed to the Office of Public Affairs, National Telecommunications and Information Administration, at (202) 482–7002.

SUPPLEMENTARY INFORMATION: On August 14, 2000, the NTIA Measurement Plan To Determine The Potential Interference Impact To Global Positioning System Receivers From Ultrawideband Transmission Systems was published in the **Federal Register**. The measurements described in this document will not develop the operational scenarios or the associated link budgets. Rather, the measurements will define the maximum level of UWB emissions that can be tolerated at the input of each GPS receiver considered. The maximum tolerable UWB emission level will then be used in a separate link budget analysis for each specific UWB-to-GPS operational scenario identified to calculate the maximum permissible output power of a UWB transmission system, under given parameter combinations, that will ensure compatibility with GPS receivers. The operational scenarios will be dependent upon both existing and projected GPS and UWB applications and will take into consideration circumstances involving both single and multiple UWB transmission systems. For each application, a link budget will be developed under assumptions and/or known conditions that are defined by the particular operational scenario.

Public Participation: The first meeting is open to the public and is physically accessible to people with disabilities. To facilitate entry into the Department of Commerce building, please have a photo identification available and/or a U.S. Government building pass, if applicable. Any member of the public wishing to attend and requiring special services, such as sign language interpretation or other ancillary aids, should contact Steve Jones at least five (5) days prior to the meeting at telephone (202) 482–2791 or e-mail <skjones@ntia.doc.gov>.

Kathy D. Smith,

Chief Counsel.

[FR Doc. 00–22309 Filed 8–30–00; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0267]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Cost Accounting Standards

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through March 31, 2001, under OMB Control Number 0704–0267. DoD proposes that OMB extend its approval for use through March 31, 2004.

DATES: DoD will consider all comments received by October 30, 2000.

ADDRESSES: Interested parties should submit written comments and recommendations on the proposed information collection to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD(AT&L)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350.

E-mail comments submitted via the Internet should be addressed to: dfars@acq.osd.mil.

Please cite OMB Control Number 0704–0267 in all correspondence related to this issue. E-mail comments should cite OMB Control Number 0704–0267 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, at (703) 602–0289. The information collection requirements addressed in this notice are available via the Internet at: http://www.acq.osd.mil/dp/dars/dfars.html. Paper copies are available from Ms. Sandra Haberlin, OUSD(AT&L)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 230, Cost Accounting Standards, and DD Form 1861; OMB Control Number 0704–0267.

Needs and Uses: Contracting officers use DD Form 1861, Contract Facilities Capital Cost of Money, in computing profit objectives for negotiated contracts. The form enables contracting officers to differentiate profit objectives for various types of contractor assets (land, buildings, equipment).

Affected Public: Businesses or other for-profit entities.

Annual Burden Hours: 445,400.

Number of Respondents: 38,456.

Responses Per Respondents: 1.16.

Annual Responses: 44,648.

Average Burden Per Response: 10 hours.

Frequency: On occasion.

Summary of Information Collection

This information collection includes requirements relating to DFARS Part

230, Cost Accounting Standards Administration. DFARS Subpart 230.70, Facilities Capital Employed for Facilities in Use, prescribes use of DD Form 1861 as a means of linking Form CASB–CMF and DD Form 1547, Record of Weighted Guidelines Application. The contracting officer uses DD Form 1861 to record and compute contract facilities capital cost of money and facilities capital employed, and carries the facilities capital employed amount to DD Form 1547 to develop a profit objective. Completion of DD Form 1861 requires contractor information not included on Form CASB–CMF, i.e., distribution percentages of land, buildings, and equipment for the business unit performing the contract. DFARS 230.7004–2 directs the contracting officer to choose the most practical method of obtaining this information, e.g., through the contract administration office or corporate administrative contracting officer, or through a solicitation provision.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 00–22092 Filed 8–30–00; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed collection; comment request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness)

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 30, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Force Management Policy) (Military Personnel Policy)/Accession Policy, ATTN: Major Brenda Leong, 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 695–5529.

Title, Associated Form, and OMB Control Number: Police Record Check, DD Form 369, OMB Control Number: 0704–0007.

Needs and Uses: This information collection requirement is necessary to obtain information about arrests and criminal records on applicants to the Armed Forces of the United States. The DD Form 369, Police Record Check, is used to identify any disqualifying history regarding arrests or convictions.

Affected Public: State, Local or Tribal Government.

Annual Burden Hours: 56,250.

Number of Respondents: 125,000.

Responses Per Respondent: 1.

Average Burden Per Response: 27 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This information is collected to provide the Armed Services with background information on an applicant. History of criminal activity, arrests, or confinement is disqualifying for military service. The respondents will be local and state law enforcement agencies. The DD Form 369, Police Record Check, is the method of information collection; responses are to reference any records on the applicant. The information will be used to determine suitability of the applicant for the military service.

Dated: August 25, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–22252 Filed 8–30–00; 8:45 am]

BILLING CODE 5001–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Finance and Accounting Service announces the proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 30, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Headquarters, Defense Finance and Accounting Service, DFAS–HQ/FCD, ATTN: Ms. Patricia J. Cristiano, 1931 Jefferson Davis Hwy., Arlington, VA 22240–5291.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call, Ms. Patricia J. Cristiano (703) 607–5039.

Title, Associated Form, and OMB Number: Personal Check Cashing Agreement, DD Form 2761; OMB Number 0730–0005.

Needs and Uses: The information collection requirement is necessary to meet the Department of Defense's (DoD) requirement for cashing personal checks overseas and afloat by DoD disbursing activities, as provided in 31 U.S.C. 3342. The DoD Financial Management Regulation, Volume 5, provides guidance to DoD Disbursing Officers in the performance of this information collection. This allows the DoD disbursing officer or authorized agent the authority to offset the pay without prior notification, in cases where this

form has been signed subject to conditions specified within the approved procedures.

Affected Public: Individual or households.

Annual Burden Hours: 193,000 hours.

Number of Respondents: 386,000.

Responses Per Respondent: 1.

Average Burden Per Response: 30 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Personal Check Cashing Agreement Form is designed exclusively to help the DoD disbursing offices expedite the collection process of dishonored checks. The front of the form will be completed and signed by the authorized individual requesting check cashing privileges. By signing the form, the individual is freely and voluntarily consenting to the immediate collection from their current pay, without prior notice, for the face value of any check cashed, pays any charges assessed against the government by a financial institution, in the event the check is dishonored. In the event the check is dishonored, the disbursing office will complete and certify the reverse side of the form and forward the form to the applicable payroll office for collection from the individual's current pay.

Dated: August 25, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–22253 Filed 8–30–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee Meeting Notice

AGENCY: U.S. Army Center of Military History, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Department of Defense Historical Advisory Committee.

Date: 26 October 2000.

Place: U.S. Army Center of Military History, Building 35, 103 Third Avenue, Fort McNair, DC 20319–5058.

Time: 9 a.m. to 4:30 p.m. (26 October 2000).

Proposed Agenda: Review and discussion of the status of historical activities in the United States Army.

Purpose of the Meeting: The committee will review the Army's historical activities for FY 2000 and those projected for FY 2001 based upon reports and manuscripts received throughout the period. And the committee will formulate recommendations through the Chief of Military History to the Chief of Staff, Army, and the Secretary of the Army for advancing the use of history in the U.S. Army.

FOR FURTHER INFORMATION CONTACT: All communications regarding this advisory committee should be addressed to Dr. Jeffrey J. Clarke, U.S. Army Center of Military History, ATTN: DAMH–ZC, 103 Third Avenue, Fort McNair, DC 20319–5058; telephone number (202) 685–2709.

SUPPLEMENTARY INFORMATION: The meeting of the advisory committee is open to the public. Because of the restricted meeting space, however, attendance may be limited to those persons who have notified the Advisory Committee Management Office in writing at least five days prior to the meeting of their intention to attend the 26 October 2000 meeting.

Any members of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentations or oral statements at the meeting.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–22221 Filed 8–30–00; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Scientific Advisory Board

AGENCY: Armed Forces Institute of Pathology (AFIP), DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act Public Law (92–463), announcement is made of the following open meeting:

Name of Committee: Scientific Advisory Board (SAB).

Dates of Meeting: 2–3 November 2000.

Place: Armed Forces Institute of Pathology, Building 54, 14th St. & Alaska Ave., NW, Washington, DC 20306–6000.

Time:

8:30 a.m.–4:30 p.m. (2 November 2000)
8:00 a.m.–12:00 p.m. (3 November 2000)

FOR FURTHER INFORMATION CONTACT: Mr. Ridgely Rabold, Center for Advanced Pathology (CAP), AFIP, Building 54, Washington, DC 20306–6000, phone (202) 782–2553.

SUPPLEMENTARY INFORMATION:

General function of the board: The Scientific Advisory Board provides scientific and professional advice and guidance on programs, policies and procedures of the AFIP.

Agenda: The Board will hear status reports from the AFIP Deputy Director, Center for Advanced Pathology Director, the National Museum of Health and Medicine, and each of the pathology departments which the Board members will visit during the meeting.

Open board discussions: Reports will be given on all visited departments. The reports will consist of findings, recommended areas of further research, and suggested solutions. New trends and/or technologies will be discussed and goals established. The meeting is open to the public.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–22224 Filed 8–30–00; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Boards Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of the Performance Review Boards for the Department of the Army.

EFFECTIVE DATE: August 22, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy Quick, U.S. Army Senior Executive Service Office, Assistant Secretary of the Army (Manpower and Reserve Affairs), 111 Army Pentagon, Washington, DC 20310–0111.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The members of the Performance Review Board for the Office of the Secretary of the Army are:

1. Eric A. Orsini, Deputy Assistant Secretary of the Army (Logistics), Office

of the Assistant Secretary of the Army (Acquisition, Logistics and Technology);

2. Dr. Larry B. Stotts, Director for Technology, Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology);

3. Ms. Marie Therese Dominguez, Principal Deputy Assistant Secretary of the Army (Civil Works), Office of the Assistant Secretary of the Army (Civil Works);

4. Ms. Judith A. Guenther, Director of Investment, Office of the Assistant Secretary of the Army (Financial Management and Comptroller);

5. BG Hugh Tant, Director of Operations and Support, Office of the Assistant Secretary of the Army (Financial Management and Comptroller);

6. Mr. James T. Lipham, Special Assistant to the Assistant Secretary of the Army (Installations and Environment) for Residential Communities Initiative, Office of the Assistant Secretary of the Army (Installations and Environment);

7. Mr. Raymond J. Fatz, Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), Office of the Assistant Secretary of the Army (Installations and Environment);

8. Mr. Paul W. Johnson, Deputy Assistant Secretary of the Army (Installations and Housing), Office of the Assistant Secretary of the Army (Installations and Environment);

9. Mr. Edward ''Ray'' Clark, Principal Deputy Assistant Secretary of the Army (Installations and Environment), Office of the Assistant Secretary of the Army (Installations and Environment);

10. Mr. Elmer F. Williams, Director of the Civilian Personnel Operations Center Management Agency, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs);

11. Mr. David L. Snyder, Deputy Assistant Secretary of the Army (Civilian Personnel Policy), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs);

12. Ms. Elizabeth Throckmorton, Assistant Deputy for Civilian Personnel Policy, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs);

13. Mr. Matt Reres, Deputy General Counsel (Ethics and Fiscal), Office of the General Counsel;

14. Mr. Earl H. Stockdale, Jr., Deputy General Counsel (Civil Works and Environment), Office of the General Counsel;

15. Ms. Miriam F. Browning, Director of Army Information, Office of the Director of Information Systems, Command, Control, Communications and Computers;

16. Mr. David Borland, Vice Director to the Director of Information Systems for Command, Control, Communications and Computers, Office of the Director of Information Systems, Command, Control, Communications and Computers;

17. Mr. Thomas Druzgal, Deputy Auditor General, Army Audit Agency;

18. Ms. Joyce Morrow, Director for Audit Policy Plans and Resources, Army Audit Agency;

19. Mr. Francis Reardon, The Auditor General, Army Audit Agency;

20. Mr. Craig D. Hunter, Director for International Development and Security Assistance, Office of the Deputy Under Secretary of the Army (International Affairs);

21. Mr. George C. Bruno, Special Assistant to the Deputy Under Secretary of the Army (International Affairs), Office of the Deputy Under Secretary of the Army (International Affairs);

22. Mr. J. Douglas Sizelove, Assistant Deputy Under Secretary of the Army (Operations Research), Office of the Deputy Under Secretary of the Army (Operations Research);

23. Dr. Robin Buckelew, Special Assistant for Systems, Office of the Deputy Under Secretary of the Army (Operations Research);

24. Dr. Thomas J. Welch, Associate Director for Science and Technology, Office of Net Assessment, National Defense University;

25. MG Warren L. Freeman, Director of the District of Columbia National Guard;

26. Ms. Tracey Pinson, Director, Office of Small and Disadvantaged Business Utilization;

27. Ms. Sandra R. Riley, Deputy Administrative Assistant, Office of the Administrative Assistant to the Secretary of the Army;

28. Ms. Kathryn A. Condon, Special Assistant for Resources and Military Support, Office of the Under Secretary of the Army;

29. Mr. Walter W. Hollis, Deputy Under Secretary of the Army (Operations Research), Office of the Deputy Under Secretary of the Army (Operations Research);

30. Mr. Joel B. Hudson, Administrative Assistant, Office of the Administrative Assistant to the Secretary of the Army; and

31. Mr. Frederick R. Budd, Director, Network Infrastructure Services Agency—Pentagon.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–22218 Filed 8–30–00; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Boards Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of the Performance Review Boards for the Department of the Army.

EFFECTIVE DATE: August 21, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy Quick, U.S. Army Senior Executive Service Office, Assistant Secretary of the Army (Manpower and Reserve Affairs), 111 Army Pentagon, Washington, DC 20310–0111.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The members of the 2000 Performance Review Board for the U.S. Army Materiel Command are:

1. Major General Bruce K. Scott, Commander, U.S. Army Security Assistance Command, U.S. Army Materiel Command;

2. Major General Paul Glazar, Adjutant of New Jersey;

3. Brigadier General Michael P. Lenears, Commanding General, U.S. Army Armament Research, Development and Engineering Center, U.S. Army Materiel Command;

4. Mr. Victor J. Ferlise, Deputy to the Commander, U.S. Army Communications-Electronics Command, U.S. Army Materiel Command;

5. Ms. L. Marlene Cruze, Executive Director, Acquisition Center, U.S. Army Aviation and Missile Command, U.S. Army Materiel Command;

6. Ms. Kathryn T. Szymanski, Chief Counsel, U.S. Army Communications-Electronics Command, U.S. Army Materiel Command;

7. Mr. Edward G. Elgart, Director, C3I Acquisition Center, U.S. Army Communications-Electronics Command, U.S. Army Materiel Command;

8. Mr. Edward T. Bair, Deputy PEO, Intelligence and Electronic Warfare, Army Acquisition Executive;

9. Ms. Renata F. Price, ADCS for RDA-Science, Technology and Engineering, U.S. Army Materiel Command;

10. Dr. Chine I. Chang, Director, Army Research Office, U.S. Army Materiel Command;
11. Mr. John C. Lawkowski, Assistant Deputy Chief of Staff for Resource Management, U.S. Army Materiel Command;
12. Dr. Mitra Dutta, Director, Research and Technology Integration, U.S. Army Research Office, U.S. Army Materiel Command;
13. Mr. James L. Flinn III, Deputy to the Commanding General, U.S. Army Aviation and Missile Command, U.S. Army Materiel Command;
14. Mr. Paul Bogosian, Deputy PEO-Aviation, Army Acquisition Executive PEO;
15. Mr. Harold Holmes, Deputy for Systems Deployment, National Missile Defense Joint Program Office;
16. Mr. Robert J. Spazzarini, Chief Counsel, U.S. Army Aviation and Missile Command, U.S. Army Materiel Command;
17. Mr. Jimmy C. Morgan, Director, Armament and Chemical Acquisition & Logistics Agency, U.S. Army Materiel Command;
18. Mr. Brian M. Simmons, Technical Director, U.S. Army Test and Evaluation Command, U.S. Army Materiel Command;
19. Mr. David J. Shaffer, Director, U.S. Army Materiel Systems Analysis Activity, U.S. Army Materiel Command;
20. Dr. Narayanaswamy Radhakrishnan, Director, Computational Information Sciences Directorate, U.S. Army Research Laboratory, U.S. Army Materiel Command;
21. Mr. James L. Bacon, Program Manager for Chemical Demil Operations, Army Acquisition Executive;
22. Ms. Melinda McMillon Darby, Deputy Chief of Staff for Personnel, U.S. Army Materiel Command;
23. Mr. Truman W. Howard, Director, Weapon Science Directorate, Research, Development and Engineering Center, U.S. Army Aviation and Missile Command, U.S. Army Materiel Command;
24. Mr. Joseph T. Lehman, Senior Technical Executive for Fire Support, Fire Support Armaments Center (ARDEC), U.S. Army Tank-automotive and Armaments Command, U.S. Army Materiel Command;
25. Mr. Vemula P. Rao, Vice President for Customer Engineering, U.S. Army Tank-automotive and Armaments Command, U.S. Army Materiel Command; and
26. Mr. Anthony A. LaPlaca, Director of CECOM Logistics and Readiness Center, U.S. Army Communications-Electronics Command, U.S. Army Materiel Command.

Gregory D. Showalter,
Army Federal Register, Liaison Officer.

[FR Doc. 00–22220 Filed 8–30–00; 8:45 am]
BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Boards Membership

AGENCY: Department of the Army, DoD.
ACTION: Notice.

SUMMARY: Notice is given of the names of members of the Performance Review Boards for the Department of the Army.

EFFECTIVE DATE: August 9, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy Quick, U.S. Army Senior Executive Service Office, Assistant Secretary of the Army (Manpower and Reserve Affairs), 111 Army Pentagon, Washington, DC 20310–0111.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of the executives.

The members of the Performance Review Board for the U.S. Army Consolidated Commands are:
1. Mr. Joseph H. Plunkett, Assistant Deputy Chief of Staff for Personnel and Installation Management, U.S. Army Forces Command;
2. Mr. James S. Koons, Assistant Deputy Chief of Staff for Logistics and Readiness, U.S. Army Forces Command;
3. Mr. William S. Rich, Jr., Deputy/Technical Director, National Ground Intelligence Center, U.S. Army Intelligence and Security Command;
4. Mr. Richard A. McSeveney, Deputy to the Commander for Installation Support, U.S. Army Military District of Washington;
5. Mr. John C. Metzler, Jr., Superintendent, Arlington National Cemetery;
6. Mr. William R. Lucas, Deputy to the Commander, Military Traffic Management Command;
7. Mr. William J. Cooper, Director of Transportation Engineering Agency, Military Traffic Management Command;
8. Mr. Mark J. Lumer, Principal Assistant Responsible for Contracting, U.S. Army Space and Missile Defense Command;
9. Mr. Laurence H. Burger, Director of Space and Missile Defense Battle Lab, U.S. Army Space and Missile Defense Command;
10. Dr. Charles N. Davidson, Director of U.S. Army Nuclear and Chemical Agency, U.S. Army Training and Doctrine Command;
11. Mr. William M. Robinson, Assistant Deputy Chief of Staff for Engineering (International Affairs), U.S. Army Europe;
12. Ms. Toni B. Wainwright, Assistant Deputy Chief of Staff for Personnel (Civilian Personnel), U.S. Army Europe; and
13. MG Warren L. Freeman, Director of the District of Columbia National Guard.

The members of the Performance Review Board for the Army Acquisition Executive are:

Army Acquisition Executive Potential Board Members

1. Mr. David Borland, Vice Director to the Director of Information Systems for Command, Control, Communications and Computers;
2. Dr. Walter F. Morrison, Jr., Director for Research, Office of Assistant Secretary of the Army (Acquisition, Logistics & Technology);
3. Mr. Edward T. Bair, Program Executive Officer for Intelligence, Electronic Warfare & Sensors; and
4. Mr. T. Kevin Carroll, Program Executive Officer for Standard Army Management Information System.

The members of the Performance Review Board for the Chief of Staff are:
1. Dr. James J. Streilein, Director of the Army Evaluation Center, U.S. Army Test and Evaluation Command;
2. Dr. C. David Brown, Director for Technical Mission, U.S. Army Test and Evaluation Command;
3. Dr. Jeffrey J. Clarke, Chief Historian, U.S. Army Center of Military History;
4. Mr. Robert N. Kittel, Special Assistant for Communications and Transportation, U.S. Army Legal Services Agency;
5. Ms. Janet C. Menig, Deputy Assistant Chief of Staff for Installation Management, Office of the Assistant Chief of Staff for Installation Management;
6. Mr. Daniel J. Shedlowski, Technical Director, U.S. Army Center for Army Analysis;
7. Mr. Edgar B. Vandiver III, Director of U.S. Army Center for Army Analysis;
8. Ms. Maureen T. Lischke, Chief Information Officer and Program Executive Officer for Information Systems, National Guard Bureau;

9. Mr. Christopher Gardner, Assistant Chief, National Guard Bureau;

10. MG Warren L. Freeman, Commanding General, District of Columbia National Guard;

11. MG Irene Trowell-Harris, Assistant, Headquarters, U.S. Air Force;

12. MG Robert A. Harding, Assistant Deputy Chief of Staff for Intelligence;

13. Ms. Jean Bennett, Director of Intelligence Programs, Plans & Studies, Office of the Deputy Chief of Staff for Intelligence;

14. Mr. Thomas Dillon, Director of Foreign Disclosure, Office of the Deputy Chief of Staff for Intelligence;

15. BG H.A. Curry, Director of Plans, Operations and Logistics Automation, Office of the Deputy Chief of Staff for Logistics;

16. BG Barbara Doornik, Special Assistant to the Deputy Chief of Staff for Logistics for Transportation for Quadrennial Defense Review, Office of the Deputy Chief of Staff for Logistics;

17. Ms. Donna L. Shands, Assistant Director of Supply and Maintenance, Office of the Deputy Chief of Staff for Logistics;

18. Mr. Joe R. Billman, Director of Logistics Program Analysis, Office of the Deputy Chief of Staff for Logistics;

19. MG Phillip R. Kensinger, Jr., Assistant Deputy Chief of Staff of Operations and Plans, Office of the Deputy Chief of Staff for Operations and Plans;

20. BG William G. Webster, Jr., Director of Training, Office of the Deputy Chief of Staff for Operations and Plans;

21. Mr. Vernon M. Bettencourt, Jr., Technical Advisor to the Deputy Chief of Staff for Operations and Plans, Office of the Deputy Chief of Staff for Operations and Plans;

22. Mr. Wendell H. Lunceford, Jr., Director of the Army Model and Simulation Office, Office of the Deputy Chief of Staff for Operations and Plans;

23. BG William Heilman, Director of Human Resources, Office of the Deputy Chief of Staff for Personnel;

24. MG Geoffrey Miller, Assistant Deputy Chief of Staff for Personnel, Office of the Deputy Chief of Staff for Personnel;

25. Dr. Zita Simutis, Technical Director, U.S. Army Research Institute; and

26. Dr. Edgar Johnson, Director of the U.S. Army Research Institute.

John A. Hall,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 00–22243 Filed 8–30–00; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS), Lock and Dam 3 Mississippi River Navigation Safety and Embankments Projects

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Lock and Dam 3 is a navigation dam and lock on the Mississippi River six miles upstream from Red Wing, Minnesota. The lock and dam was built on a bend in the river, and completed in 1938. Its position on a bend in the river makes downbound navigation difficult, because of an outdraft current that tends to sweep towboats and barges away from the lock toward the gated part of the dam. The outdraft condition has resulted in a number of accidents, and has been cause for concern for many years. A related problem with Lock and Dam 3 is maintaining the structural integrity of a set of three earthen embankments that connect the gated part of the dam to high ground on the Wisconsin side. The upstream embankment is federally-owned and contains a series of rock overflow sections. The intermediate and downstream embankments are privately owned. These embankments impound Marsh and Gantenbein Lakes, and separate them from the Mississippi River. The three Wisconsin side embankments divide the eight-foot head at the dam into three steps, and work together as part of Lock and Dam 3. The downstream embankment is eroding and is expected to fail in the next decade or two. Failure of the downstream embankment would threaten the intermediate and upstream embankments.

FOR FURTHER INFORMATION CONTACT: Questions pertaining to the issues about the DEIS may be addressed to Mr. Robert Whiting, Chief, Environmental and Economic Analysis Branch, St. Paul District, U.S. Army Corps of Engineers, 190 5th Street East, St. Paul, MN 55101, Telephone: (651) 290–5264.

SUPPLEMENTARY INFORMATION:

1. The potential exists for towboat operators to lose control of their tows because of the outdraft current. Barges have broken loose and lodged in the dam gate bays, rendering the dam gates inoperable, causing the water level in the navigation pool to rise, overflowing the earthen embankment. This kind of event occurred in 1993, resulting in significant erosion in the upper embankment near the gated part of the dam and in the lower embankment.

2. Two projects to address the navigation safety and embankments concerns have been proposed by the St. Paul District and approved by Corps of Engineers Headquarters. A ported guardwall was proposed to guide downbound towboats into the lock. This project has not been funded. The St. Paul District also recommended reconstructing the Wisconsin-side embankment, following a downstream alignment along the tailwater and the southern boundary of Gantenbein Lake. Recent surveys in the tailwater identified the presence of a species-rich mussel bed, including state-listed endangered species. In an effort to address the navigation safety and embankment concerns at Lock and Dam 3, the St. Paul District is conducting a re-evaluation of these related problems.

3. Significant resources and issues to be addressed in the DEIS will be determined through coordination with Federal, State, and local agencies, the general public; interested private organizations, industry, and the Prairie Island Dakota Community. Anyone who has an interest in participating in the development of the DEIS is invited to contact the St. Paul District, Corps of Engineers.

4. Major issues identified to date for discussion in the DEIS are:

a. Structural integrity and operational reliability of Lock and Dam 3.

b. Risk of navigation accidents, erosion of embankments, and accidental drawdown of Pool 3.

c. Recreational boating opportunity and safety.

d. Natural resources including the fishery, native mussels, wildlife, aquatic and floodplain habitats.

e. Water quality, contaminants, and sediment transport processes.

5. Additional issues of interest may be identified through public and agency meetings. A notice of those meetings will be provided to interested parties and to local news media.

6. The effort to jointly address the related navigation safety and embankments problems at Lock and Dam 3 is considered major in scope. Depending on the alternative plan proposed, the project could have significant effects on navigation, public safety, regional economics, floodplain wetlands, the fishery, native mussels and wildlife.

7. An environmental review will be conducted according to National Environmental Policy Act of 1969, Council of Environmental Quality

Regulations, and applicable laws and regulations. The DEIS will be available to the public in the summer of 2001.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–22223 Filed 8–30–00; 8:45 am]

BILLING CODE 3710–CY–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare Draft Supplement No. 1 to the Final Environmental Impact Statement [FEIS] for Operation and Maintenance, Arkabutla Lake, Enid Lake, Grenada Lake, and Sardis Lake, Mississippi

AGENCY: U.S. Army Corps of Engineers, Vicksburg District, DOD.

ACTION: Notice of intent.

SUMMARY: The purpose of the proposed action is to evaluate the environmental impacts of the U.S. Army Corps of Engineers proposed continued operation and maintenance activities at Arkabutla Lake, Enid Lake, Grenada Lake, and Sardis Lake, Mississippi.

FOR FURTHER INFORMATION CONTACT: Ms. Ramona Warren (telephone (601) 631–5441), CEMVK–PP–PQ, 4155 Clay Street, Vicksburg, Mississippi 39183–3435.

SUPPLEMENTARY INFORMATION: Arkabutla, Enid, Grenada, and Sardis Lakes are part of a comprehensive plan for flood control on the Yazoo River and its tributaries above the head of the Mississippi River backwater area. These lakes are located in north Mississippi in the Bluff Hills and North Central Hills subprovinces section of the Eastern Hills province of the Central Gulf Coastal plain. The four lakes are located from 25 to 100 miles south of Memphis, Tennessee.

Arkabutla Lake is located in Tate and DeSoto Counties, 25 miles south of Memphis and 12 miles northwest of Coldwater, Mississippi. Enid Lake is located in Yalobusha, Panola, and Lafayette Counties, 72 miles south of Memphis and 26 miles north of Grenada, Mississippi. Grenada Lake is located in Grenada, Calhoun, and Yalobusha Counties, 100 miles south of Memphis and 3 miles northeast of Grenada, Mississippi. Sardis Lake is located in parts of Panola, Lafayette, and Marshall Counties, 50 miles south of Memphis and 11 miles northeast of Batesville, Mississippi.

The Flood Control Acts of 15 May 1938 (Public Law (PL) 391, 70th Congress); 15 May 1928, amended 15 June 1936 (PL–678, 74th Congress); 28 August 1937 (PL–406, 75th Congress); 28 June 1938 (PL–761, 75th Congress); 18 August 1941 (PL–228, 77th Congress); 22 December 1944 (PL–534, 78th Congress); 24 July 1946 (PL–526, 79th Congress); and 27 October 1965 (PL–89–298, 89th Congress) authorized the construction of the Yazoo Headwater Project to control flooding on the four primary tributaries of the Yazoo River. Flood control impoundments were constructed on the Coldwater River (Arkabutla Lake), the Yocona River (Enid Lake), the Yalobusha and Skuna Rivers (Grenada Lake), and the Little Tallahatchie River (Sardis Lake). Also, provisions were included for local stream channel improvements, levee and auxiliary channel construction and appurtenant works as necessary to provide protection from headwater floods of the Yazoo River system.

The Flood Control Act of 1944 authorized the development of recreational facilities at Department of the Army water resource projects. Further provision for the administration of these projects for recreation and fish and wildlife conservation and management was made by three subsequent flood control acts: the Flood Control Act of 1946; the Flood Control Act of 3 September 1954 (PL–780, Title III, Sec. 209, 83d Congress); and the Flood Control Act of 23 October 1962 (PL–87–874), Title II, Sec. 207, 87th Congress). These laws authorized the Government to lease land to private individuals and other government agencies for the development of the recreation and fish and wildlife resources on these projects. They also guaranteed within those limitations established by the Secretary of the Army and the State of Mississippi the public controlled access to shoreline areas for fishing, boating, swimming, and other recreational purposes, and the protection of fish and wildlife resources.

The primary authorized purpose of these lakes is flood control, but many incidental benefits such as navigation, water supply, recreation, fish and wildlife, and timber have been realized. Lands surrounding the lakes are used for public recreation, agricultural production, and conservation of biological resources.

The oldest and largest of the four lakes, Sardis, was begun in June 1937 and completed in October 1940. Construction of Arkabutla Lake was begun in 1940, and the lake was completed in June 1943. Initial construction of Enid Lake began in February 1947, and the lake was completed in December 1952. Grenada Lake was also begun in February 1947, and was completed in January 1954.

The significant issues tentatively identified for evaluation of the environmental impacts of operation and maintenance activities include (1) impacts of flood control storage, (2) impacts of stream channel maintenance, and (3) impacts to resource management.

The National Environmental Policy Act (40 CFR Part 1501, section 1501.7) requires all Federal agencies prior to preparing an EIS or EIS Supplement to conduct a process termed ''scoping.'' This scoping process determines the issues to be addressed and identifies the significant issues related to a proposed action. To accomplish this, public scoping meetings are tentatively scheduled to be held in Mississippi in September 2000. The Environmental Protection Agency; U.S. Fish and Wildlife Service; Natural Resources Conservation Service; Mississippi Department of Environmental Quality; and Mississippi Department of Wildlife, Fisheries and Parks will be invited to become cooperating agencies. All interested agencies, groups, tribes, and individuals will be sent copies of the Draft Supplemental EIS and FEIS.

The Draft Supplemental EIS is scheduled to be completed in August 2001.

Robert Crear,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 00–22222 Filed 8–30–00; 8:45 am]

BILLING CODE 3710–PU–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Construction of a Containerized Cargo Terminal, on Shoal Point, Adjacent to the Texas City Channel, Texas City, Galveston County, TX

AGENCY: U.S. Army Corps of Engineers, Galveston District, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Galveston District intends to prepare a DEIS to access the social, economic and environmental effects of the proposed multi-phased construction of a container terminal. The DEIS will access potential impacts on a range of alternatives, including the preferred alternative. The Federal action is consideration of a Department of Army Permit application for work under

Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act.

FOR FURTHER INFORMATION CONTACT: For further information and/or questions about the proposed action and DEIS, please contact Ms. Sharon Manzella Tirpak, Project Manager, by letter at U.S. Army Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553, by telephone at (409) 766–3136, or by e-mail at *Sharon.tirpak@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The Galveston District intends to prepare a DEIS on the proposed container terminal which would be located on Shoal Point, adjacent to the Texas City Ship Channel, Texas City, Galveston County, Texas. The City of Texas City (Texas City) proposes this project.

1. *Description of the Proposed Project:* Texas City is proposing the construction and operation of a container port facility located on Shoal Point, adjacent to the Texas City Channel and Galveston Bay. The project site is a dredge material disposal area for the Texas City Channel and the Port of Texas City. The Shoal Point project would be built in three phases, ultimately consisting of 400 acres of container yard, six berths, a new turning basin, a land side access corridor and the deepening of the existing Texas City Channel from 40 to 45 feet. An estimated 8 million cubic yards of new dredged material would be generated during Phase I. Potential total build-out of Phases II and III would include an additional 3.2 million cubic yards of new dredged material. Approximately 1.2 acres of emergent marsh, 10.3 acres of high marsh, 3.6 acres of fresh water wetlands and 92.4 acres of open water habitat would be impacted by the proposed project, during Phase I. Potential total build-out of Phases II and III may impact an additional 74 acres of open water habitat.

2. *Scoping and Public Involvement Process:* A scoping meeting to gather information on the subjects to be studied in detail in the DEIS will be conducted on October 3, 2000, at 7:00 PM, at the Charles Doyle Convention Center, 2010 5th Avenue North (21st Street and Phoenix Lane), Texas City, Texas. An informal open house, allowing for review of the proposed project and questions and answers, will be conducted between 5:00 and 7:00 PM, prior to the scoping meeting.

3. *Significant Issues:* Issues associated with the proposed facilities to be given significant analysis in the DEIS are likely to include, but may not be limited to, the potential impacts of the proposed dredging, the beneficial uses of dredged material, placement of fill, impact of air quality during construction and operation of the facility and surface transportation facilities, and of induced developments on: wetland resources; upland and aquatic biotic communities; water quality, fish and wildlife values including threatened and endangered species; air quality; land forms and geologic resources; community cohesion; environmental justice; roadway traffic; socioeconomic environment; archaeological and cultural resources; recreation and recreational resources; public infrastructure and services; energy supply and natural resources; hazardous waste and materials; land use; aesthetics; public health and safety; navigation; flood plain values; shoreline erosion and accretion; and the needs and welfare of the people.

4. *Technical Review and Consultation:* Several State and Federal Agencies will be invited to provide technical review of the DEIS. Those agencies include: the Environmental Protection Agency, National Marine Fisheries Service, United States Fish and Wildlife Service, the United States Coast Guard, Federal Highways Administration, Texas Natural Resource Conservation Commission, Texas General Land Office and the Texas Department of Transportation.

5. *Additional Review and Consultation:* Additional review and consultation that will be incorporated into the preparation of this DEIS will include: Compliance with the Texas Coastal Management Program; protection of cultural resources under section 106 of the Historic Preservation Act; protection of navigation under the Rivers and Harbors Act of 1899; protection of water quality under section 401 of the Clean Water Act; and protection of endangered and threatened species under section 7 of the Endangered Species Act.

6. *Availability of the DEIS:* The Draft Environmental Impact Statement is projected to be available in September 2001. A Public Hearing will be conducted following the release of the DEIS.

Nicholas J. Buechler,

Col., EN, Commanding.

[FR Doc. 00–22219 Filed 8–30–00; 8:45 am]

BILLING CODE 3710–52–P

DEPARTMENT OF EDUCATION

Rehabilitation Services Administration

AGENCY: Department of Education.

ACTION: Notice of Final Competitive Preference for Fiscal Year 2001 for the Rehabilitation Long-Term Training and Rehabilitation Continuing Education Programs.

SUMMARY: The Assistant Secretary for the Office of Special Education and Rehabilitative Services announces the additions of competitive preference points to the competitions for the Rehabilitation Long-Term Training and Rehabilitation Continuing Education programs for fiscal year 2001. This notice contains describes the additional competitive preference points.

EFFECTIVE DATE: This priority is effective on October 2, 2000.

FOR FURTHER INFORMATION CONTACT: Mary C. Lynch, U.S. Department of Education, 400 Maryland Avenue, SW, room 3322, Switzer Building, Washington, DC 20202–2649. Telephone: (202) 205–8291.

If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8399. Internet: Mary_Lynch@ed.gov. 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 in the preceding paragraph.

SUPPLEMENTARY INFORMATION: This notice announces final competitive preference points under the Rehabilitation Long-Term Training and Rehabilitation Continuing Education programs. These programs are authorized under section 302 of the Rehabilitation Act of 1973, as amended.

On June 30, 2000 the Assistant Secretary published a notice of proposed competitive preference points for these programs in the **Federal Register** (65 FR 40615–40616).

Note: This notice of final competitive preference points does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Assistant Secretary's invitation in the notice of proposed competitive preference points, five parties submitted comments. An analysis of the comments and of the changes in the proposed competitive preference points follows. Technical and other minor changes—and suggested changes the Assistant Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Comment: Two commenters supported the proposed competitive preference points.

Discussion: None.

Change: None.

Comment: One commenter expressed a concern that the proposed competitive preference points duplicate existing peer review criteria.

Discussion: While the existing peer review criteria do overlap with the proposed competitive preference points, the selection criteria relating to outreach to employees with disabilities is included as a part of a much broader criterion that includes outreach to all underrepresented populations and general issues related to quality of project personnel. For this reason, under the current system, the impact of hiring people with disabilities on peer reviewer scores is negligible.

Change: None.

Comment: One commenter expressed concern about an increased burden on the part of an applicant to document past and current practices, including counting currently employed persons with disabilities as well as numbers of employees with disabilities employed in the past.

Discussion: The Assistant Secretary does not believe this constitutes an unreasonable burden, especially as such information is often reported by applicants in response to current selection criteria.

Change: None.

Comment: One commenter reported that the majority of long term training grants are directly related to student stipend support, with little support for recruitment, hiring and retention of staff. Therefore it places an additional burden on the applicant organization to hire people with disabilities with non-project funding.

Discussion: The Assistant Secretary believes that hiring of people with disabilities is good practice regardless of the source of funds used for staff.

Change: None.

Comment: One commenter challenged the need for the proposed competitive preference points, suggesting that the Department of Education should first assess the current degree to which grantees are recruiting and hiring persons with disabilities, and the degree to which they are having difficulties in doing so. Decisions on competitive preference points could be made based upon the results of that assessment.

Discussion: The Assistant Secretary believes that the need is self-evident, and there is no need for an elaborate assessment to document this need.

Change: None.

Comment: One commenter expressed concerns about accountability—for example, a project may hire or have strategies to hire people with disabilities, but not fulfill those strategies once they secure the grant.

Discussion: The points are only partially distributed based upon a plan or strategy to provide outreach and hire people with disabilities, not necessarily the success of their efforts. It is important to note that past efforts will likely have substantial influence on the actual number of points, if any, an applicant receives.

Changes: None.

Comment: Two commenters expressed concern that there may be inequities in the way in which applicants define an ''individual with a disability'' resulting in unfair application of the competitive preference points.

Discussion: The following ADA definition of an ''individual with disability'', will serve as the basis for purposes of competitive preference points:

(i) Has a physical or mental impairment which substantially limits one or more of such person's major life activities;

(ii) Has a record of such an impairment; or

(iii) Is regarded as having such an impairment.

Change: None.

Comment: Three commenters expressed concern about inequitable assignment of points—how the points will be applied—number of people with disability, full versus part time, on board versus proposed, position on the project, type of disability, etc? One of these commenters asked specifically about ''bad timing'' such as a case in which the organization has a good track record in hiring people with disabilities, but recently loses an employee with a disability. The commenter asks if this bad timing will result in a lower score.

Discussion: Peer reviewers will receive a thorough orientation as to the applicability of the points and how to assign them. As suggested in the notice of proposed competitive priority, it will focus primarily on past history of and strategies for hiring staff with disabilities, project staff and plans for outreach to hire additional staff.

Change: None.

Comment: Two commenters made note that it may be difficult to substantiate information on people with disabilities serving as project staff. For example, some people with disabilities prefer not to self disclose, and some university policies do not allow their departments to require an applicant/employee to report a disability.

Discussion: Based upon experience with current and former grantees, the Assistant Secretary believes that substantiation will be a minor issue.

Change: None.

Comment: Two commenters expressed concerns over how to apply the points when compounded by other factors such as the ethnic composition of staff and veteran/nonveteran status.

Discussion: The sole factor addressed in the competitive preference points concerns disability. Other factors may be addressed elsewhere in the other selection criteria pertaining to a particular competition.

Change: None.

Comment: One commenter suggested alternative strategies for accomplishing the goal of hiring more people with disabilities by OSERS-funded projects, including revising the current scoring system to include this dimension and having RSA staff work with existing programs where needed.

Discussion: The Assistant Secretary agrees that these may be effective strategies as supplements to the proposed competitive preference points, and may consider them independent of the competitive preference points.

Change: None.

Comment: One commenter noted that there was no documented consultation with professional organizations in the formulation of the proposed competitive preference points or in the formulation of this final notice.

Discussion: While no consultation is required in the formulation of such notices, the notice of proposed competitive preference points is an opportunity to obtain comments and input from professional organizations and others on these matters.

Change: None.

Competitive Preference: The Assistant Secretary will use the selection criteria in 34 CFR 385.31, 386.20 and 389.30 to evaluate applications under this program. The maximum score for all the criteria is 100 points; however, the Assistant Secretary will also use the following criterion so that up to an additional ten points may be earned by an applicant for a total possible score of 110 points.

Within the Rehabilitation Long-Term Training and Rehabilitation Continuing Education program, we will give the following competitive preference under 34 CFR 75.105(c)(2)(i) to applications that are otherwise eligible for funding under the competitions.

Up to ten (10) points based on the extent to which an application includes

effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under the competition. In determining the effectiveness of those strategies, we will consider the applicant's prior success, as described in the application, in employing and advancing in employment qualified individuals with disabilities.

Electronic Access to This Document

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http://ocfo.ed.gov/fedreg.htm
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Applicable Program Regulations: 34 CFR Parts 385, 386 and 389.

Program Authority: 29 U.S.C. 774.

(Catalog of Federal Domestic Assistance Number: 84.129 and 84.264, the Rehabilitation Long-Term Training, and Rehabilitation Continuing Education Program.)

Dated: August 25, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–22244 Filed 8–30–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.129L]

Rehabilitation Training: Rehabilitation Long-Term Training—Undergraduate Education in the Rehabilitation Services; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001.

Purpose of Program

The Rehabilitation Long-Term Training program provides financial assistance for—

(1) Projects that provide basic or advanced training leading to an academic degree in areas of personnel shortages in rehabilitation as identified by the Assistant Secretary;

(2) Projects that provide a specified series of courses or program of study leading to award of a certificate in areas of personnel shortages in rehabilitation as identified by the Assistant Secretary; and

(3) Projects that provide support for medical residents enrolled in residency training programs in the specialty of physical medicine and rehabilitation.

Eligible Applicants: State and other public or nonprofit agencies and organizations, including Indian Tribes and institutions of higher education.

Deadline for Transmittal of Applications: October 16, 2000.

Deadline for Intergovernmental Review: December 18, 2000.

Applications Available: September 1, 2000.

Estimated Available Funds: The Administration has requested $39,629,000 for the training program in fiscal year 2001, of which an estimated $255,000 would be allocated for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the fiscal year, if Congress appropriates funds for this program.

Estimated Range of Awards: $65,000 to $75,000.

Estimated Average Size of Awards: $75,000.

Estimated Number of Awards: 3.

Maximum Award: Consistent with 34 CFR 75.104(b), it is the practice of the Assistant Secretary to reject any application that proposes a project funding level for any year that exceeds $75,000 in any project year.

Reasonable Accommodation Language: The Assistant Secretary will consider, and may fund, requests for additional funding as an addendum to an application to reflect the costs of reasonable accommodations necessary to allow individuals with disabilities to be employed on the project as personnel on project activities.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Page Limit: Part III of the application, the application narrative, is where you, the applicant, address the selection criteria used by reviewers in evaluating the application. You must limit Part III to the equivalent of no more than 35 pages, using the following standards:

(1) A page is 8.5″ × 11″ on one side only with 1″ margins at the top, bottom, and both sides.

(2) You must double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

If you use a proportional computer font, you may not use a font smaller than a 12-point font or an average character density greater than 18 characters per inch. If you use a nonproportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

If, in order to meet the page limit, you use print size, spacing, or margins smaller than the standards specified in this notice, we will not consider your application for funding.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86 and 99; and (b) The regulations for this program in 34 CFR parts 385 and 386.

Absolute Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 386.1, the Assistant Secretary gives an absolute preference to applications that meet the following priority. The Assistant Secretary funds under this competition only applications that propose to provide training in the following area of personnel shortage: Undergraduate Education in the Rehabilitation Services.

Selection Criteria: The Assistant Secretary will use the selection criteria in 34 CFR 385.31 and 386.20 to evaluate applications under this program (These selection criteria will appear in the application package). The maximum score for all the criteria is 100 points; however, the Assistant Secretary will also use the following criterion so that up to an additional ten points may be earned by an applicant for a total possible score of 110 points.

Within the Rehabilitation Long-Term Training, we will give the following competitive preference under 34 CFR 75.105(c)(2)(i) to applications that are otherwise eligible for funding under this competition.

Up to ten (10) points based on the extent to which an application includes effective strategies for employing and advancing in employment qualified

individuals with disabilities in projects awarded under this competition. In determining the effectiveness of those strategies, we will consider the applicant's prior success, as described in the application, in employing and advancing in employment qualified individuals with disabilities.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunication device for the deaf (TDD), you may call (toll free): 1–877–576–7734. You may also contact ED Pubs via its web site: http://www.ed.gov/pubs/edpubs.html or its E-mail address: edpubs@inet.ed.gov.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 205–9817. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

FOR FURTHER INFORMATION CONTACT: Ellen Chesley, U.S. Department of Education, 400 Maryland Avenue, SW., room 3318, Switzer Building, Washington, DC 20202–2649. Telephone (202) 205–9481. 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 in the preceding paragraph.

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Program Authority: 29 U.S.C. 772.

Dated: August 25, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–22245 Filed 8–30–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.264B]

Rehabilitation Continuing Education Programs (RCEP): Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Purpose of Program: To support training centers that serve either a Federal region or another geographical area and provide for a broad, integrated sequence of training activities that focus on meeting recurrent and common training needs of employed rehabilitation personnel throughout a multi-State geographical area.

Eligible Applicants: State and public or nonprofit agencies and organizations, including Indian tribes and institutions of higher education.

Deadline for Transmittal of Applications: October 16, 2000.

Deadline for Intergovernmental Review: December 18, 2000.

Applications Available: September 1, 2000.

Estimated Available Funds: The Administration has requested $39,629,000 for the Training Program for FY 2001, of which an estimated $1,500,377 would be allocated for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the fiscal year, if Congress appropriates funds for this program.

Estimated Range of Awards: $475,000—$501,486.

Estimated Average Size of Awards: $499,000.

Maximum Awards By Rehabilitation Services Administration (RSA) Region: Consistent with EDGAR 34 CFR 75.104(b), it is the practice of the Assistant Secretary to reject any application that proposes a project funding level for any year that exceeds the stated maximum award amount for that year.

MAXIMUM LEVEL OF AWARDS BY RSA REGION

Region V	$501,486
Region VII	499,916
Region IX	498,975

Reasonable Accommodation Language: The Assistant Secretary will consider, and may fund, requests for additional funding as an addendum to an application to reflect the costs of reasonable accommodations necessary to allow individuals with disabilities to be employed on the project as personnel on project activities.

ESTIMATED NUMBER OF AWARDS

Region V	1
Region VII	1
Region IX	1

Note: Applications under CFDA No. 84.264B (Community Rehabilitation Program/Rehabilitation Continuing Education Program) are invited for the provision of training for Department of Education Regions V, VII and IX, only. The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Page Limit: Part III of the application, the application narrative, is where you, the applicant, address the selection criteria used by reviewers in evaluating the application. You must limit Part III to the equivalent of no more than 45 pages, using the following standards:

(1) A page is 8.5 inches by 11 inches, on one side only with 1 inch margins at the top, bottom, and both sides.

(2) You must double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

If you use a proportional computer font, you may not use a font smaller than a 12-point font or an average character density greater than 18 characters per inch. If you use a nonproportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

If, in order to meet the page limit, you use print size, spacing, or margins smaller than the standards specified in this notice, we will not consider your application for funding.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 385 and 389.

Selection Criteria: The Assistant Secretary will use the selection criteria in 34 CFR 385.31 and 389.30 to evaluate applications under this program (These selection criteria will appear in the application package). The maximum score for all the criteria is 100 points; however, the Assistant Secretary will also use the following criterion so that up to an additional ten points may be earned by an applicant for a total possible score of 110 points.

Within the Rehabilitation Continuing Education Program, we will give the following competitive preference under 34 CFR 75.105(c)(2)(i) to applications that are otherwise eligible for funding under this competition.

Up to ten (10) points based on the extent to which an application includes effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under this competition. In determining the effectiveness of those strategies, we will consider the applicant's prior success, as described in the application, in employing and advancing in employment qualified individuals with disabilities.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734. You may also contact ED Pubs via its web site (http://www.ed.gov/pubs/edpubs.html) or its E-mail address (edpubs@inet.ed.gov).

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 205–8351. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

FOR INFORMATION CONTACT: Mary C. Lynch, U.S. Department of Education, 400 Maryland Avenue, SW., room 3322 Switzer Building, Washington, DC 20202–2649. Telephone: (202) 205–8291. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, 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) 512–1530.

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: 29 U.S.C. 772.

Dated: August 25, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–22246 Filed 8–30–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

President's Board of Advisors on Historically Black Colleges and Universities Meeting

AGENCY: President's Board of Advisors on Historically Black Colleges and Universities, U.S. Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and agenda of the meeting of the President's Board of Advisors on Historically Black Colleges and Universities. 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. Individuals who will need accommodations for a disability in order to attend the meeting (i.e. interpreting services, assistive listening devices, materials in alternative format) should notify Treopia Washington at 202–502–7900 by no later than Tuesday, September 6, 2000.

DATE AND TIME: Wednesday, September 20, 2000 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Washington Court Hotel, 525 New Jersey Avenue, N.W., Washington, D.C. 20001.

FOR FURTHER INFORMATION CONTACT: Ms. Treopia Washington, White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 1990 K Street, NW, Suite 8108, Washington, DC 20006–5120. Telephone: (202) 502–7900.

SUPPLEMENTARY INFORMATION: The President's Board of Advisors on Historically Black Colleges and Universities was established under Executive Order 12876 of November 1, 1993. The Board was established to advise on federal policies that impact upon Historically Black Colleges and Universities, to advise on strategies to increase participation of Historically Black Colleges and Universities in federally sponsored programs and funding opportunities, and to advise on strategies to increase private sector support for these colleges.

The meeting of the Board is open to the Public. The meeting will focus on the status and future of federal agency support for Historically Black Colleges and Universities.

Records are kept of all Board procedures and are available for public inspection at the White House Initiative on Historically Black Colleges and Universities located at 1990 K Street, NW, Suite 8099, Washington, DC, 20006, from the hours of 8:30 a.m. to 5:00 p.m.

Claudio R. Prieto,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 00–22286 Filed 8–30–00; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Kangley-Echo Lake Transmission Line Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of scoping meeting and extension of comment period.

SUMMARY: This notice announces BPA's scoping meeting for its Kangley-Echo Lake Transmission Line Project Environmental Impact Statement (EIS) being prepared in accordance with the National Environmental Policy Act (NEPA). This notice also extends the close of comment for scoping from the previously published April 27, 2000, to October 2, 2000. BPA has established this scoping period during which all interested and affected persons and agencies are invited to comment on the scope of the proposed EIS. Scoping will help BPA ensure that a full range of issues related to the development and implementation of this project is addressed in the EIS, and also will identify significant or potentially significant impacts that may result from the project. The Draft EIS is scheduled to be available for review and comment next year.

DATES: Comments may be made at an EIS scoping meeting to be held on Wednesday, September 20, 2000, from 4:00 p.m. to 8:00 p.m. at the address below. At the informal meeting, several members of the project team will be available to answer questions and accept oral and written comments. Written comments may also be sent to the address below no later than Monday, October 2, 2000.

ADDRESSES: The public meeting will be held at the Maple Valley Community Center, 22010 SE 248th Street, Maple Valley, Washington. Send comment letters and requests to be placed on the project mailing list to Communications, Bonneville Power Administration—KC–7, P.O. Box 12999, Portland, Oregon, 97212. The phone number of the Communications office is 503–230–3478 in Portland; toll-free 1–800–622–4519 outside of Portland. Comments may also be sent to the BPA Internet address: comment@bpa.gov.

FOR FURTHER INFORMATION CONTACT: Lou Driessen, Project Manager, Bonneville Power Administration—TNP–3, P.O. Box 3621, Portland, Oregon, 97208–3621; phone number: 503–230–5525; or e-mail: lcdriessen@bpa.gov. You may also contact Gene Lynard, Environmental Project Manager, Bonneville Power Administration—KECN–4, P.O. Box 3621, Portland, Oregon, 97208–3621; phone number: 503–230–3790; fax number: 503–230–5699; or e-mail: gplynard@bpa.gov.

SUPPLEMENTARY INFORMATION: BPA is preparing an EIS on the proposed construction of a transmission line in central King County, Washington. The new 500-kilovolt (kV) line would connect an existing transmission line (near the community of Kangley) with our existing Echo Lake Substation, a distance of about nine miles. The major reason for this proposal is to improve system reliability in the King County area. Under normal growth in demand, system instability could develop as early as the winter of 2002–03 with an outage of the existing Raver to Echo Lake 500-kV line. Another reason is to enhance the United States' delivery of power to Canada as required under the Columbia River Treaty of 1961. Several routes are being considered. Four are east of our existing 500-kV line that runs between the Raver and Echo Lake Substations, all of which cross the Cedar River Municipal Watershed. Three possible routes lie west of the watershed. Under all seven options, easements would need to be acquired for new rights-of-way and access roads. Once the environmental review is complete, BPA will decide whether and how to proceed with the project. If BPA decides to proceed, construction would likely begin in 2002.

Maps and further information are available from BPA at the address above.

Issued in Portland, Oregon, on August 23, 2000.

Thomas C. McKinney,

NEPA Compliance Officer.

[FR Doc. 00–22302 Filed 8–30–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review and three-year extension under sections 3507(h)(1) and 3506(c) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

The entry contains the following information: (1) The collection numbers and title; (2) a summary of the collection of information, including the sponsor (i.e., the Department of Energy component), current OMB document number (if applicable), type of request (i.e, new, revision, extension, or reinstatement), and response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits), (3) a description of the need and proposed use of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

DATES: Comments must be filed on or before October 2, 2000. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The OMB DOE Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group, (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Ms. Sutherland may be contacted by telephone at (202) 426–1068, FAX at (202) 426–1081, or e-mail at Grace.Sutherland@eia.doe.gov.

SUPPLEMENTARY INFORMATION:

The energy information collection submitted to OMB for review was:

1. Forms EIA–851 and EIA–858, ''Uranium Data Program''

2. Energy Information Administration; OMB Number 1905–0160; Three-year extension with revisions of currently approved collections; Mandatory

3. EIA's Uranium Data Program collects basic data necessary to meet EIA's legislative mandates as well as the needs of EIA's public and private customers. Data collected include uranium exploration, reserves, production, processing, and marketing. The data are used for analyses and publications. Respondents are companies comprising the U.S. uranium industry.

4. Business or other for-profit

5. 2,424 hours (18.36 hours per response x 1.22 responses per year x 108 respondents).

Statutory Authority: Sections 3507(h)(1) and 3506(c) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, DC, August 24, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00–22301 Filed 8–30–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–503–000]

Crossroads Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

August 25, 2000.

Take notice that on August 21, 2000, Crossroads Pipeline Company (Crossroads), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1 the following revised tariff sheets to be effective March 27, 2000.

Sixth Revised Sheet No. 6
First Revised Sheet No. 60
First Revised Sheet No. 61
First Revised Sheet No. 62
First Revised Sheet No. 63
First Revised Sheet No. 69

Crossroads indicated the that the purpose of the filing is to comply with the requirements of Order Nos. 637 and 637–A with respect to the revised rules governing capacity releases.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22255 Filed 8–30–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–502–000]

Granite State Gas Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

August 25, 2000.

Take notice that on August 21, 2000, Granite State Gas Transmission, Inc. (Granite State), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 the following revised tariff sheets to be effective March 27, 2000.

Third Revised Sheet No. 297
Second Revised Sheet No. 300
Second Revised Sheet No. 301

Granite State indicated that the purpose of the filing is to comply with the requirements of Order Nos. 637 and 637–A with respect to the revised rules governing capacity releases.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22256 Filed 8–30–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–428–000 and RP91–143–050]

Great Lakes Gas Transmission; Notice of Extension of Comment Period

August 25, 2000.

On August 21, 2000, the Public Service Commission of the State of New York (New York), filed a request for an extension of time to September 5, 2000, within which to file comments in the above-docketed proceeding. New York avers it only recently learned of the subject filing and needs more time to secure a copy and an opportunity to review it. As more fully detailed below, New York's motion is granted.

On July 31, 2000, Great Lakes Gas Transmission Limited Partnership (Great Lakes) filed a Joint Stipulation and Agreement Regarding Rates (Settlement) pursuant to Rule 602 of the Commission's Rules of Practice and Procedures. In its motion, New York further states it has an interest in the proceeding as it impacts the terms of service and the rates charged ratepayers in the state of New York.

Upon consideration, notice is hereby given that an extension of time within which parties may file comments in the above-docketed proceeding is granted. Initial Comments on the Settlement will now be due on September 5, 2000, and Reply Comments will now be due on September 14, 2000.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22257 Filed 8–30–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP00–40–000 and –001]

Florida Gas Transmission Company; Supplemental Notice of Intent to Prepare an Environmental Impact Statement for the Proposed FGT Phase V Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting and Site Visit

August 25, 2000.

On August 1, 2000, Florida Gas Transmission Company (FGT) filed, in Docket No. CP00–40–001, to amend its pending application for the Phase V

Expansion Project.[1] This amendment reflects facility and routing modifications proposed by FGT as a result of community dialog, updated survey and engineering information, and market changes.

The FERC staff will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the FGT Phase V Expansion Project, as amended, in various counties of Mississippi, Alabama, and Florida. These facilities would consist of about 191.5 miles of pipeline and 125,215 horsepower (HP) of additional compression. This EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner on FGT's proposed route and receive this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice FGT provided to landowners along and adjacent to the proposed route. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (www.ferc.fed.us).

This supplemental notice is being sent to landowners of property crossed by and adjacent to FGT's proposed route for the newly proposed or modified facilities; Federal, state, and local agencies; elected officials; environmental and public interest groups; Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects; local libraries and newspapers; and parties that responded to our original Notice of Intent to Prepare an Environmental Impact Statement (NOI) for this project.[2] State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Additionally, with this notice we are asking those Federal, state, local and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated the proposal relative to their agencies' responsibilities. Agencies who would like to request cooperating agency status should follow the instructions for filing comments described below.

The Southwest Florida Water Management District has already expressed an interest in being a cooperating agency for this EIS.

Summary of the Proposed Project

FGT proposes to build additional new natural gas pipeline and compression facilities to transport an annual average of 305,819 million British thermal units per day of natural gas to serve new markets, primarily electric generation facilities, in Florida. FGT requests Commission authorization to:

- Construct about 191.5 miles of pipeline including:

—88.4 miles of looping[3] on the existing mainline in Mississippi, Alabama, and Florida;

—29.1 miles of new lateral in Alabama; and

—74.0 miles of new laterals and lateral loops in Florida;

- Install a total of about 125,215 hp of compression at eight existing, one previously planned[4], and three new compressor stations;
- Construct two regulator stations; and
- Construct one meter station.

FGT will also acquire from Koch Gateway Pipeline Company (KGPC) an interest in KGPC's Mobile Bay Lateral that would give FGT the rights to about 50 percent of the available capacity on system. Concurrent with FGT's filing in Docket No. CP00–40–000 (December 1, 1999), KGPC filed an application in Docket No. CP00–39–000 for approval to abandon by sale to FGT the interest in its Mobile Bay Lateral.

The general location of FGT's proposed project facilities is shown on the map attached as appendix 1. A more detailed description of the facilities and the changes proposed by FGT is included in appendix 2.[5]

FGT also made changes in the proposed routing of several facilities. FGT has notified all newly affected landowners of its new facilities and route changes, and sent copies of its application to the Commission and detailed route maps of the Phase V Project to libraries in the project area. Appendix 3 lists the libraries where you can view these materials. The major routing changes are summarized below.

- Loop G—The right-of-way has been relocated to the east side of the existing Florida Power Corporation (FPC) corridor. The pipeline is proposed to be 5 feet inside the eastern edge of the FPC corridor, southward from Compressor Station 26 to approximate milepost (MP) 104.9 where it crosses the FPC corridor and ties in with the existing FGT West Leg pipeline. Additional FGT permanent easement will be acquired east of the FPC corridor.
- Gulf Power Lateral—The centerline of the route was moved westward approximately 20 feet for approximately 7.0 miles (from MP 16.3 to MP 23.2) to accommodate the proposed expansion of State Highway 77 in Bay County, Florida. A minor route variation to avoid a parallel waterbody (approximate MP 9.0) was also made and resulted in a new landowner being affected.
- Compressor Station 16—Up to 10 acres of additional land will be purchased for the construction of the new station.
- Compressor Station 31—The layout of Compressor Station 31 has been modified to avoid placement of above ground facilities in onsite wetlands. Additionally, the distance to the nearest noise sensitive area has been increased to approximately 900 feet.
- DeBary Regulator—The DeBary Regulator has been relocated to the junction of the Sanford and FP&L Laterals at MP 14.6/0.0 in Volusia County, Florida.

[1] FGT's original application in Docket No. CP00–40–000 was filed with the Commission under Section 7(c) of the Natural Gas Act on December 1, 1999 and consisted of about 215.4 miles of pipeline, 15.7 miles of rehabilitated mainline, and 89,765 horsepower of additional compression.

[2] The original NOI for FGT's Phase V Expansion Project was issued by the Commission on February 11, 2000, to all potentially interested parties.

[3] A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

[4] FGT requested and received authorization in Docket No. CP99–94–000 to construct Compressor Station 24.

[5] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

Land Requirements for Construction

Construction of FGT's proposed pipeline facilities would require about 2,252.8 acres of land including the construction right-of-way, extra workspaces, and contractor/pipe yards. In general, FGT proposes to use a 75- to 100-foot-wide construction right-of-way. Following construction and restoration of the right-of-way and temporary work spaces, FGT would retain a 30- to 50-foot-wide permanent pipeline right-of-way. Total land requirements for the new permanent right-of-way would be about 664.1 acres.

FGT proposes to acquire 80 acres for the construction of the newly proposed compressor stations and upgrades to existing facilities, although only 28 acres would be used during construction. Once construction is complete, the lands used for construction would be restored.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to solicit and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this NOI, the Commission requests public comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS.

Our independent analysis of the issues will be in the Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, affected landowners and other interested individuals, Indian tribes, newspapers, libraries, and the Commission's official service list for this proceeding. A 45-day comment period will be allotted for review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will include our response to each comment received on the Draft EIS and will be used by the Commission in its decision-making process to determine whether to approve the project.

Currently Identified Environmental Issues

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project. We have already identified a number of issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by FGT. These issues are listed below. This is a preliminary list of issues and may be changed based on your comments and our analysis.

- Soils and Geology

—Impact on prime farmland soils.

—Mixing of topsoil and subsoil during construction.

—Compaction of soil by heavy equipment.

—Erosion control and right-of-way restoration.

—Impact on mineral resources.

—Potential geologic hazards including sinkholes.

- Water Resources

—Impact on 95 perennial waterbodies including Puppy Creek, Big Creek, Little Bear Creek, Clearwater Lake, Globe Creek, Water Oak Creek, the Mobile River, the St. John's River, and the Wekiva River.

—Impact on several Florida state aquatic preserve areas associated with the Wekiva and St. John's Rivers.

—Impact on groundwater and surface water supplies.

—Impact on areas with shallow groundwater.

—Effect of crossing waterbodies with contaminated sediments.

—Potential for erosion and sediment transport to area waterbodies.

—Impact on wetland hydrology.

- Biological Resources

—Short- and long-term effects of right-of-way clearing and maintenance on wetlands, forests, riparian areas, and vegetarian communities of special concern.

—Impact on wildlife and fishery habitats.

—Impact on conservation areas.

—Potential impact on Federal- and state-listed threatened or endangered species.

—Potential impact on U.S. Forest Service-listed sensitive species.

- Cultural Resources

—Effect on historic and prehistoric sites.

—Native American concerns.

- Socioeconomics

—Effect of the construction workforce on demands for services in surrounding areas.

- Land Use

—Impact on residential areas (77 residences within 50 feet of the construction work area).

—Impact on public lands and special use areas including the Lake Butler Wildlife Management Area, Ocala National Forest, Seminole State Forest, Rock Springs Run State Reserve, Lower Wekiva River State Reserve, and Williams Road County Park.

—Impact on future land uses and consistency with local land use plans and zoning.

—Visual effect of the new aboveground facilities on surrounding areas.

- Air Quality and Noise

—Construction impact on local air quality and noise environment.

—Impact on local air quality and noise environment resulting from the installation of new compression equipment and the construction and operation of three new compressor stations.

- Pipeline Reliability and Safety
- Cumulative Impact

—Effect of the Phase V Expansion Project combined with that of other projects that have been or may be proposed in the same region and similar time frames.

- Nonjurisdictional Facilities

—Consideration of the effects of construction of the pipeline facilities planned by TECO/Peoples Gas System (Peoples) in connection with deliveries from FGT for Peoples' Daytona-area customers, and for the Jacksonville Electric Authority's Brandy Branch Generating Station.

- Alternatives

—Evaluation of possible alternatives to the proposed project or portions of the project, and identification of recommendations on how to lessen or avoid impacts of the various resource areas.

Public Participation and Scoping Meetings

You can make a difference by sending a letter addressing your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EIS and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow these instructions carefully to ensure that your comments are received in time and properly recorded:

- Send *two* copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, D.C. 20426.
- Label *one* copy of the comments for the attention of Gas Group 1, PJ–11.1;
- Reference Docket Nos. CP00–040–000 and –001; and

• Mail your comments so that they will be received in Washington, D.C. on or before September 25, 2000.

All commenters will be retained on our mailing list. If you do not want to send comments at this time but still want to stay informed and receive copies of the Draft and Final EISs, you must return the attached Information Request (appendix 5). If you do not send comments or return the Information Request, you will be taken off the mailing list.

In addition to or in lieu of sending written comments, we invite you to attend a public scoping meeting the FERC will conduct in the project area.[6] The location and time for this meeting is: Wednesday, September 13, 2000 at 7:00 p.m., Radisson-Hotel Tampa at Sabal Park, 10221 Princess Palm Avenue, Tampa, FL 33610, (813) 246–7135.

The public meeting is designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project. FGT representatives will be present at the scoping meetings to describe their proposal. Interested groups and individuals are encouraged to attend the meeting and to present comments on the environmental issues they believe should be addressed in the Draft EIS. A transcript of the meeting will be made so that your comments will be accurately recorded.

Site Visit

On September 13, 14, and 15, 2000, we will also be conducting limited site visits to FGT's proposed facility locations in Hillsborough, Citrus, Gilchrist, and Hernando Counties, Florida. Anyone interested in participating in the site visit may contact the Commission's Office of External Affairs identified at the end of this notice for more details and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 4). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in the proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS Menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22258 Filed 8–30–00; 8:45 am]

BILLING CODE 6717–01–M

[6] Other scoping meetings were held for this project in Prichard, Alabama (February 28, 2000); Southport, Florida (February 29, 2000); Crystal River, Florida (March 1, 2000); and Sanford, Florida (March 2, 2000).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6861–6]

Agency Information Collection Activities: Proposed Collection; Comment Request; SEA and Recordkeeping Requirements for On-Highway HD Engines, Nonroad Large CI Engines, On-Highway LD Vehicles and LD Trucks; Exemptions; Emission Defect Information and Voluntary Emission Recall Reports; Marine Certification and AB&T; Marine Production Line Testing; Marine In-Use Testing Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB); Selective Enforcement Auditing and Recordkeeping Requirements for On-highway Heavy Duty Engines, Nonroad Large Compression Ignition Engines, On-highway Light Duty Vehicles and Light Duty Trucks, EPA ICR Number 0011.09, OMB Control Number 2060–0064, expiration date: 8/30/00; Pre-Certification and Testing Exemption Reporting and Recordkeeping Requirements, EPA ICR Number 0095.10, OMB Control Number 2060–0007, expiration date: 7/31/00; Emission Defect Information and Voluntary Emission Recall Reports, EPA ICR Number 0282.10, OMB Control Number 2060–0048, expiration date: 8/30/00; Spark Ignition Marine Engine Application for Emission Certification, and Participation in the Averaging, Banking, and Trading Program, EPA ICR Number 1722.02, Previous OMB Control Number 2060–0321, expiration date:7/31/00. Marine Engine Manufacturers Production Line Testing Reporting and Recordkeeping Requirements, EPA ICR Number 1725.02, OMB Control Number 2060–0323, expiration date: 7/31/00; Marine Engine Manufacturer In-Use Testing Program, EPA ICR Number 1726.02, OMB Control Number 2060–0322, expiration date: 7/31/00.

Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before October 30, 2000.

ADDRESSES: Office of Transportation and Air Quality, Certification and Compliance Division, Engine Compliance Programs Group, Ariel Rıos Building, 1200 Pennsylvania Ave., NW, Mail Code 6403J, Washington, DC 20460. Interested persons may request a copy of the ICRs without charge from the contact person below.

FOR FURTHER INFORMATION CONTACT: Nydia Y. Reyes-Morales, tel.: (202) 564–9264; fax: (202) 565–2057; e-mail: reyes-morales.nydia@epa.gov

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which manufacture engines.

Title: Selective Enforcement and Recordkeeping Requirements for On-Highway Heavy Duty Engines, Nonroad

Large Compression Ignition Engines, On-Highway Light Duty Vehicles and Light Duty Trucks (OMB Control Number 2060–0064, EPA ICR Number 0011.09) expiring 8/30/00.

Abstract: As part of the Selective Enforcement Auditing (SEA) Programs, authorized by Section 206(d) and 213 (d) of the Clean Air Act (CAA), manufacturers are required to submit periodic reports and information before and after SEAs. The information requested include pre-audit data (such as projected annual sales, production volumes and voluntary assembly line test data), and audit data (detailed production information, records for test equipment, test data and reports). This information is evaluated to determine if production engines comply with applicable exhaust emission standards.

Title: Pre-Certification and Testing Exemption Reporting and Recordkeeping Requirements (OMB Control Number 2060–0007, EPA ICR Number 0095.10) expiring 7/31/00.

Abstract: EPA may grant pre-certification and testing exemptions for engines to be used under certain circumstances, such as displays, research, national security, and exportation. Pre-certification exemptions are granted to Independent Commercial Importers who want to bring an engine into the country to be tested, modified, and eventually certified and resold. Some engines are exempt without application, subject to the provisions of 40 CFR Subpart J. The application and/or exemption records kept under this information collection are used to ensure that uncertified engines are not introduced into commerce except for legitimate purposes and are not available for use unless they are covered by an exemption.

Title: Emission Defect Information and Voluntary Emission Recall Reports (OMB Control Number 2060–0048, EPA ICR Number 0282.10) expiring on 8/30/00.

Abstract: Engine manufacturers are required, under the authority of Section 208(a) of the CAA, to report emission-related defects found in a number of engines. Manufacturers submit Voluntary Emission Recall Reports to notify EPA when they initiate a recall campaign. Defect Information and Emission Recall Reports are used by EPA to target potentially non-conforming engines for future testing and to ensure that engines comply with emission standards throughout their useful life.

Title: Spark Ignition Marine Engine Application for Emission Certification, and Participation in the Averaging, Banking, and Trading Program, EPA ICR Number 1722.02, Previous OMB Control Number 2060–0321, expiration date: 7/31/00.

Abstract: Under Title II of the Clean Air Act (42 U.S.C. 7521 et seq.; CAA or the Act), EPA is charged with issuing certificates of conformity for those engines which comply with applicable emission standards. Such a certificate must be issued before engines may be legally introduced into commerce. To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production line, including detailed descriptions of the emission control system, and test data. This information is organized by ''engine family'' groups expected to have similar emission characteristics. There are also recordkeeping and labeling requirements.

Those manufacturers electing to participate in the Averaging Banking and Trading Program for marine engines are also required to submit information regarding the calculation of projected and actual generation and usage of credits in an initial report, end-of-the-year report and final report. These reports are used for certification and enforcement purposes. Manufacturers will also maintain records for eight years on the engine families included in the program.

Title: Marine Engine Manufacturers Production Line Testing Reporting and Record-keeping Requirements (OMB Control Number 2060–0323, EPA ICR Number 1725.02) expiring 7/31/00.

Abstract: The Production Line Testing Program (PLT) is a self-audit program, promulgated under the authority of Section 213(d) of the CAA, in which marine engine manufacturers test engines as they leave the assembly line. It's objective is for EPA and the manufacturers to determine with statistical certainty whether new engines in fact comply with emission standards. By detecting problems while engines are still in production, noncomformities are detected and corrected before engines are introduced into commerce or soon after production when engines are most easily located. EPA uses the data obtained through the PLT to determine compliance with emission regulations and whether a Selective Enforcement Audit is needed.

Title: Marine Engine Manufacturer-Based In-Use Emission Testing Program (OMB Control Number 2060–0322, EPA ICR Number 1726.02) expiring 7/31/00.

Abstract: This information collection requires manufacturers of marine engines to submit to EPA quarterly reports with emission data generated in the manufacturer's own in-use testing program. This information, collected under the authority of Sections 207(c) and 213(d) of the CAA, is used to determine whether in-use marine engines comply with emission standards throughout their useful lives.

All the information requested by these collections is required for various programs' implementation and activities. The information is collected by the Engine Compliance Programs Group, Certification and Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation, except for information pertaining to Light Duty Vehicles and Light Duty Trucks which is collected by the Vehicle Compliance Programs Group. Information submitted by manufacturers is held as confidential until the specific engine to which it pertains is available for purchase. Confidentiality to proprietary information is granted in accordance with the Freedom of Information Act, EPA regulations at 40 CFR 2, and class determinations issued by EPA's Office of General Counsel. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: The burden of the existing ICRs is set forth in Table I. These burden estimates include the burden associated with the initial stages of the programs. Since manufacturers have already spent the time required to initiate the programs, we expect that, once we review the existing ICRs, the revised estimates will be substantially less.

TABLE I.—BURDEN STATEMENT

ICR	Estimated average burden hours/ response	Frequency	Number of respond- ents (#engine families)	Cost per response (per engine family)	Capital and start up cost	Operation/ mainte- nance costs	Purchase of services cost
SEA:							
On-Highway HDE	984.8	1	22	$58,714	$0	$0	$0
CI Engines	1,644.8	1	46	$98,314	$0	$0	$0
LDV/LDT	984.8	1	20	$7,710	$0	$0	$0
Exemptions:							
Pre-certification	30	1	10	$1,140	$0	$0	$0
Testing	190	1	40	$7,220	$0	$0	$0
Defect Information and Recall Reports	174	1	38	$8,526	$0	$0	$0
Marine Certification	9,321.5	1	10(67)	($559,290)	$0	$0	$0
Marine AB&T	728	4	10	$42,524	$0	$0	$0
Marine PLT	1,745	4	10	$104,502	$0	$0	$0
Marine In-Use Prog	938	14	11	$53,576	$0	$0	$0

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: August 25, 2000.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 00–22373 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6861–5]

Good Neighbor Environmental Board Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Good Neighbor Environmental Board (GNEB) will meet on the afternoon of Tuesday, September 19th, and for the full day on Wednesday, September 20, in El Paso, Texas, in its role as advisor to the President and Congress on creating and maintaining an environmentally sustainable U.S.-Mexico border region. In addition, on the following day, September 21st, Good Neighbor Board members will take part in the currently scheduled plenary session of the U.S.-Mexico Border XXI Program National Coordinator's meeting, where they will report out on their activities and also facilitate a public comment session. The meetings of both groups are open to the public.

Location: The Good Neighbor Environmental Board meeting will take place at the Camino Real Hotel in El Paso, Texas. It is located at 101 South El Paso Street, El Paso, Texas, 79901. The hotel phone number is (915) 534–3000. The Camino Real is adjacent to the Convention Center and Performing Arts Theater. It has underground fee parking, and there is a bus stop about 3 blocks from the hotel.

Agenda: During the first afternoon, Tuesday the 19th, the draft agenda calls for discussing ongoing Board business including dissemination of the Fourth Report to the President and Congress, a briefing on border region watersheds, a roundtable with Border XXI to give input from the Board on its proposed next phase, and break-out sessions for the Board's four workgroups. The draft agenda for Wednesday includes more ongoing Board business such as report-outs on border activities, early planning for the Fifth Report, and a roundtable session with Consejo Region 1 of Mexico and representatives from non-governmental groups.

Public Attendance: The public is welcome to attend all portions of the meeting. Seating on both days is available on a first-come, first-served basis. Members of the public who plan to file written statements and/or make brief oral statements at the public comment session of the National Coordinator's meeting on September 21st, which Good Neighbor is scheduled to facilitate, should contact the Designated Federal Officer of the Good Neighbor Environmental Board by Thursday, September 7th.

Background: The Good Neighbor Environmental Board was created by the Enterprise for the Americans Initiative Act of 1992. An Executive Order delegates implementing authority to the Administrator of EPA. The Board is responsible for providing advice to the President and the Congress on environmental and infrastructure issues and needs within the States contiguous to Mexico in order to improve the quality of life of persons residing on the United States side of the border. The statute calls for the Board to have representatives from U.S. Government agencies; the governments of the States of Arizona, California, New Mexico and Texas; and private organizations with expertise on environmental and infrastructure problems along the southwest border. The Board meets three times annually. The U.S. Environmental Protection Agency gives notice of this meeting of the Good Neighbor Environmental Board pursuant to the Federal Advisory Committee Act (Public Law 92–463).

FOR FURTHER INFORMATION CONTACT: Elaine M. Koerner, Designated Federal Officer for the Good Neighbor Environmental Board: Office of Cooperative Environmental Management, Office of the Administrator, USEPA, MC1601A, 1200 Pennsylvania Ave. NW, Washington, DC 20004, (202) 564–1484, *koerner.elaine@epa.gov.,* or access the GNEB web-site at *www.epa.gov/ocem/gneb.htm.*

Dated: August 22, 2000.

Elaine Koerner,

Designated Federal Officer.

[FR Doc. 00–22372 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6862–1]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Puget Sound Naval Shipyard Project XL Phase I Draft Final Project Agreement.

SUMMARY: EPA is requesting comments on the Phase I Draft Final Project Agreement (FPA) for Puget Sound Naval Shipyard (PSNS), Bremerton, Washington. The FPA is a voluntary agreement developed collaboratively by PSNS, the Washington State Department of Ecology (WDOE), and EPA. Project XL, announced in the **Federal Register** on May 23, 1995 (60 FR 27872), is intended to provide regulated entities with the opportunity to develop alternative strategies that will replace or modify specific regulatory or procedural requirements on the condition that the alternative strategies produce greater environmental benefits. PSNS is participating in EPA's Project XL under the auspices of Environmental Investment (ENVVEST). ENVVEST is the Department of Defense's program to participate in EPA's Project XL.

The Puget Sound Naval Shipyard proposes to carry out this project in two phases. The first phase is explained in this draft FPA. The Puget Sound Naval Shipyard proposes to study the Sinclair Inlet and its surrounding watershed to document its current health and the impacting sources. Research would be conducted through the use of sound ecological science and risk based management and employ techniques consistent with the Environmental Protection Agency Ecological Risk Assessment Guidelines. Key elements include development of a unified ambient monitoring program, comprehensive electronic database, risk based pollutant prioritization, and data to support the development of Total Maximum Daily Loads (TMDLs).

Regulatory flexibility is not being sought nor granted pursuant to this Phase I FPA. Rather, upon completion of the research in Phase, I, PSNS and revelant stakeholders may propose pilot projects to support obtaining regulatory flexibility in Phase II of the XL/ENVVEST project. These proposals would require addenda to the FPA. Draft versions of proposed addenda would be announced in future Federal Register notices for public comment.

The terms and conditions pertaining to this XL/ENVVEST pilot project are contained in the draft Phase I FPA, upon which EPA is requesting comment today. The draft FPA sets forth the intentions of EPA, PSNS, and the WDOE with regard to the implementation of the first phase of the project and the expected benefits. After review of the comments received during the public comment period and revision of the FPA, as appropriate, representatives of the EPA, the WDOE, and PSNS would sign the FPA.

DATES: The period for submission of public comments ends on September 14, 2000.

ADDRESSES: All comments on the proposed Final Project Agreement should be sent to: Ms. Sherri Walker, US EPA, Ariel Rios Building, Mail Code 1802, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Comments may also be faxed to Sherri Walker at (202) 260–3125. Comments will also be received via electronic mail sent to walker.sherri@epa.gov.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the Draft Final Project Agreement, contact: William Glasser, US EPA, Region 10, 1200 Sixth Avenue, Seattle, WA 98101 , or Sherri Walker, US EPA, Mail Code 1802, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. The Draft FPA is also available at Puget Sound Naval Shipyard by contacting Ms. Diane Manning, PSNS Code 1160, 1400 Farragut Avenue, Bremerton, WA 98314–5001; (360) 476–7111 or email: manningd@psns.navy.mil. The FPA and related documents are also available via the Internet at the following location: http://www.epa.gov/ProjectXL. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, application information, and descriptions of existing XL projects and proposals, is available via the Internet at the website address listed above. Questions regarding any of these documents can be directed to William Glasser at (206) 553–7215 or Sherri Walker at (202) 260–4295. If you wish to be included on the PSNS mailing list regarding future meetings contact Ms. Diane Manning as listed above.

Dated: August 25, 2000.

Elizabeth A. Shaw,

Director, Office of Environmental Policy Innovation.

[FR Doc. 00–22380 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6862–7]

RIN 2040–AC20

Effluent Guidelines Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of effluent guidelines plan.

SUMMARY: Today's notice describes the Agency's ongoing effluent guidelines development efforts and announces EPA's plan for developing new and revised effluent guidelines, which regulate industrial discharges to surface Water Act requires EPA to publish an Effluent Guidelines Plan every two years. The Agency published a proposed plan on June 16, 2000, and public comments on the proposed plan are discussed in today's notice.

EFFECTIVE DATE: October 2, 2000.

ADDRESSES: The public record for this notice is available for review in the EPA Water Docket, Room EB 57 East Tower, 401 M St., S.W., Washington, D.C. from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. Please call (202) 260–3027 to schedule an appointment to see Docket materials. The EPA public information regulation (40 CFR part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: James Lund, Engineering and Analysis Division (4303); telephone (202) 260–7811.

SUPPLEMENTARY INFORMATION:

Outline of This Notice

I. Regulated Entities
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V. Effluent Guideline Regulations Promulgated Since the Proposed Plan
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A. Rulemaking Activities Started in 1999
B. Effluent Guidelines Currently Under Development
C. Summary of Changes from the Proposed Plan
VII. Future Direction of the Effluent Guidelines Program
A. Ways to Identify Industries for Future Effluent Guidelines Development
1. Targeting the Most Significant Environmental Problems

2. Targeting Industry Sectors That May Be Candidates for Pollution Prevention and Multi-Media Rule Making
3. Targeting Sources That Are Difficult to Permit
B. Involving Stakeholders in the Year 2002 Section 304(m) Plan
VIII. Public Comments Received on the June 16, 2000 Notice
IX. Economic Impact Assessment; Executive Order 12866

I. Regulated Entities

Today's plan does not contain regulatory requirements. Rather, it identifies industrial categories that EPA has already chosen for new or revised effluent guidelines regulation and sets forth the schedules for those rulemaking efforts. Entities that could be affected by the forthcoming effluent limitations guidelines and standards identified in this plan are:

Category of entity	Examples of potentially affected entities
Industry/commercial/agriculture.	Pulp, Paper and Paperboard; Synthetic-Based Drilling Fluids (oil and gas production); Centralized Waste Treatment; Metal Products and Machinery (including electroplating, metal finishing); Iron and Steel Manufacturing; Coal Mining; builders and developers engaged in construction, development, and redevelopment; Feedlots (swine, poultry, dairy and beef cattle); Aquatic Animal Production (fish hatcheries and farms); Meat Products (slaughtering, rendering, packing, and processing of red meat and poultry).
Federal Government.	Metal Products and Machinery (including electroplating, metal finishing); builders and developers engaged in construction, development, and redevelopment.
State Government.	Metal Products and Machinery (including electroplating, metal finishing); builders and developers engaged in construction, development, and redevelopment.
Local Government.	Metal Products and Machinery (including electroplating, metal finishing); builders and developers engaged in construction, development, and redevelopment.

II. Legal Authority

Today's notice is published under the authority of section 304(m) of the Clean Water Act, 33 U.S.C. 1314(m).

III. Introduction

On June 16, 2000, EPA published a notice containing the Agency's proposed section 304(m) plan for 2000 (65 FR 37783). In that notice, EPA also outlined a preliminary framework by which EPA, working with its State partners, the regulated community, and concerned citizens, can build upon the successes of its effluent guidelines program for the next decade and beyond.

Today's notice announces the Agency's final section 304(m) plan for 2000 and discusses comments received both on the proposed section 304(m) plan for 2000 and on the framework for developing future 304(m) plans.

IV. Effluent Guidelines Program Background

With the 1972 passage of the landmark Clean Water Act (CWA), EPA was charged with developing effluent limitations guidelines and standards that would provide a minimum, technology-based threshold for ongoing improvements in effluent quality. The legislative history of CWA section 304(b), which is the heart of the effluent guidelines program, describes the need to press toward higher levels of control through research and development of new processes, modifications, replacement of obsolete plans and processes, and other improvements in technology, taking into account the cost of controls.

The Clean Water Act directs EPA to promulgate effluent limitations guidelines and standards that, for most pollutants, reflect the level of pollutant control achievable by the best available technologies economically achievable for categories or subcategories of industrial point sources. See CWA sections 301(b)(2), 304(b), 306, 307(b), and 307(c). For point sources that introduce pollutants directly into the Nation's waters (i.e., direct dischargers), the limitations and standards promulgated by EPA are implemented in National Pollutant Discharge Elimination System (NPDES) permits. See CWA sections 301(a), 301(b), and 402. For sources that discharge to POTWs (i.e., indirect dischargers), EPA promulgates pretreatment standards that apply directly to those sources and are enforced by POTWs backed by State and Federal authorities. See CWA sections 307(b) and (c).

To date, EPA has promulgated effluent limitations guidelines for more than 50 industrial categories affecting approximately 30,000 facilities that discharge directly to the Nation's waters. If EPA includes pretreatment controls for sources that discharge into publicly owned treatment works (POTWs), EPA's effluent limitations guidelines and standards regulate the effluent from approximately 45,000 facilities. These regulations accomplish water quality improvements through affordable, cost-effective controls. By requiring cleaner industrial operations, these regulations help to ensure that the economic advances that result from industrial expansion are compatible with a clean environment and an improved quality of life.

Section 304(m) requires EPA to publish a plan every two years that consists of three elements. First, under section 304(m)(1)(A), EPA is required to establish a schedule for the annual review and revision of existing effluent guidelines in accordance with section 304(b). Section 304(b) applies to effluent limitations guidelines for direct dischargers and requires EPA to revise such regulations as appropriate. Second, under section 304(m)(1)(B), EPA must identify categories of sources discharging toxic or nonconventional pollutants for which EPA has not published effluent limitations guidelines under 304(b)(2) or new source performance standards (NSPS) under section 306. Finally, under 304(m)(1)(C), EPA must establish a schedule for the promulgation of effluent limitations guidelines under 304(b)(2) and NSPS for the categories identified under subparagraph (B) not later than three years after being identified in the 304(m) plan. Section 304(m) does not apply to pretreatment standards for indirect dischargers, which EPA promulgates pursuant to sections 307(b) and 307(c) of the Clean Water Act.

On October 30, 1989, Natural Resources Defense Council, Inc., and Public Citizen, Inc., filed an action against EPA in which they alleged, among other things, that EPA had failed to comply with CWA section 304(m). Plaintiffs and EPA agreed to a settlement of that action in a consent decree entered on January 31, 1992. The consent decree, which has been modified several times, established a schedule by which EPA is to propose and take final action for eleven point source categories identified by name in the decree, see Consent Decree, pars. 2(a) and 4(a), and for eight other point source categories identified only as new or revised rules, numbered 5 through 12, see Consent Decree par. 5(a).

The last date for EPA action under the decree, as modified, is June 2004. The decree also established deadlines for EPA to complete studies of eight identified and three unidentified point source categories. See Consent Decree, par. 3(a). The decree further provides that the foregoing requirements shall be set forth in EPA's section 304(m) plans. See Consent Decree, pars. 3(a), 4(a), 5(a). Under the decree, EPA is directed to use the studies as well as other available information to select the eight point source categories for which EPA has agreed to issue new or revised rules under paragraph 5(a). Finally, the consent decree provides that section 304(m) plans issued subsequent to the decree that are consistent with its terms shall satisfy EPA's obligations under section 304(m) with respect to the publication of such plans. See Consent Decree, par. 7(b).

The decree also required EPA to establish an Effluent Guidelines Task Force to make recommendations for improvements to the effluent guidelines program. See Consent Decree, par. 8. EPA did so in 1992. The Task Force, which was created to offer advice to the EPA Administrator on a process for expediting the promulgation of effluent guidelines, among other topics, consists of members appointed by the Agency from industry, citizen groups, state and local governments, the academic and scientific communities, and EPA's Office of Research and Development. It is a subcommittee of the National Advisory Committee for Environmental Policy and Technology, which is chartered under the Federal Advisory Committee Act, 5 U.S.C. App. 2. The Task Force has held several public meetings each year since 1992 and has submitted recommendations to the EPA Administrator.

V. Effluent Guideline Regulations Promulgated Since the Proposed Plan

Since the June 16, 2000 publication of the proposed plan, EPA published on August 14, 2000 a final rule for the Transportation Equipment Cleaning Industry (65 FR 49666).

VI. Today's Effluent Guidelines Plan

A. Rulemaking Activities Started in 1999

EPA estimates that effluent guidelines are responsible for preventing the discharge of more than a billion pounds of toxic pollutants each year. While EPA is very proud of this accomplishment, we recognize that water quality problems have not been eliminated. Despite successes in reducing water pollution, approximately 40 percent of the waters assessed by States, Tribes, and other jurisdictions do not meet State or Tribal water quality standards. As reported by States, Tribes, and other jurisdictions in their 1998 section 305(b) water quality assessments, approximately 291,000 miles of rivers and streams and 7.9 million acres of lakes are impaired. In addition, States identified more than 20,000 impaired waterbodies in their 1998 section 303(d) lists of impaired waters. The overwhelming majority of Americans live within ten miles of a polluted waterbody. The pollutants most frequently identified as causing water impairment are siltation, excess nutrients, and harmful pathogens. Several effluent guidelines are currently underway to help address siltation and nutrient problems, and, to a lesser extent, pathogens. In the proposed plan, EPA announced efforts that were initiated in late 1999 to develop new or revised regulations for the meat products and aquatic animal production industries, both sources of nutrients to this Nation's waters.

EPA received no comments on the Agency's selection of the meat products industry. However, EPA received many comments on its decision to examine and develop effluent guidelines for the aquatic animal production industry. (EPA had originally used the term Aquaculture to describe this industry. However, EPA has since recognized that the term Aquatic Animal Production better reflects the operations that EPA expects will be subject to the forthcoming effluent guidelines.) Some of the comments argued against EPA's decision to regulate aquatic animal production; others supported EPA's decision. Commenters on both sides of the aquatic animal production regulation issue offered to work with EPA in the development of any aquatic animal production effluent guidelines. EPA is discussing the tasks and information necessary to develop an aquatic animal production rule with the Joint Subcommittee on Aquaculture's (JSA's) Aquaculture Effluents Task Force, which consists of representatives from trade associations, academia, federal and state agencies, professional socities, and non-governmental organizations. EPA welcomes the assistance of all interested parties in the development of the guidelines and will provide a number of opportunities for further involvement as we proceed with the studies necessary to develop the regulation.

The aquatic animal production industry was first studied by EPA in 1974 and has operated under guidance issued in 1977. EPA chose to issue guidance in the late 1970s rather than promulgate a regulation at that time in order to focus resources on other industries that EPA regarded as higher priorities for the regulation of toxic pollutants.

As in the 1998 304(m) plan, EPA is beginning new efforts to address classes of pollutants that continue to cause water quality impairments, specifically nutrients and organic pollutants. In their 1998 305(b) reports, 13 States identified aquaculture operations as sources contributing to water quality impairments, due largely to nutrients and organic enrichment (low dissolved oxygen impacts). EPA's guidance was insufficient for many State permitting efforts; it reflected neither the growth in the industry, nor the significant technological advances that have been made. Several States expressed interest in more current technical assistance and support, including a detailed analysis of the industry, its processes, controls, and financial ability to improve its environmental performance. EPA's decision to begin developing effluent guidelines for this industry reflects the Agency's commitment to launch the scientific study, data collection, and public involvement necessary to make that happen.

All of the comments which EPA received concerning aquatic animal production, along with EPA's responses to the comments, are in the public record for today's notice. EPA will also forward the comments to the record for the aquatic animal production rule and consider them during that rule making.

We look forward to working with the U.S. Department of Agriculture and all other interested parties in obtaining the most accurate, up-to-date information on which to base EPA's rulemaking decisions.

B. Effluent Guidelines Currently Under Development

The status of the regulations for new or revised effluent guidelines are set forth in Table 1.

TABLE 1.—EFFLUENT GUIDELINES CURRENTLY UNDER DEVELOPMENT

Category	Federal Register cite or date for Administrator's signature on proposed regulation	Final action date [1]
Centralized waste treatment	60 FR 5464 (Jan. 27, 1995); 64 FR 2279 (Jan. 13, 1999)	8/31/00
Synthetic-based drilling fluids (oil and gas production)	64 FR 5487 (Feb. 3, 1999)	12/00
Coal mining	65 FR 19439 (Apr. 11, 2000)	12/01
Iron and steel manufacturing	10/00	4/02
Metal products and machinery, Phases I and II	60 FR 28209 (May 30, 1995)—Phase I only; 10/00 (Phase I and II).	12/02
Construction and development	3/02	3/04
Feedlots (poultry, swine, beef, and dairy subcategories)	12/15/00	12/15/02
Pulp, paper, and paperboard, Phases 2 & 3	58 FR 66078 (Dec. 17, 1993)	2000–2002
Meat products	12/01	12/03
Aquatic animal production	6/30/02	6/30/04

[1] The dates shown are final action dates for all but Centralized Waste Treatment (CWT) and Pulp and Paper. Final action dates are the dates of signature by the Administrator on a final regulation or a final decision not to establish or modify an effluent guideline. For CWT, the date shown is the date of transmitting the final regulation to the Federal Register. For Pulp and Paper, the date represents an approximation.

C. Summary of Changes from the Proposed Plan

Today's Effluent Guidelines Plan is substantively the same as the proposed plan. However, the Transportation Equipment Cleaning Effluent Guideline, shown in the proposed plan as ''currently under development'' is now presented in today's plan as a regulation that was promulgated since the proposed plan. In addition, some clarifications were made in today's plan in response to comments received on the proposed plan. In particular, clarifications were made in the discussion of the selection of aquatic animal production as one of the industries selected for regulation. More information about the public comments submitted on the June 16, 2000 notice is provided below in Section VIII.

VII. Future Direction of the Effluent Guidelines Program

The effluent guidelines program is one of EPA's most successful environmental protection programs. EPA develops performance standards based on demonstrated technologies that are affordable for the regulated industry as a whole. Supported by sound data and analysis, the effluent guidelines program strives for the greatest pollutant reductions that can be economically achieved within the regulated community. In setting performance standards, EPA considers pollution prevention approaches in addition to more traditional treatment technologies, with the result that the air and soil also benefit from wastewater regulations.

Moreover, this program gives the regulated community considerable flexibility in achieving the performance standards. Thus, dischargers are encouraged to develop less expensive alternatives to comply with the performance standards than the model technologies or processes identified by the Agency. Invariably, the more cost-effective technologies and processes often become the industry norm—in this way yielding even greater environmental results at lower cost than contemplated by the regulation itself.

In the future, the effluent guidelines program will evolve to face new challenges. New or revised effluent guidelines can help solve the serious water quality problems still remaining in the Nation's waterways, which are most frequently caused by excess nutrients, sedimentation, pathogens, metals, and toxic pollutants. Also, more stringent levels of pollution reduction are now economically achievable in some industrial categories or subcategories due to the emergence of new or innovative pollution control technologies. To help plan for the future, EPA plans to use the section 304(m) planning process established by the Clean Water Act to expand its dialogue with the interested public regarding how to use the effluent guidelines program to achieve the greatest environmental benefits.

As discussed above, section 304(m)(1) requires EPA every two years to identify industry categories for new or revised regulations and to establish a schedule for final action on those rules. Consistent with the consent decree pertaining to section 304(m), EPA discharged this duty in December 1999 when it identified Aquatic Animal Production and Meat Products as categories for new effluent guidelines and established schedules for those rules. The 2000 section 304(m) plan reports that action. Now, EPA is beginning the process for developing its section 304(m) plan for the year 2002.

In the June 16, 2000 notice, EPA proposed a framework for developing future 304(m) plans. That proposed framework included (1) ways to identify industries for future effluent guidelines development and (2) a strategy for involving stakeholders in the development of the next 304(m) plan.

A. Ways To Identify Industries for Future Effluent Guidelines Development

In the June 16, 2000 notice, EPA stated that criteria for selecting industrial categories for new or revised effluent guidelines will be critical to our 2002 section 304(m) plan development. In that notice, EPA proposed selecting industries for effluent guideline development by targeting the most significant environmental problems, by targeting industry sectors that may be candidates for pollution prevention and multi-media rule making, and by targeting industries that are difficult to permit.

1. Targeting the Most Significant Environmental Problems

In the June 16, 2000 notice, EPA identified three currently available sources of information that EPA might consider using in the future to help determine the most significant environmental problems and, thus, possible industrial categories for further examination. (These data sources would not be used as the basis for any proposed regulations.)

First, EPA's Office of Pollution Prevention and Toxics has developed a risk-related model called the ''Risk-Screening Environmental Indicators'' (RSEI). This model can be used to perform screening-level analyses of the potential risk-related, chronic human health impacts associated with releases reported in the Toxic Release Inventory.

Second, pursuant to section 303(d) of the Clean Water Act and EPA's implementing regulations, States must identify waters where technology-based effluent limitations and other pollution control requirements are not stringent

enough to implement applicable water quality standards for such waters. These section 303(d) lists of waters identify the pollutants and, where possible, the source categories that may be responsible for the water quality impairments.

Third, pursuant to section 305(b) of the Clean Water Act, States, Tribes, and other jurisdictions report on the quality of their waters every two years, including information on pollutants and sources of pollution.

As stated in the June 16, 2000 notice, EPA notes that there is no overlap between the categories ranking highest using the RSEI risk-related model and the categories listed by the States as contributing to siltation, nutrients, and pathogens. This finding is not particularly surprising because the assessment factors differ, e.g., chronic human health impacts in the case of the RSEI model, in contrast to emphases on aquatic ecosystem health as well as other designated use impairments, in the case of the section 303(d) lists and 305(b) reports.

EPA received comments on the use of these data sources identified in the June 16, 2000 notice. The comments pointed out the limitations of these potential sources of information. EPA is aware of the limitations of each of these sources of data, including—in the case of 303(d) lists and 305(b) reports—the uncertainty in some instances whether the impairments cited are due to nonpoint sources or point sources, as well as the broad range of information used by the States in making these assessments (each with varying degrees of data quality). EPA is also aware that, despite significant improvements to the Risk-Screening Environmental Indicators model in the past three years, we must exercise caution in using it for industry selection purposes. EPA plans to continue the current practice of evaluating and using other readily-available information to corroborate the findings of these data sources in determining which industrial categories warrant further examination.

EPA also received the comment that only States, EPA, or the regulated entities should be authorized to submit effluent samples in the effluent guidelines process. As a general principle, EPA notes that it is open to considering any data that are relevant and reliable and that meet the Agency's rigorous quality assurance and quality control standards. EPA also understands that single-source data should sometimes not be used absent other corroborating information.

EPA will consider all of these comments, in consultation with interested stakeholders, as it proceeds with its section 304(m) planning process described in Section VII.B. below. In addition, although EPA did not receive any comments identifying any other data sources that might assist in targeting the most significant environmental problems, we remain open to suggestions of data sources that may be of better quality for our purposes.

2. Targeting Industry Sectors That May Be Candidates for Pollution Prevention and Multi-Media Rule Making

As stated in the June 16, 2000 notice, through its sector-based activities, such as the Common Sense Initiative, EPA recognizes that addressing all environmental concerns from an industry sector concurrently can improve pollution prevention, resulting in better environmental results at lower cost than addressing the environmental releases one media at a time. EPA's Task Force on Coordinated Rulemaking, which was created to identify and initiate sector-based rule makings that would benefit from a cross-Agency, multi-program coordinated effort, is one attempt to capitalize on this concept. The Task Force on Coordinated Rulemaking is one source of information on possible sectors for future effluent guidelines development.

Another source is EPA's Integrated Urban Strategy of the National Air Toxics Program. Although this strategy presents a framework for reducing air toxics (i.e., hazardous air pollutants) in urban areas, many of the sources that have been identified contribute pollutants to the water environment as well. The link between wastewater treatment and air emissions, like the link between air emission treatment and wastewater, may point to a coordinated approach for addressing the highest risk sources. Further coordination in this area is pending the results of the National Air Quality Assessment that is currently underway.

One commenter, in support of determining whether efforts being undertaken in other EPA offices might influence effluent guidelines, suggested that EPA consider the findings of the Surface Impoundment Study being conducted by the Office of Solid Waste. This study, when completed, may indicate a need to amend both solid waste and water regulations. Given the inter-related nature of pollutant control by the various media offices under various enabling statutes, resolving environmental problems often requires adjustments of several regulations concurrently. EPA recognizes that changes are sometimes needed, not only to assure effectiveness, but also to avoid conflicting restrictions between programs.

In a similar vein, EPA is currently examining potential risks from Class V injection wells used by a wide variety of commercial and industrial sources. Although not regulated by effluent guidelines, EPA is beginning to consider how new effluent guidelines may impact the use of Class V injection wells by the regulated industry. EPA hopes that by sharing information between these programs and coordinating these efforts, environmental problems can be solved, not shifted.

3. Targeting Sources That Are Difficult To Permit

As noted in the June 16, 2000 notice, effluent limitations guidelines establish nationally applicable standards that are implemented through NPDES discharge permits issued by authorized States and Tribes or EPA. In the absence of these regulations, permit writers must determine technology-based limitations using their best professional judgment. Our State and Tribal regulatory partners are some of the best sources of information about the adequacy and coverage of existing effluent limitations guidelines. States and Tribes helped to identify many of the sectors for which effluent guidelines are currently being developed or revised.

For example, one comment received on the June 16 notice suggested that EPA revisit the Metal Molding and Casting Effluent Guideline in the near future because of certain current problems in regulating this industrial category. The Agency is considering this comment and will use this industry as a specific example for discussion in the upcoming stakeholder process.

B. Involving Stakeholders in the Year 2002 Section 304(m) Plan

As presented in the June 16, 2000 notice, EPA also proposed an approach for involving stakeholders in the development of the 2002 section 304(m) plan.

As EPA looks forward to the 2002 section 304(m) plan, industry selection criteria will be critical. To help prepare the plan, EPA plans to engage all interested parties in a dialogue. EPA is interested in discussing not only the factors that would indicate which industrial categories would provide the greatest environmental benefit if subject to new or revised effluent guidelines but also the sources of data by which to evaluate those factors.

EPA plans to seek the views of as many interested persons as possible, with particular emphasis on individuals

and organizations associated with industry, environmental interest groups, and State, Tribal, and local governments. EPA will reach out to interested stakeholders primarily by attending and, where possible, participating in meetings and conferences sponsored by members of those communities, as well as through its Web site (http://www.epa.gov/ost) and less formal meetings.

The Agency has already launched this dialogue through discussions with the Effluent Guidelines Task Force, whose membership reflects a variety of stakeholder viewpoints. Members of the Effluent Guidelines Task Force have also agreed to assist EPA in this stakeholder outreach effort.

At this point, EPA envisions that this stakeholder outreach will culminate in a one or two day highly focused national meeting of interested stakeholders this winter. In addition to a discussion of factors for industry selection criteria and information sources by which to evaluate those factors, EPA also seeks a discussion on whether EPA's procedures for implementing the requirements of section 304(m), including the process for selecting industrial categories for new or revised effluent guidelines, should be codified in federal regulations. Relevant to that discussion will be comments EPA received on the June 16, 2000 notice that suggested that not only are such regulations not warranted but also they could be counter-productive to efficient Agency management of its resources and could restrict the Agency's ability to consider other relevant information in the selection process. EPA plans to discuss this further with as many stakeholders as possible. The Effluent Guidelines Task Force has indicated its willingness to work with EPA in conducting stakeholder outreach and refining our 304(m) planning process.

Finally, as noted in the June 16, 2000 notice, EPA plans to issue a final section 304(m) plan in February 2002. EPA will use the outcome of the stakeholder outreach effort in developing this plan.

VIII. Public Comments Received on the June 16, 2000 Notice

EPA accepted public comments on the Proposed Plan through July 17, 2000. The Agency received comments from a variety of commenters including industry and agriculture, environmental groups, States, academia, and engineering consulting firms. Many of the comments received have been discussed in the text of today's notice. The administrative record for today's notice includes a complete set of all of the comments submitted as well as the Agency's responses.

IX. Economic Impact Assessment; Executive Order 12866

Today's notice announces a plan for the review and revision of existing effluent guidelines and for the selection of priority industries for new regulations. This notice is not a ''rule'' subject to 5 U.S.C. 553 and does not establish any requirements; therefore, EPA has not prepared an economic impact assessment. EPA will provide economic impact analyses, regulatory flexibility analyses, or regulatory impact assessments, as appropriate, for all of the future effluent guideline rule makings developed by the Agency.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this plan is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

Dated: August 24, 2000.

J. Charles Fox,

Assistant Administrator for Water.

[FR Doc. 00–22383 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6861–7]

Final Reissuance of General NPDES Permits (GP) for Alaskan Mechanical Placer Mining (Permit Number AKG–37–0000) and Alaskan Medium-Size Suction Dredging (Permit Number AKG–37–1000)

AGENCY: Environmental Protection Agency, Region 10.

ACTION: Final notice of reissuance of two general permits.

SUMMARY: On June 30, 1999, two general permits regulating the activities of mechanical placer mining and suction dredge mining for gold placer mining operations in the state of Alaska expired. On January 14, 2000, EPA proposed to reissue these two general permits. There was a 60 day comment period and public hearings were held in Anchorage and Fairbanks, Alaska.

During the comment period, EPA received comments on the mechanical general permit regarding Notice of Intent (NOI) submittal, annual report submittal and monitoring frequency. A miner must submit an NOI to be covered by the GPs. EPA has changed the date that annual reports are due from November 30 for the previous mining season, to January 31 for the previous calendar year. EPA did not make any changes in monitoring frequency from those in the proposed permit.

EPA received similar comments as those described above for the medium-size suction dredge general permit. The responses outlined in the previous paragraph also apply to the medium-size suction dredge permit. EPA received additional comments relating to suction dredging including comments on suction dredge spacing, the definition of dredging operations, and the use of winches. EPA did not change the required spacing between suction dredge operations, but did define a dredging operation as one medium-size dredge or one medium-size dredge accompanied by one small (four inch or less intake) dredge. EPA also specifies how to determine if it is ''apparent'' that an operation has occurred nearby. EPA clarified that the prohibition on winches is on motorized winches, not on hand winches.

Other comments were received and a Response to Comments was prepared for each general permit.

At the time EPA proposed these general permits, EPA also gave notice that the extended coverage under the previous general permits would expire with the reissuance of the new general

permits. EPA has determined that the extended coverage will expire either when a facility is authorized under the new general permits or 150 days after the effective date of the new general permits, whichever is earlier.

DATES: The general permits will be effective October 2, 2000. For those facilities not seeking authorization under the new general permits, extended coverage under the previous general permits will expire on February 27, 2001.

ADDRESSES: Copies of the General Permits and Responses to Comments are available upon request. Written requests may be submitted to EPA, Region 10, 1200 Sixth Avenue OW–130, Seattle, WA 98101. Electronic requests may be mailed to: washington.audrey@epa.gov or godsey.cindi@epa.gov.

FOR FURTHER INFORMATION CONTACT: The General Permits, Fact Sheets and Response to Comments may be found on the Region 10 website at www.epa.gov/r10earth/offices/water.htm under the NPDES Permits section. Requests by telephone may be made to Audrey Washington at (206) 553–0523 or to Cindi Godsey at (907) 271–6561.

SUPPLEMENTARY INFORMATION:

Executive Order 12866: The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

The state of Alaska, Department of Environmental Conservation (ADEC), has certified that the subject discharges comply with the applicable provisions of Sections 208(e), 301, 302, 306 and 307 of the Clean Water Act.

The state of Alaska, Office of Management and Budget, Division of Governmental Coordination (ADGC), has conducted a review for consistency with the Alaska Coastal Management Program (ACMP) and has agreed with EPA's determination that the general permits are consistent with the ACMP.

Regulatory Flexibility Act: Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, a Federal agency must prepare an initial regulatory flexibility analysis ''for any proposed rule'' for which the agency ''is required by section 553 of the Administrative Procedure Act (APA), or any other law, to publish general notice of proposed rulemaking.'' The RFA exempts from this requirement any rule that the issuing agency certifies ''will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' EPA has concluded that NPDES general permits are permits, not rulemakings, under the APA and thus not subject to APA rulemaking requirements or the RFA. Notwithstanding that general permits are not subject to the RFA, EPA has determined that this general permit, as issued, will not have a significant economic impact on a substantial number of small entities.

Dated: August 23, 2000.

Randall F. Smith,

Director, Office of Water, Region 10, U.S. Environmental Protection Agency.

[FR Doc. 00–22374 Filed 8–30–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

August 23, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 30, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0934.

Title: Application for Equipment Authorization—2.960, 2.962, 68.160 and 68.162 Form FCC TCB 731.

Form No.: FCC TCB 731.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for profit.

Number of Respondents: 1,600.

Estimated Time Per Response: 4 hours.

Total Annual Burden: 6,400 hours.

Total Annual Cost: $7,000 per respondent.

Needs and Uses: Commission rules require approval prior to marketing of equipment regulated under certain Part 15 and Part 18 rule sections, based on showing of compliance with technical standards established in the Rules for each device operated under the applicable Rule part. Rules governing certain equipment operating the licensed service also require equipment authorization as established in the procedural Rules in Part 2 and Part 68. The Commission adopted new rules to streamline its equipment authorization program by allowing Telecommunications Certification Bodies to authorize equipment in a Report and Order, adopted December 1998, Gen. Doc. 98–68. Such a showing of compliance aids in controlling potential interference to radio communications, and the data gathered, as is necessary may be used for investigating complaints of harmful interference. Collection of this information is approved under OMB#3060–0057. Commission Rules established in Docket 98–68 established a framework for allowing private sector approval of equipment that is currently approved as noted above. In addition, the rule changes established guidelines for implementation of Mutual Recognition Agreements and Arrangements with foreign trade partners. To allow for private sector and foreign approval of equipment for marketing, the Commission made provisions to evaluate the recommendations of an accrediting body in a given country as to the competency of a *Telecommunications Certification Body* (TCB) to approve equipment for marketing. Once approved by the accrediting body, and

''Designated'' by the Commission, these TCB's may accept Form 731 filings (OMB 3060–0057) from the public and evaluate the compliance of the equipment with the Commission's Rules and technical standards. If the TCB determines that the equipment complies and should therefore receive a grant, the TCB is required to electronically submit the Form 731 information, and the information required for grant, to the Commission via the Internet.

OMB Number: 3060–0213.

Title: Section 73.3525 Agreements for removing application conflicts.

Form Number: None.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 38.

Estimated time per response: 0.25–9 hours.

Frequency of response: On occasion.

Total annual burden: 39 hours.

Total annual cost: $61,353.

Needs and Uses: Section 73.3525 requires applicants for a construction permit for a broadcast station to obtain approval from the FCC to withdraw, dismiss or amend its application when that application is in conflict with another application pending before the FCC. This request for approval to withdraw, dismiss or amend an application should contain a copy of the agreement and an affidavit of each party to the agreement.

The data is used by FCC staff to assure that the agreement is in compliance with its rules and regulations and Section 311 of the Communications Act of 1934, as amended.

In the event that the proposed withdrawal of a conflicting application would unduly impede achievement of a fair, efficient and equitable distribution of radio service, the FCC must issue an order providing further opportunity to apply for the facilities specified in the application(s) withdrawn. Upon release of this order, Section 73.3525(b) requires that the party proposing withdrawal of its application give notice in a daily newspaper of general circulation published in the community in which the proposed station would have been located. This notice must be published twice a week for two consecutive weeks within the three-week period immediately following release of the FCC's order. Additionally, within 7 days of the last of publication of the notice, the applicant proposing to withdraw shall file with the FCC a statement giving the dates on which the notice was published, the text of the notice, and the name and location of the newspaper in which the notice was published. The newspaper publication gives interested parties an opportunity to apply for the facilities specified in the withdrawn application(s).

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 00–22241 Filed 8–30–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 00–1950]

Reminder of September 1, 2000, Deadline for Compliance With Regulations for Human Exposure to Radiofrequency Emissions

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On September 1, 2000, all existing transmitting facilities, operations and devices regulated by the Commission must be in compliance with the Commission's radiofrequency (RF) exposure guidelines, pursuant to the Commission's rules, or if not in compliance, file an Environmental Assessment (EA).

FOR FURTHER INFORMATION CONTACT: Robert Cleveland, Office of Engineering and Technology, (202) 418–2422 .

SUPPLEMENTARY INFORMATION: This is a summary of the text of the Public Notice, DA 00–1950, released August 24, 2000. The document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Summary of the Public Notice

1. This is the third in a series of Public Notices reminding licensees and grantees of the September 1, 2000, RF compliance requirement. For more information, see Public Notice, ''Year 2000 Deadline for Compliance with Commission's Regulations Regarding Human Exposure to Radiofrequency Emissions,'' originally released February 25, 2000; re-released as Public Notice, DA 00–912, April 27, 2000.

2. After September 1, 2000, if any facility, operation or device is found not to be in compliance with the Commission's RF exposure guidelines, and if the required EA has not been filed, the Commission will consider this to be a violation of its rules, resulting in possible fines, forfeiture or other actions deemed appropriate by the Commission. Random spot checks for compliance with the Commission's RF exposure guidelines will be conducted.

3. Consumers should be aware that hand-held cellular and PCS telephones that were authorized by the FCC *after* August 1, 1996, have been evaluated for compliance with FCC guidelines. Furthermore, PCS devices subject to equipment authorization have been required to comply with the RF guidelines since 1994. This means that a large number, if not the majority, of cellular and PCS telephones now in use in the United States have already been evaluated for compliance with the FCC's RF exposure limits. To the extent that a wireless device received an FCC authorization prior to the August 1, 1996, effective date, and is still being produced and marketed, manufacturers of such devices will be required to file EAs if the device in question is not in compliance with the FCC's RF guidelines.

4. Further information on the Commission's RF exposure quidelines and on evaluating compliance with the RF guidelines may be found at the Commission's RF Safety Web page: *www.fcc.gov/oet/rfsafety*. In particular, the Office of Engineering and Technology's Bulletin 65 and supplements to this bulletin (all available at the Web Site for viewing and downloading) offer detailed guidance on evaluating compliance. Requests for information or copies of these documents can also be directed to the FCC's RF Safety Program in the Office of Engineering and Technology, (202) 418–2464 or by e-mail to: rfsafety@fcc.gov.

5. For information on specific filing procedures for EAs, licensees and grantees should consult the following web sites or contact the appropriate FCC office or bureau:

- Wireless Telecommunications Bureau: *www.fcc.gov/wtb*; Irene Griffith: (202) 418–1315.
- Mass Media Bureau: *www.fcc.gov/mmb*; FM (Brian Butler): (202) 418–2700; AM (Joseph Szczesny): (202) 418–2700; TV (John Morgan): (202) 418–1600.
- International Bureau: *www.fcc.gov/ib*; (202) 418–2222.
- Office of Engineering and Technology: *www.fcc.gov/oet/rfsafety*; (202) 418–2464.

Federal Communications Commission.

William F. Canton,

Deputy Secretary.

[FR Doc. 00–22242 Filed 8–30–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2432]

Petition for Reconsideration and Clarification of Action in Rulemaking Proceeding

August 25, 2000.

Petition for Reconsideration and Clarification has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed by September 15, 2000. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Service Rules for the 746–764 and 776–794 MHZ Bands, and Revisions to Part 27 of the Commission's Rules (WT Docket No. 99–168)

Number of Petitions Filed: 1.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 00–22240 Filed 8–30–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 18, 2000.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. First Niagara Financial Group, Inc., and Niagara Bancorp, MHC, both of Lockport, New York; to acquire 100 percent of the voting shares of Iroquois Bancorp, Inc., Auburn, New York, and Cayuga Bank, Auburn, New York, and for Iroquois Bancorp, Inc., Auburn, New York, to merge with First Niagara Financial Group, Inc., Lockport, New York.

In connection with this application, First Niagara Financial Group, Inc., and Niagara Bancorp, MHC, both of Lockport, New York, have applied to acquire direct and indirect ownership or control of Homestead Savings FA, Utica, New York, a federal savings association, and thereby to engage in certain insurance activities pursuant to 12 C.F.R 225.28(b)(11)(iii), securities brokerage activities pursuant to 12 CFR 225.28(b)(7), providing investment and financial advisory services pursuant to 12 CFR 225.28(b)(6), and owning, controlling or operating a savings association pursuant to 12 CFR 225.28(b)(4).

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Custer Bancorp, Westcliffe, Colorado; to acquire 100 percent of the voting shares of Orchard Valley Financial Corp., Englewood, Colorado, and thereby indirectly acquire First State Bank of Hotchkiss, Hotchkiss, Colorado.

Dated: Board of Governors of the Federal Reserve System, August 25, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–22248 Filed 8–30–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care and Development Fund Plan for States/Territories

OMB No. 0970–0114

Description: The Child Care and Development Fund (CCDF) Plan for States and Territories is required from the child care lead agency by section 658E of the Child Care and Development Block Grant Act of 1990 (Pub. L. 101–508, 42 U.S.C. 9858). The implementing regulations for the statutorily required Plan are at 45 CFR 98.10 through 98.18. The Plan, submitted on the ACF–118, is required biennially and remains in effect for two years. This Plan provides ACF and the public with a description of, and assurances about, the State's child care program. The ACF–118 is approved through October 31, 2001 making it available to States and Territories needing to submit Plan Amendments through the end of the FY 2001 Plan Period. However, in July 2001, States and Territories will be required to submit their FY 2002–2003 Plans. Consistent with the statute and regulations, ACF requests extension of the ACF–118 with minor corrections and modifications. The Tribal Plan (ACF–118A) is not affected by this notice.

Respondents: State and Territorial Lead Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–118	56	.5	162.57	4,552
Estimated Total Annual Burden Hours				4,552

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: August 25, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–22298 Filed 8–30–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 14, 2000, 8 a.m. to 5 p.m. and September 15, 2000, 8 a.m. to 4 p.m.

Location: Hilton, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–302), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3514, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 19516. Please call the Information Line for up-to-date information on this meeting.

Agenda: On September 14, 2000, the following committee updates are tentatively scheduled: (1) Summary of the Public Health Service Advisory Committee on Blood Safety and Availability meeting, (2) Hepatitis C virus lookback, (3) factor VIII and von Willebrand factor standards, and (4) shortage issues (blood components and recombinant factor VIII). In the morning, the committee will hear presentations, and discuss and make recommendations on the human immunodeficency virus (HIV) p24 antigen testing of plasma for fractionation (potential criteria for discontinuation). In the afternoon, the committee will hear presentations, and discuss and make recommendations on deferral, as blood or plasma donors, of males who have had sex with males. On September 15, 2000, the following updates of recent meetings and workshops are tentatively scheduled regarding: (1) Successful practices of recruiting blood donors, (2) cord blood, (3) tissue meeting on bone products, and (4) the joint meeting of the Transmissible Spongiform Encephalopathies Advisory Committee and the Vaccine and Related Biological Products Advisory Committee meeting. In the morning, the committee will hear presentations, and discuss and make recommendations on the current utility of screening blood donors for syphilis. In the afternoon, the committee will sit as a medical device panel for the classification of human leukocyte antigens (HLA) devices, and will hear the report of the intramural site visit of the Laboratory of Molecular Virology, Division of Emerging and Transfusion Transmitted Diseases, Office of Blood Research and Review (OBRR).

Procedure: On September 14, 2000, from 8 a.m. to 5 p.m. and on September 15, 2000, from 8 a.m. to 3:30 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by September 1, 2000. Oral presentations from the public will be scheduled from approximately 9:30 a.m. to 11:45 a.m. and 3:30 p.m. to 4 p.m. on September 14, 2000; and from 11 a.m. to 11:30 a.m. and 1:45 p.m. to 2:15 p.m. on September 15, 2000. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before August 28, 2000, and submit arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

FDA regrets that it was unable to publish this notice 15 days prior to the September 14 and 15, 2000, Blood Products Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Blood Products Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Closed Committee Deliberations: On September 15, 2000, from 3:30 p.m. to 4 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The committee will discuss reports of the review of individual

research programs in the Division of Emerging and Transfusion Transmitted Diseases, OBRR, Center for Biologics Evaluation and Research.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 24, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–22463 Filed 8–29–00; 2:17 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Predicting Human Dose-Response Relationships From Multiple Biological Models: Issues With Cryptosporidium Parvum; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop sponsored by the interagency Risk Assessment Consortium (RAC) on the topic ''Predicting human dose-response relationships from multiple biological models: Issues with *Cryptosporidium parvum*.'' The purpose of the workshop is to discuss the use of human and nonhuman models of infection and disease to predict human dose-response relationships for foodborne pathogens. The meeting will focus on research programs that are attempting to correlate dose-response data from human and nonhuman models, using the water- and food-borne parasite *C. parvum* as a sample organism. In the morning session, the meeting will also include a presentation, targeted to the public, on the role that dose-response modeling plays in setting food safety policy. The afternoon session will include a panel-led technical discussion of both biological models and mathematical analysis (modeling) of biological data. In addition, an opportunity for public comment will be provided.

Date and Time: The meeting will be held on September 28, 2000, from 8:30 a.m. to 5 p.m.

Location: The meeting will be held at the Conference Center (rm. 1D00), United States Department of Agriculture (USDA) Center at Riverside, 4700 River Rd., Riverdale MD 20737–1238. Please see transportation information in the **SUPPLEMENTARY INFORMATION** section.

Contact: Lauren Posnick for Center for Food Safety and Applied Nutrition (CFSAN) (HFS–308), FDA, 200 C St. SW., Washington, DC 20204, 202–205–4588, lposnick@cfsan.fda.gov, or Wesley Long, CFSAN (HFS–006), FDA, 200 C St. SW., Washington, DC 20204, 202–205–4024.

Registration: Preregistration is required by September 25, 2000. Walk-in registration is discouraged. Register online at www.foodriskclearinghouse.umd.edu. or send registration information (name, title, affiliation, address, e-mail address, telephone and fax numbers) to Shiho Sasamoto, CFSAN (HFS–006), 200 C St. SW., Washington, DC 20204, FAX 202–260–1654, 202–205–4355. If possible, please indicate whether you plan to drive and park your car in the Riverside lot. There is no registration fee. If you need special accommodations due to a disability, please contact Wesley Long at least 7 days in advance.

SUPPLEMENTARY INFORMATION: Risk assessment generally characterizes the nature and magnitude of the risks associated with hazards to human health. A risk assessment provides an opportunity to organize scientific information and thus helps to clarify the necessary assumptions and degree of scientific certainty of the data used in the risk assessment. Risk assessments require specific information on the hazard and on the exposed populations to provide meaningful information to public health officials; this information may be considered in the development of risk-management decisions. Although risk assessment methods are fairly well established for evaluating chemicals in food, risk assessment for foodborne pathogens is far less developed. The May 1997 National Food Safety report to the President noted that an intensive commitment is necessary to fill this gap and develop critically needed methods for analyzing food safety data and addressing its uncertainty.

A component of this effort has been the establishment of a joint RAC composed of Federal agencies with food safety risk-management responsibilities. The role of the consortium is to advance the science of microbial food safety risk assessment; to serve as advisors for direction and review of Risk Assessment Clearinghouse activities; and to assist agencies in fulfilling their specific food safety regulatory mandates. In accordance with these goals, the RAC will host an open public meeting on dose-response relationships for human infections with the food- and waterborne parasite *C. parvum*.

The dose-response relationship for a foodborne pathogen describes the quantitative likelihood of humans becoming infected or ill given exposure to a certain number (or dose) of pathogens. In general, researchers have proposed using both human clinical trials and nonhuman biological models as sources of data for establishing dose-response relationships. Both approaches are problematic: Human trials are complicated by ethical difficulties and both human trials and nonhuman biological models may not accurately represent real world dose-response relationships in humans. This meeting will review research programs that are attempting to estimate human dose-response relationships from human, animal, and in vitro models, focusing on *C. parvum* as a model organism. Speakers at the meeting will discuss the relative usefulness of different types of biological models for *C. parvum*, the potential for integrating data from different types of models, and the use of biological data to develop mathematical models of human dose-response relationships for *C. parvum* infections.

Specifically, the draft agenda includes presentations on the following topics: (1) Risk communication and dose-response modeling, including the importance of dose-response modeling to the scientist and the public, and the need for comprehensible dose-response models that can form the basis for public policy formulation; (2) parasite and host factors that affect the *Cryptosporidium*-human dose-response relationship, such as strain virulence, susceptible populations, and infection dynamics; (3) biological models of *Cryptosporidium* infection, including cell culture, animal, and human models; (4) the development and utility of mathematical models based on data from various biological models; and (5) a scientific panel discussion on such issues as: (a) The usefulness of biological models as a source of data for modeling human dose-response relationships, (b) the potential for integrating data from different biological models, (c) the adequacy of current models for modeling human dose-response relationships, and (d) the need to identify alternate models or data.

The meeting will also include a public comment period for general comments on *Cryptosporidium*, dose-response modeling, or other activities or issues related to risk assessment. For planning purposes, people who wish to speak during the public comment period must register in advance by contacting Wesley Long or Lauren Posnick (see *Contact* information above).

Parking at the USDA–Riverside Center is limited. Entry into the parking lot costs $2 (exact change required). The

Riverside Center is located within walking distance (0.8 mile) of the College Park station on Metrorail's Green Line. There is also Metrobus service and free shuttle service from the College Park Metro station to the Riverdale Center. For more walking, Metro, and driving information/directions, see http://www.aphis.usda.gov/biotech/direct.html or http://www.aphis.usda.gov/oa/aphismap.html.

The program agenda will be posted on the Internet at www.foodriskclearinghouse.umd.edu. Following the workshop, a transcript of the meeting will be posted at the same site.

Dated: August 24, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–22230 Filed 8–30–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1434]

Guidance for Industry on Waiver of In Vivo Bioavailability and Bioequivalence Studies for Immediate Release Solid Oral Dosage Forms Based on a Biopharmaceutics Classification System; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Waiver of In Vivo Bioavailability and Bioequivalence Studies for Immediate Release Solid Oral Dosage Forms Based on a Biopharmaceutics Classification System.'' The guidance provides recommendations to sponsors of investigational new drug applications (IND's), new drug applications (NDA's), abbreviated new drug applications (ANDA's), and supplements to these applications who wish to request a waiver of in vivo bioavailability (BA) and bioequivalence (BE) studies for immediate-release solid oral dosage forms.

DATES: Submit written comments on agency guidances at any time.

ADDRESSES: Copies of this guidance for industry are available on the Internet at http://www.fda.gov/cder/guidance/index.htm. Submit written requests for single copies of this guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. 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.

FOR FURTHER INFORMATION CONTACT: Mei-Ling Chen, Center for Drug Evaluation and Research (HFD–350), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5688.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a guidance for industry entitled ''Waiver of In Vivo Bioavailability and Bioequivalence Studies for Immediate Release Solid Oral Dosage Forms Based on a Biopharmaceutics Classification System.'' This guidance provides recommendations on when in vivo BA/BE studies may be waived for IND's, NDA's, and ANDA's during either the pre- or postapproval period.

Although in vivo documentation of BA and BE has been required for many drug products, in some cases FDA has allowed the use of in vitro methods for documenting BA and BE. As noted both at 21 CFR 320.22, ''Criteria for Waiver of Evidence of In Vivo Bioavailability or Bioequivalence,'' and at 21 CFR 320.24, ''Types of Evidence to Establish Bioavailability or Bioequivalence,'' many options exist to allow demonstration of BA and BE through in vitro methods. This guidance describes recommendations for requesting waivers of in vivo BA/BE studies on the basis of the solubility and intestinal permeability of the drug substance and dissolution characteristics of the drug product, based on a biopharmaceutics classification system.

This Level 1 guidance is being issued consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). The guidance represents the agency's current thinking on the waiver of in vivo BA and BE studies for immediate-release solid oral dosage forms based on a biopharmaceutics classification system. 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 an approach satisfies the requirements of the applicable statutes, regulations, or both.

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). 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 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.

Dated: August 18, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–22225 Filed 8–30–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–P–15A]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Medicare Current Beneficiary Survey (MCBS): Rounds 29–37;

Form No.: HCFA–P–15A (OMB# 0938–0568);

Use: The MCBS is a continuous, multipurpose survey of a nationally representative sample of aged and disabled persons enrolled in Medicare. The survey provides a comprehensive

source of information on beneficiary characteristics, needs, utilization, and satisfaction with Medicare-related activities.;

Frequency: Other: 3 times a year;

Affected Public: Business or other for-profit, and Not-for-profit institutions;

Number of Respondents: 16,500;

Total Annual Responses: 49,500;

Total Annual Hours: 50,490.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan (HCFA–P–15A), Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 22, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–22250 Filed 8–30–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

White House Initiative on Asian Americans and Pacific Islanders, President's Advisory Commission; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to conduct a public meeting during the month of September 2000.

Name: President's Advisory Commission on Asian Americans and Pacific Islanders (AAPIs)

Date and Time:

September 18, 2000; 9:00 a.m.—7:00 p.m. EDT

September 19, 2000; 8:00 a.m.—3:00 p.m. EDT

Place:

On September 18, 2000, at: New York University, School of Law, Tishman Auditorium, 40 Washington Square South, New York, NY 10012

On September 19, 2000, at: New York University, School of Law, Greenberg Lounge, 40 Washington Square South, New York, NY 10012.

The meeting is open to the public.

The President's Advisory Commission on AAPIs will conduct a public meeting on September 18, 2000, from 9:00 a.m. to 7:00 p.m. EDT inclusive, and subsequent meeting on September 19, 2000, from 8:00 a.m. to 3:00 p.m. EDT inclusive.

Agenda items will include, but will not be limited to: testimony from community organizations and individuals; approval of July Commission meeting minutes; reports and recommendations from Commissioners and subcommittees; administrative tasks; deadlines; and upcoming events.

The purpose of the Commission is to advise the President on the issues facing Asian Americans and Pacific Islanders.

Requests to address the Commission should be made in writing and should include the name, address, telephone number, and business or professional affiliation of the interested party. Forms to request an opportunity to testify can be downloaded at: www.aapi.gov. Individuals or groups addressing similar issues are encouraged to combine comments and present through a single representative. The allocation of time for remarks may be adjusted to accommodate the level of expressed interest. Written requests should be faxed to (301) 443–0259.

Anyone who has interest in joining any portion of the meeting or who requires additional information about the Commission should contact: Mr. Tyson Nakashima, Office of the White House Initiative on AAPIs, Parklawn Building, Room 10–42, 5600 Fishers Lane, Rockville, MD, 20857, Telephone (301) 443–2492. Anyone who requires special assistance, such as sign language interpretation, foreign language interpretation, or other reasonable accommodations, should contact Mr. Nakashima no later than September 8, 2000.

Dated: August 25, 2000.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 00–22310 Filed 8–30–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 2000.

Name: Advisory Committee on Training in Primary Care Medicine and Dentistry.

Date and Time: September 27, 2000; 9:00 a.m.—3:00 p.m.

Place: Ramada Inn Bethesda, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

The meeting is open to the public.

Purpose: The Advisory Committee shall (1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning activities under section 747 of the Public Health Service (PHS) Act; and (2) prepare and submit to the Secretary, the Committee on Health, Education, Labor and Pensions (formerly the Committee on Labor and Human Resources) of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Advisory Committee, including findings and recommendations made by the Committee concerning the activities under section 747 of the PHS Act. The Advisory Committee will meet twice each year and submit its first report to the Secretary and the Congress by November 2001.

Agenda: Discussion of the focus of the programs and activities authorized under section 747 of the PHS Act. Review of the work completed to date by the two workgroups formed during the April 20–21, 2000, meeting of the Advisory Committee.

Anyone interested in obtaining a roster of members, minutes of the meeting, or other relevant information should write or contact Dr. Barbara Brookmyer, Deputy Executive Secretary, Advisory Committee on Training in Primary Care Medicine and Dentistry, Parklawn Building, Room 9A–27, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–1468, e-mail bbrookmyer@hrsa.gov. The web address for the Advisory Committee is http://158.72.83.3/bhpr/dm/new__advisory__committee__on__primar.htm.

Dated: August 25, 2000.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 00–22311 Filed 8–30–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosures of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Operation & Maint. of a Chimpazee Long-Term Holding Facility.

Date: September 14, 2000.

Time: 8:00 AM to 12:00 PM.

Agenda: To review and evaluate contract proposals.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Charles G. Hollingsworth, DRPH, Director, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Drive, Room 6018, 6705 Rockledge Drive, MSC 7965, Bethesda, MD 20892–7965, 301–435–0806, charlesh@ncrr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: August 22, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–22269 Filed 8–30–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Initial Review Group.

Date: October 19–20, 2000.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Mary J. Stephens-Frazier, PhD, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, 45 Center Drive, Bethesda, MD 20892, (301) 594–5971.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS).

Dated: August 23, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–22266 Filed 8–30–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel.

Date: October 18, 2000.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mary J. Stephens-Frazier, PhD, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, Bethesda, MD 20892, (301) 594–5971.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: August 23, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–22267 Filed 8–30–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, ''National Hispanic Science Network on Drug Abuse.''

Date: September 18, 2000.

Time: 10:00 AM to 12:00 PM.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural

Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, (301) 435–1438.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientific Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: August 22, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–22268 Filed 8–30–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: August 31, 2000.

Time: 8:00 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Mark R. Green, PhD, Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., Bethesda, MD 20892, 301–443–2860, mgreen@niaaa.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Center Grants, National Institutes of Health, HHS)

Dated: August 22, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–22270 Filed 8–30–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4566–N–11]

Notice of Proposed Information Collection: Comment Request, Historically Black Colleges and Universities (HBCUs) Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 30, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Shelia E. Jones, Reports Liaison Officer, Department of Housing & Urban Development, 451 7th Street, SW, Room 7230, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Delores Pruden of the Historically Black Colleges and Universities Program, 202–708–1590 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the pubic and affecting agencies concerning the proposed collection of information to: (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; (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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Historically Black Colleges and Universities (HBCUs) Program.

OMB Control Number, if applicable: 2506–0122.

Description of the need for the information and proposed use: Application information is needed to determine competition winners, *i.e.*, which HBCUs are the most capable of achieving the HUD HBCU Program Objective ''To Expand their role and effectiveness in addressing community development needs, including neighborhood revitalization, housing and economic development in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974''. The application for the competition requires the completion of form HUD–40076HBCU which includes: Standard Forms (SF) 424, Application for Federal Assistance, 424B, Assurances-Non-Construction, LLL, Disclosure of Lobbying Activities, and forms HUD–424M, Funding Matrix, 50071, Certification of Payments to Influence Federal Transactions, 2992, Certification Regarding Debarment, 50070, Certification For A Durg-Free Workplace, 28880, Applicant/Recipient Disclosure/Update Report, 2991, Certification of Consistency with the Consolidated Plan, 2990, Certification of Consistency with the EZ/EC Strategic Plan, and optional forms HUD–2993, Acknowledgement of Application receipt, and HUD–2994, Client Comments and Suggestions.

After awards are made, for banking and payment purposes, grantees are required to submit a SF 1199, Direct Deposit Sign-Up Form, and HUD–20754, Line of Credit Control System (LOCCS) Form. Throughout the period of performance for the grant, grantees are required to submit quarterly reports so that (1) their performance can be evaluated; (2) their progress in achieving the program objective can be measured; and (3) documentation can be gathered for the preparation of reports, including the annual report for the Department of Education. The quarterly reports require the submission of the SF 269A, Financial Status Report, and

forms HUD–441.1, Project Management System Baseline Plan, and 661.1, Project Management System Progress Report. At the end of the period of performance, grantees must submit a final report, including the SF 269A and forms HUD–441.1 and 661.1

Agency form numbers, if applicable: Listed above.

Matters of affected public: Historically Black Colleges and Universities (HBCUs).

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: There are 105 HBCUs eligible to apply, annually, for the HUD HBCU Competition. The Department estimates that each applicant will use, an average of two hundred (200) hours to prepare an application. Winners of the competition will be required to submit quarterly reports, a final report and perform recordkeeping. The Department estimates that for each quarter, each grantee will use an average of thirty-two (32) hours to complete quarterly reports, and an average of ten (10) hours to do recordkeeping. At the end of the period of performance, the Department estimates that the grantee will use an average of seventy (70) hours to complete a final report. See number of respondents, frequency of response, and hours per response below.

	Number of respondents	Number of responses per respondent frequency	Total annual responses	Hours per response	Total hours (annual hour burden)
Applications from eligible applicants	105	1	105	200	21,000
Number of grants awarded which require quarterly reporting	125	4	500	32	16,000
Final Report	10	1	10	70	700
Recordkeeping	125	4	*500*	10	*5,000*
Total			1,115		42,700

Status of the proposed information collection: Revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: August 28, 2000.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

[FR Doc. 00–22351 Filed 8–30–00; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4483–FA–02]

Announcement of Funding Awards for the HUD Rural Housing and Economic Development Program for Fiscal Year 1999

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the Rural Housing and Economic Development Program. This announcement contains the names of the awardees and the amounts of the awards made available by HUD.

FOR FURTHER INFORMATION CONTACT: Jackie W. Mitchell, Director, Office of Rural Housing and Economic Development, Office of Economic Development, Office of Community Planning and Development, 451 7th Street, SW, Washington, DC 20410; telephone (202) 708–2290 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at 1–800–877–8339. For general information on this and other HUD programs, call Community Connections at 1–800–998–9999 or visit the HUD Website at http://www.hud.gov.

SUPPLEMENTARY INFORMATION: The Rural Housing and Economic Development Program was enacted in The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105–276, approved October 21, 1998; 112 Stat. 2461, 2475) (the ''FY 1999 HUD Appropriations Act'') made $24 million in FY 1999 funds available for competitive funding under the Rural Housing and Economic Development program. The FY 1999 HUD Appropriations Act also specifies that certain unobligated funds authorized by the FY 1998 HUD Appropriations Act (Pub. L. 105–65, approved October 27, 1997; 111 Stat. 1344, 1357) shall be made available under the Rural Housing and Economic Development program. The amount of unobligated funds from this source is $3 million. Therefore, the total amount of funding made available under the NOFA was $27 million. The competition was announced in the NOFA published in the **Federal Register** on March 8, 1999 (64 FR 4483). Applications were rated and selected for funding on the basis of selection criteria contained in that Notice.

The Catalog of Federal Domestic Assistance number for this program is 14.250.

The Rural Housing and Economic Development Program is designed to build capacity at the State and local level for rural housing and economic development and to support innovative housing and economic development activities in rural areas. The funds made available under this program were awarded competitively, through a selection process conducted by HUD in consultation with the United States Department of Agriculture.

A total of $27 million was awarded to 91 projects nationwide. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987. 42 U.S.C. 3545), the Department is publishing the grantees and amounts of the awards in Appendix A to this document.

Dated: August 23, 2000.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

Applicant	State	City	Grant
Federation of Southern Cooperatives/Land Assistance Fund	AL	Epes	$207,800
Design Corps	AL	Newbern	224,190
Upper Sand Mountain United Methodist	AL	Sylvania	47,300
Metlakatla Indian Community	AK	Metlakatla	500,000
Alaska Native Village of Tanacross	AK	Tanacross	600,000
Community Resource Group, Inc	AR	Fayetteville	467,500
Community Resource Group, Inc	AR	Fayetteville	222,000
White Mountain Apache CDC	AZ	McNary	250,000
Comite de Bien Estar	AZ	San Luis	600,000
Housing America Corporation	AZ	Somerton	75,000
Fort Defiance Housing Corporation	AZ	Window Rock	200,000
Bishop Indian Tribal Council	CA	Bishop	88,201
Community Housing Improvement Program, Inc	CA	Chico	451,397
Yurok Tribe	CA	Eureka	200,000
South County Housing Corporation	CA	Gilroy	500,000
Coachella Valley Housing Coalition	CA	Indio	200,000
Coachella Valley Housing Coalition	CA	Indio	600,000
I–5 Social Services Corporation	CA	Mendota	509,500
Coyote Valley Band of Pomo Indians	CA	Redwood Valley	32,345
Peoples' Self-Help Housing Corporation	CA	San Luis Obispo	500,000
Rural Communities Housing Development Corporation	CA	Ukiah	194,877
Everglades Community Association, Inc	FL	Homestead	500,000
Neighborhood Housing Services, Inc	ID	Boise	200,000
Lincoln Hills Development Corporation	IN	Tell City	160,000
Iowa Finance Authority	IA	Des Moines	600,000
Mid-America Housing Partnership, Inc	IA	Cedar Rapids	500,000
Kentucky Farmworker Programs, Inc	KY	Bowling Green	209,519
Federation of Appalachian Housing Enterprises	KY	Berea	482,374
Kentucky Highlands Investments Corporation	KY	London	461,854
Kentucky Mountain Housing Development Corporation, Inc	KY	Manchester	200,000
Pendleton County Industrial Authority	KY	Falmouth	200,000
Northlake Community Development Corporation	LA	Hammond	176,008
Garrett County, Maryland Community Action Committee	MD	Oakland	504,000
Eastern Maine Development Corporation	ME	Bangor	129,500
Five-Cap Inc	MI	Scottsville	500,000
Bi-County Community Action Programs, Inc	MN	Bemidji	500,000
Three Rivers Community Action, Inc	MN	Zumbrota	150,000
Blackfeet Tribe	MT	Browning	600,000
Blackfeet Tribe	MT	Browning	200,000
Action for Eastern Montana, Inc	MT	Glendive	126,766
Fort Belknap College	MT	Harlem	200,000
Rocky Mountain Development Council	MT	Helena	109,369
Montana Community Development Corporation	MT	Missoula	199,058
Fort Peck Assiniboine & Sioux Tribes	MT	Poplar	148,633
The Heritage Institute	MT	Poplar	501,219
North Central NE Resource Conservation Development and Planning Council	NE	Bassett	237,800
Central Nebraska Community Services, Inc	NE	Loup City	195,632
Native Council on Economic and Community Development Corporation	NE	Walthill	150,000
Haliwa-Saponi Indian Tribe	NC	Hollister	250,000
WREN-Women's Rural Entrepreneurial Network	NH	Bethlehem	150,000
New Mexico Mortgage Finance Authority	NM	Albuquerque	600,000
Housing and Economic Rural Opportunities	NM	Las Cruces	165,445
Pojoaque Housing Corporation	NM	Santa Fe	500,000
Citizens for Affordable Homes, Inc	NV	Carson City	69,075
Sullivan County Partnership for Economic Development	NY	Monticello	150,000
Partnership for Economic Development	NY	Monticello	500,000
Bishop Sheen Ecumenical Housing Foundation, Inc	NY	Rochester	150,000
Rural Opportunities, Inc	NY	Rochester	390,065
Adirondack Economic Development Corporation	NY	Saranac Lake	150,000
Portage Area Development Corporation	OH	Ravena	137,860
Portage Area Development Corporation	OH	Ravena	500,000
Wa-Ro-Ma-Tri-County Action Foundation, Inc	OK	Claremore	225,710
Kiowa Tribe of Oklahoma	OK	Anadarko	143,660
Little Dixie Community Action Agency	OK	Hugo	199,700
Langston Community Development Corporation	OK	Langston	200,000
Otoe-Missouria Tribe	OK	Red Rock	97,805
Citizen Potawatomi Nation	OK	Shawnee	198,928
Casa of Oregon	OR	Newberg	200,000
Technical College of the Low Country Foundation, Inc	SC	Beaufort	193,000
Catawba Indian Nation	SC	Catawba	600,000
Catawba Indian Nation	SC	Catawba	250,000
Oti Kaga, Inc	SD	Eagle Butte	188,796
The Lakota Fund	SD	Kyle	538,266
Cangleska, Inc	SD	Kyle	211,764

Applicant	State	City	Grant
Rosebud Sioux Tribe	SD	Rosebud	500,000
Rosebud Sioux Tribe	SD	Rosebud	196,800
Rio Valle Rainbow, Inc	TX	El Paso	44,960
El Paso Collaborative for Comm. & Economic Development	TX	El Paso	200,000
Amigos Del Valle, Inc	TX	Mission	600,000
ACCION Texas, Inc	TX	San Antonio	600,000
The Center for Economic Opportunities, Inc	TX	San Juan	500,000
Virginia Eastern Shore Economic Empowerment & Housing Corporation	VA	Nassawadox	115,000
Virginia Eastern Shore Economic Empowerment & Housing Corporation	VA	Nassawadox	175,000
Swinomish Indian Tribal Community	WA	La Conner	150,000
Okanogan County Community Action Council	WA	Okanogan	196,665
Department of Community, Trade and Economic Development	WA	Olympia	600,000
Community Health Center La Clinica	WA	Pasco	600,000
Institute for Washington's Future	WA	Renton	199,500
The Jamestown S'Klallam Tribe	WA	Sequim	117,702
Catholic Charities Bureau, Inc	WI	Superior	200,000
Mountain Partners in Community Development	WV	Elkins	151,701

[FR Doc. 00–22352 Filed 8–30–00; 8:45 am]
BILLING CODE 4210–29–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4547–FA–02]

Announcement of Funding Awards for the Rural Housing and Economic Development Program Fiscal Year 2000

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the Rural Housing and Economic Development Program. This announcement contains the names of the awardees and the amounts of the awards made available by HUD.

FOR FURTHER INFORMATION CONTACT: Jackie W. Mitchell, Director, Office of Rural Housing and Economic Development, Office of Economic Development, Office of Community Planning and Development, 451 7th Street, SW, Washington, DC 20410; telephone (202) 708–2290 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at 1–800–877–8339. For general information on this and other HUD programs, call Community Connections at 1–800–998–9999 or visit the HUD Website at http://www.hud.gov.

SUPPLEMENTARY INFORMATION: The Rural Housing and Economic Development program was authorized by the Department of Veteran's Affairs, Housing and Urban Development and Independent Agencies Appropriations Act of 1999. The competition was announced in the NOFA published in the **Federal Register** on February 16, 2000 (65 FR 7970). Applications were rated and selected for funding on the basis of selection criteria contained in that Notice.

The Catalog of Federal Domestic Assistance number for this program is 14.250.

The Rural Housing and Economic Development Program is designed to build capacity at the State and local level for rural housing and economic development and to support innovative housing and economic activities in rural areas. Eligible applicants are local rural non-profit organizations, community development corporations, Indian tribes, and State housing finance agencies. The funds made available under this program were awarded competitively, through a selection process conducted by HUD in consultation with the United States Department of Agriculture.

A total of $24,749,997 was awarded to 103 projects nationwide. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the grantees and amounts of the awards in Appendix A to this document.

Dated: August 23, 2000.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

Appendix A—FY 2000 Rural Housing and Economic Development Competitive Grants

Applicant	State	City	Grant
United Presbyterians of Wilcox County	AL	Catherine	600,000
Federation of Southern Cooperatives/Land Assistance	AL	Epes	237,800
Upper Sand Mountain United Methodist Larger Parish, Inc.	AL	Sylvania	600,000
Alabama Rural Heritage Foundation, Inc.	AL	Thomaston	100,000
Calista Corporation, Inc.	AK	Anchorage	50,000
Native Village of Kotzebue	AK	Kotzebue	240,000
Oagan Taygunguin Tribe of Sand Point	AK	Sand Point	97,643
Tatitlek IRA Council	AK	Tatitlek	50,000
Comite De Bein Estar, Inc.	AZ	San Luis	183,483
Housing America Corporation	AZ	Somerton	50,000
Prep Microbusiness and Housing Development Corporation	AZ	Tucson	500,000
California State University Foundation at Fresno	CA	Fresno	50,000

Applicant	State	City	Grant
Habitat for Humanity Fresno, Inc.	CA	Fresno	200,000
North Fork Community Development Council, Inc.	CA	North Fork	455,800
Walking Shield American Indian Society	CA	Orange	500,000
Torres Martinez Desert Cahuilla Indians	CA	Thermal	600,000
Torres Martinez Desert Cahuilla Indians	CA	Thermal	50,000
Self-Help Enterprises	CA	Visalia	100,000
Rural California Housing Corporation	CA	West Sacramento	50,000
Southwest Community Resources, Inc.	CO	Durango	50,000
Region 10 League for Economic Assistance & Planning	CO	Montrose	50,000
National Council on Agriculture Life & Labor Research	DE	Dover	50,000
Immokalee Friendship House	FL	Immokalee	180,500
Centro Campesino Farmworker Center, Inc.	FL	Florida City	500,000
Everglades Community Association, Inc.	FL	Florida City	500,000
Housing and Economic Leadership Partners, Inc.	GA	Athens	438,400
Opportunities Now, Inc. (ACTION)	GA	Athens	100,000
Lower Chattahoochee Regional Development Center	GA	Columbus	50,000
Molokai Community Service Council	HI	Kaunakakai	50,000
Self-Help Housing Corporation of Hawaii	HI	Honolulu	500,000
Idaho Migrant Council, Inc.	ID	Caldwell	50,000
Nez Perce Tribe of Idaho	ID	Lapwai	50,000
Shawnee Development Council, Inc.	IL	Karnak	50,000
Southern VI Corporation	IN	Huntingburg	495,000
Federation of Appalachian Housing Enterprises	KY	Berea	502,425
Federation of Appalachian Housing Enterprises	KY	Berea	150,000
Community Ventures Corporation, Inc.	KY	Lexington	100,000
Frontier Housing, Inc.	KY	Morehead	100,000
Enterprise Foundation, Inc.	MD	Columbia	50,000
Maine Department of Economic and Community Development	ME	Augusta	500,000
Maine State Housing Authority	ME	Augusta	600,000
Northern Maine Development Commission	ME	Caribou	50,000
Northern Lakes Economic Alliance	MI	Boyne City	50,000
Little River Band of Ottawa Indians	MI	Manistee	500,000
Midwest Minnesota Community Development Corporation	MN	Detroit Lakes	500,000
Prairie Island Indian Community	MN	Welch	50,000
White Earth Reservation Housing Authority	MN	White Earth	183,483
Three Rivers Community and Economic Development	MS	Itta Bena	50,000
Human Resource Development Council of District IX, Inc	MT	Bozeman	50,000
Blackfeet Tribe	MT	Browning	500,000
Ktunaza Community Development Corporation	MT	Elmo	50,000
Bear Paw Development Corporation of Northern Montana	MT	Havre	100,000
Fort Peck Assinboine & Sioux Tribes	MT	Poplar	200,000
Lake County Community Development Corporation	MT	Ronan	551,875
Northeast Nebraska Economic Development District	NE	Norfolk	500,000
Northeast Nebraska Economic Development District	NE	Norfolk	100,000
Pryamid Lake Paiute Tribe	NV	Nixon	495,291
Monadnock Economic Development Corporation	NH	Keene	50,000
Affordable Housing, Education and Development, Inc	NH	Littleton	240,000
New Mexico Mortgage Finance Authority	NM	Abiquiu	600,000
Community Action Agency of SNM, Inc.	NM	Las Cruces	200,000
Mesilla Valley Economic Development	NM	Las Cruces	200,000
Chautauqua Home Rehabilitation and Improvement Corporation	NY	Mayville	566,600
Waccamaw-Siouan Development Association, Inc	NC	Bolton	50,000
Eastern Band of Cherokee Indians	NC	Cherokee	500,000
Lumbee Regional Development Association, Inc	NC	Pembroke	50,000
East Tarboro-Princeville CDC	NC	Tarboro	200,000
Fort Berthold Housing Authority	ND	New Town	500,000
Fort Berthold Housing Authority	ND	New Town	50,000
Corporation for Ohio Appalachian Development	OH	Athens	105,904
Adams-Brown Counties Economic Opportunities, Inc	OH	Georgetown	73,538
Alabama/Quassarte Tribal Town	OK	Henryetta	50,000
Modoc Tribe of Oklahoma	OK	Miami	50,000
Cherokee Nation	OK	Tahlequah	360,000
Community Connection of Northeast Oregon, Inc	OR	LaGrande	200,000
Campaign for Equal Justice	OR	Portland	100,000
Umpqua Community Development Corporation	OR	Rosenburg	50,000
Williamsburg Enterprise Community Comm.	SC	Kingstree	50,000
Oti Kaga, Inc.	SD	Eagle Butte	100,000
Oglala Sioux Tribe Partnership for Housing, Inc	SD	Pine Ridge	50,000
Rosebud Sioux Tribe	SD	Rosebud	227,000
Creative Compassion, Inc.	TN	Crossville	100,000
Buffalo Valley, Inc.	TN	Hohenwald	50,000
Community Development Corporation of Northeast Tennessee	TN	Johnson City	498,150
Eastern Eight, CDC, Inc.	TN	Johnson City	239,000
Douglas Cherokee Economic Authority	TN	Morristown	459,069

Applicant	State	City	Grant
Middle Rio Grande Development Foundation Futuro Communities	TX	Carrizo Springs	199,117
Community Development Corporation of Brownsville	TX	Brownsville	500,000
Rio Grande Valley Empowerment Zone Corporation	TX	Mercedes	600,000
Community Action Council of South Texas	TX	Rio Grande City	183,483
Community Development Corporation of Utah	UT	Salt Lake City	395,600
Virginia Eastern Shore Economic Empowerment and Housing	VA	Nassawadox	136,000
Crossroads Shelter, Inc.	VA	Wytheville	50,000
Department of Community, Trade and Economic Development	WA	Olympia	183,483
Washington State Housing Finance Commission	WA	Seattle	183,483
Northwest Regional Facilitators	WA	Spokane	187,350
Spokane Indian Housing Authority	WA	Wellpinit	500,000
Wisconsin Business Innovation Corporation	WI	Spooner	510,350
CAP Services, Inc.	WI	Stevens Point	440,000
Mountain Partners in Community Development	WV	Elkins	533,204
The Conservation Fund	WV	Shepherdstown	183,483
The Conservation Fund	WV	Shepherdstown	50,000
STOP Abusive Family Environments, Inc.	WV	Welch	183,483

[FR Doc. 00–22353 Filed 8–30–00; 8:45 am]
BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Frank L. Fackovec, Southhamptom, NY, PRT–032292.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Honolulu Zoo, Honolulu, HI, PRT–032235.

The applicant requests a permit to import one male and one female captive held river terrapin (*Batagur baska*) from the Singapore Zoo for the purpose of propagation for the enhancement of the survival of the species.

Applicant: James E. Norton/ University of Illinois at Chicago, Chicago, IL, PRT–028420.

The applicant requests a permit to import biological samples from Central American tapir (*Tapirus bairdii*) collected from wild, captive-held, and captive-born sources in Panama, for scientific research.

Applicant: Audubon Zoological Garden, New Orleans, LA, PRT–032341.

The applicant requests a permit to import one captive-bred female jaguar (*Panthera onca*) from the Guadalajara Zoo, Mexico, for the purpose of propagation for the enhancement of the survival of the species.

Applicant: St. Louis Zoo, St. Louis, MO PRT–032266.

The applicant requests a permit to export three male and one female captive-bred black and white ruffed lemurs (*Varecia* v. *variegata*) to Madagascar, for the purpose of re-introduction to the wild for the enhancement of the survival of the species.

Applicant: Cleveland Metropark Zoo, Cleveland, OH, PRT–032267.

The applicant requests a permit to import six wild caught Parma wallabies (*Macropus parma*) from New Zealand, for the purpose of propagation for the enhancement of the survival of the species.

Applicant: Oak Hill Center for Rare and Endangered Species, Luther, OK, PRT–032473.

The applicant requests a permit to import two females captive born clouded leopard (*Neofelis nebulosa*), from the City of Belfast Zoological Gardens, Belfast, Northern Ireland, for the purpose of propagation for the enhancement of the survival of the species.

Marine Mammals

Applicant: Lawrence A. Franks, Sturgis, MI, PRT–032240.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Canada for personal use.

Applicant: Allen Joseph Telmos, West Bloomfield, MI, PRT–030244.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Arctic Bay polar bear population, Canada for personal use.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: August 28, 2000.

Charlie Chandler,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 00–22314 Filed 8–30–00; 8:45 am]
BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent to Prepare an Environmental Impact Statement for the proposed Moapa Paiute Power Generating Station and Associated Facilities, Moapa Indian Reservation, Clark County, Nevada

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice; extension of public comment period and additional public meetings.

SUMMARY: This notice advises the public that the closing date of the public comment period on the scope and implementation of an Environmental Impact Statement (EIS) for the proposed Moapa Paiute Power Generating Station and Associated Facilities (previously referred to as the Crystal Power Generating Station * * * .) announced in the **Federal Register** on Wednesday, July 19, 2000, (FR 44806–44807) has been extended from August 18, 2000, to October 1, 2000. In addition, two more public scoping meetings will be held on the content of the EIS. The Bureau of Indian Affairs also wishes to announce that the Bureau of Land Management will be a cooperating agency in the preparation of the EIS. All other information in the earlier notice remains the same.

DATES: Comments on the scope and implementation of this proposal must arrive by October 1, 2000. The public scoping meetings will be held on September 19, 2000, from 6:00 p.m. to 8:00 p.m., and September 20, 2000, from 6:00 p.m. to 8:00 p.m.

ADDRESSES: You may mail or hand carry written comments to either (1) Amy L. Heuslein, Regional Environmental Protection Officer, Western Regional Office, Bureau of Indian Affairs, Environmental Quality Services, P.O. Box 10, Phoenix, Arizona 85001, Telephone (602) 379–6750 or Telefax (602) 379–3833, or (2) Deborah Hamlin, Realty Specialist, Southern Paiute Field Station, P.O. Box 720, St. George, Utah 84771, Telephone (435) 674–9720 or Telefax (435) 674–9714.

The September 19, 2000, public scoping meeting will be held at the Tribal Hall, Number 1 Lincoln Street, Moapa Indian Reservation, Moapa, Nevada. The September 20, 2000, public scoping meeting will be held in the First Floor Conference Room of the North Las Vegas Airport, 2730 Airport Drive, North Las Vegas, NV 89032.

FOR FURTHER INFORMATION CONTACT: Amy L Heuslein, (602) 379–6750 or Deborah Hamlin, (435) 674–9720.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 1503.1 of the Council of Environmental Quality Regulations (40 CFR, Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 437 *et seq.*) Department of the Interior Manual (510 DM1–7) and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Public Comment Solicitation

Interested persons may submit written comments regarding the scope and implementation of an Environmental Impact Statement (EIS) for the proposed Moapa Paiute Power Generating Station and Associated Facilities to the location identified in the **ADDRESSES** section of this document. You may also comment via the Internet to AmyHeuslein@bia.gov or DeborahHamlin@bia.gov. Please submit Internet comments as an ASCII file, avoiding the use of special characters and any form of encryption. If you do not receive confirmation from the system that your message was received, contact us directly at (602) 379–6750 or (435) 674–9720, respectively.

Comments, including the names and home addresses of respondents will be available for public review at the above addresses during regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish us to withhold your name and/or your address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals representing themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: August 25, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–22275 Filed 8–30–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–030–1652–00]

Notice of Intent To Prepare an Environmental Impact Statement for Livestock Grazing Management on Allotments Administered by the Bureau of Land Management, Grand Staircase-Escalante National Monument, Utah

(A plan amendment may be required because alternatives considered could, if selected, modify grazing management currently administered under existing Management Framework Plans)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS) and notice to conduct scoping for livestock grazing management on allotments administered by the Bureau of Land Management (BLM), Grand Staircase-Escalante National Monument (GSENM), Kane and Garfield Counties, Utah.

A plan amendment to the BLM Paria, Vermilion, Zion, and Escalante Management Framework Plans (MFPs) may be required because alternatives considered during the preparation of the EIS could, if selected, modify grazing management and allocations currently managed under portions of the MFPs.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM, Grand Staircase-Escalante National Monument will be preparing an EIS to analyze the impacts of domestic livestock grazing through renewing grazing permits on 76 allotments managed by GSENM.

The issues anticipated include: (1) Potential impacts to vegetative communities, wildlife, riparian/wetland areas, and soil resources; (2) potential impacts to archaeological, historic, and paleontological resources; (3) potential impacts to recreation activities; (4) potential impacts to the socio-economics of Kane and Garfield Counties; (5) potential impacts on grazing permittees.

Alternatives identified at this time include: (1) issuing livestock grazing permits based on the present permittee applications for permit renewal; (2) issuing new permits with the same terms and conditions as the expiring permits (No Action Alternative); (3) issuing a new permit with modifications to the existing terms and conditions; and (4) a no grazing alternative.

DATES: This notice announces the beginning of the public scoping period. If you have information, data or concerns related to the potential impacts of livestock grazing management or have suggestions for additional alternatives, please submit them to address below. Public scoping comments will be accepted on or before November 15, 2000. Three public scoping open house information sessions will be held on:

—September 18, 2000, 7–9 pm, Kanab, Utah;

—September 20, 2000, 7–9 pm, Salt Lake City, Utah; and

—October 4, 2000, 7–9 pm, Escalante, Utah.

ADDRESSES: Written scoping comments should be sent to: Monument Manager,

Bureau of Land Management, Grand Staircase-Escalante National Monument, 180 West 300 North, Kanab, Utah 84741, ATTN: Livestock Grazing EIS. Public scoping open house locations are:

—Kanab City Library, 533 East 300 South, Kanab, Utah;

—Salt Lake City Marriott University Park Hotel—Ballroom 1, 480 Wakara Way, Salt Lake City, Utah; and

—Escalante Community Center, 85 North 100 West, Escalante, Utah.

FOR FURTHER INFORMATION CONTACT: GSENM, Chris Killingsworth, Assistant Monument Manager Biological Resources, 180 West 300 North, Kanab, Utah 84741, telephone (435) 644–4300.

SUPPLEMENTARY INFORMATION: The EIS will cover permit renewal and grazing management on 76 allotments managed by GSENM, including allotments within Glen Canyon National Recreation Area and on adjoining BLM lands. This process will conform with the regulations for grazing public rangelands, the fundamentals for rangeland health, and Utah's Standards for Rangeland Health and Guidelines for Grazing Management. Comments, including names and street addresses of respondents will be available for public review at the BLM Grand Staircase-Escalante National Monument Office in Kanab, Utah and will be subject to disclosure under the Freedom of Information Act (FOIA). They may be published as part of the EIS and other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review and disclosure under the FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

Sally Wisely,

Utah State Director.

[FR Doc. 00–22289 Filed 8–30–00; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–040–00–2822 JL]

Emergency Motor Vehicle Closure of BLM-Administered Public Lands, Sweetwater County, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Motor Vehicle Closure of BLM-Administered Public Land Disturbed or Damaged by Wildfire Suppression Activity within the Wildhorse Basin Wildfire, Black Butte Wildfire, Sage Creek Wildfire, and Sheep Mountain Wildfire areas; BLM Rock Springs Field Office, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) hereby gives notice that, effective immediately, all tacks and land surface disturbance made fire fighting vehicles and equipment while suppressing the 36,762-acre Wildhorse Basin Wildfire, 1,844-acre Black Butte Wildfire, 1,377-acre Sage Creek Wildfire, and the 34,346-acre Sheep Mountain Wildfire, off of existing roads and trails, are closed to all motorized vehicle use to help reclaim the land to pre-existing fire conditions.

A Burned Area Emergency Rehabilitation (BAER) Plan has been completed for these burned areas and some of the implementation actions include re-seeding areas with native vegetation and constructing water bars on primary and secondary fire control lines. Areas disturbed or damaged by heavy fire fighting equipment will be signed closed to motor vehicle use. Motorized vehicle travel on these distributed areas could cause unacceptable levels of soil erosion, impair wildfire habitat and cultural resources, and jeopardize the overall burn rehabilitation effort.

In addition, parts of the existing Cherokee Trail (a National Register of Historic Places eligible property) and parts of some existing two-track trails that were damaged by suppression activity will be temporarily closed to enhance reclamation efforts and reduce erosion.

EFFECTIVE DATE: This motor vehicle use closure is effective August 31, 2000 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Stan McKee, Field Manager, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901. Telephone: (307) 352–0201.

SUPPLEMENTARY INFORMATION: The Wildhorse Basin Wildfire began with a lighting strike on July 2, 2000. The fire encompassed 36,762 acres of federal, state, and private lands. The Black Butte Wildfire began with a lightning strike on July 3, 2000. The fire encompassed 1,844 acres of federal and private lands. The Sage Creek Wildfire began on July 13, 2000 and is suspected to be human caused. It burned 1,377 acres of federal and private lands. The Sheep Mountain Wildfire began with a lightning strike on August 10, 2000, and encompassed 34,346 acres of federal, state, and private lands.

The Green River Resource Management Plan off-highway vehicle (OHV) designation for all the burn areas is ''limited'' to existing roads and trails. This OHV designation remains unchanged by this use closure. Except for parts of the Cherokee Trail and parts of a few existing two-tracks trails that were damaged by firefighting equipment, motor vehicle traffic will continue to be allowed on roads and trails in the burned areas that existed before the areas were burned. Off-highway vehicle disturbance and tracks made by firefighting equipment could be erroneously viewed as existing roads and trails. Potential damage to watersheds, cultural resources, and valuable wildfire habitat could occur if these disturbed areas and tracks are used for motor vehicle travel. Due to the fragile nature of the burned areas and potential natural resource damage by motorized vehicle use, the BLM has found it necessary to notify and remind the public that motor vehicle travel is still prohibited off the existing roads and trails in burned area and that the off-highway vehicle disturbance and tracks made by firefighting equipment are not roads and trails.

Signs will be placed throughout the burned areas identifying the tracks, trails, and disturbed areas that are closed to motor vehicle travel. Maps will be available for the public at the Rock Springs Field Office and other locations in Sweetwater County.

The emergency closure applies to select BLM-administered lands within the Wildhorse Basin Wildfire, Sage Creek Wildfire, and Sheep Mountain Wildfire area, Sweetwater County, approximately 25 miles southwest of Rock Springs, Wyoming, in Ts. 12, 13, 14, 15, 18, 19 N., Rs. 101, 104, 105, 106, 107 W., Sixth Principal Meridian. The emergency closure applies to select BLM-administered lands within the Black Butte Wildfire, Sweetwater County, approximately 25 miles southeast of Rock Springs, Wyoming, in Ts. 18, 19 N., R. 101 W., Sixth Principal Meridan.

The closure prohibits the use of all motorized vehicles off the existing roads and trails and on damaged two-track trails as described above, with the following exceptions of:

(1) Any Federal, State, or local officers engaged in fire, military, emergency, or law enforcement activities;

(2) BLM employees engaged in official duties;

(3) Adjacent landowners, ranchers, and fence contractors accessing their land and/or performing approved work.

Authority for closure orders is provided under 43 CFR 8364.1.

Violations of this closure are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Stan McKee,

Field Manager.

[FR Doc. 00–22288 Filed 8–30–00; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–040–00–1410–00; AA–082598]

Realty Action; FLPMA Section 302 Lease, Petersville, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, lease of public land.

SUMMARY: Michelle Stevens (proponent) submitted a proposal for a Residential Occupancy Lease of public land pursuant to Section 302 of the Federal Land Policy and Management Act of 1976 and regulations at Title 43 CFR Part 2920. The lease would allow for established improvements to remain on the land for the duration of the lease.

The land is approximately 24 miles Northwest of Talkeetna, Alaska, at Petersville: located in Section 21 and Section 28, T. 28 N., R. 8 W., Seward Meridian. The leased property would contain portions of the Seattle No.1 and Contact No.1 mining claims as shown on Mineral Survey 2384. The area is described as:

Seattle No.1, N.½, N.½ S.½

Contact No. 1, beginning at corner 1, south along line 1–2 for 985.35 feet, thence N. 87° 50′ W. for 200 feet, thence N. 3° 43′ E. for 985.35 feet to North Boundary of Contact No. 1, thence S. 87° 50′ E. for 200 feet to corner no. 1.

The proposed lease contains approximately 20 acres.

DATES: Interested parties may submit comments on or before October 16, 2000.

ADDRESSES: Mail comments to Nick Douglas, Field Manager, Anchorage Field Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507–2599.

FOR FURTHER INFORMATION CONTACT: Rodney Huffman, (907) 267–1244 or (800) 478–1263.

SUPPLEMENTARY INFORMATION: This is a notice of a proposal for a Residential Occupancy Lease. No additional proposals will be accepted. The proponent will reimburse the United States for reasonable administrative fees and other costs incurred by the United States in processing the proposed lease. The proposed lease would authorize the proponent's improvements to remain on the land.

1 Frame House
1 Nodwell Trailer
2 Frame Cabins
1 Frame Storage Shed
1 Cook Shack
1 Shop

No new construction or improvements would be authorized. The proposed lease would be offered to the Applicant for a term of 10 years and would require rent to be paid to the United States at fair market value. In the absence of a timely objection, this proposal may become the final decision of the Department of the Interior.

Nicholas Douglas,

Field Manager.

[FR Doc. 00–22251 Filed 8–30–00; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

Concession Contract Negotiations; ME

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to award a temporary concession contract authorizing the operation of carriage rides, horse camp, day use parking, facilities and services for the public at Acadia National Park, Maine for a term not to exceed October 31, 2000.

EFFECTIVE DATE: October 2, 2000.

ADDRESSES: National Park Service, Concession Management Program, Boston Support Office, 15 State Street, Boston, MA 02109–3572, Telephone (617) 223–5209.

SUPPLEMENTARY INFORMATION: This temporary concession contract is being awarded to Mr. Edward Winterberg, Seal Harbor, Maine. It is necessary to award the contract is order to avoid interruption of visitor services.

This action is issued pursuant to 36 CFR Part 51.24(a). This is not a request for proposals and no prospectus is being issued at this time. The Secretary intends to issue a competitive solicitation of offers for a long-term operator to begin in 2001. You may be placed on a mailing list for receiving information regarding the competitive solicitation by sending a written request to the above address.

Dated: July 18, 2000.

Chrysandra L. Walter,

Acting Regional Director, Northeast Region.

[FR Doc. 00–22254 Filed 8–30–00; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

August 23, 2000.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of the ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz (202) 219–5096 ext. 159 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King (202) 219–5096 ext. 151 or by E-Mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM,. ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 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
- Enhance 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.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Labor Market Information (LMI) Cooperative Agreement.

OMB Number: 1220–0079.

Affected Public: State, Local or Tribal Government.

Information collection	Respondents	Frequency	Total responses	Average time	Total hours
Work Statements	55	1	55	1–2 hr	55–110
BIF (LMI 1A & B)	55	1	55	1–6 hr	55–330
Quarterly Automated Financial Reports	48	4	192	10–50 min	32–160
Monthly Automated Financial Reports	48	*8	348	5–25 min	32–160
BLS Cooperative Financial Report (LMI 2A)	7	12	84	1–5 hr	84–420
Quarterly Status Report (LMI 2B)	1–30	4	4–120	1 hr	4–12
Total	1–55		774–890		264–1300
Avg. totals	1055		832		781

*Reports are not received for end-of-quarter months, i.e., December, March, June, September.

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: The LMI Cooperative Agreement includes all information needed by the State Employment Security Agencies to apply for funds to assist them to operate one or more of the five LMI programs operated by the Bureau of Labor Statistics, and, once awarded, report on the status of obligation and expenditure of funds, as well as close out the Cooperative Agreement.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00–22331 Filed 8–30–00; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,735 and NAFTA–3842]

International Business Machines Corporation (IBM), Storage Technology Division, Disk Substrate Manufacturing, Rochester, Minnesota; Notice of Negative Determination Regarding Application for Reconsideration

By application postmarked July 28, 2000, petitioners request administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) petition number TA–W–37,735 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA) petition number NAFTA–3842, applicable to workers and former workers of International Business Machines Corporation (IBM), Storage Technology Division, Disk Substrate Manufacturing, Rochester, Minnesota. The denial notices were signed on June 29, 2000, and published in the **Federal Register** on July 24, 2000, TA–W–37,735 (65 FR 45620) and NAFTA–3842 (65 FR 45621).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioners report that IBM lost a contract to build disk drives for EMC; the contract was awarded to an overseas company. IBM then decided to use glass disks in their computers. The Rochester glass plant now supplies 10% of the glass disks in IBM computers and disk drives, with the remainder being sourced from abroad. The petitioners add that they were informed the Rochester plant would never be a major supplier of these disks because the foreign competition was much cheaper, and the plant was now for research purposes. The petitioners also state that it is doubtful that the subject firm is out of the aluminum business because IBM recently signed a major contract with Compaq to be able to use each other's storage devices. Compaq uses aluminum disks and imports them.

The Department did not investigate the petitioners allegation of the subject firm's reliance on imports of disks because the Rochester, Minnesota, worker group produced disk substrates, which is a component for IBM's further production of storage disks at other locations. The Department is required to examine the impact of imports of articles like or directly competitive with those produced by the workers' firm.

The workers were denied eligibility to apply for TAA based on the finding that the contributed importantly criterion of the worker group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. Layoffs of workers producing disk substrates was attributable to the change in technology. Fewer workers are required to produce glass disk substrates than the aluminum magnesium material.

The NAFTA–TAA petition investigation for the same worker group revealed that criteria (3) and (4) of paragraph (a)(1) of Section 250 of the Trade Act of 1974, as amended, were not met. The subject firm did not import from Mexico or Canada, articles like or directly competitive with the disk substrates produced by the workers of the firm. There was no shift in production from the Warrensburg plant to Mexico or Canada. The major contributing factor to the reduction in employment at the Rochester, Minnesota plant was a change in technology. The IBM Rochester plant is using glass for manufacturing disk substrates which requires fewer workers than aluminum magnesium material.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, D.C. this 18th day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–22327 Filed 8–31–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,304 and NAFTA–3683]

Nova Bus, Inc., Transit Bus Division, Roswell, New Mexico; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Nova Bus, Inc., Transit Bus Division, Roswell, New Mexico. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–37,304 and NAFTA–3683; Nova Bus, Inc., Transit Bus Div., Roswell, New Mexico (August 8, 2000)

Signed at Washington, DC, this 23rd day of August, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 00–22324 Filed 8–30–00; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,740]

CompAir LeRoi, Independence, Virginia; Notice of Revised Determination on Reopening

By letter of July 10, 2000, one of the petitioners requested administrative reconsideration of the Department's denial of Trade Adjustment Assistance (TAA) for workers and former workers of the subject firm.

The workers at CompAir LeRoi, Independence, Virginia, engaged in employment related to the production of air compressor pumps, were denied eligibility to apply for TAA based on the finding that criterion (3) of the worker group eligibility requirements of Section 222 of the Trade Act, as amended, was not met. The notice of negative determination was signed on June 14, 2000, and was published in the **Federal Register** on June 29, 2000 (65 FR 40134)

Review of the information provided by the subject firm shows that when the company implemented plans to shift production to another domestic location, the final product to be relocated from Independence, Virginia, was the reciprocating compressor line. Further review of the information contained in the investigation file shows that although the company intended to temporarily source assembled reciprocating compressors from a foreign supplier, no immediate plan was in place for domestic production of that product. During the first quarter of 2000, sales or production and employment declined when production ceased, and company imports of reciprocating compressors began.

The workers were not separated identifiable by product line.

Conclusion

After careful consideration of the new facts obtained on reopening, it is concluded that the workers of CompAir LeRoi, Independence, Virginia, were adversely affected by increased imports of compressors like or directly competitive with the articles produced at the subject firm.

''All workers of CompAir LeRoi, Independence, Virginia, who became totally or partially separated from employment on or after May 19, 1999, through two years from the date of this determination, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 8th day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–22329 Filed 8–30–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,586]

Enefco International Limited, Footwear Subdivision, Waterjet Subdivision, Auburn, Maine; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 31, 2000, applicable to all workers of Enefco International Limited, Footwear Subdivision located in Auburn, Maine. The notice will soon be published in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New findings show that the Department's certification inadvertently omitted the workers at the plant in the Waterjet Subdivision. The subject firm reported increased reliance on imports of cushioning pads formerly produced by the sole worker in the Waterjet Subdivision. Accordingly, the Department is amending the certification to include workers in the Waterjet Subdivision Enefco International Limited in Auburn, Maine.

The amended notice applicable to TA–W–37,586 is hereby issued as follows:

All workers of Enefco International Limited, Footwear Subdivision, Waterjet Subdivision, Auburn, Maine, who became totally or partially separated from employment on or after April 7, 1999 through July 31, 2002, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, D.C., this 18th day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–22326 Filed 8–30–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,636]

Voyager Emblem Incorporated, Sanborn, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on July 19, 2000, applicable to workers of Voyager Emblem Incorporated, Sanborn, New York. The notice was published in the **Federal Register** on August 1, 2000 (65 FR 46954).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produce embroidered emblems. New findings show that there was previous certification for the subject firm workers, TA–W–34,392, which was issued on May 15, 1998. That certification expired May 15, 2000. To avoid an overlap in worker group

coverage, the certification for TA–W–37,636 is being amended to change the impact date from April 19, 1999, to May 16, 2000.

The amended notice applicable to TA–W–37,636 is hereby issued as follows:

''All workers of Voyager Emblem Incorporated, Sanborn, New York, who become totally or partially separated from employment on or after May 16, 2000 through July 19, 2002, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 18th day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–22328 Filed 8–30–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4034]

Gynecare; Ethicon Division; Menlo Park, California; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on July 17, 2000, in response to a petition filed by the company on behalf of workers at Gynecare, Ethicon Division, Menlo Park, California.

The petitioner has requested that the investigation be terminated and a petition will be filed closer to the time the workers will be separated. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 18th day of August, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–22330 Filed 8–30–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04060]

Reliable Exploration, Inc., Billings, Montana; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on August 8, 2000 in response to a petition filed on behalf of workers at Reliable Exploration, Incorporated, Billings, Montana.

In a letter dated August 10, 2000, the petitioner requested that the petition for NAFTA–TAA be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 22nd day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–22325 Filed 8–30–00; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL COUNCIL ON DISABILITY

Advisory Committee Conference Call

AGENCY: National Council on Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming conference call for NCD's advisory committee—Technology Watch. Notice of this meeting is required under Section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

Technology Watch: NCD's Technology Watch is a community-based, cross-disability, consumer task force on technology. Tech Watch provides information to NCD on issues relating to emerging legislation on technology and helps monitor compliance with civil rights legislation, such as Section 508 of the Rehabilitation Act of 1973, as amended.

DATES: September 15, 2000, 1:00 p.m. EDT.

For Technology Watch Information, Contact: Martin Gould, Research Specialist, National Council on Disability, 1331 F Street NW, Suite 1050, Washington, D.C. 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–272–2022 (fax), mgould@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 assistive technology, information technology, telecommunication issues, and accessibility for people with disabilities.

We currently have balanced membership representing a variety of disabling conditions from across the United States.

Open Meeting/Conference Call: This advisory committee conference call of the National Council on Disability will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional telephone lines will be available. Individuals can also participate in the conference call at the NCD office. Those interested in joining this conference call should contact the appropriate staff member listed above.

Records will be kept of all Technology Watch meetings/conference calls and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on August 24, 2000.

Jeffrey T. Rosen,

General Counsel and Director of Policy.

[FR Doc. 00–22247 Filed 8–30–00; 8:45 am]

BILLING CODE 6820–MA–M

NATIONAL SKILL STANDARDS BOARD

Notice of Open Meeting

AGENCY: National Skill Standards Board.

ACTION: Notice of open meeting.

SUMMARY: The National Skill Standards Board was established by an Act of Congress, the National Skill Standards Act, Title V, Public Law 103–227. The 25-member National Skill Standards Board will serve as a catalyst and be responsible for the development and implementation of a voluntary national

system of skill standards and certification through voluntary partnerships which have the full and balanced participation of business, labor, education, civil rights organizations and other key groups.

Time and Place: The meeting will be held from 8:30 a.m. to approximately 12:00 p.m. on Tuesday, September 19, 2000, in Ballroom A at The Crowne Plaza Hotel, State and Lodge Streets, Albany, New York 12207. Phone: (518) 462–6611 Fax: (518) 462–2901.

Agenda: The agenda for the Board Meeting will include: An update from the Board's committees; presentations from representatives of the Education and Training Voluntary Partnership (E&TVP), Hospitality and Tourism Skill Standards Council (HTSSC), Manufacturing Skill Standards Council (MSSC) and Sales & Service Voluntary Partnership (S&SVP).

Public Participation: The meeting, from 8:30 a.m. to 12:00 p.m., is open to the public. Seating is limited and will be available on a first-come, first-served basis. Seats will be reserved for the media. Individuals with disabilities should contact Leslie Donaldson at (202) 254–8628 if special accommodations are needed.

FOR FURTHER INFORMATION CONTACT: Dave Wilcox, Executive Deputy Director at (202) 254–8628.

Signed at Washington, DC, 24th day of August, 2000.

Edie West,

Executive Director, National Skill Standards Board.

[FR Doc. 00–22323 Filed 8–30–00; 8:45 am]

BILLING CODE 4510–23–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* NRC Form 790, ''Classification Record.''

3. *The form number if applicable:* NRC Form 790.

4. *How often the collection is required:* On occasion.

5. *Who will be required or asked to report:* NRC employees, NRC contractors, NRC licensees, and its only certificate holder who classify NRC information.

6. *An estimate of the number of responses:* 400.

7. *The estimated number of annual respondents:* 324.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 27.

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* Completion of the NRC Form 790 is a mandatory requirement for licensees, contractors, and only certificate holders who classify and declassify NRC information in accordance with Executive Order 12958, ''Classified National Security Information,'' the Atomic Energy Act, and implementing directives.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW. (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html).

The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by October 2, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Amy Farrell, Office of Information and Regulatory Affairs (3150–0052), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 24th day of August 2000.

For the Nuclear Regulatory Commission.

Beth St. Mary,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–22342 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

Amergen Energy Company, LLC, Oyster Creek Nuclear Generating Station; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating License No. DPR–16 for the Oyster Creek Nuclear Generating Station currently held by AmerGen Energy Company, LLC (AmerGen or the licensee), as the owner and licensed operator. The indirect transfer would be to a new holding company, Exelon Corporation, for PECO Energy Company (PECO), a co-owner of AmerGen. The facility is located in Ocean County, New Jersey.

AmerGen is a limited liability company formed to acquire and operate nuclear power plants in the United States. British Energy, Inc. and PECO each own 50 percent of AmerGen. In an application dated July 19, 2000, filed by AmerGen, AmerGen referenced an earlier license transfer application dated February 28, 2000, and supplements thereto, that requested approval of the indirect transfer of the Oyster Creek license (and certain other licenses held by AmerGen) that would occur as a result of a proposed transfer of PECO's 50 percent interest in AmerGen to Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom Corporation and PECO, under which merger Commonwealth Edison Company, PECO, and EGC are to become direct or indirect subsidiaries of Exelon Corporation. The February 28, 2000, application was noticed separately and is still under consideration.

AmerGen indicated in the July 19, 2000, application that the transfer of PECO's interest in AmerGen to EGC may be delayed for an interim period following completion of the merger, pending the receipt of other regulatory approvals. During this interim period, PECO, which will have become a

subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold its interest in AmerGen and, thus, its indirect interest in the Oyster Creek license, until its interest in AmerGen is transferred to EGC. The July 19, 2000, application requests approval of the indirect transfer of the Oyster Creek license that would occur upon Exelon Corporation becoming the new parent of PECO while PECO continues to hold its interest in AmerGen for the above interim period.

According to the July 19, 2000 application, PECO shareholders will become shareholders of Exelon Corporation when PECO becomes a subsidiary of Exelon Corporation. AmerGen's technical and financial qualifications, and its decommissioning funding arrangements will be unchanged by the establishment of the new holding company for PECO while PECO continues to hold its interest in AmerGen. The application does not propose any changes to the license or technical specifications, or physical changes to the facility or operational changes.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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: Kevin P. Gallen, Esq., Morgan, Lewis & Bockius LLP, 1800 M Street, NW, Washington, DC 20036–5869; 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 October 2, 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 application dated July 19, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Helen N. Pastis,

Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22332 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–461]

AmerGen Energy Company, LLC, Clinton Power Station, Unit 1; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating License No. NPF–62 for Clinton Power Station, Unit 1, held by AmerGen Energy Company, LLC (AmerGen or the licensee), as the owner and licensed operator. The indirect transfer would be to a new holding company, Exelon Corporation, for PECO Energy Company (PECO), a co-owner of AmerGen. The facility is located in DeWitt County, Illinois.

AmerGen is a limited liability company formed to acquire and operate nuclear power plants in the United States. British Energy, Inc., and PECO each own 50 percent of AmerGen. In an application dated July 19, 2000, filed by AmerGen, AmerGen referenced an earlier license transfer application dated February 28, 2000, and supplements thereto, that requested approval of the indirect transfer of the Clinton license (and certain other licenses held by AmerGen) that would occur as a result of a proposed transfer of PECO's 50 percent interest in AmerGen to Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom Corporation and PECO, under which merger Commonwealth Edison Company, PECO, and EGC are to become direct or indirect subsidiaries of Exelon Corporation. The February 28, 2000, application was noticed separately and is still under consideration.

AmerGen indicated in the July 19, 2000, application that the transfer of PECO's interest in AmerGen to EGC may be delayed for an interim period following completion of the merger, pending the receipt of other regulatory approvals. During this interim period,

PECO, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold its interest in AmerGen and, thus, its indirect interest in the Clinton license, until its interest in AmerGen is transferred to EGC. The July 19, 2000, application requests approval of the indirect transfer of the Clinton license that would occur upon Exelon Corporation becoming the new parent of PECO while PECO continues to hold its interest in AmerGen for the above interim period.

According to the July 19, 2000 application, PECO shareholders will become shareholders of Exelon Corporation when PECO becomes a subsidiary of Exelon Corporation. AmerGen's technical and financial qualifications, and its decommissioning funding arrangements will be unchanged by the establishment of the new holding company for PECO while PECO continues to hold its interest in AmerGen. The application does not propose any changes to the license or technical specifications, or physical changes to the facility or operational changes.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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: Kevin P. Gallen, Esq., Morgan, Lewis & Bockius LLP, 1800 M Street, NW, Washington, DC 20036–5869; 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 October 2, 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 application dated July 19, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Senior Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22335 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–289]

Amergen Energy Company, LLC; Three Mile Island Nuclear Station, Unit 1; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating License No. DPR–50 for Three Mile Island Nuclear Station, Unit 1 (TMI–1) held by AmerGen Energy Company, LLC (AmerGen or the licensee), as the owner and licensed operator. The indirect transfer would be to a new holding company, Exelon Corporation, for PECO Energy Company (PECO), a co-owner of AmerGen. TMI–1 is located in Dauphin County, Pennsylvania.

AmerGen is a limited liability company formed to acquire and operate nuclear power plants in the United States. British Energy, Inc. and PECO each own 50 percent of AmerGen. In an application dated July 19, 2000, filed by AmerGen, AmerGen referenced an earlier license transfer application dated February 28, 2000, and supplements thereto, that requested approval of the indirect transfer of the TMI–1 license (and certain other licenses held by AmerGen) that would occur as a result of a proposed transfer of PECO's 50 percent interest in AmerGen to Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom Corporation and PECO, under which merger Commonwealth Edison Company, PECO, and EGC are to become direct or indirect subsidiaries of Exelon Corporation. The February 28, 2000, application was noticed separately and is still under consideration.

AmerGen indicated in the July 19, 2000, application that the transfer of PECO's interest in AmerGen to EGC may be delayed for an interim period following completion of the merger, pending the receipt of other regulatory approvals. During this interim period,

PECO, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold its interest in AmerGen and, thus, its indirect interest in the TMI–1 license, until its interest in AmerGen is transferred to EGC. The July 19, 2000, application requests approval of the indirect transfer of the TMI–1 license that would occur upon Exelon Corporation becoming the new parent of PECO while PECO continues to hold its interest in AmerGen for the above interim period.

According to the July 19, 2000 application, PECO shareholders will become shareholders of Exelon Corporation when PECO becomes a subsidiary of Exelon Corporation. AmerGen's technical and financial qualifications, and its decommissioning funding arrangements will be unchanged by the establishment of the new holding company for PECO while PECO continues to hold its interest in AmerGen. The application does not propose any changes to the license or technical specifications, or physical changes to the facility or operational changes.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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: Kevin P. Gallen, Esq., Morgan, Lewis & Bockius LLP, 1800 M Street, NW, Washington, DC 20036–5869; 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 October 2, 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 application dated July 19, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Timothy G. Colburn,

Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22343 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

AmerGen Vermont, LLC; Vermont Yankee Nuclear Power Station; Notice of Consideration of Approval of Proposed Direct and Indirect License Transfers and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order or orders under 10 CFR 50.80 approving certain proposed direct and indirect transfers of Facility Operating License No. DPR–28 for Vermont Yankee Nuclear Power Station (Vermont Yankee) currently held by Vermont Yankee Nuclear Power Corporation, as the owner and licensed operator. The facility is located in Vernon, Vermont.

A direct transfer of this license from Vermont Yankee Nuclear Power Corporation to AmerGen Vermont, LLC (AmerGen Vermont) was approved by the Nuclear Regulatory Commission by an order dated July 7, 2000. The approved direct transfer has not yet occurred. At this time, AmerGen Vermont is a wholly-owned subsidiary of AmerGen Energy Company, LLC (AmerGen), which in turn is 50 percent owned by PECO Energy Company (PECO) and British Energy, Inc. PECO and Unicom Corporation intend to merge and create a new holding company, Exelon Corporation, which will become the direct or indirect parent of PECO, Exelon Generation Company, LLC (EGC), and other subsidiaries. PECO intends to transfer to EGC all of its generating assets, including its 50 percent interest in AmerGen, which currently owns and holds the operating licenses for the Three Mile Island, Unit 1, Clinton, and Oyster Creek nuclear facilities. Depending upon the time of the above events, AmerGen Vermont plans to ultimately acquire the license for Vermont Yankee, or, following such acquisition, hold such license, under the following possible scenarios, which may be in addition to those already approved or subject to a pending application dated February 28, 2000, as supplemented, referenced below: (1) AmerGen Vermont acquires the license

when AmerGen Vermont is wholly owned by AmerGen, which is in turn 50 percent owned by EGC, which in turn is indirectly owned by Exelon Corporation (through Exelon Ventures Company); (2) AmerGen Vermont acquires the license when AmerGen Vermont is a wholly owned subsidiary of AmerGen, which in turn is 50 percent owned by PECO, and PECO is a subsidiary of Exelon Corporation; (3) AmerGen Vermont holds the license, but indirectly transfers the license by reason of PECO becoming a subsidiary of Exelon Corporation; and (4) AmerGen Vermont holds the license, but indirectly transfers the license by reason of PECO, either as a subsidiary of Exelon Corporation or as PECO exists today, transferring its interest in AmerGen to EGC. Under any of the above scenarios, British Energy, Inc.'s interest in AmerGen will remain unchanged.

AmerGen Vermont filed an application dated August 14, 2000, describing the above possible scenarios and seeking Commission approval under 10 CFR 50.80 that would authorize the direct or indirect transfers involved to occur. AmerGen Vermont has previously filed an application dated February 28, 2000, and supplements thereto, seeking approval of a proposed indirect transfer of the license, presuming it has been transferred to AmerGen Vermont, that would occur by virtue of PECO's interest in AmerGen being transferred to EGC. To the extent the February 28, 2000, proposal is not subsumed by the August 14, 2000, application, the proposal in the former application will be considered in conjunction with those presented in the latter.

No physical changes to the facility of operational changes, and no new changes to the license or technical specifications are being proposed in the August 14, 2000, application. According to the application, for the scenarios where EGC acquires PECO's 50 percent interest in AmerGen, no changes from the information provided by the February 28, 2000, application, as supplemented, with respect to technical or financial qualifications of AmerGen Vermont are being presented in the August 14, 2000, application. The decommissioning funding arrangements will be as presented in the application that was approved by the July 7, 2000, Order.

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 a direct transfer of a license if the Commission determined that the proposed transferee is qualified to be the license holder, or for an indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and in either case if, in addition, the Commission determines that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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: Kevin P. Gallen, Esq., Morgan, Lewis & Bockius, LLP, 1800 M Street, NW., Washington, DC 20036–5869; 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 October 2, 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 application dated August 14, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Richard P. Croteau,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22336 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–10, 50–237 and 50–249]

Commonwealth Edison Company; Dresden Nuclear Power Station, Units 1, 2 and 3; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating Licenses Nos. DPR–2, DPR–19 and DPR–25 for Dresden Nuclear Power Station, Units 1, 2 and 3, currently held by Commonwealth Edison Company (ComEd), as the owner and licensed operator. The indirect transfer would be to a new holding company for ComEd, Exelon Corporation. ComEd is currently

a subsidiary of Unicom Corporation (Unicom). The facility is located in Grundy County, Illinois.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, ComEd referenced an earlier license transfer application dated December 20, 1999, and supplements thereto, that requested approval of the direct transfer of the Dresden facility operating licenses (and other facility operating licenses held by ComEd, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom and PECO Energy Company (PECO), under which merger EGC, ComEd, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. ComEd indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this interim period, ComEd, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the Dresden licenses until they are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the Dresden licenses that would occur upon Exelon Corporation becoming the new parent of ComEd while ComEd continues to hold the licenses for the above interim period. The direct transfer of the licenses from ComEd to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000, application, Unicom shareholders will become shareholders of Exelon Corporation. ComEd's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767; 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 October 2, 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 application dated July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Lawrence W. Rossbach,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22337 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–373 and 50–374]

Commonwealth Edison Company; LaSalle County Station, Units 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating Licenses Nos. NPF–11 and NPF–18 for LaSalle County Station, Units 1 and 2, currently held by Commonwealth Edison Company (ComEd), as the owner and licensed operator. The indirect transfer would be to a new holding company for ComEd, Exelon Corporation. ComEd is currently a subsidiary of Unicom Corporation (Unicom). The facility is located in LaSalle County, Illinois.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, ComEd referenced an earlier license transfer application dated December 20, 1999, and supplements

thereto, that requested approval of the direct transfer of the LaSalle facility operating licenses (and other facility operating licenses held by ComEd, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom and PECO Energy Company (PECO), under which merger EGC, ComEd, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. ComEd indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this interim period, ComEd, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the LaSalle licenses until they are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the LaSalle licenses that would occur upon Exelon Corporation becoming the new parent of ComEd while ComEd continues to hold the licenses for the above interim period. The direct transfer of the licenses from ComEd to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000, application, Unicom shareholders will become shareholders of Exelon Corporation. ComEd's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 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: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767; 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 October 2, 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 application dated July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Donna M. Skay,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22338 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

Commonwealth Edison Company and MidAmerican Energy Company; Quad Cities Nuclear Power Station, Units 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 Licenses Nos. DPR–29 and DPR–30 for Quad Cities Nuclear Power Station, Units 1 and 2, to the extent held by Commonwealth Edison Company (ComEd). ComEd currently owns 75% of Quad Cities, Units 1 and 2, and is the licensed operator of both stations. The remaining interest in Quad Cities, Units 1 and 2, is owned by MidAmerican Energy Company. The indirect transfer would be to a new holding company for ComEd, Exelon Corporation. ComEd is currently a subsidiary of Unicom Corporation (Unicom). The facility is located in Rock Island County, Illinois.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, ComEd referenced an earlier license transfer application dated December 20, 1999, and supplements thereto, that requested approval of the direct transfer of the Quad Cities facility operating licenses (and other facility

operating licenses held by ComEd, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom and PECO Energy Company (PECO), under which merger EGC, ComEd, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. ComEd indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this interim period, ComEd, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the Quad Cities licenses until they are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the Quad Cities licenses that would occur upon Exelon Corporation becoming the new parent of ComEd while ComEd continues to hold the licenses for the above interim period. The direct transfer of the licenses from ComEd to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000, application, Unicom shareholders will become shareholders of Exelon Corporation. ComEd's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 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: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767; 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 October 2, 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 application dated July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Stewart N. Bailey,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22339 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Company; Zion Nuclear Power Station, Units 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating Licenses Nos. DPR–39 and DPR–48 for Zion Nuclear Power Station, Units 1 and 2, currently held by Commonwealth Edison Company (ComEd), as the owner and licensed operator. The indirect transfer would be to a new holding company for ComEd, Exelon Corporation. ComEd is currently a subsidiary of Unicom Corporation (Unicom). The facility is located in Lake County, Illinois.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, ComEd referenced an earlier license transfer application dated December 20, 1999, and supplements thereto, that requested approval of the direct transfer of the Zion facility operating licenses (and other facility operating licenses held by ComEd, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom and PECO Energy Company (PECO), under which merger

EGC, ComEd, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. ComEd indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this interim period, ComEd, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the Zion licenses until they are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the Zion licenses that would occur upon Exelon Corporation becoming the new parent of ComEd while ComEd continues to hold the licenses for the above interim period. The direct transfer of the licenses from ComEd to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000, application, Unicom shareholders will become shareholders of Exelon Corporation. ComEd's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 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: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767; 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 October 2, 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 application dated July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

William C. Huffman,

Project Manager, Decommissioning Section, Project Directorate IV and Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22340 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. Stn 50–456 and Stn 50–457]

Commonwealth Edison Company; Braidwood Station, Units 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating Licenses Nos. NPF–72 and NPF–77 for Braidwood Station, Units 1 and 2, currently held by Commonwealth Edison Company (ComEd), as the owner and licensed operator. The indirect transfer would be to a new holding company for ComEd, Exelon Corporation. ComEd is currently a subsidiary of Unicom Corporation (Unicom). The facility is located in Will County, Illinois.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, ComEd referenced an earlier license transfer application dated December 20, 1999, and supplements thereto, that requested approval of the direct transfer of the Braidwood facility operating licenses (and other facility operating licenses held by ComEd, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom and PECO Energy Company (PECO), under which merger EGC, ComEd, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. ComEd indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this

interim period, ComEd, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the Braidwood licenses until they are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the Braidwood licenses that would occur upon Exelon Corporation becoming the new parent of ComEd while ComEd continues to hold the licenses for the above interim period. The direct transfer of the licenses from ComEd to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000, application, Unicom shareholders will become shareholders of Exelon Corporation. ComEd's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767; 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 October 2, 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 application dated July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

George F. Dick,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22344 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. Stn 50–454 and Stn 50–455]

Commonwealth Edison Company; Byron Station, Units 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating Licenses Nos. NPF–37 and NPF–66 for Byron Station, Units 1 and 2, currently held by Commonwealth Edison Company (ComEd), as the owner and licensed operator. The indirect transfer would be to a new holding company for ComEd, Exelon Corporation. ComEd is currently a subsidiary of Unicom Corporation (Unicom). The facility is located in Ogle County, Illinois.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, ComEd referenced an earlier license transfer application dated December 20, 1999, and supplements thereto, that requested approval of the direct transfer of the Byron facility operating licenses (and other facility operating licenses held by ComEd, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom and PECO Energy Company (PECO), under which merger EGC, ComEd, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. ComEd indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this interim period, ComEd, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the Byron licenses until they are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the Byron licenses that would occur

upon Exelon Corporation becoming the new parent of ComEd while ComEd continues to hold the licenses for the above interim period. The direct transfer of the licenses from ComEd to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000, application, Unicom shareholders will become shareholders of Exelon Corporation. ComEd's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767; 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 October 2, 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 application dated July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

George F. Dick,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22345 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–171, 50–277 and 50–278]

PECO Energy Company, Peach Bottom Atomic Power Station, Unit Nos. 1, 2, and 3; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating Licenses Nos. DPR–12, DPR–44, and DPR–56 for Peach Bottom Atomic Power Station, Unit Nos. 1, 2, and 3, to the extent held by PECO Energy Company (PECO). PECO is currently the sole owner of Peach Bottom, Unit No. 1, holds a 42.49 percent ownership interest in Peach Bottom, Unit Nos. 2 and 3, and is the licensed operator of all three Peach Bottom units. The remaining interests in Peach Bottom, Units 2 and 3, are owned by Public Service Electric and Gas Company (PSE&G), Delmarva Power & Light Company, and Atlantic City Electric Company. The indirect transfer would be to a new holding company for PECO, Exelon Corporation. The facility is located in York County, Pennsylvania.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, PECO referenced an earlier license transfer application dated December 20, 1999, and supplements thereto, that requested approval of the direct transfer of the Peach Bottom facility operating licenses (and other facility operating licenses held by PECO, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom Corporation and PECO, under which merger EGC, Commonwealth Edison Company, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. PECO indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this interim period, PECO, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the Peach Bottom licenses until they are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the Peach Bottom licenses that would

occur upon Exelon Corporation becoming the new parent of PECO while PECO continues to hold the licenses for the above interim period. The direct transfer of the licenses from PECO to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000 application, PECO shareholders will become shareholders of Exelon Corporation. PECO's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application. The proposed indirect transfer does not involve any change with respect to the non-operating ownership interests held by PSE&G, Delmarva Power & Light Company, and Atlantic City Electric Company.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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 J. W. Durham, Sr., Esquire, Senior Vice President and General Counsel, PECO Energy Company, 2301 Market Street, S26–1, Philadelphia, PA 19101; 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 October 2, 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 application dated July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Bartholomew C. Buckley, Sr.,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22333 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–352 AND 50–353]

PECO Energy Company, Limerick Generating Station, Units 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of Facility Operating Licenses Nos. NPF–39 and NPF–85 for Limerick Generating Station, Units 1 and 2. PECO Energy Company (PECO) is currently the owner and the licensed operator of Limerick, Units 1 and 2. The indirect transfer would be to a new holding company for PECO, Exelon Corporation. The facility is located in Montgomery County, Pennsylvania.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, PECO referenced an earlier license transfer application dated December 20, 1999, and supplements thereto, that requested approval of the direct transfer of the Limerick facility operating licenses (and other facility operating licenses held by PECO, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom Corporation and PECO, under which merger EGC, Commonwealth Edison Company, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. PECO indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this interim period, PECO, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the Limerick licenses until they are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the Limerick licenses that would occur

upon Exelon Corporation becoming the new parent of PECO while PECO continues to hold the licenses for the above interim period. The direct transfer of the licenses from PECO to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000 application, PECO shareholders will become shareholders of Exelon Corporation. PECO's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant 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: J. W. Durham, Sr., Esquire, Senior Vice President and General Counsel, PECO Energy Company, 2301 Market Street, S26–1, Philadelphia, PA 19101; 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 October 2, 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 application July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Bartholomew C. Buckley, Sr.,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22341 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311]

PECO Energy Company, Public Service Electric and Gas Company, Salem Nuclear Generating Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring 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 indirect transfer of PECO Energy Company's (PECO's) interest in Facility Operating Licenses Nos. DPR–70 and DPR–75 for Salem Nuclear Generating Station, Unit Nos. 1 and 2. PECO holds a 42.59 percent ownership interest in both Salem units, which are operated by Public Service Electric and Gas Company. The remaining interests in Salem, Unit Nos. 1 and 2, are owned by Delmarva Power & Light Company and Atlantic City Electric Company. The indirect transfer would be to a new holding company for PECO, Exelon Corporation. The facility is located in Salem County, New Jersey.

In an application dated July 7, 2000, as supplemented by a submittal dated July 13, 2000, PECO referenced an earlier license transfer application dated December 20, 1999, and supplements thereto, that requested approval of the direct transfer of the Salem facility operating licenses (and other facility operating licenses held by PECO, which transfers were the subject of separate notices) to a new proposed licensee, Exelon Generation Company, LLC (EGC). EGC is to be formed in connection with a pending merger between Unicom Corporation and PECO, under which merger EGC, Commonwealth Edison Company, and PECO are to become direct or indirect subsidiaries of Exelon Corporation. PECO indicated in the July 7, 2000, application that the direct transfer of the licenses to EGC may be delayed for an interim period following the completion of the merger, pending the receipt of other regulatory approvals of the direct transfer to EGC. During this interim period, PECO, which will have become a subsidiary of Exelon Corporation upon the closing of the merger, would continue to hold the Salem licenses until the licenses, to the extent now held by PECO, are transferred to EGC. The July 7, 2000, application requests approval of the indirect transfer of the Salem licenses that would occur upon Exelon Corporation becoming the new parent of PECO while PECO continues

to hold the licenses for the above interim period. The direct transfer of the licenses from PECO to EGC was recently approved by the NRC on August 3, 2000.

According to the July 7, 2000 application, PECO shareholders will become shareholders of Exelon Corporation. PECO's technical and financial qualifications, and its decommissioning funding arrangement will be unchanged by the establishment of the new holding company and the corresponding indirect transfer of the licenses. No changes to the licenses or technical specifications, and no physical changes to the facility or operational changes are being proposed in the application. The proposed indirect transfer does not involve any change with respect to the non-operating ownership interests held by Delmarva Power & Light Company and Atlantic City Electric Company, or the ownership interests and operating authority held by Public Service Electric and Gas Company.

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 indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 September 20, 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: J. W. Durham, Sr., Esquire, Senior Vice President and General Counsel, PECO Energy Company, 2301 Market Street, S26–1, Philadelphia, PA 19101; Jeffrie J. Keenan, Esquire, Public Service Electric and Gas Company, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038 (tel: 609–339–5429, fax: 609–339–1234, and e-mail JKeenan@PSEG.com); 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 October 2, 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 application dated July 7, 2000, as supplemented on July 13, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and available 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 August 2000.

For the Nuclear Regulatory Commission.

Robert J. Fretz,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22334 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Issuance, Availability of Draft Regulatory Guide, Draft Standard Review Plan, and Report; Announcement of Public Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of draft regulatory guide, draft standard review plan, and report; request for public comment; and announcement of public workshop.

SUMMARY: The Nuclear Regulatory Commission (NRC) is issuing Draft Regulatory Guide DG–1104, ''Standard Format and Content for Applications To Renew Nuclear Power Plant Operating Licenses''; a draft Standard Review Plan for License Renewal (SRP-LR), ''Standard Review Plan for the Review of License Renewal Applications for Nuclear Power Plants''; and a draft Generic Aging Lessons Learned (GALL) report for public comment. These documents describe methods acceptable to the NRC staff for implementing the license renewal rule (10 CFR Part 54), as well as techniques used by the NRC staff in evaluating applications for license renewals. The NRC is also announcing a public workshop to facilitate gathering public comments on these draft documents. The NRC is especially interested in stakeholder comments that will improve the safety benefits, effectiveness, and efficiency of the license renewal process.

DATES: Commenters should submit comments on Draft Regulatory Guide DG–1104, the draft SRP–LR, and the draft GALL report, accompanied by supporting data, by October 16, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

A public workshop will be held on Monday, September 25, 2000, from 8:30 a.m. to 4:00 p.m. at NRC's headquarters. To ensure that adequate copies of handouts are available, persons planning to attend the workshop should call the contact designated below by

September 15, 2000. Also, to ensure there is adequate time allotted for presentations, persons who wish to make opening remarks or other formal presentations at the workshop should call the contact designated below by September 15, 2000, to indicate the time requested.

ADDRESSES: Written comments may be submitted to the Chief, Rules and Directives Branch, Division of Administrative Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555. You may also provide comments via the NRC's License Renewal web site at <*http://www.nrc.gov/NRC/REACTOR/LR/IRG/index.html*>. This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the web site, email <*NRCWeb@NRC.GOV*>.

The public workshop will be held at the NRC Auditorium, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

Electronic copies of all the documents are available on NRC's License Renewal web site, at <*http://www.nrc.gov/NRC/REACTOR/LR/IRG/index.html*>. Electronic copies are also available in NRC's Electronic Reading Room through the same web site: DG–1104 is under ADAMS Accession Number ML003736097, the draft SRP–LR is under ADAMS Accession number ML003742580, the GALL report is under ADAMS Accession number ML003742594, and NEI 95–10 (Revision 2) is under ADAMS Accession number ML003739319. All of these documents are available for inspection or copying for a fee at the NRC's Public Document Room at 2120 L Street NW, Washington, DC (the PDR's mailing address is Mail Stop LL–6, Washington, DC 20555; telephone (202) 634–3273; fax (202) 634–3343). These license renewal guidance documents are not copyrighted, and Commission approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Raj Anand, Office of Nuclear Reactor Regulation, Mail Stop O–12G15, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone (301) 415–1146, or email <*RKA@NRC.GOV*>.

SUPPLEMENTARY INFORMATION:

Draft Regulatory Guide for License Renewal

Draft Regulatory Guide DG–1104 is being issued for public comment as part of the implementation of the license renewal rule. This draft regulatory guide is being developed to provide a uniform format and content acceptable to the NRC staff for structuring and presenting the information to be compiled and submitted in an application for renewal of a nuclear power plant operating license. DG–1104 proposes to endorse Nuclear Energy Institute (NEI) guidance document NEI 95–10, ''Industry Guideline for Implementing the Requirements of 10 CFR Part 54—The License Renewal Rule,'' Revision 2, dated August 2000, as an acceptable method for complying with the requirements of the license renewal rule.

DG–1104 supersedes Draft Regulatory Guide DG–1047, which was issued for public comment in August 1996 to propose endorsement of NEI 95–10, Revision 0, dated March 1, 1996. Comments were received from NEI, U.S. Department of Energy, and several licensees. Subsequent to receipt of the comments, the Commission agreed with an NRC staff recommendation contained in SECY–97–118, ''Activities Associated with Implementation of 10 CFR Part 54,'' dated June 5, 1997, to maintain DG–1047 in draft form to allow experience to be gained from its trial use and from plant-specific and owners group review activities. Since 1997, the license renewal process has evolved significantly, gaining experience from license renewal application reviews, owners group topical report reviews, and ongoing generic activities that involved addressing a number of the issues identified in the comment letters. This experience is reflected in the current versions of DG–1104, NEI 95–10, the SRP–LR, and the GALL report. Many previous comments are resolved by the current versions of these documents. Others are being resolved in the ongoing reviews, or are no longer applicable. Therefore, the NRC staff did not address the resolution of the previous comments separately. If a previous comment was not resolved to a commenter's satisfaction, the comment may be submitted again.

DG–1104 and NEI 95–10 are being developed to provide guidance on the contents of an application for license renewal that includes—

(1) Required general information concerning the applicant and the plant;

(2) Information contained in the integrated plant assessment;

(3) An evaluation of time-limited aging analyses (TLAAs);

(4) A supplement to the Final Safety Analysis Report (FSAR);

(5) Technical specification changes and their justification; and

(6) A supplement to the environmental report.

Specifically, guidance is provided for—

(1) Identifying the structures and components subject to aging management review;

(2) Assuring that the effects of aging are managed;

(3) Identifying and evaluating TLAAs;

(4) Establishing the format and content of the license renewal application; and

(5) Preparing an FSAR supplement.

As indicated in Revision 2 of NEI 95–10, NEI intends NEI 95–10 to be consistent with the GALL report and the SRP–LR. Because the GALL report and the SRP–LR are evolving, NEI expects to make further changes to NEI 95–10 to ensure consistency with the regulatory documents before the NRC staff's final issuance of the regulatory guide. For example, the NEI guidance in Section 4.1.1 of NEI 95–10 on scoping of complex assemblies should be consistent with that in Section 2.1 of the SRP–LR.

Draft Standard Review Plan for License Renewal

The NRC staff has also revised a draft SRP–LR that proposes guidance to NRC staff reviewers in performing safety reviews of applications to renew licenses of nuclear power plants in accordance with the license renewal rule. A previous working draft SRP–LR, dated September 1997, is in the NRC's Public Document Room. The draft SRP–LR is being revised to incorporate lessons learned from the review of the initial license renewal applications, as well as relevant information from the draft GALL report and DG–1104. The draft SRP–LR contains four major chapters: (1) Administrative Information; (2) Scoping and Screening Methodology for Identifying Structures and Components Subject to Aging Management Review, and Implementation Results; (3) Aging Management Review Results; and (4) Time-Limited Aging Analyses. In addition, three Branch Technical Positions are in an appendix to the draft SRP–LR.

During the initial license renewal reviews, the NRC and the industry recognized that most of the existing programs at the plants could be adequate to manage aging effects for license renewal without change. By letter dated March 3, 1999, NEI documented the industry's views on how existing plant programs and activities should be credited for license renewal. The so-called ''credit'' issue was: To what extent should the NRC staff review existing programs relied on for license renewal, to conclude that an

applicant has demonstrated reasonable assurance that such programs will be effective in managing effects of aging on the functionality of structures and components in the period of extended operation? In an NRC staff paper dated June 3, 1999, SECY 99–148, ''Credit for Existing Programs for License Renewal,'' the NRC staff described options and provided a recommendation for crediting existing programs to improve the efficiency of the license renewal process. By a staff requirements memorandum (SRM) dated August 27, 1999, the Commission approved the NRC staff's recommendation and directed the NRC staff to focus the review guidance in the SRP–LR on existing programs that should be augmented for license renewal. The NRC staff developed the draft GALL report that evaluates existing programs generically to document the basis for determining when generic existing programs are adequate without change and when generic existing programs should be augmented for license renewal. The draft SRP–LR incorporates the draft GALL report by reference.

Draft Generic Aging Lessons Learned Report

The draft GALL report builds on a previous report, NUREG/CR–6490, ''Nuclear Power Plant Generic Aging Lessons Learned (GALL),'' dated December 1996, which is a systematic compilation of plant aging information. The NRC staff held a public workshop on December 6, 1999, to invite early public participation in the development of license renewal guidance documents. The NRC staff made an early draft GALL report publicly available at the public workshop. Subsequent to the public workshop, NEI submitted significant industry comments that were discussed in public meetings. The Union of Concerned Scientists (UCS) also submitted 5 technical reports for NRC's consideration in preparing the draft GALL report.

The draft GALL report presents results in a table format. The adequacy of the generic aging management programs in managing certain aging effects for particular structures and components are evaluated based on the review of these 10 program attributes: scope of program, preventive actions, parameters monitored or inspected, detection of aging effects, monitoring and trending, acceptance criteria, corrective actions, confirmation process, administrative controls, and operating experience. If the evaluation determines that a program is adequate to manage certain aging effects for particular structures and components without change, the draft GALL report would indicate that no further NRC staff evaluation is recommended for license renewal. Otherwise, it would recommend areas in which the NRC staff should focus its review.

The GALL report is a technical basis document for the SRP–LR. The GALL report should be treated in the same manner as an approved topical report that is applicable generically. An applicant may reference the GALL report in a license renewal application to demonstrate that the applicant's programs at its facility correspond to those reviewed and approved in the GALL report, and that no further NRC staff review is required. If the material presented in the GALL report is applicable to the applicant's facility, the NRC staff would find the applicant's reference to the GALL report acceptable. In making this determination, the NRC staff should consider whether the applicant has identified specific programs described and evaluated in the GALL report. However, the NRC staff should not repeat its review of the substance of the matters described in the GALL report. Rather, the NRC staff should ensure that the applicant verifies that the approvals set forth in the GALL report for generic programs apply to the applicant's programs. The focus of the NRC staff review should be on augmented programs for license renewal. The NRC staff should also review information that is not addressed in the GALL report, or is otherwise different from that in the GALL report.

Solicitation of Comments

The NRC is particularly interested in comments that will focus on the fundamental question of the extent to which existing programs adequately manage aging effects for the structures and components within the scope of license renewal. To that end, we encourage individuals and organizations to comment on (1) how well the improved guidance articulates the attributes of existing programs that adequately manage applicable aging effects and (2) how well the improved guidance identifies those areas where existing programs should be augmented. The comments should include supporting justification in enough detail for the NRC staff to evaluate the need for changes in the guidance, as well as references to operating experience, industry standards, or other relevant reference materials that provide a sound technical basis for such changes. The NRC is also interested in comments that will improve the clarity of the documents so that the improved guidance will ensure a stable and predictable evaluation standard for future renewal applications. Editorial and style comments are not necessary because we expect that the guidance documents will need to be reformatted and edited before they are issued in final form. The NRC also intends to incorporate formatting changes that result from further improvements to the standard form and content for renewal applications.

Questions for Public Comments

Although the NRC invites public comments on all information contained in these draft documents, responses to the following questions are particularly solicited.

1. The draft GALL report evaluates many existing programs for their adequacy to manage aging for license renewal. In many cases, the draft GALL report concludes that the existing programs are adequate without change. Did the NRC staff provide sufficient credit for existing programs in the draft GALL report? The commenter should provide justification to support its view.

2. As a complement to Question 1, did the NRC staff provide too much credit without a sufficient technical basis in the draft GALL report? Again, the commenter should provide justification to support its view.

3. Many existing programs are based on national codes and standards that are updated as industry and technology evolve. The Commission has a process to periodically incorporate updated versions of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code into the regulations in 10 CFR 50.55a. The draft GALL report evaluation of existing programs for their adequacy as aging management programs for license renewal is based on the specifics of the 1989 edition of Section XI of the ASME code for inservice inspection and the 1992 edition of Subsections IWE and IWL of Section XI of the ASME code for containment inspections. These specific editions were the editions incorporated into the regulations by the Commission at the time when the bulk of the draft GALL report was being prepared. Since then, the Commission has incorporated the 1995 edition of the ASME code into the regulations (64 FR 51370, September 22, 1999). Before final issuance of the GALL report, the staff plans to review changes to the ASME code between the 1989 and 1995 editions to determine if the conclusions in the draft GALL report remain valid. Should the changes affect any conclusions in the draft GALL report, the affected conclusions will be re-evaluated and modified, as appropriate. By an April 13, 2000, staff

requirements memorandum (SRM), the Commission directed the staff to maintain the current requirements that licensees update their inservice inspection and inservice testing programs every 10 years to the latest edition of the ASME Code that is incorporated by reference in NRC regulations. Therefore, the requirements of 10 CFR 50.55a will result in future changes to those aging management programs that rely on the ASME Code. To ensure that the GALL report conclusions will remain valid when future editions of the ASME code are incorporated into the NRC regulations by the 10 CFR 50.55a rulemaking, the staff will perform an evaluation of these later editions for their adequacy for license renewal using the 10-element program evaluation described in the GALL report as part of the 10 CFR 50.55a rulemaking.

There are other national codes and standards that are referenced in the draft GALL report, such as those published by the American Concrete Institute (ACI), that are not subject to the Commission's approval process in 10 CFR 50.55a. How should the GALL report reference editions of such national codes and standards? Should specific code editions be cited, and then, an applicant using a different edition would have to verify that the applicant's edition is equivalent to the specific edition cited in the GALL report before the applicant can reference the GALL report evaluation?

4. The draft GALL report identifies specific aging effects, based on operating experience or technical expertise, that should be managed for particular structures and components. The NRC staff expects an applicant to discuss, in its application, any aging effects identified in the draft GALL report for a particular structure or component that the applicant has determined to be not applicable to its plant. However, NEI suggests that an applicant need not address aging effects that were determined not to be applicable. NEI suggests instead that the NRC staff should review the applicant's process for identifying aging effects that should be managed for license renewal. However, the NRC staff believes that such a process is too general and operating experience has shown that aging effects are often system, structure, or component-specific. Although the NRC staff does not expect all aging effects identified in the draft GALL report would be applicable to a particular plant, the draft GALL report does not identify unlikely aging effects and evaluate the associated aging management programs. Thus, the NRC staff believes that any such exception taken by an applicant for its plant should be justified as part of the application. Should an applicant be required to justify, in its application, the omission of any aging effects identified in the GALL report, that the applicant has determined not to be applicable?

Public Workshop

A public workshop is scheduled during the public comment period on Monday, September 25, 2000, 8:30 am to 4:00 pm. The workshop will provide the participants an opportunity to obtain further information, ask questions, make comments during the discussion, or otherwise facilitate the public in formulating and preparing written comments for NRC consideration on draft DG–1104, draft SRP–LR, and the draft GALL report.

To ensure that all of the ideas raised are recorded, the workshop will be transcribed and the NRC staff will prepare a summary report to categorize the comments. This one-day session attempts to cover a wide range of views and aging management programs. The NRC staff is planning an open forum for the workshop to better solicit public comments. The agenda and format of the workshop have not been finalized. However, a tentative agenda for the workshop follows:

- Registration
- Open Remarks
- License Renewal Rule and Guidance Development Overview
- Draft Regulatory Guide and Industry Guideline (DG–1104 and NEI 95–10)
- Draft Standard Review Plan for License Renewal (SRP–LR)
- Draft Generic Aging Lessons Learned (GALL) report
- Discussion of **Federal Register** Notice Questions
- Questions and Closing Remarks

Dated at Rockville, Maryland, this 24th day of August, 2000.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

Proposed Guidelines for Including Industry Initiatives in the Regulatory Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The NRC staff has developed proposed guidelines to ensure that future industry initiatives would be treated and evaluated in a consistent and predictable manner. The proposed guidelines would allow industry initiatives to play an important role in achieving the NRC's regulatory goals of maintaining safety, reducing unnecessary regulatory burden, improving efficiency, effectiveness, and realism, and improving public confidence. The NRC staff is soliciting stakeholder comments from interested parties related to the proposed guidelines for including industry initiatives involving nuclear power reactor licensees in the regulatory process.

DATES: Comment period expires October 16, 2000. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSEES: Submit written comments to Chief, Rules and Directives Branch, Division of Administrative Services, U.S. Nuclear Regulatory Commission, Mail Stop T6-D69, Washington, DC 20555–0001. Written Comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, from 7:45 am to 4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jack Foster or Eric Benner, Division of Regulatory Improvements Programs, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: 301–415–3647 or 301–415–1171. email *jwf@nrc.gov* or *ejb1@nrc.gov*

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission (NRC), by a staff requirements memorandum (SRM) dated June 28, 2000, approved issuing for public comment proposed guidelines for including industry initiatives in the regulatory process, as described in SECY–00–0116, ''Industry Initiatives in the Regulatory Process,'' dated May 30, 2000.

The NRC staff has met with stakeholders on several occasions (i.e., on October 27, 1999, in Rosemont, Illinois; on December 21, 1999, and February 17, 2000, in Rockville, Maryland; and, on March 28, 2000, in

Washington, DC during an industry initiatives break-out session at the NRC's Twelfth Annual Regulatory Information Conference) to solicit from stakeholders information and individual views regarding the development of a process to include industry initiatives in the regulatory process. The staff also issued a **Federal Register** notice (FRN) on December 13, 1999 (64 FR 69574) soliciting additional stakeholder comments on both the technical and regulatory aspects relating to the development of guidelines to allow the drafting of a regulatory framework that supports the implementation of industry initiatives, by January 15, 2000. This date was chosen to give the staff sufficient time to incorporate stakeholder comments into the proposed guidelines. No comments were received in response to the FRN. The meeting summaries are available through ADAMS and on the NRC's web page at http://www.nrc.gov/NRC/REACTOR/VII/index.html which has electronic copies of all relevant background material such as meeting notices, summaries, and transcripts; letters to and from the industry; and milestones for implementing the subject activity.

The staff has been advocating the use of industry initiatives for several years, and the industry has responded favorably by forming specialized working groups to address specific technical issues of interest. To date, methods for interaction between the staff and these industry working groups have developed in an ad hoc manner and have generally been quite successful. However, if these interactions are to become an integral part of the regulatory process, the Commission has determined that developing and implementing guidelines for industry initiatives is appropriate.

Proposed Guidelines for Including Industry Initiatives in the Regulatory Process

The staff has developed the following proposed guidelines for including industry initiatives involving nuclear power reactor licensees in the regulatory process. These proposed guidelines are intended to ensure that future industry initiatives proposed by applicable industry groups (AIGs) would be treated and evaluated in a consistent and controlled manner that is visible and open to all stakeholders. An AIG could be the members of one or more Owners Groups, an industry organization such as the Nuclear Energy Institute (NEI) or the Electric Power Research Institute (EPRI), or two or more licensees. If multiple AIGs individually submit separate initiatives regarding the same issue, all industry initiatives will be addressed pursuant to these guidelines. The nature of issues that may be addressed through industry initiatives are very broad. Therefore, it is intended that the following guidelines provide flexibility in allowing the staff, AIGs, and other stakeholders to interact in pursuing industry initiatives. However, these guidelines provide the staff with a structured framework for processing issues from their identification through implementation to resolution. It is intended that, by promoting a consistent, controlled and visible process, these guidelines will assure that safety is maintained while providing for efficient and effective use of resources, reduced unnecessary regulatory burden and enhanced public confidence.

In addition, it is important to note that these guidelines reference other existing NRC policies and procedures (e.g., generic communications, SECY–99–143; commitment tracking, SECY–00–0045; inspection/oversight, SECY–00–0049; enforcement policy, SECY–00–0061 and SECY–99–219; commitment policy, SECY–98–224; and, fees policy, 10 CFR Parts 170 and 171, among others). It is not the intent of these guidelines to create any new policies or procedures in those areas. The most recent version of the applicable NRC policies and procedures should be utilized when implementing these guidelines.

Description and Examples of Industry Initiatives Process

The following describes the actions associated with each numbered step indicated in the ''Industry Initiatives Process'' flowchart, below. For the purpose of these guidelines, there are two types of industry initiatives, Type 1 and Type 2. Type 1 industry initiatives are further subdivided into two parts. Industry initiatives are defined as:

Type 1: Initiatives developed by AIGs in response to some issue of potential regulatory concern (a) to substitute for or complement regulatory actions for issues within existing regulatory requirements, or (b) which are potential cost beneficial safety enhancement issues outside existing regulatory requirements;

Type 2: Initiatives developed by AIGs to address issues of concern to the applicable industry group but that are outside existing regulatory requirements and are not cost beneficial safety enhancements, or that are used as an information gathering mechanism.

Type 1 Industry Initiative Examples

A Type 1a example of an existing program that compliments existing regulatory requirements via an industry initiative is the Boiling Water Reactor Vessel and Internals Project (BWRVIP). This program, in which all U.S. BWR licensees participate, was instituted in 1994 to address the potential consequences of intergranular stress corrosion cracking (IGSCC) in the BWR core shroud. It subsequently expanded in scope to address all BWR austenitic stainless steel and Alloy 600 safety-related components, the reactor vessel, and safety-related piping. This industry-led program developed approximately 50 generic industry guidelines for inspection scope and frequency, flaw evaluation, and mitigation and repair. All BWR owners committed to adhere to the program or inform the staff of any plant-specific deviations. Further, since the BWRVIP representatives agreed which components are safety-related, actions taken to inspect, evaluate, and repair these components are covered by the individual licensee's 10 CFR Part 50, Appendix B, quality assurance (QA) program.

A second Type 1a industry initiative example is the framework for managing steam generator (SG) tube integrity associated with NEI–97–06, ''Steam Generator Program Guidelines.'' This industry initiative will involve license amendments by all pressurized water reactor (PWR) licensees to change from deterministic to performance-based technical specifications. In response to the staff's ongoing regulatory development effort, the PWR industry focused its efforts on improving existing SG inspection guidance and developing additional guidelines on other programmatic elements related to SG tube integrity. The industry's efforts to improve industry guidance culminated in the NEI 97–06 industry initiative, developed through the NEI Nuclear Strategic Issues Advisory Committee, which establishes a framework for structuring and strengthening existing SG programs. This industry initiative discusses regulatory interfaces, licensee responsibilities, and a protocol for revising referenced guidelines. It also defines the performance criteria that licensees shall use to measure tube integrity. It should be noted that the final staff review of NEI–97–06 is still in progress.

An example of a Type 1b industry initiative is the NEI guidelines that have been provided to licensees to address shutdown risks. This risk-significant issue is not explicitly required by existing regulations. The staff, using an

older version of NUREG/BR–0058 which did not allow any credit for industry initiatives, found this issue to be valid for backfitting as a safety enhancement pursuant to 10 CFR 50.109. The rulemaking was discontinued since the Commission concluded that existing industry practices provide an adequate level of safety. The Commission also directed that NUREG/BR–0058 be updated to permit appropriate credit for industry initiatives. No enforcement would presently be appropriate.

Type 2 Industry Initiative Examples

A Type 2 industry initiative addresses issues that are not related to a regulatory requirement and do not address a safety concern (e.g., productivity, balance of plant system performance, or resource management). An example is site access authorization, in which industry representatives determined that a common approach would be beneficial. In this case, the staff and stakeholders participants agreed that a commitment to the NRC regarding the industry initiative was unnecessary, and inspections and enforcement are not applicable.

A second example of a Type 2 industry initiative is one developed for information gathering purposes. In some cases, it may be necessary to collect additional information to better understand the significance of an emerging issue and how to address it in an efficient and effective manner. In this case, the information that is collected would be included in the industry initiative action plan. Alternately, any NRC activities to collect information would be conducted in accordance with the guidance provided in SECY–99–143, ''Revisions to Generic Communication Program,'' and the applicable rules and regulations referenced therein.

Box 1—Issue Identification

There are many ways that an emerging issue, potentially suitable for being addressed via an industry initiative, may be identified. These include the NRC staff being informed by the AIGs, the public, another government entity (domestic or foreign), through the staff's own investigations (e.g., inspection, event assessment, or research studies), or other means. It is intended that a broad range of information sources be considered in identifying issues of concern.

However, it is important to note that some issues may fall into other NRC processes (e.g., allegations or petitions submitted pursuant to 10 CFR 2.206), and care should be taken to make sure that such issues are properly characterized and assigned to the appropriate process for dispositioning. Issues arising from allegations or petitions may be resolved in the longer term by use of an industry initiative, but are not initially considered to be candidates for an industry initiative.

Emerging issues should be documented and the staff's preliminary evaluation of the technical and policy implications presented to the Office of Nuclear Reactor Regulation's (NRR) Executive Team (ET) for review and initial dispositioning (see Box 2, below). The staff's preliminary evaluation of the technical and policy implications of the emerging issue would include consideration of:

(a) Whether or not the issue is an adequate protection issue,

(b) Whether or not there is an immediate safety concern,

(c) Which plants (types or specific plants) could the issue potentially involve,

(d) The likelihood that AIGs would pursue resolution through an industry initiative,

(e) If AIGs decide that the issue is appropriate for resolution through an industry initiative, should the resolution be handled through a Type 1 or Type 2 industry initiative,

(f) If an industry initiative is not pursued, what other regulatory process would be appropriate,

(g) Types of staff work that would be involved in resolving the issue (e.g., prior review and approval, monitoring, inspection, etc.),

(h) Estimate of staff resources required for industry initiative and other options,

(i) Whether or not a backfit potential is involved,

(j) Whether or not the issue involves an allegation or petition submitted pursuant to 10 CFR 2.206,

(k) Assessment against the outcome goals,

(l) Plans for stakeholder involvement,

(m) Options for how the plants could resolve the issue,

(n) Need for periodic reports to monitor licensee implementation of industry initiative, and

(o) Need for Commission notification and followup.

Other factors of consideration would be included, as appropriate. Similarly, factors that industry or other stakeholders identify should be documented (e.g., letter to the Director of NRR), then reviewed as above.

In developing an emerging issue, it may be appropriate to hold public meetings and/or workshops to obtain additional information and individual views regarding the issue from appropriate stakeholders. However, meetings and/or workshops held during this phase of the process should be primarily for the purpose of understanding the issue in order to facilitate the rest of the process presented in these guidelines, and should not involve significant commitments of staff resources.

The public should be notified of the issue, either by press release, generic communication, weekly highlight, or other appropriate media. At a minimum, any meetings and/or workshops should be noticed in a timely manner and open to the public to allow public participation (see Public Participation, below).

Box 2—NRR ET Approval To Pursue Issue

The staff's initial evaluation of the issue is reviewed by the NRR ET to ensure that the emerging issue is of sufficient importance either to meet with the AIGs and other stakeholders to present the NRC staff's views on the appropriateness of addressing an emerging issue as an industry initiative, or to immediately pursue regulatory action, if justified (see Box 4, below). The staff''s evaluation, as presented to the NRR ET, should include, to the extent possible:

(1) Identification of applicable regulatory requirements (e.g., regulations, technical specifications, design bases, commitments),

(2) Safety significance from both a deterministic and probabilistic risk assessment perspectives,

(3) Limitations in the amount of information available or ability to characterize the issue,

(4) An assessment of the impact of the industry initiatives on other NRC organizations and a discussion of how those organizations will be involved in the further evaluation of the industry initiative, and

(5) Staff recommendations.

It is recognized that, in the early stages of issue development, additional information may be necessary to fully characterize or quantify the issue and that information presented at this stage may be somewhat preliminary and qualitative in nature. The NRR ET will render a decision on whether to: (1) Not pursue the issue (see Box 3, below), (2) pursue the issue on an expedited basis (see Box 4, below) or, (3) pursue the issue via an industry initiative.

Consistent with the definitions provided in SECY–99–063, ''The Use by Industry of Voluntary Initiatives in the Regulatory Process,'' SECY–99–143, ''Revisions to Generic Communication Program,'' and these guidelines, many issues can be addressed through an

industry initiative. However, those issues that involve matters of adequate protection shall not be addressed via the process provided in these guidelines.

Box 3—Not Pursue Issue

The NRR ET may decide that the issue does not need to be pursued. This decision would consider both the safety significance and the existing regulatory bases, and should be documented in a memorandum from the sponsoring organization (e.g., division) to the Director, NRR. If the issue is one identified by an AIG or other stakeholder, the AIGs and other interested stakeholders should be informed in writing of the decision and its bases.

The NRR decision to not pursue an issue at this time would not preclude the AIGs or individual licensees from pursuing an issue through other avenues.

Box 4—Pursue Issue Resolution on an Expedited Basis

Some issues may need to be handled in a more expeditious manner than is possible by an industry initiative. Some considerations that may be taken into account when determining the urgency of an issue may include the level of risk involved and the need for prompt corrective action. In the event that the NRR ET determines that the issue requires expedited action, approaches could be taken that include activation of the appropriate Owners Group's Regulatory Response Group (RRG), issuance of orders, or issuance of a bulletin, as described in SECY–99–143. The staff may defer formal regulatory actions while the appropriate Owners Group's RRG is activated to address the issue. The AIGs, stakeholders and the public are kept informed through public meetings or other appropriate media, as described in the Communications Plan, below.

Box 5—Establish Industry Initiative

If an expedited resolution is unnecessary and the NRR ET determines to pursue the issue through an industry initiative, a letter would be sent from the NRR Director to the identified AIGs and other interested stakeholders. These letters will include a description of the issue, provide appropriate references and background information, identify the NRC contact for the issue (see Project Management, below), and propose that an initial public meeting or workshop be scheduled to share information on the issue. The AIGs would be invited to evaluate the issue and to develop a proposal for addressing the issue, which would be presented to the staff and other stakeholders at the proposed initial public meeting/workshop. Stakeholders would be invited to provide individual views regarding the issue and any proposed actions. The staff will need to evaluate the AIG's proposal, and any stakeholders comments or proposals, before any further meetings and/or workshops on the issue are held.

The public would be informed of meetings and/or workshops held on this issue, and would be encouraged to attend and/or provide input (see Public Participation, below).

Since many different approaches may be used to resolve the issue, multiple meetings and/or workshops may be needed at this point in the process in order to exchange information, present proposals from the stakeholders, and to receive individual views on the possible options for resolution of the issue. These interactions would include the NRC, AIGs and other stakeholders. The objectives are to better understand the issue, and to establish an industry initiative action plan with tasks, milestones, resources required, and responsible parties, to be utilized by the AIGs in pursuing issue resolution. The AIGs industry initiative action plan should provide the basis for pursuing the issue as an industry initiative, and the need, as appropriate, for licensee commitments to the industry initiative. The staff should establish its own industry initiative action task plan. An industry initiative communications plan should also be developed by the staff. Schedules should be established consistent with the significance of the issue.

In some cases, it may be necessary to collect additional information to better understand the significance of an emerging issue and how to address it in an efficient and effective manner. Information needs could be addressed in the industry initiative action and communication plans, or may require some affirmative action on the part of NRC. Any NRC activities to collect information would be conducted in accordance with the guidance provided in SECY–99–143 and the applicable rules and regulations referenced therein. Any voluntary information collections are subject to Paperwork Reduction Act considerations and will be coordinated with the Offices of the Chief Information Officer (OCIO) and the General Counsel (OGC).

Possible approaches to resolving the issue could include actions such as development and implementation of an industry program, voluntary license amendments, revision of industry guideline documents, modifications to codes and standards, or creation of a Generic Safety Issue (GSI). In general, the intent would be to accomplish the issue resolution in the most efficient and effective manner.

Box 6—Regulatory Acceptance of the Proposed Industry Initiative

The NRC staff should consider the proposed industry initiative action and communications plans developed in Box 5 as part of the Planning, Budgeting and Performance Management (PBPM) ''add/shed'' budgeting process. The review should consider the background of the issue and the details of the industry initiative action and communications plans that have been developed, including the proposed actions, milestones, resources and responsible parties. The review should address how the industry initiative action and communications plans supports the NRC's goals of maintaining safety, reducing unnecessary burden, improving public confidence, and enhancing efficiency and effectiveness, and should be documented.

If the industry initiative action and communications plans developed in Box 5 are found acceptable by the NRR ET, implementation of the industry initiative action and communications plans will proceed as described in Boxes 8 and 9.

If the industry initiative action and/or communications plans developed in Box 5 are found unacceptable, the issues leading to rejection of the industry initiative action and/or communications plans should be publically communicated to the AIGs and other stakeholders. If an acceptably revised industry initiative action and/or communications plans cannot be developed, the NRC will consider the need for further regulatory action (see Box 7, below).

The staff's acceptance or rejection of a proposed industry initiative will be published in the **Federal Register** and placed on the NRC's web page, and the Commission will be informed through appropriate means.

Box 7—Determine Appropriate Regulatory Action

If the staff does not accept the AIG's proposed actions to be taken, an individual licensee in the AIG does not commit to the industry initiative, or if AIG member licensees fail to implement the committed-to actions, the NRC staff may independently take action. After having determined that the Type 1 industry initiative issue involves either a needed safety enhancement and/or compliance with existing Rules and/or

regulations, the staff should take regulatory actions (e.g., rule-making, issuing appropriate generic communications, orders, etc.) to appropriately address this issue, as needed. Any regulatory actions taken would be determined consistent with existing Regulations and NRC policy and procedures. For items requiring a backfit analysis per 10 CFR 50.109, crediting of the industry initiative would follow the position in NUREG/BR–0058, Revision 3, ''Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission,'' or the latest applicable guidance. The public should be kept informed, through public meetings or other appropriate media, while the staff develops these regulatory actions.

Box 8—Implementation of Industry Initiative

Once approved, the industry initiative action and communications plans developed in Box 6 should be implemented by the AIGs and monitored by the staff. The milestones in the AIG's industry initiative action plan should be documented in the staff's task action plan, tracked in the NRR Director's Quarterly Status Report (DQSR), and incorporated into the NRR Operating Plan, as appropriate. The industry initiative action plan milestones would be monitored via periodic reviews and through periodic public meetings with the AIGs and other stakeholders. NRC acceptance of the industry initiative and associated action and communications plans would be documented in a **Federal Register** notice and a Regulatory Issue Summary (RIS), in accordance with SECY–99–143 (see Communications Plan, below). The public would be kept informed of the progress in completing the industry initiative action plan as outlined in the industry initiative communications plan, and would be encouraged to provide input (see Public Participation, below).

Box 9—Inspection and/or Monitoring and Enforcement

Resolution of Type 1a industry initiative issues may require that AIG member licensees implement changes in their programs, technical specifications, or take other actions as established in the industry initiative plan. Inspection and/or monitoring of implementation of these activities would depend on the nature of the activities the AIGs implement to address the issue. Enforcement would be available if violations of regulatory requirements occur.

Resolution of Type 1b industry initiative issues would involve NRC re-assessment of the issue, and of the efficacy of an industry initiative to address the issue. Inspection and/or monitoring of implementation of these activities would depend on the nature of the activities the AIGs implement to address the issue. Enforcement would be available if violations of regulatory requirements occur.

Type 2 industry initiatives involve industry actions outside existing regulatory requirements that are not cost beneficial safety enhancements, or that are used as an information gathering mechanism, and the need for NRC overview is not anticipated, and enforcement action will not be available.

The need for inspection and/or monitoring should be determined consistent with the NRC's Reactor Oversight Process, as described in Inspection Manual Chapter 2515. An inspection and/or monitoring plan will be established on a case-by-case basis, consistent with the requirements associated with implementation of the issue and the revised risk-informed NRC inspection program, as described in the NRC's Inspection Manual 2515. The inspection and/or monitoring plan would include a decision making process on whether to alter the baseline inspection program or develop a temporary instruction (TI) that will look at risk significance, resources, cornerstone attributes, performance indicator (PI) implications, etc., in determining whether additional inspections are needed. Special inspections or monitoring of the progress may not be necessary, and in most cases it is expected that it will not be, based on the nature of the actions taken. For example, it is expected that many licensee activities will already be adequately covered by the existing inspection and oversight program. Inspections may be performed either by resident or regional inspectors or special teams to determine if regulatory requirements are met. Monitoring may be performed by either inspectors or NRR project managers (PMs), wherein they would determine that licensees have taken actions committed to be performed as part of the industry initiative. Documentation of inspections or monitoring activities should be in accordance with the NRC Inspection Manual.

If a specific licensee, or the industry group in general, fails to adequately implement the agreed upon actions, this would be addressed by NRC in the context of existing enforcement policy and/or additional regulatory action consistent with the guidance above. Additional discussion on enforcement is found below in the section ''Enforcement Guidelines Consistent with Reactor Oversight Process Improvements.''

Other Items

Project Management

Once it has been decided to pursue resolution of an issue via an industry initiative, a lead project manager (LPM) from either NRR's Division of Licensing Project Management (DLPM) or Division of Regulatory Improvement Programs (DRIP), as appropriate, should be appointed. The LPM will be responsible for: (1) Facilitating staff review of the industry initiative, (2) assuring that activities described above are accomplished, and (3) acting as the staff's point of contact between the AIGs, other stakeholders, and other interested members of the public.

A lead technical reviewer (LTR) will also be assigned, from either the Division of Engineering (DE), Division of Systems Safety and Analysis (DSSA), Division of Inspection Programs Management (DIPM), or DRIP, as appropriate. The LTR will be responsible for coordinating the technical review of the industry initiative.

Public Participation

Ensuring that all stakeholders have an opportunity to participate is essential. As such, the industry initiative communications plan (see below) should be developed to ensure that stakeholders will be notified of the issue, either by press release, generic communication, or other appropriate media. The stakeholders will be given an opportunity to provide their individual views on the industry initiative action plan, and to participate in all NRC-sponsored meetings and/or workshops on the industry initiative. At a minimum, any meetings and/or workshops would be noticed on the NRC's web pages in a timely manner and open to the public to allow public participation. The industry initiative LPM will be responsible for encouraging interested stakeholders to participate in the process for consideration of the industry initiative, exchanging relevant information with the staff and the AIGs while the industry initiative action and communications plans are being developed, and then implemented.

The staff will disclose to the public all information supplied by or obtained from industry, subject to relevant Freedom of Information Act (FOIA) and Privacy Act exceptions, in support of

the industry initiative. The NRC will also disclose all information supplied by or obtained from industry (subject to relevant FOIA/Privacy Act exceptions) that it uses to assess (1) the quality of implementation of the industry initiative by licensees and (2) the effectiveness of the industry initiative in resolving the underlying issues. This disclosure typically will be through the public docketing process.

Communications Plan

A communications plan will be developed by the NRC staff for each issue that is being addressed by an industry initiative. The objective of this industry initiative communications plan is to make the industry initiative visible to all stakeholders and to allow easy access to relevant information. Guidance to the staff in this communication plan would include the use of the ADAMS system and an NRC industry initiative web page, that includes:

(1) A summary of the issue;

(2) Meeting announcements and summaries and/or transcripts;

(3) Non-proprietary versions of submitted reports and staff evaluations;

(4) Action plans;

(5) Generic communications (e.g., regulatory issues summaries);

(6) Periodic status reports, press releases, weekly highlights, and/or, other appropriate media, issued in a timely manner to facilitate public participation in the regulatory process; and,

(7) A final resolution summary.

Primary responsibility for implementation of the communications plan will be that of the assigned LPM. The NRC industry initiative web page will be maintained by the assigned LPM.

Resource Planning, Including Semi-Annual Meetings to Identify Potential Industry Initiatives

To effectively and efficiently delineate expected resource needs and expenditures for industry initiatives, the staff should publicly meet on a regular basis (approximately twice annually) with industry groups and other stakeholders to obtain information on the status of ongoing and potential future industry initiatives. This could be an additional agenda item on pre-existing public meetings with industry groups and representatives, and will be noticed accordingly. Additional noticed public meetings could be needed to address emerging or unanticipated issues. The purpose of these regularly scheduled public meetings is to provide the NRC staff with information that will support budgeting and resource planning, and any required staff resource reallocations. The LPM would have primary responsibility for scheduling, conducting, and documenting these meetings. NRC should address its resource needs using the ''add/shed'' process as part of the PBPM process in order to prioritize resource expenditures.

Fees

The agency's fee process, in accordance with 10 CFR Part 170, ''Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services under the Atomic Energy Act of 1954, as Amended,'' allows for the exempting of fees for reviews under § 170.11(a)(12), Exemptions. Specifically, this paragraph states that:

No application fees, license fees, renewal fees, or inspection fees shall be required for: A performance assessment or evaluation for which the licensee volunteers at the NRC's request and which is selected by the NRC.

There would be no licensee-specific charges associated with the generic staff review of an industry initiative.

Tracking of Commitments Consistent with Existing Regulatory Processes

Tracking of licensee commitments made in accordance with the industry initiative action plan, if any, will be handled by the individual licensee's NRR PM and the industry initiative LPM in accordance with SECY–00–0045. The NEI guidelines, referenced therein, provide recommended actions for licensees' management, implementation and documentation of commitments (Sections 2, 3, 4 and 5). The guidelines were found acceptable by the staff. Related correspondence would be made publicly available, as appropriate.

Enforcement Guidelines Consistent with Reactor Oversight Process Improvements

Licensee activities implemented as the result of an industry initiative may or may not be enforceable, depending upon the nature of the issue being addressed. Licensee actions resulting from an industry initiative that are necessary to maintain compliance with an existing regulatory requirement would be enforceable. If an industry initiative program addresses issues outside current regulatory requirements, or is for information gathering, it is not enforceable. If it is determined that licensees are not implementing the industry initiative products as they have committed to, appropriate enforcement actions, if any, consistent with the guidance described below, will be taken by the staff, when appropriate.

PROPOSED ENFORCEMENT GUIDELINES FOR LICENSEES FOR INDUSTRY INITIATIVES*

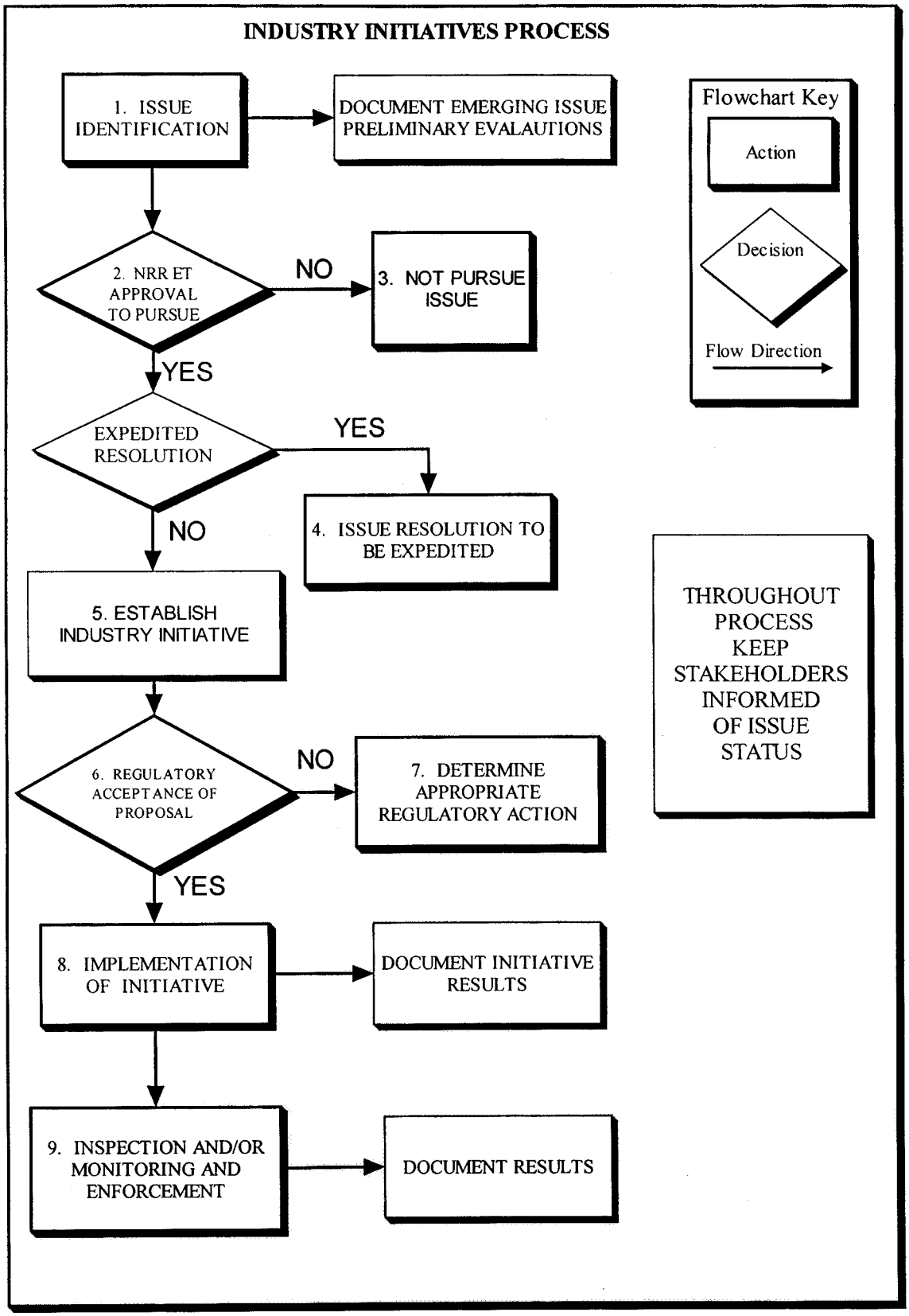
Type of industry initiative	Industry action	Enforcement guidance
1.a. Industry initiatives to address issues that substitute for or complement regulatory actions for issues within existing regulatory requirements (e.g., BWRVIP, NEI SG Guidelines).	AIGs develop and implement program, with associated licensee commitments, that is included in appropriate documents (e.g., technical specifications, updated final safety analysis report, and/or plant procedures), and controlled by applicable regulatory requirements (e.g., 10 CFR Part 50, Appendix B program, 10 CFR 50.59, or Section 182 of the Atomic Energy Act), if any.	If licensee does not implement the activities resulting from the industry initiative, and its actions are not consistent with applicable regulatory requirements, if any, enforcement is available. The severity of the violations would be established consistent with revised reactor oversight process and the enforcement policy.

PROPOSED ENFORCEMENT GUIDELINES FOR LICENSEES FOR INDUSTRY INITIATIVES*—Continued

Type of industry initiative	Industry action	Enforcement guidance
1.b. Industry initiatives to address potential cost beneficial safety enhancement issues outside existing regulatory requirements (e.g., shutdown risks, severe accident management).	AIGs develop and implement program, with associated licensee commitments.	Commitment to industry initiative by licensee is only link to NRC. Deviation or re-direction from committed program would cause NRC re-assessment of issue, and of the efficacy of an industry initiative to address the issue. Orders or rule-making are available as an option if 10 CFR 50.109 criteria for backfitting as a safety enhancement are satisfied; if reasonable assurance criteria are undermined, there is no need to further satisfy backfit criteria. Credit for industry initiative would be considered in a backfit analysis, consistent with Commission guidance to SECY–99–178, ''Treatment of Voluntary Initiatives in Regulatory Analysis,'' dated May 21, 1999.
2. Industry initiatives for issues that are outside of regulatory requirements, not cost beneficial safety enhancements, or that are used as an information gathering mechanism.	AIGs develop and implement program	No NRC overview or enforcement expected to be needed on program.*

* Issues that involve adequate protection are outside the scope of industry initiatives.

7590–01–P


INDUSTRY INITIATIVES PROCESS
1. ISSUE IDENTIFICATION
DOCUMENT EMERGING ISSUE PRELIMINARY EVALAUTIONS
Flowchart Key
Action
Decision
Flow Direction
2. NRR ET APPROVAL TO PURSUE
NO
3. NOT PURSUE ISSUE
YES
EXPEDITED RESOLUTION
YES
4. ISSUE RESOLUTION TO BE EXPEDITED
NO
5. ESTABLISH INDUSTRY INITIATIVE
THROUGHOUT PROCESS KEEP STAKEHOLDERS INFORMED OF ISSUE STATUS
6. REGULATORY ACCEPTANCE OF PROPOSAL
NO
7. DETERMINE APPROPRIATE REGULATORY ACTION
YES
8. IMPLEMENTATION OF INITIATIVE
DOCUMENT INITIATIVE RESULTS
9. INSPECTION AND/OR MONITORING AND ENFORCEMENT
DOCUMENT RESULTS

Dated at Rockville, Maryland this 16th day of August, 2000.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22496 Filed 8–30–00; 8:45 am]

BILLING CODE 7590–01–C

SECURITIES AND EXCHANGE COMMISSION

[Rel No. IC–24620; File No. 812–11830]

Provident Mutual Life Insurance Company, et al.

August 24, 2000.

AGENCY: The Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order pursuant to section 6(c) of the Investment Company Act of 1940 (''Act'') granting exemptions from the provisions of Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to permit the recapture of credits applied to contract account value and to premium payments made under certain variable annuity contracts.

Applicants: Provident Mutual Life Insurance Company (''PMLIC''), Provident Mutual Variable Annuity Separate Account (''PMLIC Account''), Providentmutual Life and Annuity Company of America (''PLACA''), Providentmutual Variable Annuity Separate Account (''PLACA Account''), and 1717 Capital Management Company (''1717 Capital'').

Summary of application: Applicants seek an order of the Commission, pursuant to section 6(c) of the Act, exempting them from sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the recapture of certain credits applied to contract account value and to premium payments made in consideration of: (1) certain deferred variable annuity contracts, described herein, that PLACA plans to issue (the ''Contracts''), or (2) variable annuity contracts that are substantially similar to the Contracts in all material respects that PLACA may issue in the future (''Future Contracts''). Applicants also seek an order of the Commission, pursuant to section 6(c) of the Act, exempting (1) variable annuity separate accounts, other than the PLACA Account, that PLACA has established or may establish in the future (''Future Accounts''), (2) variable annuity separate accounts, including the PMLIC Account, that PMLIC has established or may establish in the future (also, ''Future Accounts''), and (3) principal underwriters for such Future Accounts that are under common control with PLACA or PMLIC and that are registered as a broker-dealer under the Securities Exchange Act of 1934 and a member of the National Association of Securities Dealers, Inc. (''NASD'') (''Future Underwriters''), from sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the recapture of certain credits applied to contract account value and to premium payments made in consideration of variable annuity contracts issued in the future by PLACA or PMLIC through a Future Account that are substantially similar in all material respects to the Contracts (also, ''Future Contracts'').

Filing Date: The application was filed on November 1, 1999, and amended and restated on February 23, 2000. A second amended and restated application was filed on August 22, 2000.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 18, 2000, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, c/o James G. Potter, Jr., Esq., Provident Mutual Life Insurance Company, 1000 Chesterbrook Boulevard, Berwyn, PA 19312.

FOR FURTHER INFORMATION CONTACT: Jane G. Heinrichs, Senior Counsel, at (202) 942–0699, or Keith E. Carpenter, Branch Chief, at (202) 942–0679, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. PLACA is a stock life insurance company originally incorporated under the laws of the Commonwealth of Pennsylvania in 1958, and redomiciled as a Delaware insurance company in 1992. It is a wholly owned subsidiary of PMLIC, PLACA is licensed to do business in 48 states and the District of Columbia. As of December 31, 1998, PLACA had assets of approximately $1.5 billion. for purposes of the Act, PLACA is the depositor and sponsor of the PLACA Account as those terms have been interpreted by the Commission with respect to variable annuity separate accounts.

2. PLACA established Account on May 9, 1991, as a segregated investment account under Pennsylvania law.[1] Under Delaware law, the assets of the PLACA Account attributable to the Contracts through which interests in the Account are issued are owned by PLACA but are held separately from all other assets of PLACA for the benefit of the owners of, and the persons entitled to payment under, those Contracts. Consequently, such assets are not chargeable with liabilities arising out of any other business that PLACA may conduct. Income, gains and losses, realized or unrealized, from each subaccount of the PLACA Account, are credited to or charged against that subaccount without regard to any other income, gains or losses of PLACA. The PLACA Account is a ''separate account'' as defined by Rule 0–1(e) under the Act, and is registered with the Commission as a unit investment trust.[2]

2. The PLACA Account currently is divided into thirty-six subaccounts. Each subaccount invests exclusively in shares representing an interest in a separate corresponding investment portfolio (each, a ''Portfolio'') of one of several series-type open-end management investment companies. The assets of the PLACA Account support several varieties of variable annuity contracts, including the Contracts, and interests in the PLACA Account offered through such contracts are registered under the 1933 Act on Form N–4.[3]

PMLIC is a mutual life insurance company chartered by the Commonwealth of Pennsylvania in 1865. PMLIC is authorized to transact life insurance and annuity business in

[1] Because PLACA redomesticated as a Delaware insurance company in 1992, the PLACA Account is not subject to regulation by the Delaware insurance department.

[2] File No. 811–6484.

[3] File No. 333–88163. Two older registration statements are in effect for other contracts under the PLACA Account, File Nos. 33–65195 and 33–65512.

Pennsylvania and in 50 other jurisdictions. As of December 31, 1998, PMLIC had consolidated assets of approximately $8.7 billion and consolidated liabilities of approximately $7.8 billion. For purposes of the Act, PMLIC would be the depositor and sponsor of any Future Account through which is would issue any Future Contract as those terms have been interpreted by the Commission with respect to variable annuity separate accounts.

5. PMLIC established the PMLIC Account on May 9, 1999, as a segregated investment account under Pennsylvania law. Under Pennsylvania law, assets of the PMLIC Account attributable to the Contracts through which interests in the PMLIC Account are issued are owned by PMLIC but are held separately from all other assets of PMLIC, for the benefit of the owners of, and the persons entitled to payment under, those Contracts. Consequently, such assets are not chargeable with liabilities arising out of any other business that PMLIC may conduct. Income, gains and losses, realized or unrealized, from such subaccount of the PMLIC Account are credited to or charged against that subaccount without regard to any other income, gains or losses of PMLIC. The PMLIC Account is a ''separate account'' as defined by Rule 0–1(e) under the Act, and is registered with the Commission as a unit investment trust.[4]

6. The PMLIC Account currently is divided into thirty-six subaccounts. Each subaccount invests exclusively in shares representing an interest in a separate corresponding investment portfolio (each a ''Portfolio'') of one of several series-type open-end management investment companies. The assets of the PMLIC Account support several varieties of variable annuity contracts, including the Contracts, and interests in the PMLIC Account offered through such contracts are registered under the 1933 Act on Form N–4.[5]

7. 1717 Capital is a wholly owned subsidiary of PMLIC. It serves as the principal underwriter of a number of PMLIC and PLACA separate accounts registered as unit investment trusts under the Act, including the PLACA Account and PMLIC Account, and is the distributor of the variable life insurance contracts or variable annuity contracts issued through such separate accounts, including the Contracts. 1717 Capital is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a NASD member.

8. The Contracts are flexible premium variable annuity contracts that PLACA may issue to individuals or groups on a ''non-qualified'' basis or in connection with employee benefit plans that receive favorable federal income tax treatment under sections 401, 403(b), 408, 408A, or 457 of the Internal Revenue Code of 1986, as amended. The Contracts make available a number of subaccounts of the PLACA Account to which owners may allocate net premium payments and associated credits and to which owners may transfer contract account value. The Contracts also offer fixed-interest allocation options under which PLACA credits guaranteed rates of interests for periods of one year or more. Transfers of contract value among and between the subaccounts and, subject to certain restrictions, among and between the subaccounts and the fixed-interest options, may be made at any time. The Contracts offer a variety of non-variable annuity payment options to owners. In the event of an owner's death prior to the annuity date, beneficiaries may elect to received death benefits in the form of one of these annuity payment options instead of a lump sum. In general, the Contracts offer most of the features typically found in variable annuity contracts today.

9. The Contracts may only be purchased with a minimum initial premium of $10,000. PLACA may deduct a premium tax charge from premium payments in certain states, but otherwise deducts a charge for premium taxes upon surrender or annuitization of the Contract or upon the payment of a death benefit, depending upon the jurisdiction. The Contracts provide for an annual administration fee of $40 that PLACA deducts on the Contract Anniversary and a daily annuity charge deducted from the assets of the PLACA Account at an annual rate of 1.40% of the Account's average daily net assets. The Contracts also provide for a charge of $25 for each transfer of contract account value in excess of 12 per contract year. Lastly, the Contracts entail two surrender charges: a contingent deferred sales charge (''CDSC'') and a death benefit charge.

10. The CDSC is equal to the percentage of each premium payment surrendered, withdrawn, or annuitized as specified in the table below. The CDSC is separately calculated and applied to each premium payment at any time that the payment (or part of the payment) is surrendered or withdrawn or applied to an annuity payment option. No CDSC applies to contract account value representing a free withdrawal amount or to contract account value in excess of aggregate premium payments (less prior withdrawals of premium payments). The CDSC is calculated using the assumption that contract account value is withdrawn in the following order: (a) the free withdrawal amount for the contract year, (b) the pro-rata amount of any remaining recurring bonus credit (explained below), (c) premium payments, and (d) any remaining contract account value. In addition, the CDSC is calculated using the assumption that premium payments are withdrawn on a first-in, first-out basis.

11. The CDSC applicable to each premium payment diminishes as the payment ages beyond five years. A premium payment ages by contract year, such that it is in ''year'' 1 during the contract year in which it is received and in ''year'' 2 throughout the subsequent contract year and in ''year'' 3 throughout the contract year after that, etc.

Age of each premium payment in contract years	Charge (in percent)
1	8.0
2	8.0
3	8.0
4	8.0
5	8.0
6	6.5
7	5.0
8	3.5
9	2.0
10 and over	0.0

During the first contract year, the free withdrawal amount is 10% of the premium payments. For all other contract years, the free withdrawal amount is 10% of the contract account value at the start of that year.

12. The death benefit charge is deducted when computing the death benefit upon the death of any owner prior to the annuity date. The death benefit charge is equal to the dollar amount of standard bonus credits (described below) granted under the Contract during the twelve months preceding the owner's death. During the first nine Contract years, the death benefit equals the greater of:

- contract account value less the death benefit charge, or
- the total amount of premiums paid reduced by the amount of all withdrawals prior to the date of death.

During contract years ten and later, the death benefit equals the greater of:

- contract account value less the death benefit charge,
- total premiums paid as of the ninth Contract anniversary reduced by the amount of all withdrawals prior to the ninth Contract anniversary plus the premiums paid since that anniversary

[4] File No. 811–7708.

[5] File No. 33–70926.

reduced, for each withdrawal since that anniversary, by the withdrawal adjustment amount, or

• contract account value on the ninth Contract anniversary plus total premiums paid since that anniversary reduced, for each withdrawal since that anniversary, by the withdrawal adjustment amount.

The withdrawal adjustment amount is determined by multiplying the death benefit prior to the withdrawal by the ratio of the amount of the withdrawal (including any surrender charge) to the contract account value immediately prior to the withdrawal.

13. PLACA intends to offer two types of bonus credits. One is what PLACA refers to as its standard bonus credit provision under the Contracts, pursuant to which it credits an owner's contract account value with an additional amount in most circumstances when a net premium payment is applied. In addition, PLACA intends to offer a rider to the Contracts, described below, that offers a recurring bonus credit mechanism.

14. Under the standard bonus credit provision, PLACA credits contract account value with an amount that is a percentage of each premium payment made by an owner, as shown in the standard bonus credit table below. The percentage is a function of the total amount of premiums received under a Contract less the total amount of all withdrawals (including any CDSC). The amount credited is calculated by multiplying the percentage by the excess of (a) over (b), where:

(a) equals total premiums paid under the Contract (including the current premium payment) less the total withdrawals (including any CDSC);

(b) equals the amount computed for (a) at the time that the most recent previous credit was made.

STANDARD BONUS CREDIT TABLE

Total Premiums (Including the Current Premium) Less Withdrawals (Including Surrender Charges	Credit (in percent)
From $10,000 to $24,999	1.5
From $25,000 to $99,999	3.0
From $100,000 to $499,999	4.0
From $500,000 to $999,999	4.5
$1,000,000 or more	5.0

15. The standard bonus credit provision also entails a ''look-back'' feature. On each of the first three contract anniversaries, PLACA determines a calculated credit amount. To the extent that the calculated credit amount exceeds the actual amount credited to contract account value, PLACA increases the contract account value by the amount of such excess. The calculated credit amount is determined by multiplying (a) by (b) where:

(a) equals the aggregate premiums paid under the Contract minus the amount of withdrawals (including any CDSC);

(b) equals the credit percentage for (a) as shown on the standard bonus credit table.

16. Under the standard bonus credit provision, PLACA recaptures or retains the credited amount in the event that the owner exercises his or her cancellation right during the cancellation period. In addition, the death benefit charge can be viewed as a recapture of certain credited amounts under the standard bonus credit provision in as much as it is designed to reimburse PLACA for part of the expense of the bonus credit.

17. Under the recurring bonus credit rider, owners may elect, up to 90 days before the ninth contract anniversary (and separately, 90 days before the 18th, 27th, and 36th contract anniversaries and every 9th contract anniversary thereafter until ten years prior to the maturity date), an additional credit by PLACA to contract account value as of the contract anniversary immediately following the election. There is no charge for the recurring bonus credit rider. The recurring credit is a percentage of the quantity called the recurring credit recapture base (''RCRB''). The RCRB is equal to the contract account value on the appropriate contract anniversary minus the aggregate premiums paid during the five years prior to that contract anniversary. The RCRB is multiplied by the percentages shown in the following table:

RECURRING BONUS CREDIT TABLE

Contract account value (adjusted)	Recurrig credit (in percent)
From $10,000 to $24,999	1.5
From $25,000 to $99,999	3.0
From $100,000 to $499,999	4.0
From $500,000 to $999,999	4.5
$1,000,000 or more	5.0

18. Under the recurring bonus credit rider, PLACA recaptures or retains the credited amount in the event that the owner exercises his or her right to surrender the Contract or withdraw surrender value from the Contract or applies all or part of surrender value to an annuity payment option.

19. Although not a charge, in the event of a withdrawal from the Contract, a percentage of a pro-rata amount of any recurring credit granted during the prior nine contract years is deducted from contract account value. The appropriate percentage is determined from the following schedule:

RECURRING BONUS CREDIT TABLE

Contract years since recurring credit was granted	Percent of recurring credit (in percent)
1–5	100
6	80
7	60
8	40
9	20
10 and greater	0

The pro-rata amount of the recurring credit to which the percentage is applied is the product of (a) and (b) where:

(a) equals the radio of the amount being withdrawn in excess of any free withdrawal amount to the lesser of (1) the RCRB, or (2) the contract account value as of the withdrawal date; and

(b) equals the amount of recurring bonus credit that has not previously been withdrawn.

20. Notwithstanding the schedule, the amount of this recapture deduction never exceeds the amount of the withdrawal. After any withdrawal, if the entire recurring credit has not been recaptured, then the remaining amount can be recaptured upon subsequent withdrawals. However, the total amount of deductions from contract account value for this purpose never exceeds the amount of the recurring bonus credit. Likewise, in the event that a Contract is surrendered or annuitized, surrender value excludes the same percentage of the amount of any recurring credit granted during the prior nine contract years.

21. Because of the recapture provisions discussed above, the value of a credit only ''vests'' or belongs to the owner as the recapture period for the credit expires. As to standard bonus credits resulting from premiums paid before the cancellation period, no part of the credit vests for the owner until the expiration of the cancellation period. After the expiration of the cancellation period, all standard bonus credits vest in full for the owner the year after PLACA grants them. Recurring bonus credits vest in full for the owner according to the recurring bonus credit schedule.

22. Under both the standard bonus credit provision and the recurring bonus credit rider, PLACA credits amounts to an owner's contract account value either by ''purchasing'' accumulation units of

an appropriate subaccount or adding to the owner's fixed interest allocation option values. Both standard and recurring bonus credits are allocated according to the owner's current net premium allocation instructions.

23. With regard to variable account value, several consequences flow from this. First, increases in the value of accumulation units representing standard bonus credits belong to the owner immediately, but the initial value of such units only belongs to the owner when, or to the extent that, each vests. Similarly, the initial value of accumulation units representing recurring bonus credits vests according to the schedule, but the difference, if any, at any time between the ''unvested'' value and the current value of such units belongs entirely to the owner. Second, decreases in the value of accumulation units representing bonus credits do not diminish the dollar amount of contract account value subject to recapture. Therefore, for both standard and recurring bonus credits, additional units must become subject to recapture as their value decreases. Stated differently, the proportionate share of any owner's variable account value (or the owner's interest in the PLACA Account) that PLACA can ''recapture'' increases as variable account value (or the owner's interest in the PLACA Account) decreases. This dilutes somewhat, the owner's interest in the PLACA Account vis-a-vis PLACA and in his or her variable account value vis-a-vis PLACA.

24. Lastly, because it is not administratively feasible to track the unvested value of bonus credits in the PLACA Account, PLACA deducts the daily annuity charge from the entire net asset value of the Account. As a result, the daily annuity charge paid by any owner is greater than that which he or she would pay without the standard bonus credit and is greater still if he or she elects the recurring bonus rider.

Applicants' Legal Analysis

1. Applicants request that the Commission issue an order pursuant to section 6(c) of the Act exempting them as well as Future Accounts and Future Underwriters from the provisions of sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the recapture of certain credits applied to contract account value and to premium payments made in consideration of the Contracts and Future Contracts.

2. Subsection (i) of section 27 provides that section 27 does not apply to any registered separate account supporting variable annuity contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of subsection (i). Paragraph (2) provides that it shall be unlawful for a registered separate account or sponsoring insurance company to sell a variable annuity contract supported by the separate account unless the ''contract is a redeemable security; and * * * [t]he insurance company complies with Section 26(e). * * *'' Section 26(e)(A)(2) provides that it is unlawful for registered separate accounts or sponsoring insurance companies to sell any variable insurance contract ''unless the fees and charges deducted under the contract, in the aggregate, are reasonable in relation to the services rendered, the expenses expected to be incurred, and the risks assumed by the insurance company.'' Applicants represent that PLACA and PMLIC both comply with section 26(e).

3. Section 2(a)(32) defines a ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

4. Section 22(c) of the Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company. Rule 22c–1 thereunder imposes requirements with respect to both the amount payable on redemption of a redeemable security and the time as of which such amount is calculated. Specifically, Rule 22c–1, in pertinent part, prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security, except at a price based on the current net asset value of such security, which is next computed after receipt of a tender of such security for redemption, or of an order to purchase to sell such security.

5. Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction or any class of persons, securities, or transactions from any provision or provisions of the Act and/or any rule under it if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

6. Applicants represent that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

7. Applicants represent that the recapture of both standard bonus credits and recurring bonus credits would not, at any time, deprive an owner of his or her proportionate share of the current net assets of the PLACA Account. Until the appropriate recapture period expires, PLACA retains the right to and interest in each owner's contract account value representing the dollar amount of any invested bonus credits. Therefore, if PLACA recaptures any bonus credit or part of a bonus credit in the circumstances described above, it would merely be retrieving its own assets. PLACA would grant bonus credits out of its general account assets and the amount of the credits (although not the earnings on such amounts) would remain PLACA's until such amounts vest with the owner. Thus, to the extent that PLACA may grant and recapture bonus credits in connection with variable account value, it would not deprive, at the either time, any owner of his or her then proportionate share of PLACA Account assets.

8. Applicants represent that it is the nature of the bonus recapture provisions as they apply to variable account value that an owner would obtain a benefit from a bonus credit in a rising market because any earnings on the bonus credit amount would vest with him or her immediately. Over time, of course, this would cause the owner's share of both the Contract's variable account value and the PLACA Account's net assets to be greater on a relative basis than it would have been without the bonus credit. Conversely, in a falling market an owner would suffer a detriment from a bonus credit because losses on the bonus credit amount would also ''vest'' with him or her immediately. As explained above, over time this would cause the owner's share of both the Contract's variable account value and the PLACA Account's net assets to decrease on a relative basis.

9. Applicants do not believe that the dynamics of PLACA's proposed bonus credit provisions would violate sections 2(a)(32) or 27(i)(2)(A) of the Act. To begin with, section 2(a)(32) defines a redeemable security as one under the terms of which the holder, *upon presentation to the issuer*, is entitled to receive *approximately* his proportionate share of the issuer's *current* net asset

value. Taken together, these two sections of the Act do not require that the holder receive the exact proportionate share that his or her security represented at a prior time. Therefore, the fact that the proposed bonus credit provisions have a dynamic element that may cause the relative ownership positions of PLACA and a Contract owner to shift due to PLACA Account performance and the vesting schedule of such credits, would not cause the provisions to conflict with section 2(a)(32) or 27(i)(2)(A). Nonetheless, in order to avoid any uncertainty as to full compliance with the Act, Applicants seek exemptions from these two sections.

10. PLACA's recapture of any bonus credit could be viewed as the redemption of such an interest at a price other than net asset value. If such is the case, then the bonus credit provisions could be viewed as conflicting with section 22(c) of the Act and Rule 22c–1 thereunder. Applicants contend, however, that the recapture of the bonus credits does not violate section 22(c) of the Act or Rule 22c–1 thereunder. The bonus credit recapture provisions do not give rise to the evils that Rule 22c–1 was designed to address. The Rule was intended to eliminate or reduce, as far as was reasonably practicable, the dilution of the value of outstanding redeemable securities of registered investment companies through their redemption at a price above net asset value, or other unfair results, including speculative trading practices.

11. The evils prompting the adoption of Rule 22c–1 were primarily the result of backward pricing, the practice of basing the price of a mutual fund share on the net asset value per share determined as of the close of the market on the previous day. Backward pricing permitted certain investors to take advantage of increases or decreases in net asset value that were not yet reflected in the price, thereby diluting the values of outstanding shares. Applicants assert that the proposed bonus credit provisions pose no such threat of dilution.

12. Recaptures of bonus credits result in a redemption of PLACA's interest in an owner's contract account value or in the PLACA Account at a price determined on the basis of the Account's current net asset value and not at an inflated price. Moreover, the amount recaptured will always equal the amount that PLACA paid from its general account for the credits. Similarly, although owners are entitled to retain any investment gains attributable to the bonus credits, the amount of such gains would always be computed at a price determined on the basis of net asset value.

13. Because the harms that Rule 22c–1 was intended to address do not arise in connection with the proposed bonus credit provisions, the Applicants assert that the provisions do not conflict with the Rule or section 22(c) itself. Nonetheless, in order to avoid any uncertainty as to full compliance with the Act, Applicants seek exemptions from section 22(c) and Rule 22c–1.

14. Applicants also represent that even if the proposed bonus crediting provisions would conflict with sections 2(a)(32), 22(c), or 27(i)(2)(A of the Act or Rule 22c–1 thereunder, the Commission should grant the exemptions that they request. This is because the bonus credit provisions are generally very favorable for prospective owners. The bonus credits are obviously very beneficial to prospective owners. The recapture provisions of the Contracts and riders temper this benefit somewhat, but owners, unless they die, retain the ability to avoid the recapture. In the case of the recurring bonus, owners do not have to provide any consideration in return for the bonus. They merely elect it and it is granted. Although there is a small downside in declining markets to both standard and recurring bonus credits if the owner withdraws surrender value from the Contract, surrenders the Contract, or annuitizes the Contract, and to the standard bonus credits if the owner dies, the bonus credit provisions and riders (including their dynamic elements) are fully disclosed in the prospectus for the Contracts. They recapture provisions, on balance, do not diminish the overall value of the bonus credit provisions and riders.

15. Applicants represent that the bonus credit recapture provisions are necessary if PLACA is to offer the bonus credits. Applicants assert that it would be obviously unfair to PLACA to permit owners to keep their bonus credits upon their exercise of the Contracts' cancellation right. Because no CDSC applies to the exercise of the cancellation right, the owner could obtain a windfall in the amount of the bonus credit at PLACA's expense by exercising that right. Likewise, because no additional CDSC applies to a withdrawal of contract account value on which a recurring bonus credit is computed, withdrawal or annuitization of such contract account value or surrender of a Contract shortly after the award of recurring bonus credits would afford an owner a similar windfall. In the event of such windfalls to owners, PLACA could not recover the cost of granting the bonus credits. This is because PLACA intends to recoup the costs of providing the bonus credits through the charges under the Contract, particularly the daily annuity charge. If the windfalls described above are permitted, many owners will take advantage of them, greatly reducing the base from which the daily annuity charge is deducted and greatly increasing the amount of bonus credits that PLACA must provide. Therefore, for both standard bonus credits and recurring bonus credits, the recapture provisions are the price of offering the credits. PLACA simply cannot offer the proposed bonus credits without the ability to recapture those credits in the circumstances described herein.

16. Applicants represent that the Commission's authority under section 6(c) of the Act to grant exemptions from various provisions of the Act and rules thereunder is broad enough to permit orders of exemption that cover classes of unidentified persons. Applicants request an order of the Commission that would exempt them, Future Accounts, and Future Underwriters from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder. The exemption of these classes of persons is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because all of the potential members of the class could obtain the foregoing exemptions for themselves on the same basis as the Applicants, but only at a cost to each of them that is not justified by any public policy purpose. The Commission has previously granted exemptions to classes of similarly situated persons in various contexts and in a wide variety of circumstances, including future exemptions for recapturing bonus credits under variable annuity contracts.

17. Applicants represent that Future Contracts will be substantially similar in all material respects to the Contracts and that each factual statement and representation about the bonus credit provisions of the Contracts (and any recurring bonus credit riders sold with the Contracts) will be equally true of Future Contracts (and any recurring bonus credit riders sold with Future Contracts). Applicants also represent that each material representation made by them about the PLACA Account and 1717 Capital will be equally true of Future Accounts and Future Underwriters, to the extent that such representations relate to the issues discussed in this application. In particular, each Future Account will be established as a segregated asset account under state insurance law, meet the

definition of a ''separate account'' in Rule 0–1(e) under the Act, and be registered as a unit investment trust. Likewise, each Future Underwriter will be registered as a broker-dealer under the Securities Exchange Act of 1934 and be a NASD member.

Applicants' Conditions

Applicants represent that PMLIC and PLACA will only offer recurring bonus credit riders subject to the following conditions:

1. *Election letter.* In connection with the recurring bonus credit, PMLIC or PLACA will send a letter (the ''Letter'') that prominently discloses in concise plain English that (a) the credit is most suitable for owners who expect to continue their Contracts for five or more years, and (b) if the Contract is surrendered or if contract account value is withdrawn while the recurring bonus remains subject to recapture, then the owner may be worse off in certain circumstances than if he or she had not elected the recurring bonus credit. The Letter will disclose exactly how an owner who surrenders a Contract or makes a withdrawal while the recurring bonus credit remains subject to recapture could be worse off as a result of poor separate account investment performance than if he or she had not elected the recurring bonus credit.

2. *Written Election.* PMLIC or PLACA will send the Letter directly to owners eligible to elect the recurring bonus credit and elections to receive the credit will only be effective upon receipt by PMLIC or PLACA of an election signed by the owner on a duplicate copy of the Letter. PMLIC and PLACA will distribute such duplicate Letters with election signature forms along with the Letter. If the Letter is more than two pages in length, PMLIC and PLACA will use a separate document to obtain owners' elections of the recurring bonus credit; which document will prominently disclose in concise plain English the statements required in condition one above.

3. *Records.* PMLIC and PLACA will maintain the following separately identifiable records in an easily accessible place for review by the Commission staff: (a) Copies of any form of the Letter and any other written materials or scripts for presentations by representatives regarding the recurring bonus credit, including the dates used, (b) records showing the number and percentage (on a calendar quarter basis) of eligible owners that elect the recurring bonus credit, (c) records showing the name and Contract number of each owner who elects a recurring bonus credit, the amount of that owner's contract account value at the time the bonus credit is elected, the amount of the credit, the owner's name, address, telephone number and date of birth, the date that the owner signed the letter or election form, the signed Letters or separate documents that reflect owners' election of the recurring bonus credit, and where a commission (or other compensation) is paid to a registered representative on or after the date of the election of the credit, the amount of such commission (or other compensation), and the name of any sales representative involved with the solicitation of the election of the credit or who receives any compensation in connection with the contract after the date of the election of the credit and his or her CRD number, firm affiliation, telephone number, and branch office address, (d) records of persistency information for Contracts whose owners have elected the recurring bonus credit, including the date(s) of any subsequent surrender or withdrawal of contract account value and the amount of any recaptured bonus credit, and (e) logs recording any owner complaints about the recurring bonus credit riders, state insurance department inquiries about the same, or litigation, arbitration or other proceedings regarding the riders. The logs will include the date of the complaint (or of commencement of any proceeding), the name and address of the person making the complaint or commencing the proceeding, the nature of the complaint or proceeding and the persons involved in the complaint or proceeding. The foregoing records will be retained for the longer of: (1) six years after the later of their creation or last use, or (2) two years after the recapture period ends.

Conclusion

Applicants request that the Commission issue an order pursuant to section 6(c) of the Act exempting them as well as Future Accounts and Future Underwriters from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the recapture of certain credits applied to contract account value and to purchase payments made in consideration of the Contracts and Future Contracts.

Applicants assert, based on the grounds summarized above, that their exemptive request meets the standards set out in section 6(c) of the 1940 Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–22272 Filed 8–30–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24622]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

August 25, 2000.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of August, 2000. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 19, 2000, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549–0609.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW., Washington, DC 20549–0506.

Dreyfus Retirement Income Fund [File No. 811–8889]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 31, 1999, applicant made a final liquidating distribution to its sole remaining shareholder based on net asset value. Expenses of $1,500 incurred in connection with the liquidation were paid by The Dreyfus Corporation, applicant's investment adviser.

Filing Date: The application was file don August 3, 2000.

Applicant's Address: 200 Park Avenue, New York, New York 10166.

Piper Institutional Funds Inc. [File No. 811–7320]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. By June 30, 1998, applicant had made liquidating distributions to its shareholders based on net asset value. Expenses of $10,461 incurred in connection with the liquidation were paid by applicant's investment adviser, Piper Capital Management, Inc.

Filing Dates: The application was filed on June 28, 2000, and amended on August 9, 2000.

Applicant's Address: First American Asset Management, U.S. Bank Place, 601 Second Avenue South, Minneapolis, Minnesota 55402.

The Parkstone Group of Funds [File No. 811–5105]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. By June 16, 2000, each series of applicant had transferred its assets to a corresponding series of the Armada Funds based on net asset value. Expenses of $525,166 incurred in connection with the reorganization were paid by the acquiring funds and National City Bank of Michigan/Illinois.

Filing Date: The application was filed on August 10, 2000.

Applicant's Address: One Freedom Valley Drive, Oaks, Pennsylvania 19456.

The Berwyn Fund, Inc. [File No. 811–3890]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On May 3, 1999, applicant transferred its assets to The Berwyn Funds based on net asset value. Expenses of $75,000 incurred in connection with the reorganization were paid by the two series of The Berwyn Funds that resulted from the reorganization.

Filing Dates: The application was filed on May 23, 2000, and amended on May 23, 2000, and August 20, 2000.

Applicant's Address: 1189 Lancaster Avenue, Berwyn, Pennsylvania 19312.

The Taiwan Equity Fund, Inc. [File No. 811–8290]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 27, 2000, applicant made its final liquidating distribution to shareholders based on net asset value. Applicant's custodian, Daiwa Securities Trust Company, has retained $132,108 to cover current and anticipated liabilities and expenses. Expenses of $66,211 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on July 13, 2000, and amended on August 18, 2000.

Applicant's Address: c/o Daiwa Securities Trust Company, One Evertrust Plaza, Jersey City, New Jersey 07302.

The Americas Income Trust Inc. [File No. 811–8094]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 24, 1998, applicant transferred its assets to First American Investment Funds, Inc. based on net asset value. Expenses of $19,524 incurred in connection with the reorganization were paid by U.S. Bank National Association, investment adviser to the acquiring fund.

Filing Dates: The application was filed on June 28, 2000, and amended on August 9, 2000.

Applicant's Address: First American Asset Management, U.S. Bank Place, 601 Second Avenue South, Minneapolis, Minnesota 55402.

INVESCO Specialty Funds, Inc. [File No. 811–8528]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. By February 15, 2000, each of applicant's 6 series had transferred all of their assets to a corresponding series of either INVESCO International Funds, Inc., INVESCO Stock Funds, Inc., or INVESCO Sector Funds, Inc., based on net asset value. INVESCO Funds Group, Inc., applicant's investment adviser, paid $355,266 of the expenses incurred in connection with the reorganization, and the remaining $355,266 of expenses were paid by applicant and the acquiring funds.

Filing Dates: The application was filed on July 24, 2000, and amended on August 17, 2000.

Applicant's Address: 700 E. Union Avenue, Denver, Colorado 80237.

Daruma Mid-Cap Value Fund [File No. 811–7621]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 30, 2000, applicant distributed all of its assets to its shareholders based on net asset value. Expenses of $14,500 in incurred in connection with the liquidation were paid by Daruma Asset Management, Inc., applicant's investment adviser.

Filing Date: The application was filed on July 21, 2000.

Applicant's Address: 60 East 42nd Street, Suite 1111, New York, New York 10165.

Norwest Advantage Funds [File No. 811–4881]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 8, 1999, applicant transferred its assets to Wells Fargo Funds Trust based on net asset value. Expenses of $1,465,212 incurred in connection with the reorganization were paid by Wells Fargo Bank, N.A., the administrator of the acquiring fund.

Filing Dates: The application was filed on June 19, 2000, and amended on July 28, 2000.

Applicant's Address: Two Portland Square, Portland, Maine 04101.

Merrill Lynch Insured Equity Funds, Inc. [File No. 811–7539]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant never made a public offering of its securities and does not propose to make any public offering or engage in business of any kind.

Filing Dates: The application was filed on June 7, 2000, and amended on July 26, 2000.

Applicant's Address: c/o Merrill Lynch Investment Managers, L.P., P.O. Box 9011, Princeton, New Jersey 08543–9011.

The Optimal Fund [File No. 811–9219]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 28, 2000, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of approximately $13,300 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on May 26, 2000, and amended on July 21, 2000.

Applicant's Address: 3400 Inland Empire Blvd., Suite 101, Ontario, California 91764.

Colonial Massachusetts Insured Municipal Fund [File No. 811–9535]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make any public offering or engage in business of any kind.

Filing Date: The application was filed on July 17, 2000.

Applicant's Address: One Financial Center, 11th Floor, Boston, Massachusetts 02111.

First Investors High Yield Fund, Inc. [File No. 811–4674]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 14, 2000, applicant transferred its assets to First Investors Fund for Income, Inc. based on net asset value. Expenses of $69,636 incurred in connection with the reorganization were paid by applicant, the acquiring fund, and applicant's investment adviser.

Filing Date: The application was filed on June 20, 2000.

Applicant's Address: 95 Wall Street, New York, New York 10005.

Evergreen Small Company Growth Fund (formerly Keystone Small Company Growth Fund (S–4)) [File No. 811–101] Evergreen Small Company Growth Fund II (formerly Keystone Small Company Growth Fund II) [File No. 811–7457]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On January 24, 1998, each applicant transferred all of its assets to Evergreen Small Company Growth Fund, a newly created series of Evergreen Equity Trust, based on net asset value. First United National Bank, the parent of applicants' investment adviser, paid all expenses incurred in connection with each reorganization.

Filing Date: Each application was filed on August 17, 2000.

Applicants' Address: 200 Berkeley Street, Boston, Massachusetts 02116.

Trust for Federal Securities [File No. 811–2573]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 10, 1999, applicant transferred its assets to Provident Institutional Funds based on net asset value. Applicant incurred no expenses in connection with the reorganization.

Filing Date: The application was filed on August 4, 2000.

Applicants' Address: 400 Bellevue Parkway, Wilmington, Delaware 19809.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–22318 Filed 8–30–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43204; File No. SR–CHX–00–22]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change and Amendment Nos. 1 and 2 by The Chicago Stock Exchange, Incorporated Relating to the Securities Industry Transition to Decimal Pricing

August 24, 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 July 17, 2000, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I and II below, which Items have been prepared by the CHX. The CHX amended the proposal on August 22, 2000 and August 24, 2000, respectively.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposed rule change, as amended, on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain CHX rules that will be impacted by the securities industry transition to decimal pricing. Specifically, the Exchange proposes to amend portions of Article XX, Rule 37. The text of the proposed rule change is available at the Commission and the CHX.

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 CHX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CHX 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

The Exchange proposes to amend certain CHX rules that will be impacted by the transition to decimal pricing. Specifically, the Exchange proposes three groups of changes to Article XX, Rule 37, which would (i) revise the Exchange's existing automated price improvement algorithms to provide price improvement in decimal increments; (ii) remove the ''pending auto-stop'' functionality in the Exchange's systems; and (iii) allow a specialist, on an issue by issue basis, to establish an auto execution guarantee that is not dependent on the ITS Best Bid or Offer (''ITS BBO'') or National Best Bid or Offer (''NBBO'') size. The Exchange believes that decimal pricing is likely to affect the CHX trading environment, and the interaction between the CHX and the national market system, in a manner that necessitates rule amendments, such as these, that are designed to minimize the impact of decimalization of trading operations. The Exchange will implement the proposed rule change on a pilot basis through February 28, 2001.

Price Improvement Changes. The Exchange proposes to amend Rule 37(d), (e), (f) and (g), which govern the Exchange's price improvement programs, known as SuperMAX Plus, SuperMAX, Enhanced SuperMAX and Derivative SuperMAX. Under the amended rules, each price improvement program would provide for price improvement of $.01 under the circumstances set forth below. If the criteria set forth below are not satisfied (or if an issue is trading in a decimal minimum price variation other than $.01), the orders would not be eligible for price improvement, but would be executed at the ITS BBO (or NBBO in the case of Nasdaq National Market (''Nasdaq NM'') issues).

For orders of 100–199 shares (or more, if specified by the specialist and approved by the Exchange) for Dual Trading System issues[4] trading in decimals, SuperMAX Plus would

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter dated August 21, 2000, from Paul B. O'Kelly, Executive Vice President, CHX, to Alton S. Harvey, Office Head, Division of Market Regulation (''Division''), Commission (''Amendment No. 1''). Amendment No. 1 requests accelerated approval of the proposed rule change on a pilot basis through February 28, 2001. *See also* Letter dated August 22, 2000, from Paul B. O'Kelly, Executive Vice President, CHX, to Alton S. Harvey, Office Head, Division, Commission (''Amendment No. 2''). Amendment No. 2 withdraws proposed amendments to Rule 37(b)(6).

[4] ''Dual Trading System issues'' are securities that are listed and traded on the CHX and either the New York Stock Exchange or the American Stock Exchange.

provide for automatic execution at $.01 lower than the ITS Best Offer (for a buy order) or $.01 higher than the ITS Best Bid (for a sell order) if the spread between the ITS Best Bid and the ITS Best Offer is at least $.03 and the last primary market sale is at least $.03 lower than the ITS Best Offer (for a buy order) or higher than the ITS Best Bid (for a sell order).

For orders of 100–199 shares (or more, if specified by the specialist and approved by the Exchange) for Nasdaq NM issues trading in decimals, SuperMAX Plus would provide for execution at $.01 lower than the National Best Offer (''NBO'') (for a buy order) or $.01 higher than the National Best Bid (''NBB'') (for a sell order) if the spread between the NBB and the NBO is at lest $.03.[5]

For orders of 200–499 shares (or more, if specified by the specialist and approved by the Exchange) for Dual Trading System issues trading in decimal pricing increments, SuperMAX would provide for execution at $.01 lower than the ITS Best Offer (for a buy order) or $.01 higher than the ITS Best Bid (for a sell order) if the spread between the ITS Best Bid and the ITS Best Offer is at least $.05 and the last primary market sale is at least $.05 lower than the ITS Best Offer (for a buy order) or higher than the ITS Best Bid (for a sell order).[6]

For orders exceeding 499 shares for Dual Trading System issues trading in decimal pricing increments, Enhanced SuperMAX[7] would provide for execution at $.01 better than the stopped price if the first primary market sale during the Time Out Period is at least $.10 lower than the stopped price (for a buy order) or higher than the stopped price (for a sell order).

For order eligible for Derivative SuperMAX (*i.e.,* orders for certain issues designated by the Exchange's Board of Governors from time to time), in the case of issues trading in decimals, Derivative SuperMAX would provide for execution at $.01 lower than the ITS Best Offer (for a buy order) or $.01 higher than the ITS Best Bid (for a sell order) if the spread between the ITS Best Bid and the ITS Best Offer is at lest $.03.[8]

Removal of the Pending Auto-Stop Functionality. For similar reasons, the Exchange proposes to amend Rule 37(b)(10) to eliminate the Exchange's ''pending auto-stop'' function. Under the current rule, all agency market orders from 100 to 599 shares that are not automatically executed because, among other things, the order size exceeds the quantity at the ITS BBO, are designated as ''pending auto-stop orders.'' Such orders are stopped, and due an execution at the ITS BBO thirty seconds after entry into the Exchange's Midwest Automated Execution (''MAX'') system, unless the order has been canceled, executed, manually stopped, or put on hold during the thirty second period. Once an order is stopped, a text message to that effect is automatically sent to the order-sending firm.

The Exchange believes that this feature is not practicable in the decimal pricing environment, given the anticipated dramatic increases in quote traffic and the systems issues associated with generating administrative notifications regrading pending auto-stop. Additionally, the Exchange believes that trading in decimals will significantly increase stock price points and, as a result, will likely decrease the quantities associated with the ITS BBO price point and increase the rate of change in the ITS BBO price point. Both of these factors will reduce a specialist's ability to offset the pending auto-stop guarantee to a degree that the CHX is not now able to quantify. Under these circumstances, the Exchange believes that it would be imprudent to continue to provide such a guarantee.

Changes Relating to Relationship Between Automatic Execution Guarantee and BBO Size. The rationale set forth above relating to the likely decrease in the quantities associated with the BBO price point also supports the Exchange's proposed rule change permitting CHX specialists to designate automatic execution guarantee levels that are not dependent on the BBO. Under the current Rule 37(b)(11), an order is not eligible for automatic execution on the Exchange if the order is larger than the then-current BBO size. If decimalization results in decreased quantities at each price point, this decrease would effect a corresponding decrease in the number of orders eligible for automatic execution on the Exchange. To accommodate customer demand for automatic execution, the Exchange believes that the proposed rule change is necessary. As amended, the rule would permit a CNX specialist to designate, on an issue-by-issue basis, automatic execution guarantees that could exceed the BBO size. Such an election would be strictly voluntary and thus would not operate to increase the exposure of any specialist who desired to maintain the protections of the existing rule.

2. Statutory Basis

The CHX believes that the proposed rule is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange. In particular, the CHX believes that the proposed rule is consistent with section 6(b)(5)[9] of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and to perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange did not solicit or receive written comments on the proposed rule change.

III. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[10] Specifically, the Commission finds that the proposed rule change is consistent with the section 6(b)(5)[11] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to

[5] The existing SuperMAX Plus algorithm provides for price improvement of 1/16th of a point if the ITS BBO spread is 1/8th of a point or greater and, in the case of Dual Trading System issues, the last primary market sale is at least 1/16th of a point lower than (for a buy order) or higher than (for a sell order) the ITS BBO.

[6] The existing SuperMAX algorithm provides for a price improvement of 1/16th of a point if the ITS BBO spread is 1/8th of a point or greater and the last primary market sale is at least 1/8th of a point lower than (for a buy order) or higher than (for a sell order) the ITS BBO.

[7] Enhanced SuperMAX provides that under certain circumstances, an eligible order is ''stopped'' for a thirty-second ''Time Out Period'' during which a specialist may seek a better price for the customer. If an order is stopped pursuant to the Enhanced SuperMAX terms, the order is guaranteed no worse than the ITS BBO at the time the order was stopped.

[8] The existing Derivative SuperMAX algorithm provides for price improvement of 1/64th of a point if the ITS BBO spread is 1/16th of a point or greater.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.[12]

The Commission believes that the proposed rule change may help to facilitate a smooth transition to decimal pricing. For example, proposed Rules 37(b)(10) and (11) should help to ensure that customer demand for automatic execution will continue to be satisfied in a decimals environment. Specifically, proposed Rule 37(b)(11) permits specialists to guarantee, on an issue-by-issue basis, automatic executions of orders that exceed the ITS BBO or NBBO size at the specified price. The Commission believes that decimal pricing could result in decreased quantities at each price, which would result in a corresponding decrease in the number of orders eligible for automatic execution on the Exchange. Thus, the proposed rule change benefits investors by providing specialists the flexibility to automatically execute orders larger than the current ITS BBO or NBBO size.

In addition, Rule 37(b)(10) currently requires all agency market orders from 100 to 599 shares that are not automatically executed because, among other things, the order exceeds the ITS BBO quantity, to be designated as ''pending auto-stop orders.'' These orders are stopped and due an execution at the ITS BBO thirty seconds after entry into the Exchange's MAX system. As stated above, the Commission believes that decimal pricing may result in decreased quantities at each price, which in turn would result in fewer automatic executions. The Commission believes that the proposed rule change may help to alleviate this concern by eliminating the pending auto-stop function. The Commission believes that the removal of this provision will help to ensure demand for automatic execution continues to be satisfied.

Finally, proposed changes to Rule 37(d), (e), (f), and (g) amend the Exchange's automated price improvement algorithms to accommodate decimal pricing. Specifically, the proposal provides for a $.01 price improvement to orders that meet the requirements of the applicable provisions of the rule. The Commission believes that the proposal will benefit investors and the public interest by continuing to provide an opportunity for price improvement for stocks that trade in decimals.

The Commission believes that it is consistent with the protection of investors and the public interest and therefore finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **FEDERAL REGISTER.** The proposed rule change is designed to permit a smooth transition to decimal pricing, which is scheduled to begin in certain securities on August 28, 2000. In addition, the Commission notes that the proposed rule change is being approved on a pilot basis only, through February 28, 2001. In light of these factors, the Commission finds good cause to approve the proposed rule change on an accelerated basis.

[12] In approving this rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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 fix six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submissions, 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 at the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–CHX–00–22 and should be submitted by September 21, 2000.

V. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–CHX–00–22), as amended, is approved through February 28, 20001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–22273 Filed 8–30–00; 8:45 am]

BILLING CODE 8010–01–M

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43203; File No. SR–CHX–00–13]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change and Amendment Nos. 1 and 2 by The Chicago Stock Exchange, Incorporated Relating to Participation in Crossing Transactions Effected on the Exchange Floor

August 24, 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 3, 2000, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I and II below, which Items have been prepared by the CHX. The CHX amended the proposal on August 22, 2000 and August 23, 2000, respectively.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposed rule change, as amended, on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Article XX, Rule 23 of the Exchange's rules governing participation in crossing transactions effected on the Exchange floor. The text of the proposed rule change is available at the Commission and the CHX.

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 CHX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter dated August 21, 2000, from Paul B. O'Kelly, Executive Vice President, CHX, to Alton S. Harvey, Office Head, Division of Market Regulation (''Division''), Commission (''Amendment No. 1''). Amendment No. 1 requests accelerated approval of the proposed rule change on a pilot basis through February 28, 2001. Amendment No. 1 also extends the provisions of Rule 23 to Nasdaq National Market securities. *See also* Letter dated August 22, 2000, from Paul B. O'Kelly, Executive Vice President, CHX, to Alton S. Harvey, Office Head, Division, Commission (''Amendment No. 2''). Amendment No. 2 withdraws the portion of Amendment No. 1 that extends Rule 23 to Nasdaq National Market securities.

comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CHX 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

The Exchange proposes to amend CHX Rule 23 governing participation in crossing transactions effected on the floor of the Exchange, which represent a significant component of Exchange volume.[4] Under current Rule 23, if a floor broker presents a crossing transaction, another member may participate, or ''break up,'' the transaction, by offering (after presentation of the proposed crossing transaction) to improve one side of the transaction by the minimum price variation. The floor broker is then effectively prevented from consummating the transaction as a ''clean cross,'' which may be to the detriment of the floor broker's customer.[5] In instances where the minimum price variation is relatively small, it is very inexpensive for a member to break up crossing transactions in this manner. Floor brokers are currently experiencing difficulty, for example, cleanly crossing transactions in stocks which trade in minimum price variations of 1/64th.

Given the number of products that are commencing trading in very small minimum price increments, as well as the certainty of small price increments once the securities industry makes the transition to decimal pricing, the floor broker community, and other CHX members, are concerned that much of the crossing business and corresponding Exchange volume could evaporate if the current rules are not amended to preclude breaking up crossing transactions. Accordingly, the Exchange's Decimalization Subcommittee and Floor Broker Tech Subcommittee have worked to achieve consensus on the proposed rule change, which would strike a balance of interests of those members who are impacted by crossing transactions.

Under the proposed rule change, a floor broker would be permitted to consummate crossing transactions involving 5,000 shares or more[6] without interference by any specialist or market maker if, prior to presenting the cross transaction, the floor broker first requests a quote for the subject security.[7] These requests will place the specialist and other market makers on notice that the floor broker intends to cross within the bid-offer spread. This arrangement will ensure that a specialist or market maker retains the opportunity to better the cross price by updating their quote, but will preclude them from breaking up a cross transaction after the cross transaction is presented. The proposed rule change will be implemented on a pilot basis through February 28, 2001.

2. Statutory Basis

The CHX believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange. In particular, the CHX believes that the proposed rule is consistent with section 6(b)(5)[8] of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and to perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange did not solicit or receive written comments on the proposed rule change.

III. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[9] Specifically, the Commission finds that the proposed rule change is consistent with the section 6(b)(5)[10] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.[11]

The Commission believes that the proposed rule change strikes a reasonable balance between the ability of floor brokers on the Exchange to execute crossing transactions and the ability of specialists and market makers to provide price improvement. In addition, the Commission believes that requiring floor brokers to request a quote in a particular security before presenting the transaction to be crossed will provide specialists and market makers both sufficient notice that the cross is about to occur between the bid and offer spread and an opportunity to improve their quote. The Commission notes that floor brokers would still retain the ability to present both sides of the order at the post if the customers so desire.

The Commission believes that it is consistent with the protection of investors and the public interest and therefore finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The proposed rule change is designed to minimize possible negative effects on crossing transactions of decimal pricing, which is scheduled to begin in certain securities on August 28, 2000. In addition, the Commission notes that the proposed rule change is being approved on a pilot basis only, through February 28, 2001. In light of these factors, the Commission finds good cause to approve the proposed rule change on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[4] In February and March of 2000, for example, share volume from brokered crossing transactions constituted approximately 13% of total share volume traded on the Exchange.

[5] Some institutional customers prefer executing large crossing transactions at a single price and are willing to forego the opportunity to achieve the piecemeal price improvement that might result from the break up of the cross transaction by another Exchange member. Of course, the floor broker will still retain the ability to present both sides of the order at the post if the customers so desire.

[6] According to the Exchange, specialists and market makers rarely participate with respect to transactions involving less than 5,000 shares. Telephone conversation between Kathleen Boege, Associate General Counsel, CHX, and Sonia Patton, Attorney, Division, Commission (August 23, 2000).

[7] These updated quotes will not be directed solely to the floor broker. Anyone at the post may respond to the updated quotes.

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] In approving this rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington D.C. 20549–0609. Copies of the submissions, 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 at the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–CHX–00–13 and should be submitted by September 21, 2000.

V. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–CHX–00–13), as amended, is approved through February 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–22274 Filed 8–30–00; 8:45 am]

BILLING CODE 8010–01–M

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before October 30, 2000.

ADDRESSES: Send all comments regarding these information collections are necessary for the proper performance of the function of the agency, whether the burden estimate are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to George Solomon, Supervisory Business Development Officer, Office of Business Initiatives, Small Business Administration, 409 3rd Street, SW., Suite 6100.

FOR FURTHER INFORMATION CONTACT: George Solomon, Supervisory Business Development Officer, 202–205–6024 or Curtis B. Rich, Management Analyst, 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: "National Training Participant Evaluation Questionnaire."

Form No: 20.

Description of Respondents: Individuals Receiving SBA Training and Counseling Assistance.

Annual Responses: 26,000.

Annual Burden: 6,500.

Title: "SBA Counseling Evaluation."

Form No: 1419.

Description of Respondents: Small Business Clients.

Annual Responses: 2,800.

Annual Burden: 476.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Alicia McPhie, Chief Equal Employment and Opportunity, Office of Equal Employment Opportunity & Civil Rights Compliance, Business Administration, 409 3rd Street, SW., Suite 6400.

FOR FURTHER INFORMATION CONTACT: Alicia McPhie, Chief Equal Employment and Opportunity, 202–205–6750 or Curtis B. Rich, Management Analyst, 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: "Notice to New Borrowers."

Form No: 793.

Description of Respondents: Companies are required to keep records in order for SBA to determine the compliance status of the recipient.

Annual Responses: 26,420.

Annual Burden: 6,044.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Jacqueline Fleming, National Training Coordinator, Office of Minority Enterprise Development, Small Business Administration, 409 3rd Street, SW., Suite 8000.

FOR FURTHER INFORMATION CONTACT: Jacqueline Fleming, National Training Coordinator, 202–205–6177 or Curtis B. Rich, Management Analyst, 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: "8(a) Electronic Application follow-up Survey."

Form No: N/A.

Description of Respondents: Potential 8(a) Applicants.

Annual Responses: 106.

Annual Burden: 17.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 00–22234 Filed 8–30–00; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3271]

State of Minnesota; Amendment #4

In accordance with a notice from the Federal Emergency Management Agency, effective August 14, 2000, the above-numbered Declaration is hereby amended to include Chippewa County, Minnesota as a disaster area due to damages caused by severe storms, flooding, and tornadoes beginning on May 17, 2000, and continuing through July 26.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Kandiyohi and Swift in the State of Minnesota may be filed until the specified date at the previously designated location. Any counties contiguous to the above-named primary county and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is August 29, 2000 and for economic injury the deadline is March 30, 2001. (Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 23, 2000.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00–22235 Filed 8–30–00; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3276]

State of Ohio

As a result of the President's major disaster declaration on August 21, 2000, I find that Lucas County, Ohio constitutes a disaster area due to damages caused by severe storms and

flooding beginning on July 29, 2000, and continuing through August 2, 2000. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 20, 2000 and for economic injury until the close of business on May 21, 2001 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Fulton, Henry, Ottawa, and Wood Counties in Ohio and Lenawee and Monroe Counties in Michigan.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.375
Homeowners without credit available elsewhere	3.687
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	6.750
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 327606. For economic injury the numbers are 9I0400 for Ohio and 9I0500 for Michigan.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: August 23, 2000.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00–22232 Filed 8–30–00; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3282]

State of Washington

Okanogan County and the contiguous counties of Chelan, Douglas, Ferry, Grant, Lincoln, Skagit, and Whatcom in the State of Washington constitute a disaster area as a result of wildfires that occurred between July 22 and July 26, 2000. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 23, 2000 and for economic injury until the close of business on May 23, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P. O. Box 13795, Sacramento, CA 95853–4795.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.375
Homeowners without credit available elsewhere	3.687
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	6.750
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster are 328205 for physical damage and 9I4000 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 23, 2000.

Fred P. Hochberg,

Acting Administrator.

[FR Doc. 00–22233 Filed 8–30–00; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3272]

State of Wisconsin; Amendment #5

In accordance with a notice from the Federal Emergency Management Agency, dated August 21, 2000, the above-numbered Declaration is hereby amended to include Dodge and Lafayette Counties in the State of Wisconsin as a disaster area due to damages caused by severe storms, tornadoes, and flooding beginning on May 26, 2000 and continuing through July 19, 2000.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Fond du Lac in Wisconsin and Stephenson in Illinois may be filed until the specified date at the previously designated location. Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is September 9, 2000 and for economic injury the deadline is April 11, 2001. (Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 23, 2000.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00–22236 Filed 8–30–00; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3403]

Culturally Significant Objects Imported for Exhibition Determinations: ''Morocco: Jews and Art in a Muslim Land''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Morocco: Jews and Art in a Muslim Land,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at the Jewish Museum in New York from on or about September 24, 2000 to on or about February 11, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 25, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 00–22313 Filed 8–30–00; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–7848]

Inland Tank Barge Certificates of Inspection; Administrative Changes

AGENCY: Coast Guard, DOT.

ACTION: Notice of pilot program.

SUMMARY: A one-year cooperative pilot program will be implemented to test administrative changes to inland tank barge Certificates of Inspection (COI). The tank barge COI pilot program initiative is based on a Chemical Transportation Advisory Committee (CTAC) recommendation.

DATES: A one-year cooperative pilot program will be implemented with the Marine Safety Office New Orleans and American Commercial Barge Lines. The pilot program will commence on September 1, 2000.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Lieutenant Greg Herold, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, telephone: 202–267–0084, facsimile: 202–267–4570, e-mail: GHerold@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION:

Request for Comments

We are not requesting comments at this time. At the conclusion of the pilot program, if it is deemed successful, the Coast Guard will develop a Notice of Proposed Rulemaking (NPRM) and publish it in the **Federal Register**. We will solicit comments on any proposed regulatory changes at that time.

Background and Purpose

Currently, tank barges are required to include on their Certificate of Inspection (COI) an endorsement stating the authorized grade of cargo under 46 CFR 31.05–1(b) for flammable or combustible cargoes, and/or a list of authorized cargo names, loading constraints and operating limitations under 46 CFR 151.04–1(c) and 46 CFR 151.10–15, for bulk liquid hazardous material cargoes. A typical chemical tank barge on inland service may be authorized to transport over one hundred cargoes. Listing each of these cargoes on the vessel's COI, along with other required endorsements, results in an awkward document that can amount to eight or more pages in length. Additionally, cargo endorsements on the COI include information such as Chemical Hazards Response Information System (CHRIS) codes, cargo containment types, and International Maritime Organization (IMO) pollution categories, which are extraneous to the COI and at times confusing to tank barge personnel.

Evaluation of the COI format and content currently used for chemical tank barges, subject to the requirements of 46 CFR subchapter O, was implemented as part of an initiative by the Prevention Through People (PTP) Subcommittee of the Chemical Transportation Advisory Committee (CTAC). The Subcommittee reviewed the current document with the following basic goals in mind:

- To assess the value of the written requirements included on the COI to the tankerman,
- To determine how useful and easily understood the requirements are, and
- To make recommendations for improvements as necessary.

As a result of their work, one of the PTP Subcommittee's recommendations was to remove the cargo information and conditions of carriage from the COI, and place it in a separate Bulk Liquid Cargo Authority document. The Bulk Liquid Cargo Authority document would be maintained as a mandatory attachment to the vessel's cargo transfer procedures, which are required to be kept aboard the vessel by 33 CFR 155.740(c). Instead of endorsing the COI with a list of cargoes, one COI endorsement would reference the Bulk Liquid Cargo Authority document by its U.S. Coast Guard Marine Safety Center (MSC) date of issue.

The change would constitute a significant improvement to the current COI by reducing its length and improving the format, content and location of the authorized cargo information. It would also eliminate duplicative work in cargo data entry performed by the MSC and the local Marine Safety Offices (MSO), and streamline the process for generating COIs.

Pilot Program

The pilot program will assess the addition of a new Bulk Liquid Cargo Authority document produced by the U.S. Coast Guard Marine Safety Center (MSC) to be attached to the required cargo transfer procedures. The document will include certain required chemical cargo endorsements from the inland tank barge COI. The document is similar to those produced for chemical tankships under 46 CFR 153. If the pilot program is successful, it will result in a shortened COI with a more detailed and user-friendly cargo transfer procedures.

The one-year cooperative pilot program is proposed to evaluate the recommendations from the CTAC for streamlining tank barge COIs. American Commercial Barge Lines (ACBL) has agreed to participate in the pilot program with a specified number of barges from their fleet. All COIs will be issued under the cognizance of the Officer in Charge, Marine Inspection, New Orleans, LA, who has also agreed to participate in the pilot program. A COI endorsement will be added identifying those barges participating in the pilot program and directing any specific inquiries about the program to MSO New Orleans.

Access to the cargo authority and conditions of carriage information for all vessels enrolled in the program will be available by contacting the MSO New Orleans 24-hr manned Communications Center, through the MSC's Cargo Division (MSC–3) during working hours, or the MSC's Cargo Division Duty Officer after hours.

Evaluation and Implementation

The pilot program will be evaluated based on the goals and expected outcomes of the program envisioned by CTAC.

The evaluation criteria include:

- Ease of use/''user friendliness'' of new COI,
- Relevance of COI information,
- Savings/loss of time compared to existing COI format, and
- Assessment of new Bulk Liquid Cargo Authority document.

If the pilot program is deemed successful, a Notice of Proposed Rulemaking will be developed to give the public an opportunity to comment on the proposed nationwide program. If implemented, we envision that each tank barge will receive a COI, following a successful inspection for certification, in the new format at the time their COI is due for reissue, along with the associated Bulk Liquid Cargo Authority document.

Dated: August 28, 2000.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–22315 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD08–00–023]

Proposed Monkey Island Bridge Project; Calcasieu Pass at Cameron, Cameron Parish, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing; request for comments

SUMMARY: The Coast Guard jointly with the State of Louisiana, Louisiana Department of Transportation and Development (LDOTD) will hold a public hearing to receive comments on an application by LDOTD for Coast Guard approval of location and plans for a proposed bridge. The proposed location of the bridge is across Calcasieu Pass, mile 2.2, on SR 1141 between Cameron and Monkey Island, Cameron Parish, Louisiana. The hearing will allow interested persons to present comments and information concerning the impact of the proposed bridge project on navigation and the human environment.

DATES: This hearing will be held on September 28, 2000, commencing at 6 p.m. Comments must be received by October 13, 2000. Requests to speak and requests for services must be received by September 21, 2000.

ADDRESSES: The hearing will be held at the Cameron Court House, 119 Smith Circle, Cameron, Louisiana 70631. Written comments may be submitted to, and will be available for examination between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (ob), 501 Magazine Street, New Orleans, Louisiana 70130–3396. Please submit all comments in an unbound format, no larger than 8 × 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

Requests to speak at the hearing may be submitted to Mr. David Frank at the phone number listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Project Officer, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Background

The proposed project is to construct a new bridge to replace the existing ferry crossing from Cameron to Monkey Island. The bridge will be constructed on the same alignment as the ferry crossing. The proposed bridge will be a two-lane fixed bridge, approximately 30 feet (9.14 m) wide and 990 feet (301.75 m) long. The bridge would be constructed so as to allow for 14 feet (4.27 m) of vertical clearance above mean high water, elevation 1.5 feet (0.46 m) and a horizontal clearance of 80 feet (24.38 m). The bridge will be skewed to the channel at an angle of 60°. The distance between the piers is 110 feet (33.53 m), but the horizontal clearance perpendicular to the channel will be 80 feet. The center span of the bridge will be constructed as a removable steel girder span that can be removed in case of emergencies.

The proposed bridge will replace the existing costly ferry operation and provide a safer, more efficient transportation facility for motorists traveling between Cameron and Monkey Island. LDOTD's objective in providing roads and bridges on the state maintained highway system is to assure an unrestricted and safe flow of commerce via that system. Although the ferry is operating on a 24-hour schedule year-round, motorists are delayed by the ferry schedule. Replacing the ferry with a bridge will eliminate delays due to the ferry and severe weather conditions. This is important in evacuating residents on the island during storms or hurricanes.

Consideration of approval of the location and plans for the proposed vehicular bridge is the action precipitating the Coast Guard's involvement in this project. The Coast Guard, as lead Federal agency for the proposed project, has reviewed the applicant-prepared Environmental Assessment (EA). Based upon the EA, the Coast Guard has tentatively determined that the proposed action will not have a significant impact on the environment for purposes of the National Environmental Policy Act (NEPA). A Coast Guard Finding of No Significant Impact (FONSI) will be prepared as the final environmental document for the proposed project unless significant impacts are identified as a result of this public notification process to warrant the preparation of an Environmental Impact Statement (EIS).

Only two alternatives are currently being considered for this project. These alternatives are defined as the 'build' and 'no-build' alternatives.

Potential impacts addressed in the EA include economic, social and community, construction, wetland, fish and wildlife, navigation, water quality, floodplain, noise, air and cultural resources, hazardous waste, and secondary and cumulative impacts. Information concerning availability of the EA may be obtained from Mr. David Frank at the phone number listed under **FOR FURTHER INFORMATION CONTACT**.

Procedural

Individuals and representatives of organizations that wish to present testimony at the Hearing or who want to be placed on the project mailing list, may submit a request to Mr. David Frank at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**. Requests to speak should be received no later than September 21, 2000 in order to ensure proper schedule of the hearing. Attendees at the hearing who wish to present testimony and have not previously made a request to do so, will follow those on the previously established list. Depending upon the number of scheduled statements, the Coast Guard may limit the amount of time required. Written statements and other exhibits in lieu of or in addition to oral statements at the Hearing may be submitted to Mr. David Frank at the address listed under **ADDRESSES** until September 21, 2000, in order to be included in the Public Hearing transcript.

Information on Services for Individuals With Disabilities

For information about facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Commander, Eighth Coast Guard District (obc). Please request these services from Mr. David Frank, at the phone number under **FOR FURTHER INFORMATION CONTACT** or in writing at the address listed under **ADDRESSES**. Any requests for an oral or sign language interpreter must be received by September 21, 2000.

Authority: 33 U.S.C. 513, 49 CFR 1.46.

Dated: August 23, 2000.

Paul J. Pluta,

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

[FR Doc. 00–22317 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Conduct Environmental Scoping for an Environmental Assessment To Be Prepared by the City of Chicago for Its Proposed O'Hare World Gateway Program at O'Hare International Airport in Chicago, Illinois

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice to hold a public scoping meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise Federal, State and local agencies, and the general public, that an opportunity will be given to provide input as to the scope of an Environmental Assessment to be prepared by the City of Chicago for its proposed O'Hare World Gateway

Program (WGP) for Chicago O'Hare International Airport in Chicago, Illinois. The WGP is a comprehensive effort by the city of Chicago to provide improved terminal space, additional parking, taxiway improvements, cargo support facilities, and Airport roadway access improvements. The City of Chicago Department of Aviation has made a decision to initiate the preparation of an Environmental Assessment. The FAA has offered to facilitate the environmental review process by soliciting scoping comments form Federal, State and local agencies. If during the environmental review process the FAA finds that no significant adverse environmental impacts are associated with the proposed actions, then a Finding of No Significant Impact (FONSI) would be issued. If the FAA finds that significant adverse impacts would be associated with the proposed actions, an Environmental Impact Statement will be prepared.

FOR FURTHER INFORMATION CONTACT:

City of Chicago Department of Aviation—Carol Wilinski, City of Chicago Department of Aviation, Chicago O'Hare International Airport, P.O. Box 66142, Chicago, Illinois, 60666. Ms. Wilinski can be contacted at (773) 894–6900 (voice), (773) 686–3743 (facsimile), or by e-mail at WGP__ENVIRONMENT@OHARE.COM.

Federal Aviation Administration (for informational purposes)—Prescott C. Snyder, Airports Environmental Program Manger, Federal Aviation Administration, Chicago Airports District Office, Room 320, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Mr. Snyder can be contacted at (847) 294–7538 (voice), (847) 294–7046 (facsimile) or by e-mail at 9-AGL-ORD-WGP-ENV@FAA.GOV.

SUPPLEMENTARY INFORMATION: At the request of the City of Chicago, the FAA will be reviewing an Environmental Assessment to be prepared by the City of Chicago that will evaluate the environmental impact of the City of Chicago's O'Hare World Gateway Program (WGP). The WGP will address the operational pressures posed by changing airline industry conditions and efforts by the City of Chicago to address these pressures and improve convenience and amenities for the flying public at O'Hare International Airport.

The major physical elements of the overall WGP include proposals for the following terminal development, airside improvements, and landside improvements:

- Terminal development components include two new terminals (TD/T6), the reconstruction of an existing concourse facility (T2, Concourse E/F), extension of Concourse K, utility systems/Heating & Refrigeration plant modifications, and replacement cargo facilities.
- Airside improvements include construction and reconfiguration of taxiways, aprons, and taxilanes in conjunction with new and reconfigured terminal facilities. This would include construction of an extension to Taxiway B and partial reconstruction of Taxiways A and B.
- Key landside components include improvements to terminal access roads and curbfronts, extension of the O'Hare airport transit system (ATS), additional parking, and consolidated rental car facilities.

In addition to the planned improvements in the WGP, the City of Chicago will review for purposes of assessing cumulative impacts any other clearly defined projects for the years 1997 through 2012. Included are renewal and replacement projects, rehabilitation needs and on-going capital reinvestment. Also, the Airport is marketing undeveloped or underutilized parcels of the northeast portion of the airport to attract private commercial development. Some of the projects have already been evaluated from the environmental perspective and work has begun or is about to begin. Others are awaiting environmental evaluation.

To ensure that all significant issues related to the proposed actions are identified, two scoping meetings will be held as part of an ongoing comprehensive public outreach effort by the City of Chicago. Copies of a scoping document with additional detail can be obtained by contacting the City of Chicago Department of Aviation informational contact person identified above. Federal, State and local agencies and other interested parties are invited to make comments and suggestions to ensure that the full range of issues related to these proposed actions are addressed and all significant issues identified. All reasonable alternatives will be considered including the no-action option. Additional public outreach opportunities will be provided in the future for the public to review and comment on the draft Environmental Assessment.

Comments and suggestions should be received by the City of Chicago Department of Aviation contact person, identified above, by close of business Friday, October 20, 2000. Informational copies of comments may also be sent to the FAA Contact identified above.

Public Scoping Meetings

To facilitate receipt of comments, two public scoping meetings will be held on Thursday, October 5, 2000. An Agency Scoping Meeting will be held for Federal, State and local agencies from 10:00 a.m.–12:00 p.m. in the Michigan Conference Room at the Federal Aviation Administration's Great Lakes Region Office, 2300 East Devon Avenue, Des Plaines, Illinois. All persons planning to attend the agency scoping meeting which is during office hours should bring picture identification and if possible call ahead to acknowledge their expected attendance. This will facilitate issuance of a building security pass.

A Public Scoping Workshop will be held for members of the public and other interested parties between 5:00 p.m.–8:00 p.m. on the same day, Thursday, October 5, 2000. This meeting will be held at the Fountain Blue Banquets, 2300 S. Mannheim Road, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois on August 24, 2000.

Philip M. Smithmeyer,

Manager, Chicago Airports District Office, FAA, Great Lakes Region.

[FR Doc. 00–22366 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–39]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before September 21, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–2000), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271, Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on August 28, 2000.

Joseph A. Conte,

Acting Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 29983.
Petitioner: Aviation Management Systems, Inc.
Section of the FAR Affected: 14 CFR 145.45(f).
Description of Relief Sought/ Disposition: To permit AMS to make its IPM available electronically to its supervisory, inspection, and other personnel, rather than give a paper copy of the IPM to each of its supervisory and inspection personnel.

Grant, 07/26/00, Exemption No. 7303

Docket No.: 28110.
Petitioner: McKeeman Productions, Inc.
Section of the FAR Affected: 14 CFR 105.43(a).
Description of Relief Sought/ Disposition: To permit nonstudent foreign national parachutists to participate in MPI-sponsored parachute jumping events without complying with the parachute equipment and packing requirements of § 105.43(a).

Grant, 08/10/00, Exemption No. 7310

Docket No.: 30129.
Petitioner: Central Oregon EAA Chapter 617.
Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.
Description of Relief Sought/ Disposition: To permit EAA Chapter 617 to conduct local sightseeing flights at Madras City County, Oregon airport for a one-day charitable event benefiting the Experimental Aircraft Association Foundation in August 2000, for compensation or hire without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/11/00, Exemption No. 7314

Docket No.: 30114.
Petitioner: Thunder Air Charter, Inc.
Section of the FAR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Thunder Air to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 08/11/00, Exemption No. 7315

Docket No.: 30082.
Petitioner: Southeast Air Charter, Inc.
Section of the FAR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit SAC to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 08/11/00, Exemption No. 7316

Docket No.: 30124.
Petitioner: Sandusky Flying Club.
Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.
Description of Relief Sought/ Disposition: To permit SFC to conduct local sightseeing flights at Sandusky City Airport for its one-day Dawn Patrol event in August 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/11/00, Exemption No. 7313

Docket No.: 30126.
Petitioner: Historical Aviation Organization of Logan County.
Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.
Description of Relief Sought/ Disposition: To permit HAOLC to conduct local sightseeing flights at Bellefontaine Municipal Airport for its two-day Air Fest 2000 event in August 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/11/00, Exemption No. 7312

Docket No.: 25550.
Petitioner: Department of the Army.
Section of the FAR Affected: 14 CFR 91.169(a)(2) and (c).
Description of Relief Sought/ Disposition: To permit U.S. Army to file instrument flight rules flight plans in accordance with the regulations prescribed by the U.S. Army.

Grant, 08/08/00, Exemption No. 6528B

[FR Doc. 00–22367 Filed 8–31–00; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–40]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before September 21, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule docket (AGC–200), Petition No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271, Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on August 28, 2000.

Joseph A. Conte,

Acting Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No. 30056.

Petitioner: Galaxy Aerospace Company and NORDAM Group.

Section of the FAR Affected: 14 CFR 25.785(b).

Description of Relief Sought/ Disposition: To permit relief for the general occupant protection requirements for occupants of multiple place side-facing seats that are occupied during takeoff and landing manufactured by ERDA, Inc. in any Israel Aircraft Industries Galaxy (A53NM) model aircraft manufactured prior to January 1, 2004.

Grant, 08/02/00, Exemption No. 7296

Docket No. 25588.

Petitioner: The Soaring Society of America, Inc.

Section of the FAR Affected: 14 CFR 45.11 (a) and (d).

Description of Relief Sought/ Disposition: To permit all owners, operators, and manufacturers of gliders to continue to forgo the requirement to secure an identification plate or display the model and serial number on the exterior of the aircraft at specified locations.

Grant, 08/01/00, Exemption No. 4988E

Docket No. 29909.

Petitioner: KaiserAir, Inc.

Section of the FAR Affected: 14 CFR 135.153(a).

Description of Relief Sought/ Disposition: To permit KaiserAir to operate one Gulfstream American G–1159A airplane (Registration No. N740SS, Serial No. 369) equipped with a Sperry (Honeywell) VA–100 Voice Advisory/Ground Proximity System rather than an approved ground proximity warning system until the third quarter of 2000.

Denial, 08/02/00, Exemption No. 7308

Docket No. 29746.

Petitioner: American Airlines, Inc.

Section of the FAR Affected: 14 CFR 121.344 (a)(21) and (b)(3).

Description of Relief Sought/ Disposition: To permit American to (1) operate its Fokker 100 (F–100) airplanes without recording the leading edge slats/flaps position; (2) complete the required digital flight data recorder (DFDR) installations on its fleet of Boeing 727–200 (B–727–200), F–100, and McDonnell Douglas MD–80 (MD–80) airplanes using an alternative compliance schedule rather than at the next heavy maintenance check after August 18, 1999; and (3) extend by 14 months the August 20, 2001, final compliance deadline for the installation of the required DFDRs on 2 Airbus 300–600 (A300–600) and 23 Boeing 757–200 (B–757–200) airplanes.

Denial, 08/02/00, Exemption No. 7309

Docket No. 30080.

Petitioner: Mid-Atlantic Freight, Inc.

Section of the FAR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit MAFI to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 07/31/00, Exemption No. 7291

Docket No.: 28158.

Petitioner: Twin Otter International, Ltd.

Section of the FAR Affected: 14 CFR 121.345(c)(2) and 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit TOIL to operate those airplanes under part 121 and part 135 without a TSO–C112 (Mode S) transponder installed on each airplane.

Grant, 07/31/00, Exemption No. 6111C

Docket No.: 30112.

Petitioner: Elk Flyers, Inc.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/ Disposition: To permit Elk Flyers to conduct local sightseeing flights at St. Marys Municipal Airport for a one-day charity airlift in August 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/01/00, Exemption No. 7295

Docket No.: 30076.

Petitioner: TACA International Airlines.

Section of the FAR Affected: 14 CFR 121.344(b).

Description of Relief Sought/ Disposition: To permit TAI to operate five Airbus A300 (A300) airplanes (Registration Nos. N59106, N59107, N59139, N59140, and N68142) without installing the required DFDB on each airplane until August 20, 2001.

Grant, 08/08/00, Exemption No. 7305

Docket No.: 29284.

Petitioner: Falcon Aviation Consultants, Inc.

Section of the FAR Affected: 14 CFR 91.109(a).

Description of Relief Sought/ Disposition: To permit FACI flight instructors to conduct certain flight instruction to meet recent experience requirements in a Beechcraft Bonanza airplane equipped with a functioning throwover control wheel in place of functioning dual controls.

Grant, 08/02/00, Exemption No. 6803A

Docket No.: 27712.

Petitioner: American Airlines.

Section of the FAR Affected: 14 CFR 121.401(c), 121.433(c)(1)(iii), 121.440(a), and 121.441(a)(1) and (b)(1); appendix F to part 121; and Special Federal Aviation Regulation (SFAR) No. 58, paragraph 6(b)(3)(ii)(A).

Description of Relief Sought/ Disposition: To permit American to (1) combine recurrent flight and ground training and proficiency checks for American's pilots in command, seconds in command, and flight engineers in a single annual training and proficiency evaluation program (i.e., a single-visit training program), and (2) meet the line-check requirements of § 121.440(a) and SFAR No. 58 through an alternative line-check program.

Grant, 08/02/00, Exemption No. 5950C

[FR Doc. 00–22368 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–41]

Petition for Exemption; Summary of Petition Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions

previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before September 21, 2000.

ADDRESSES: Sent comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition docket No. _____, 800 Independence Avenue, SW, Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271; Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on August 28, 2000.

Joseph A. Conte,

Acting Assistance Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 30146.

Petitioner: Frontier Flying Service, Inc.

Section of the FAR Affected: 14 CFR 119.67(a)(3)(i).

Description of Relief Sought/ Disposition: To permit Mr. Hajdukovich to serve as Director of Operations of FFS without having at least 3 years experience, within the last 6 years, as pilot in command of a large airplane operated under part 121 or part 135.

Denial, 08/07/00, Exemption No. 7304

Docket No.: 30134.

Petitioner: Punxsutawney Municipal Airport Authority.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/ Disposition: To permit PMAA to conduct local sightseeing flights at Punxsutawney Airport for its two-day annual airport awareness days event in August 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/01/00, Exemption No. 7294

Docket No.: 30127.

Petitioner: South Haven Area Regional Airport Authority and the South Haven Rotary Club.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/ Disposition: To permit SHARAA and SHRC to conduct local sightseeing flights at South Haven Area Regional Airport for a one-day Fly-In Breakfast in August 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/01/00, Exemption No. 7293

Docket No.: 30111.

Petitioner: Ketchum Air Service, Inc.

Section of the FAR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit Ketchum to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 08/02/00, Exemption No. 7300

Docket No.: 30096.

Petitioner: American Air Network, Inc.

Section of the FAR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit AAN to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 08/02/00, Exemption No. 7299

Docket No.: 30091.

Petitioner: Fresh Water Adventures, Inc.

Section of the FAR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit Fresh Water to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 08/02/00, Exemption No. 7298

Docket No.: 29611.

Petitioner: Kent State University Flight Operations.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/ Disposition: To permit Kent State to conduct local sightseeing flights in the vicinity of Stow, Ohio, for its one-day Community Aviation Day event in September 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/02/00, Exemption No. 7297

Docket No.: 30117.

Petitioner: Robert Stone.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/ Disposition: To permit Mr. Stone to conduct local sightseeing flights in the vicinity of Brookville, Ohio, for a charitable event in August 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/07/00, Exemption No. 7302

Docket No.: 30118.

Petitioner: Mt. Sterling Aviation Association-EAA Chapter #1227.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/ Disposition: To permit Mt. Sterling to conduct local sightseeing flights at Mt. Sterling-Montgomery County Airport for its one-day airshow event in August 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 08/07/00, Exemption No. 7301

Docket No.: 28672.

Petitioner: Alaska Airlines, Inc.

Section of the FAR Affected: 14 CFR 121.709(b)(3).

Description of Relief Sought/ Disposition: To permit Alaska Airlines' flight crewmembers who hold current pilot certificates to install and/or remove medevac stretchers in Alaska Airlines aircraft.

Grant, 07/31/00, Exemption No. 6603B

[FR Doc. 00–22369 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary, Notice No. PE–2000–42]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before September 21, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271, Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on August 28, 2000.

Joseph A. Conte,

Acting Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29498.

Petitioner: Eastern Cincinnati Aviation, Inc.

Section of the FAR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.

Description of Relief Sought: To permit ECA to conduct limited daylight, visual flight rules sightseeing rides for compensation or hire as defined in § 135.1(c) without adopting a Federal Aviation Administration (FAA)-approved anti-drug program and an FAA-approved alcohol misuse prevention program.

[FR Doc. 00–22370 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 172; Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 172 meeting to be held July 26–27, 2000, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: September 19: Plenary Session; (1) Introductory Remarks; (2) Review and Approve Agenda; (3) Discuss need for RTCA MOPS as the basis for a TSO for VDL Mode 2 Physical Layer MOPS (MOPS new working paper WG3/WP140); (Continue detailed discussion during WG–3); (4) review the status of DO–224A accomplishments and review outstanding action items; (5) Form Working Groups 2 and 3; September 20: (6) Continue in individual Working Groups; September 21: (7) Continue individual Working Group discussions as necessary; (8) Reconvene Plenary as required; (9) Other Business; (10) Date and Location of Next meeting; September 22: (12) Optional day for additional working group discussions as required; (13) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20046; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 24, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–22359 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA; Special Committee 192; National Airspace Review Planning and Analysis

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 192 meeting to be held September 22, 2000, starting at 10:00 a.m. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review/Approve Previous Meeting Minutes; (3) Review/Approve edited User Recommendations on FAA Order 7400.2, Procedures for Handling Airspace Matters including detailed discussion on Class B and C airspace design specifications; (3) Other Business; (4) Date and Location of Next Meeting; (4) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Washington, DC 20036; (202) 833–9339 (phone), (202) 833–9434 (fax), or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 24, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–22361 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 196; Night Vision Goggle (NVG) Appliances & Equipment

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)–196 meeting to be held September

13–15, 2000, starting at 8:00 a.m. each day. On September 13 and 14, the meeting will be held at the GSA Training Center, 490 L'Enfant Plaza East Promenade, Suite 3208, Room 3A. On September 15, the meeting will take place at RTCA, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036.

The agenda will include: September 13–14: (1) Welcome and Introductory Remarks; (2) Agenda Overview; (3) Review/Approval of Previous Meeting Minutes; (4) Action Item Status Review; (5) Overview of SC–196 Working Group (WG) Activities: (a) WG–1, Operational Concept/Requirements; (b) WG–2, Night Vision Goggles Minimum Operational Performance Standards; (c) WG–3, Night Vision Imaging System Lighting; (d) WG–4, Maintenance/Serviceability; (e) WG–5, Training Guidelines/Considerations; (6) WG–1 Final Draft Overview. September 15: (7) Risk and System Safety Assessment Discussion; (8) Operational Concept/Requirements Ballot Process; (9) Open Issue List Review; (10) Other Business; (11) Establish Agenda for Next Meeting; (12) Date and Location of Next Meeting; (13) Workgroup Breakout Sessions; (14) Working Group Chairpersons meeting; (15) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 24, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–22363 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Program Management Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Programs Management Committee meeting to be held September 13, 2000, starting at 9:00 a.m. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW, Suite 1020, Washington, DC 20036.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review/Approve Summary of Previous Meeting; (3) Publication Consideration/Approval: (a) Final Draft, Minimum Aviation System Performance Standards: Required Navigation Performance for Area Navigation, (RTCA Paper No. 229–00/PMC–100, prepared by SC–181); (b) Final Draft, Minimum Operational Performance Standards for the Depiction of Navigation Information on Electronic Maps, (RTCA Paper No. 230–00/PMC–101, prepared by SC–181); (c) Final Draft, DO–248A, Second Annual Report for Clarification of DO–178b ''Software Considerations In Airborne Systems and Equipment Certification'', (RTCA Paper No. 174–00/SC190–072, prepared by SC–190). (d) Final Draft, Interoperability Requirements for ATS Applications Using ARINC 622 Data Communications, (RTCA Paper No. 223–00/PMC–098, prepared by SC–189); (e) Final Draft, Applications Descriptions for Initial Cockpit Display of Traffic Information (CDTI) applications (RTCA Paper No. 224–00/PMC–099, prepared by SC–186); (f) Final Draft, DO–224A, Signal-in-Space Minimum Aviation System Performance Standards (MADPS) for Advanced VHF Digital Data Communications Including Compatibility with Digital Voice Techniques, (RTCA Paper No. 241–00/PMC–103, prepared by SC–172); (g) Final Draft, Minimum Operational Performance Standards for 1090 MHz Automatic Dependent Surveillance—Broadcast (ADS–B), (RTCA Paper No. 242–00/PMC–104, prepared by SC–186); (4) Discussion: (a) Special Committee (SC)–188, High Frequency Data Link (HFDL); (b) SC–165 Work Program; (c) Document Production and PMC Meeting Schedule; (5) Action Item Review: (a) Action Item 00–01, Revised Document Guidance; (b) Action Item 00–05, SC–194, Chairmanship; (c) Action Item 00–06, SC–1186 Work Program Issues, (6) Other Business; (7) Date and Location of Next Meeting; (8) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 883–9339 (phone); (202) 833–9334 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Dated: Issued in Washington, DC, on August 24, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–22363 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Orlando-Sanford, Sanford, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Orlando-Sanford International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before October 2, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 5950 Hazeltine National Drive; Suite 400; Orlando, Florida 32822.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Victor D. White, AAE, Executive Director of the Sanford Airport Authority at the following address: Sanford Airport Authority, One Red Cleveland Blvd., Suite 200, Sanford, Florida 32773.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Sanford Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Armando L. Rovira, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive; Suite 400; Orlando, Florida 32822, (407) 812–6331 X–31. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Orlando-Sanford International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget

Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On August 25, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by Sanford Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than November 30, 2000.

The following is a brief overview of the application.

PFC Application No.: PFC 00–01–C–00–SFB.

Level of the proposed PFC: $1.00.

Proposed charge effective date: January 1, 2001.

Proposed charge expiration date: December 31, 2026.

Total estimated net PFC revenue: $14,146,000.

Brief description of proposed project(s):

Completed Projects

1. Runway 9R–27L and Taxiways B & C
2. Airfield Signage
3. Airport Master Plan Updated/Update 3DAAP/FAR Part 150/EA for Airport Access Road
4. Construct Runway 9L–27R Declared Distance Enhancement/Construct Access Road Phase
5. Construct Terminal Access Road Including Property Acquisition
6. Parking Transition to West Overflow Lot
7. Construct ARFF Station
8. ARFF Vehicles
9. Acquire Land and Construct Replacement Runway 9R–27L
10. Taxiway B West Extension
11. North Side Access Road
12. Airport Master Development Plan
13. Taxiway Fillets
14. FAR 107 Security System
15. Taxiways B & C Rehabilitation

New Projects

1. Taxiway A–4 Construction
2. Taxiway A
3. Relocate PAPI to Runway 9R–27L
4. Electrical Feed Loop to Terminal, ATCT & Airfield
5. Domestic Terminal Expansion
6. FAR 150 Noise Study
7. Construct Taxiway Sierra, Connectors and Lights (MITL)
8. Rehabilitate Aviation Ramps
9. Reconstruct Taxiways B, C & K
10. Runway 9R–27L Lights (MIRL)
11. ILS/MALSR
12. Airport Master Plan
13. ADA Lift Device
14. Terminal Ramp Area Reconstruction

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: N/A.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Sanford Airport Authority.

Issued in Orlando, Florida on August 25, 2000.

John W. Reynolds, Jr.,

Acting Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 00–22365 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Indiana Transportation Museum

[Waiver Petition Docket Number FRA–2000–7644]

The Indiana Transportation Museum (ITMZ) of Noblesville, Indiana, petitioned for a permanent waiver of compliance for one locomotive from the requirements of the Railroad Safety Appliance Standards, 49 CFR Part 231, which requires all locomotives built prior to April 1, 1977, be equipped with four switching steps. ITMZ indicates that locomotive ITMZ 99 has steps that are cast as an integral part of the frame. The locomotive is historic in nature and is utilized to haul demonstration trains operated by the museum. This locomotive is not used for switching.

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 2000–7644) 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 August 25, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–22290 Filed 8–30–00; 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 extension of 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.

Union Pacific Railroad Company

[Waiver Petition Docket Number FRA–2000–7669 (formally RSOP–96–1)]

Union Pacific Railroad Company (UP) seeks an extension of a waiver of compliance from certain sections of 49 CFR Part 218, Subpart B—Blue Signal Protection of Workers. UP originally requested a permanent waiver of the provisions of 49 CFR 218.25, Workers on a main track, at its El Paso, Texas, fueling facility.

UP has designated four additional tracks at the fueling facility as main tracks for a total of six main tracks in the facility, which are in the middle of the yard and are used for functions normally performed on yard tracks. UP originally requested relief so that they could have the flexibility of treating these main tracks at the El Paso facility

as tracks other than main tracks so it may have the option of protecting its employees working on, under, or between rolling equipment in accordance with 49 CFR 218.25 or 218.27, or a combination of both, in lieu of Part 218.25, Workers on a main track. UP believes that the safest and most efficient method of protecting its employees in the El Paso facility is through the use of a combination of blue signal protection and remotely controlled switches. This waiver was previously conditionally approved on May 27, 1997, for a two-year period, and a one-year extension was granted on June 24, 1999.

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 (Waiver Petition Docket Number 2000–7669) 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 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 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 August 25, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–22291 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–7375

Applicant: CSX Transportation, Incorporated, Mr. E. G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation Incorporated seeks approval of the proposed discontinuance and removal of the existing signal system, over the single main track Ferrysburg Drawbridge, near Grand Havens, Michigan, milepost CGC 43.8, on the Montague Subdivision, Detroit Service Lane. The proposal includes removal of signals 1871, 1878, and 1878A, and operate train movements exclusively by the shore control panels located on each side of the bridge.

The reason given for the proposed changes is that the minimal track usage, one northbound and one southbound train daily, does not warrant the present type of signal system.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the 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 DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. 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.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on August 25, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–22292 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–7378

Applicant: CSX Transportation, Incorporated, Mr. E. G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation Incorporated seeks approval of the proposed modification of the traffic control system, on the main track, at E.E. Dunleary, Kentucky, milepost CMG 126.5, on the Big Sandy Subdivision, Appalachian Division, consisting the discontinuance and removal of absolute controlled signals 294L and 294R.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operations due to the previous removal of the siding.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds

upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the 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 DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. 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.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on August 25, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–22293 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from the Requirements of Title 49 Code of Federal Regulations Part 236.

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–7415

Applicants:

CSX Transportation, Incorporated, Mr. E. G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–350), Jacksonville, Florida 32256

Norfolk Southern Corporation, Mr. W. C. Johnson, Chief Engineer S&E Engineering, 99 Spring Street, S.W., Atlanta, Georgia 30303

Conrail Shared Assets, Mr. R. E. Inman, Chief Engineer—C&S, 1000 Howard Boulevard, Mount Laurel, New Jersey 08054

CSX Transportation, Incorporated, Norfolk Southern Corporation, and Conrail Shared Asssets, jointly seek approval of the proposed modification of the signal system, on the main and side tracks, at Delray, Michigan, milepost CH–4.5, on the Detroit Subdivision, Detroit Service Lane, consisting the discontinuance and removal of power-operated derails No.'s 35, 52, and 53.

The reason given for the proposed changes is that under current operating conditions, the need for these derails do not exist, and their removal will increase operating efficiency.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the 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 DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. 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*.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on August 25, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–22294 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–7376

Applicant: CSX Transportation, Incorporated, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation Incorporated seeks approval of the proposed modification of the traffic control system, on the main and siding tracks, at S. E. Adairsville, milepost WA–68.0 and N. E. Adairsville, milepost WA–68.9, on the W&A Subdivision, Atlanta, Division, near Adairsville, Georgia, consisting of the discontinuance and removal of absolute controlled signals 32LA, 32LB, 32LR, 36RA, 36RB, and 36L, and conversion of the two associated power-operated switches to hand operation.

The reasons given for the proposed changes are to increase efficiency and eliminate facilities no longer needed in present day operations, and a new passing siding will be constructed between milepost WA–65.0 and milepost WA–67.3.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the 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 DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. 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.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on August 25, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–22295 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

[Docket No. FRA–2000–7377]

Applicant: CSX Transportation, Incorporated, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation Incorporated seeks approval of the proposed modification of the traffic control system, on the main and siding tracks, near Allen, Kentucky, on the Big Sandy Subdivision, Appalachian Division, consisting the discontinuance and removal of absolute controlled signals 178L, 178R, and 178RB, the hand-operated switch, and derail at E.E. Allen, milepost CMG 84.3, and the hand-operated switch and derail at milepost CMG 84.4, associated with the combining of the Allen Storage Track with the Adams Mine Storage Track.

The reason given for the proposed changes is to increase efficiency and eliminate facilities no longer needed in present day operations.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the 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 DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. 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.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on August 25, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–22296 Filed 8–30–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33915]

Norfolk Southern Railway Company—Trackage Rights Exemption—Canton Railroad Company

Canton Railroad Company (CTN), a Class III rail common carrier, has agreed to grant overhead trackage rights to Norfolk Southern Railway Company (NS) over approximately 1780 feet of CTN's mainline of railroad between a connection with NS at Station 100+92 in Baltimore, MD, and a connection with NS at approximately Station 83.12 in Baltimore City.[1]

NS reported that it intends to consummate the transaction on September 1, 2000, or as soon thereafter as the parties may agree and/or the time required for any necessary labor notice is given.

The purpose of the trackage rights is to permit NS to facilitate the development of a more efficient facility to serve a coal exporting facility in Baltimore, and to thus move traffic more safely, efficiently and expeditiously in the eastern Maryland region.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33915, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on John V. Edwards, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510–2191.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

[1] A redacted version of the trackage rights agreement between CTN and NS was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order. A protective order was served on August 23, 2000.

Decided: August 24, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–22191 Filed 8–30–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33911]

KBN, Inc.—Control Exemption—Minnesota Northern Railroad, Inc. and St. Croix Valley Railroad Company

KBN, Inc. (KBN), a noncarrier, has filed a verified notice of exemption to control two Class III railroads, Minnesota Northern Railroad, Inc. (MNR) and St. Croix Valley Railroad Company (SCVR), operating in the State of Minnesota. KBN is proposing to acquire all of the outstanding stock of MNR and SCVR pursuant to a letter of intent to sell by RailAmerica Transportation Corp. KBN further states that signing of a formal agreement is imminent.

The transaction was scheduled to be consummated on or shortly after August 15, 2000.

KBN states that: (i) These railroads do not connect with each other; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33911, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 1330, Chicago, IL 60606–2902.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: August 24, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–22357 Filed 8–30–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33916]

Penn Eastern Rail Lines, Inc.—Acquisition Exemption—Lines of the Commonwealth of Pennsylvania, Acting Through Its Department of Transportation

Penn Eastern Rail Lines, Inc. (PERL), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire ownership rights in two rail lines from the Commonwealth of Pennsylvania, acting through its Department of Transportation. The first rail line, known as the Perkiomen Branch, extends between approximately milepost 22.338, at Pennsburg, and milepost 38.23, at Emmaus Junction, Emmaus, in Berks, Lehigh and Montgomery Counties, PA. The second rail line, known as the Mount Hope Industrial Track, extends between approximately milepost 0.36 and milepost 1.00, at Manheim, Lancaster County, PA. The total distance of the rail lines to be acquired is approximately 16.53 route miles. PERL will continue as the operator of the two rail lines.[1]

The parties report that they intend to consummate the transaction on or soon after the effective date of the exemption. The earliest the transaction can be consummated is August 25, 2000, 7 days after the exemption was filed.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33916, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Esq., Oppenheimer Wolff & Donnelly LLP, 1350 Eye Street, NW., Suite 200, Washington, DC 20005–3324.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: August 23, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–22033 Filed 8–30–00; 8:45 am]

BILLING CODE 4915–00–P

[1] *See Penn Eastern Rail Lines, Inc.—Acquisition and Operation Exemption—Lines of Lancaster Northern Railway, Inc., Chester Valley Railway, Inc., East Penn Railways, Inc., and Bristol Industrial Terminal Railway, Inc.,* STB Finance Docket No. 33512 (STB served December 1, 1997).

DEPARTMENT OF THE TREASURY

Departmental Offices; Privacy Act of 1974, as Amended; Systems of Records

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of proposed new privacy act system of records.

SUMMARY: The Department of the Treasury proposes to add a new Treasury-wide system of records to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records systems maintained by the agency (5 U.S.C. 552a(e)(4)).

DATES: The new system will be effective without further notice October 10, 2000, unless comments are received that would result in a contrary determination.

ADDRESSES: Comments should be sent to Director, Office of Personnel Policy, Room 6018 Metropolitan Square, Department of the Treasury, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Hank Reddick, Office of Personnel Policy, (202) 622–0735.

SUPPLEMENTARY INFORMATION: The Department of the Treasury Child Care Tuition Assistance Records system will collect family income data from Department of the Treasury employees for the purpose of determining their eligibility for child care tuition assistance. It also will collect

information from the employee's child care provider(s) for verification purposes; *e.g.,* that the provider is licensed. Collection of data will be by tuition assistance application forms submitted by employees.

The new system of records report as required by 5 U.S.C. 552a(r) of the Privacy Act has been submitted to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996.

The proposed Treasury Child Care Tuition Assistance Records—Treasury/DO .006 is published in its entirety below.

Dated: August 15, 2000.

Shelia Y. McCann,

Deputy Assistant Secretary (Administration).

Treasury/DO .006

SYSTEM NAME:

Treasury Child Care Tuition Assistance Records.

SYSTEM LOCATION:

Department of the Treasury,1500 Pennsylvania Ave., NW, Washington, DC 20220. The locations at which the system is maintained by Treasury components are:

1. a. Departmental Offices (DO):

1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

2. Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

3. Office of the Comptroller of the Currency (OCC): 250 E Street, NW, Washington, DC 20219–0001.

4. United States Customs Service (CS): 1301 Constitution Avenue, NW, Washington DC 20229.

5. Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

6. Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

7. Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

8. Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

9. United States Mint (MINT): 801 9th Street, NW, Washington, DC 2022.

10. Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

11. United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

12. Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of the Treasury who voluntarily apply for child care tuition assistance, the employee's spouse, their children and their child care providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include application forms for child care tuition assistance containing personal information, including employee (parent) name, Social Security Number, pay grade, home and work numbers, addresses, telephone numbers, total family income, names of children on whose behalf the parent is applying for tuition assistance, each child's date of birth, information on child care providers used (including name, address, provider license number and State where issued, tuition cost, and provider tax identification number), and copies of IRS Form 1040 and 1040A for verification purposes. Other records may include the child's social security number, weekly expense, pay statements, records relating to direct deposits, verification of qualification and administration for the child care tuition assistance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 106–58, section 643 and E.O. 9397.

PURPOSE:

To establish and verify Department of the Treasury employees' eligibility for child care subsidies in order for the Department of the Treasury to provide monetary assistance to its employees. Records are also maintained so the Department can make payments to child care providers on an employee's behalf.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to: (1) Disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Department of the Treasury becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual;

(3) Disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge;

(4) Disclose information to the National Archives and Records Administration for use in records management inspections;

(5) Disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury is authorized to appear, when: (a) The Department of the Treasury, or any component thereof; or (b) any employee of the Department of the Treasury in his or her official capacity; or (c) any employee of the Department of the Treasury in his or her individual capacity where the Department of Justice or the Department of the Treasury has agreed to represent the employee; or (d) the United States, when the Department of the Treasury determines that litigation is likely to affect the Department of the Treasury or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Department of the Treasury is deemed by the Department of the Treasury to be relevant and necessary to the litigation; provided, however, that the disclosure is compatible with the purpose for which records were collected;

(6) Provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, the Office of Special Counsel, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(7) Disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, or cooperative agreement, or job for the Federal Government;

(8) Disclose information to a court, magistrate, or administrative tribunal when necessary and relevant in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil

discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena;

(9) Disclose information to unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information may be collected on paper or electronically and may be stored as paper forms or on computers.

RETRIEVABILITY:

By name; may also be cross-referenced to Social Security Number.

SAFEGUARDS:

When not in use by an authorized person, paper records are stored in lockable file cabinets or secured rooms. Electronic records are protected by the use of passwords.

RETENTION AND DISPOSAL:

Disposition of records is according to the National Archives and Records Administration (NARA) guidelines.

SYSTEM MANAGER(S) AND ADDRESS:

Treasury official prescribing policies and practices: Director, Office of Personnel Policy, Room 6018-Metropolitan Square, Department of the Treasury, Washington, DC 20220. Officials maintaining the system and records for the Treasury components are:

1. a. DO: Director, Office of Personnel Resources, Department of the Treasury, Room 1462–MT, Washington, DC 20220.

b. Office of General Counsel: Administrative Officer, Department of the Treasury, Room 1417–MT, Washington, DC 20220.

c. OIG: Personnel Officer, 740 15th St., NW, Suite 510, Washington, DC 20220.

d. TIGTA: Director, Management Resources & Support, 1111 Constitution Ave., NW, TIGTA: IG:NS:HR, Room 6402, Washington, DC 20224.

2. ATF: Chief, Personnel Division 650 Massachusetts Ave., NW, Room 4100, Washington, DC 20226.

3. OCC: Director, Human Resources Division Independence Square, 250 E St., SW, 4th Floor, Washington, DC 20219.

4. USCS: Personnel Director, HRM, 1300 Pennsylvania Ave., NW Room 2.4a, International Trade Center, Washington, DC 20229.

5. BEP: Chief, Office of Human Resources. 14th & C St., SW, Room 202–13a, Washington, DC 20228.

6. FLETC: Human Resources Officer, Bldg 94, Room E–2, Glynco, GA 31524.

7. FMS: Director, Human Resources Division, PG Center II Bldg, Rm. 114f, 3700 East West Highway, Hyattsville, MD 20782.

8. IRS: Director Personnel Policy Division, 1111 Constitution Ave., Building CP6—M:S:P, Washington, DC 20224.

9. MINT: Assistant Director, Human Resources 801 9th Street, NW, Room 6S34, Washington, DC 20220.

10. BPD: Child Care Assistance Program (CCAP) Coordinator P.O. Box 1328, Room 302, Parkersburg, W. VA 26106–1328.

11. USSS: Chief, Personnel Division 950 H St., NW, 7th Floor, Washington, DC 20223.

12. OTS: Director, Human Resources Division, 1700 G St., NW, 2nd Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions given in the appendix for each Treasury component appearing at 31 CFR part 1, subpart C.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information is provided by Department of the Treasury employees who apply for child care tuition assistance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–22260 Filed 8–30–00; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Privacy Act of 1974; Altered Systems of Records

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of Alterations to Twelve Privacy Act Systems of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury gives notice of proposed alterations to twelve Privacy Act systems of records. The proposed alterations will update existing notices and conform them to the requirements of the Office of the Federal Register. The Department also gives notice of the deletion of a Privacy Act system of records.

EFFECTIVE DATE: The proposed alterations will become effective without further notice on October 2, 2000, unless comments dictate otherwise.

ADDRESSES: Comments should be sent to Disclosure Services, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, or by fax at (202) 622–3895.

FOR FURTHER INFORMATION CONTACT: Dale Underwood, Deputy Assistant Director, Disclosure Services, (202) 622–0874.

SUPPLEMENTARY INFORMATION: As a result of a compliance review, the Department found that the following eight Privacy Act systems of records notices should be revised by adding a ''Purpose(s)'' statement to conform the notices to the format required by the Office of the Federal Register.

Treasury/DO .005—Grievance Records;
Treasury/DO .010—Office of Domestic Finance, Actuarial Valuation System;
Treasury/DO .060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction;
Treasury/DO .149—Foreign Assets Control Legal Files;
Treasury/DO .156—Tax Court Judge Applicants;
Treasury/DO .183—Private Relief Tax Bill Files;
Treasury/DO .193—Employee Locator and Automated Directory System, and
Treasury/DO .200—FinCEN Data Base.

The list of the bureaus and other components of the Department published in 31 CFR 1.20 was revised on January 14, 2000 (65 FR 2333). Three Treasury-wide systems of records notices (DO .005, DO .210, DO .211) are being updated to make the ''system location'' consistent with the revision and to add the street addresses to the bureau locations.

The list of the system managers and addresses for Treasury/DO .005—Grievance Records is also being revised due to changes in addresses and reorganizations within the Department, and to reformat the list of the system managers by bureau.

In addition, the notice published on December 17, 1998, did not identify the correct system manager for Treasury/DO .060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction.

Treasury/DO .190—General Allegations and Investigative Records is amended to change the title to

''Investigation Data Management System,'' and to make changes in the system locations and a change in the address of the system manager. Two system locations, New York, NY and Glynco, GA, are being deleted, and four system locations, San Diego, CA; Miami, FL; Marlton, NJ; and Alexandria, VA, are being added.

A review of Treasury/DO .191—OIG Management Information System (MIS) found that the title did not accurately reflect the categories of records in the system and is being renamed: ''Human Resources and Administrative Records System.'' Appendix A, Addresses of OIG offices, is also amended to reflect current system locations. In addition, the title of the OIG system manager is being changed in the following two Treasury-wide system notices:

Treasury/DO .210—Treasury Integrated Financial Management and Revenue System, and

Treasury/DO .211—Telephone Call Detail Records.

The review found that the Department no longer maintains the records subject to Treasury/DO .068—Time-In-Grade Exception Files. Consequently, the system of records is being deleted effective August 31, 2000.

Because the described alterations are not considered significant, the reporting requirements of subsection (r) of the Privacy Act of 1974 do not apply. The proposed alterations to the Treasury systems of records are set forth below.

Dated: August 15, 2000.

Shelia Y. McCann,

Deputy Assistant Secretary, (Administration).

Treasury/DO .005

SYSTEM NAME:

Grievance Records—Treasury/DO.

Description of change: Remove the current entry and add the following:

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. These records are located in personnel or designated offices in the bureaus in which the grievances were filed. The locations at which the system is maintained are:

(1)a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW, Washington, DC 20219–0001.

(4) United States Customs Service (CS): 1301 Constitution Avenue, NW, Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

(7) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

(8) United States Mint (MINT): Judiciary Square Building, 633–3rd Street, NW Washington, DC 20220.

(9) Bureau of the Public Debt (BPD): 999–E Street, NW, Washington, DC 20239.

(10) United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

(11) Office of Thrift Supervision (OTS): 1700 G Street, NW.,Washington, DC 20552.

* * * * *

Description of change: Immediately preceding the heading, ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' add the following entry:

PURPOSE(S):

To adjudicate employee administrative grievances filed under the authority of 5 CFR Part 771 and the Department's Administrative Grievance Procedure.

* * * * *

Description of change: Remove the current entry and add the following:

SYSTEM MANAGER(S) AND ADDRESS:

Records pertaining to administrative grievances filed at the Departmental level: Director, Office of Personnel Policy, 1500 Pennsylvania Ave., NW., Metropolitan Square, Washington, DC 20220. Records pertaining to administrative grievances filed at the bureau level:

(1)a. DO: Chief, Personnel Resources, 1500 Pennsylvania Ave. NW., Metropolitan Square, Washington, DC 20220.

b. OIG: Personnel Officer, 740–15th St. NW, Rm. 510, Washington, DC 20220.

c. TIGTA: National Director, Human Resources, 1111 Constitution Ave. NW, Rm. 6408, TIGTA: MRS, Washington, DC 20224.

(2) ATF: Chief, Personnel Division, 650 Massachusetts Ave. NW, Rm. 4100, Washington, DC 20226.

(3) OCC: Director, Human Resources, 250 E Street, SW, Washington, DC 20219.

(4) Customs: Assistant Commissioner, Office of Human Resources Management, Ronald Reagan Building, Room 2.4A, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

(5) BEP: Chief, Office of Human Resources, 14th & C Streets, SW, Room 202–13A, E&P Annex, Washington, DC 20228.

(6) FLETC: Human Resources Officer, Glynco, GA 31524.

(7) FMS: Director, Personnel Management Division, 3700 East West Hwy, Room 115–F, Hyattsville, MD 20782.

(8) IRS: Director, Office of Workforce Relations (M:S:L) 1111 Constitution Ave. NW, Room 1515IR, Washington, DC 20224.

(9) Mint: Assistant Director for Human Resources, 801 9th Street, NW, 6th Floor, Washington, DC 20220

(10) BPD: Director, Human Resources Division, 200 Third Street, Parkersburg, WV 26106–1328.

(11) USSS: Chief, Personnel Division, 950 H Street, NW, Suite 7000, Washington, DC 20373–5802.

(12) OTS: Director, Human Resources Division, 2nd Floor, 1700 G Street, NW, Washington, DC 20552.''

* * * * *

Treasury/DO .010

SYSTEM NAME:

Office of Domestic Finance, Actuarial Valuation System—Treasury/DO.

* * * * *

Description of change: Immediately preceding the heading, ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' add the following entry:

PURPOSE(S):

Public Law 95–595 requires that annual actuarial valuations be conducted for Federal retirement systems. In order to satisfy this requirement, participant data must be collected so that liabilities for the Foreign Service Retirement and Disability System and the Foreign Service Pension System can be actuarially determined.

* * * * *

Treasury/DO .060

SYSTEM NAME:

Correspondence Files and Records on Employee Complaints and/or Dissatisfaction—Treasury/DO.

* * * * *

Description of change: Immediately preceding the heading, ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' add the following entry:

PURPOSE(S):

To maintain a record of correspondence related to employee complaints filed with the Departmental Office of Personnel Policy.

* * * * *

Description of change: Remove the current entry and add the following:

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Policy, Department of the Treasury, Washington, DC 20220.

* * * * *

Treasury/DO .149

SYSTEM NAME:

Foreign Assets Control Legal Files—Treasury/DO.

* * * * *

Description of change: Immediately preceding the heading, ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' insert the following entry:

PURPOSE(S):

These records are maintained to assist in providing legal advice to the Office of Foreign Assets Control and the agency regarding issues of compliance, enforcement, investigation, and implementation matters related to the Office of Foreign Assets Control and the statutes and regulations administered by the agency. These records are also maintained to assist in litigation related to the Office of Foreign Assets Control and the statutes and regulations administered by the agency.

* * * * *

Treasury/DO .156

SYSTEM NAME:

Tax Court Judge Applicants—Treasury/DO.

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Description of change: Immediately preceding the heading, ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' add the following entry:

PURPOSE(S):

To maintain records about candidates for appointment to the Tax Court in order to make recommendations to the President.

* * * * *

Treasury/DO .183

SYSTEM NAME:

Private Relief Tax Bill Files—Treasury/DO.

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Description of change: Immediately preceding the heading, ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' add the following entry:

PURPOSE(S):

The files of private relief tax bills contain records of policy positions and issues involved in Congressional private relief tax bills.

* * * * *

Treasury/DO .190

DESCRIPTION OF CHANGE: REMOVE THE CURRENT TITLE ''GENERAL ALLEGATIONS AND INVESTIGATIVE RECORDS—TREASURY/DO.'' AND ADD THE FOLLOWING:

SYSTEM NAME:

Investigation Data Management System—Treasury/DO.

Description of change: Remove the current entry and add the following:

SYSTEM LOCATION:

Office of Inspector General (OIG), Assistant Inspector General for Investigations, 740 15th St., NW, Suite 500, Washington, DC 20220; Field Offices in Alexandria, VA; Marlton, NJ; Houston, TX; Los Angeles, CA; San Diego, CA; Miami, FL, and Chicago, IL. Addresses may be obtained from the system manager.

* * * * *

Description of change: Remove the current entry and add the following:

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, 740 15th St., NW, Suite 500, Washington, DC 20220.

* * * * *

Treasury/DO .191

DESCRIPTION OF CHANGE: REMOVE THE CURRENT TITLE ''OIG MANAGEMENT INFORMATION SYSTEM (MIS)'' AND ADD THE FOLLOWING:

SYSTEM NAME:

Human Resources and Administrative Records System—Treasury/DO.

* * * * *

Description of change: Remove the current entry and add the following:

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Personnel system records contain OIG employee name, office, start of employment, series/grade, title, separation date; (2) Tracking records contain status information on audits, investigations and other projects from point of request or annual planning through follow-up and closure; (3) Timekeeping records contain assigned projects and distribution of time; (4) Equipment inventory records contain assigned equipment; (5) Travel records contain dates, type of travel and costs; (6) Training records contain dates, title of training, and costs.

* * * * *

Description of change: Remove the current entry and add the following:

PURPOSE(S):

The purpose of the system is to: (1) manage effectively OIG resources and projects; (2) capture accurate statistical data for mandated reports to the Secretary of the Treasury, the Congress, the Office of Management and Budget, the General Accounting Office, the President's Council on Integrity and Efficiency and other Federal agencies; and (3) provide accurate information critical to the OIG's daily operation, including employee performance and conduct.

* * * * *

Description of change: Remove the current entry and add the following:

SAFEGUARDS:

Access is limited to OIG employees who have a need for such information in the course of their work. A central network server is password protected by account name and user password. Access to records on magnetic media is controlled by computer passwords. Access to specific system records is further limited and controlled by computer security programs limiting access to authorized personnel.

* * * * *

Description of change: Remove the current entry and add the following:

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management Services, 740 15th St. NW, Suite 510, Washington, D. C. 20220.

* * * * *

Description of change: Remove the current entries and add the following:

APPENDIX A—ADDRESSES OF OIG OFFICES.

HEADQUARTERS: Department of the Treasury, Office of Inspector General, Office of the Assistant Inspector General for Management Services, 740 15th Street, NW, Suite 510, Washington, D. C. 20220.

FIELD LOCATIONS: Contact System Manager for addresses.

Department of the Treasury, Office of Inspector General, (Offices of Audit and Investigations), El Segundo, CA 90245–4320.

Department of the Treasury, Office of Inspector General, Office of Investigations, San Diego, CA 92101.

Department of the Treasury, Office of Inspector General, Office of Audit, San Francisco, CA 94105.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Miami, FL 33166–7710.

Department of the Treasury, Offices of Audit and Investigations, Chicago, IL 60690.

Department of the Treasury, Office of Inspector General, Office of Audit, Indianapolis, IN 46278.

Department of the Treasury, Office of Inspector General, Office of Audit, New Orleans, LA 70130.

Department of the Treasury, Office of Inspector General, Office of Audit, Boston, MA 02110.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Marlton, NJ 08053.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Houston, TX 77057.

Department of the Treasury, Office of Inspector General, Office of Investigations, Alexandria, VA 22314.

* * * * *

Treasury/DO .193

SYSTEM NAME:

Employee Locator and Automated Directory System—Treasury/DO.

* * * * *

Description of change: Immediately preceding the heading, ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' add the following entry:

PURPOSE(S):

The Employee Locator and Automated Directory System is maintained for the purpose of providing current locator and emergency information on all DO employees.

* * * * *

Description of change: Remove the current entry and add the following:

RETRIEVABILITY:

Indexed by name.

* * * * *

Description of change: Remove the current entry and add the following:

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Telephone Operator Services Branch, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

* * * * *

Treasury/DO .200

SYSTEM NAME:

FinCEN Data Base—Treasury/DO.

* * * * *

Description of change: Immediately preceding the heading, ''Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses,'' add the following entry:

PURPOSE(S):

The purpose of this system of records is to support FinCEN's efforts to provide a government-wide, multi-source intelligence and analytical network to support the detection, investigation, and prosecution of domestic and international money laundering and other financial crimes, and other domestic and international criminal, tax, and regulatory matters.

* * * * *

Treasury/DO .210

SYSTEM NAME:

Treasury Integrated Financial Management and Revenue System—Treasury/DO

Description of change: Remove the current entry and add the following:

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, D. C. 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, D.C. 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW, Washington, DC 20219–0001.

(4) United States Customs Service (CS): 1301 Constitution Avenue, NW, Washington D.C. 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, D.C. 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, D.C. 20227.

(7) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, D.C. 20224.

(8) United States Mint (MINT): Judiciary Square Building, 633–3rd Street, NW Washington, D.C. 20220.

(9) Bureau of the Public Debt (BPD): 999–E Street, NW, Washington, D.C. 20239.

(10) United States Secret Service (USSS): 950 H Street, NW, Washington, D.C. 20001.

(11) Office of Thrift Supervision (OTS): 1700 G Street, NW.,Washington, D.C. 20552.

* * * * *

Description of change: Remove the current entry for the Assistant Inspector General for Resources and replace it with the following:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

OIG: Assistant Inspector General for Management Services, 740 15th St. NW., Suite 510, Washington, DC 20220.

* * * * *

Treasury/DO .211

SYSTEM NAME:

Telephone Call Detail Records—Treasury/DO

Description of change: Remove the current entry and add the following:

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, D. C. 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, D.C. 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW, Washington, DC 20219–0001.

(4) United States Customs Service (CS): 1301 Constitution Avenue, NW, Washington D.C. 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, D.C. 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, D.C. 20227.

(7) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, D.C. 20224.

(8) United States Mint (MINT): Judiciary Square Building, 633–3rd Street, NW Washington, D.C. 20220.

(9) Bureau of the Public Debt (BPD): 999–E Street, NW, Washington, D.C. 20239.

(10) United States Secret Service (USSS): 950 H Street, NW, Washington, D.C. 20001.

(11) Office of Thrift Supervision (OTS): 1700 G Street, NW.,Washington, D.C. 20552.

* * * * *

Description of change: Remove the current entry for the OIG and replace it with the following:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

* * * * *

Assistant Inspector General for Management Services, 740 15th St. NW., Suite 510, Washington, DC 20220.

* * * * *

[FR Doc. 00–22261 Filed 8–30–00; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, As Amended; System of Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed new privacy act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury, Internal Revenue Service, gives notice of a proposed new system of records entitled ''Treasury/IRS 22.062—Electronic Filing Records.''

DATES: Comments must be received no later than October 2, 2000. This new system of records will be effective October 10, 2000 unless the IRS receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to the Office of Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224. Comments will be made available for inspection and copying in the Freedom of Information Reading Room (1621) at the above address, upon request.

FOR FURTHER INFORMATION CONTACT: JoAnn Blank, National Director, Individual Electronic Filing Division, Electronic Tax Administration, OP:ETA:I, Internal Revenue Service, 5000 Ellin Road, Lanham, MD 20706. Telephone number (202) 283–4790.

SUPPLEMENTARY INFORMATION: The proposed system will allow the IRS to better serve the public through more efficient administration of electronic filing of returns. The proposed system will include records about current, past, and potential electronic filing providers, and records concerning marketing and improving electronic filing processes. Records about electronic providers will be used to determine their suitability to participate in the electronic filing program. Certain records will concern why electronic providers have been rejected from participation, including the reasons for such rejection, or for suspension or expulsion from participation. Electronic providers are electronic return originators, electronic return transmitters, and individual filing software developers. Potential electronic filing providers are individuals to whom the IRS wants to market the benefits of becoming an electronic filing provider. An electronic return originator is: (a) An electronic return preparer who prepares returns for taxpayers who intend to have their returns electronically filed, or (b) an electronic return collector who accepts completed tax returns, including Forms 8453 (U.S. Individual Income Tax Declaration for Electronic Filing), from taxpayers who intend to have their returns electronically filed. An electronic return transmitter transmits the electronic portion of a return directly to the IRS. In order to protect the public interest, IRS conducts background investigations of people who apply to file returns electronically for others. Principals of firms or organizations who want to electronically file for others must file IRS Form 8633 (Application to Participate in the Electronic Filing Program). The information from Form 8633 will be used for background checks, which may include fingerprint checks and inquiries to the FBI asking whether the applicant has a criminal history. Records in the system will include records with information from people who volunteer their opinions concerning how to improve electronic filing procedures and ease of use. Records may also include information about people who attend seminars or otherwise express an interest in electronic filing so they can receive information about the benefits of electronic filing.

The proposed new system of records entitled ''Electronic Filing Records—Treasury/IRS 22.062'' is published in its entirety below.

Dated: August 23, 2000.

W. Earl Wright, Jr.,

Director, Management and Administrative Programs.

Treasury/IRS 22.062

SYSTEM NAME:

Electronic Filing Records—Treasury/IRS.

SYSTEM LOCATION:

IRS National Office, District Offices, Service Centers, and Computing Centers. (See IRS Appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Electronic return providers (electronic return preparers, electronic return collectors, electronic return originators, electronic filing transmitters, individual filing software developers) who have applied to participate, are participating, or have been rejected, expelled or suspended from participation in the electronic filing program (including Volunteer Income Tax Assistance (VITA) volunteers). Individuals who attend, or have indicated interest in attending, seminars and marketing programs to encourage electronic filing and improve electronic filing programs (including individuals who provide opinions or suggestions to improve electronic filing programs), or who otherwise indicate interest in participating in electronic filing programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records pertaining to individual electronic filing providers including applications to participate in electronic filing, credit reports, conduct reports, law enforcement records, and other information from investigations into suitability for participation. Records pertaining to marketing electronic filing, including surveys and opinions about improving electronic filing programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 6011, 6012, and 7803.

PURPOSES(S):

This system will maintain records for administration and marketing of electronic filing programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

Records other than returns and return information may be used to:

(1) Disclose pertinent information to appropriate Federal, state, or foreign agencies or instrumentalities responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a violation or potential violation of civil or criminal law or regulation or licensing requirements;

(2) Disclose information to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Provide information to third parties during the course of an investigation to the extent necessary to obtain information that is pertinent to the investigation, including credit bureaus for credit checks and fingerprint records to the FBI or other law enforcement agencies;

(6) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings;

(7) Provide information to contractors for use in contracted services for electronic filing programs;

(8) Disclose information to state taxing authorities to promote joint and state electronic filing, including marketing such programs and enforcing the legal and administrative requirements of such programs;

(9) Disclose to the public the identities (including addresses) of electronic return originators, electronic return preparers, electronic return transmitters, and individual filing software developers, who have been suspended, removed, or otherwise disciplined. The Service may also disclose the effective date and duration of the suspension, removal, or other disciplinary action;

(10) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and magnetic media.

RETRIEVABILITY:

By electronic filing provider name or tax identification number (SSN, EIN, EFIN, PTIN) or document control number (DCN).

SAFEGUARDS:

Access controls will not be less than those provided for by the Manager's Security Handbook, IRM 1(16)12, and the Automated Information System Security Handbook, IRM 2.10.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbook, IRM 1.15.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices: Assistant Commissioner (Electronic Tax Administration). Officials maintaining the system: Assistant Commissioner (Electronic Tax Administration), Business Systems Modernization Executive/Chief Information Officer, Regional Commissioners, District Directors, IRS Submission Processing Center Directors, Customer Service Center Directors, Computing Center Directors. (See IRS Appendix A for addresses.)

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the appropriate official maintaining the system (above).

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records. See ''Notification procedure'' above for seeking amendment to records that are not tax records.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the following sources: (1) Electronic filing providers; (2) informants and third party information; (3) city and state governments; (4) IRS and other Federal agencies; (5) professional organizations; (6) business entities; and (7) participants in marketing efforts or who have otherwise indicated interest in electronic filing programs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–22259 Filed 8–30–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0365]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The National Cemetery Administration (NCA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to request removal of remains from a national cemetery for interment at another location.

DATES: Written comments and recommendations on the proposed

collection of information should be received on or before October 30, 2000.

ADDRESSES: Submit written comments on the collection of information to Joycelyn Hearn, National Cemetery Administration (402B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Please refer to ''OMB Control No. 2900–0365'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Joycelyn Hearn at (202) 273–5181 or FAX (202) 273–6695.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501 ? 3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, NCA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of NCA?s functions, including whether the information will have practical utility; (2) the accuracy of NCA?s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Disinterment, VA Form 40–4970.

OMB Control Number: 2900–0365.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 40–4970 allows a person who has a sincere wish and cogent reason to request removal of remains from a national cemetery for interment at another location. VA Form 40–4970 is an affidavit that requires signatories to execute the document before a notary. Interments made in national cemeteries are permanent and final. Disinterments will be permitted for cogent reasons, and then with prior written authorization only, usually by the Cemetery Director. Approval can be granted when all immediate family members of the decedent, including the person who initiated the interment, give their written consent. An order from a court of local jurisdiction can be accepted in lieu of submitting VA form 40–4970.

Affected Public: Individuals or households.

Estimated Annual Burden: 55.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 329.

Dated: August 1, 2000.

By direction of the Acting Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–22276 Filed 8–30–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0406]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed by lenders to determine whether any benefits related debts exist in the veteran-borrower's name prior to the closing of any VA-guaranteed loans on a automatic basis.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 30, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0406'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Verification of VA Benefit-Related Indebtedness, VA Form 26–8937.

OMB Control Number: 2900–0406.

Type of Review: Extension of a currently approved collection.

Abstract: Lenders authorized to make VA-guaranteed home or manufactured loans on the automatic basis have been required to determine through VA whether any benefits related debts exist in the veteran-borrower's name prior to the closing of any automatic loan. Lenders may not close any proposed automatic loan until they have evidence from VA that there is no debt, or if a debt exists, or the veteran has agreed on an acceptable repayment plan, or payments under a plan already in effect are current. The form also provides information advising the lender whether or not the veteran is exempt from paying the funding fee, which must be collected on all VA home loans unless the veteran is receiving service-connected disability compensation. This benefits the lender by streamlining the procedure to verify the veteran's receipt of compensation. VA Form 26–8937 is designed to assist lenders and VA in the completion of debt checks in a uniform manner.

Affected Public: Individuals or households.

Estimated Annual Burden: 6,250 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 75,000.

Dated: July 19, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–22277 Filed 8–30–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0518]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine entitlement to income-dependent benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 30, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Please refer to ''OMB Control No. 2900–0518'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Income Verification, VA Form 21–0161a.

OMB Control Number: 2900–0518.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA's compensation and pension programs require the accurate reporting of income by those who are in receipt of income-dependent benefits. VA Form 21–0161 solicits information from employers of beneficiaries who have been identified has having inaccurately reported their income to VA.

Affected Public: Business or other for-profit; Not-for-profit institutions; Farms; and State, Local, or Tribal Government.

Estimated Annual Burden: 57,000 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 114,000.

Dated: August 8, 2000.

By direction of the Acting Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–22278 Filed 8–30–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0521]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to underwrite VA-guaranteed loans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 30, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Please refer to ''OMB Control No. 2900–0521'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Credit Underwriting Standards and Procedures for Processing VA Guaranteed Loans.

OMB Control Number: 2900–0521.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA set forth, in regulatory form, standards to be used by lenders in underwriting VA-guaranteed loans and to obtain credit information. Lenders must collect certain specific information concerning the veteran and the veteran's credit history (and spouse or other co-borrower, as applicable), in order to properly underwrite the veteran's loan. A loan may not be guaranteed unless the veteran is a satisfactory credit risk. VA requires the lender to provide the Department with the credit information to assure itself that applications for VA-

guaranteed loans are underwritten in a reasonable and prudent manner.

Affected Public: Business or other for profit, and Individuals or households.

Estimated Annual Burden: 1 hour.

Frequency of Response: On occasion.

Estimated Number of Respondents: 200,000.

Dated: August 23, 2000.

By direction of the Acting Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–22279 Filed 8–30–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0554]

Proposed Information Collection Activity; Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine which applicants are eligible to receive a grant and/or per diem for the homeless.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 30, 2000.

ADDRESSES: Submit written comments on the collection of information to Ann Bickoff, Veterans Health Administration (193B1), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0554'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann Bickoff at (202) 273–8310.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Homeless Provider Grant and Per Diem Program, VA Form 10–0361.

OMB Control Number: 2900–0554.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA requires the applicant for grants and/or per diem to submit information that assists in the determination of funds to be awarded. The requested information addresses the ability of the organization to effectively administer a program and requires the organization to demonstrate the quality of the project, how the homeless veterans will be targeted, the need for the program, the coordination with other agencies, and the project's cost effectiveness. If this information were not collected, VA would not be able to implement the provisions of public Law 102–592 in a responsible manner.

Affected Public: Not–for–profit institutions—State, Local or Tribal Governments.

Estimated Annual Burden: 38,500 hours.

Estimated Average Burden Per Respondent: 35 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,110.

Dated: August 15, 2000.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–22280 Filed 8–30–00; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0567]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: National Cemetery Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: The National Cemetery Administration (NCA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to request additional certificates, replacements or corrections to a President Memorial Certificate (PMC).

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 30, 2000.

ADDRESSES: Submit written comments on the collection of information to Joycelyn Hearn, National Cemetery Administration (402B), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0567'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Joycelyn Hearn at (202) 273–5181 or FAX (202) 273–6695.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, NCA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of NCA's functions, including whether the information will have practical utility; (2) the accuracy of NCA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4)

ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: PMC Insert, VA Form 40–0247.

OMB Control Number: 2900–0567.

Type of Review: Extension of a currently approved collection.

Abstract: The purpose of the PMC Insert is to allow an eligible recipient, which includes the next of kin, other relatives or friends, i.e., surviving spouses, sons, daughters, grandchildren, and others, to request additional certificates and/or replacements or corrected certificates upon receipt of the original PMC. Replacements are requested due to the PMCs being bent, water soaked, or other damaged during mail handling; corrected PMCs are requested due to an incorrect name of the deceased veteran. The PMC is a gold foiled-embossed certificate containing the Great Seal of the United States and bearing the President's signature. It is mailed to relatives and friends of deceased, honorably discharged veterans honoring their military service to our Nation. In most cases involving recent deaths, the local VA Regional Office originates the application process without a request from the next of kin as part of processing death benefits claims.

The PMC Insert is not self-initiated by the general public/eligible recipients. There is no form or application that is used to initiate an original request. Original requests are normally in the form of letters and/or telephone calls from eligible recipients.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,298.

Estimated Average Burden Per Respondent: 2 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 38,952.

Dated: August 1, 2000.

By direction of the Acting Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–22281 Filed 8–30–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0577]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the form used to provide information to a child of a Vietnam veteran with Spina Bifida of potential entitlements to VA health care and vocational training programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 30, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0518'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Spina Bifida Award Attachment Important Information, VA Form 21–0307.

OMB Control Number: 2900–0577.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–0307 is used to provide children of Vietnam veterans with Spina Bifida with information about VA health care and vocational training and gives steps they must take to apply for such benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,000.

Dated: August 8, 2000.

By direction of the Acting Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–22282 Filed 8–30–00; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 65, No. 170

Thursday, August 31, 2000.

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the District of Columbia Code

Correction

In rule document 00–18602 beginning on page 45885 in the issue of Wednesday, July 26, 2000, make the following correction:

§2.80 [Corrected]

On page 45893, in §2.80(h), in the first column, in the fifth line, starting at ''Total Points Guideline Recommendation'' and continuing to the third column, ending with ''appropriate action:'', should be removed.

[FR Doc. C0–18602 Filed 8–30–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Thursday,
August 31, 2000

Part II

State Justice Institute

Grant Guideline; Notice

STATE JUSTICE INSTITUTE

Grant Guideline

AGENCY: State Justice Institute.

ACTION: Proposed Grant Guideline.

SUMMARY: This Guideline sets forth the administrative, programmatic, and financial requirements attendant to Fiscal Year 2001 State Justice Institute grants, cooperative agreements, and contracts.

DATES: The Institute invites public comment on the Guideline until October 2, 2000.

ADDRESSES: Comments should be mailed to the State Justice Institute, 1650 King Street (Suite 600), Alexandria, VA 22314 or e-mailed to kschwartz@statejustice.org.

FOR FURTHER INFORMATION CONTACT: David I. Tevelin, Executive Director, or Kathy Schwartz, Deputy Director, State Justice Institute, 1650 King Street (Suite 600), Alexandria, VA 22314, (703) 684–6100.

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984, 42 U.S.C. 10701, *et seq.*, as amended, the Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the State courts of the United States.

Types of Grants Available and Funding Schedules

The SJI grant program is designed to be responsive to the most important needs of the State courts. To meet the full range of the courts' diverse needs, the Institute offers five different categories of grants. The types of grants available in FY 2001 and the funding cycles for each program are provided below:

Project Grants. These grants are awarded to support innovative education, research, demonstration, and technical assistance projects that can improve the administration of justice in State courts nationwide. Except for ''Single Jurisdiction'' project grants awarded under section II.D. (see below), project grants are intended to support innovative projects of national significance. As provided in section V.C.1. of the Guideline, project grants may ordinarily not exceed $200,000 a year; however, grants in excess of $150,000 are likely to be rare, and awarded only to support projects likely to have a significant national impact.

Applicants must submit a concept paper (see section VI.) and, ordinarily, an application (see section VII.) in order to obtain a project grant. As indicated in Section VI.C.1., the Board may make an ''accelerated'' grant of less than $40,000 on the basis of the concept paper alone when the need for the project is clear and little additional information about the operation of the project would be provided in an application.

The FY 2001 mailing deadline for project grant concept papers is November 22, 2000. Papers must be postmarked or bear other evidence of submission by that date. The Board of Directors will meet in early March 2001 to invite formal applications based on the most promising concept papers. Applications must be sent by April 25, 2001 and awards will be approved by the Board in early July. See section VII.A. for Project Grant application procedures.

Single Jurisdiction Project Grants. Section II.D. reserves up to $300,000 for projects addressing a critical need of a single state or local jurisdiction. To receive a grant under this program, an applicant must demonstrate that (1) the proposed project is essential to meeting a critical need of the jurisdiction and (2) the need cannot be met solely with State and local resources within the foreseeable future (sections II.D.1. and 2.). See section VII.A. for Single Jurisdiction Grant application procedures.

Technical Assistance Grants. Section II.E. reserves up to $400,000 for Technical Assistance Grants. Under this program, a State or local court may receive a grant of up to $30,000 to engage outside experts to provide technical assistance to diagnose, develop, and implement a response to a jurisdiction's problems.

Letters of application for a Technical Assistance grant may be submitted at any time. Applicants submitting letters between June 12 and September 29, 2000 will be notified of the Board's decision by December 8, 2000; those submitting letters between September 30, 2000 and January 12, 2001 will be notified by March 23, 2001; those submitting letters between January 13, 2001 and March 9, 2001 will be notified by May 11, 2001; and those submitting letters between March 10, 2001 and June 8, 2001 will be notified by August 3, 2001. Applicants submitting letters between June 9 and September 28, 2001 will be notified of the Board's decision by December 15, 2001. See section VII.D. for Technical Assistance Grant application procedures.

Curriculum Adaptation Grants. A grant of up to $20,000 may be awarded to a State or local court to replicate or modify a model training program developed with SJI funds. The Guideline allocates up to $200,000 for these grants in FY 2001.

Letters requesting Curriculum Adaptation grants may be submitted at any time during the fiscal year. However, in order to permit the Institute sufficient time to evaluate these proposals, letters must be submitted no later than 90 days before the projected date of the training program. See section VII.E. for Curriculum Adaptation Grant application procedures.

Scholarships. The Guideline allocates up to $200,000 of FY 2001 funds for scholarships to enable judges and court managers to attend out-of-State education and training programs.

Scholarships for eligible applicants are approved largely on a ''first come, first served'' basis, although the Institute may approve or disapprove scholarship requests in order to achieve appropriate balances on the basis of geography, program provider, and type of court or applicant (*e.g.*, trial judge, appellate judge, trial court administrator). Scholarships will be approved only for programs that either (1) address topics included in the Guideline's Special Interest categories (section II.B.); (2) enhance the skills of judges and court managers; or (3) are part of a graduate program for judges or court personnel.

Applicants interested in obtaining a scholarship for a program beginning between January 1 and March 31, 2001 must submit their applications and any required accompanying documents between October 2 and December 1, 2000. For programs beginning between April 1 and June 30, 2001, the applications and documents must be submitted between January 5 and March 5, 2001. For programs beginning between July 1 and September 30, 2001, the applications and documents must be submitted between April 2 and June 1, 2001. For programs beginning between October 1 and December 31, 2001, the applications and documents must be submitted between July 5 and September 3, 2001. For programs beginning between January 1 and March 31, 2002, the applications and documents must be submitted between October 2 and November 30, 2001. See section VII.F for Scholarship application procedures.

Continuation and Ongoing Support Grants. Continuation grants (see sections III.F., V.B.2., and VII.B.) are intended to enhance the specific program or service begun during the initial grant period. Ongoing support grants (see sections III.P., V.B.3., and VII.C.) may be awarded for up to a three-year period to support national-scope projects that provide the State courts

with critically needed services, programs, or products.

The Guideline establishes a target for continuation and ongoing support grants of approximately 25% of the total amount projected to be available for grants in FY 2001. Grantees should accordingly be aware that the award of a grant to support a project does not constitute a commitment to provide either continuation funding or ongoing support.

An applicant for a continuation or ongoing support grant must submit a letter notifying the Institute of its intent to seek such funding, no later than 120 days before the end of the current grant period. The Institute will then notify the applicant of the deadline for submission of its grant application.

Special Interest Categories

The Guideline includes nine Special Interest categories, *i.e.*, those project areas that the Board has identified as being of particular importance to the State courts this year. The selection of these categories was based on the Board and staff's experience and observations over the past year; the recommendations received from judges, court managers, lawyers, members of the public, and other groups interested in the administration of justice; and the issues identified in recent years' concept papers and applications.

Section II.B. of the Proposed Guideline includes the following Special Interest categories: Improving Public Confidence in the Courts; Education and Training for Judges and Other Key Court Personnel; Dispute Resolution and the Courts; Application of Technology; Court Planning, Management, and Financing; Substance Abuse; Children and Families in Court; Improving the Courts' Response to Domestic Violence; and The Relationship Between State and Federal Courts.

Recommendations to Grantwriters

Recommendations to Grantwriters may be found in Appendix A.

The following Grant Guideline is proposed by the State Justice Institute for FY 2001:

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I. The Mission of the State Justice Institute

The Institute was established by Pub. L. 98–620 to improve the administration of justice in the State courts of the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, the Institute is charged, by statute, with the responsibility to:

A. Direct a national program of financial assistance designed to assure that each citizen of the United States is provided ready access to a fair and effective system of justice;

B. Foster coordination and cooperation with the Federal judiciary;

C. Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and

D. Encourage education for judges and support personnel of State court systems through national and State organizations, including universities.

To accomplish these broad objectives, the Institute is authorized to provide funds to State courts, national organizations which support and are supported by State courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the State courts.

The Institute is supervised by an 11-member Board of Directors appointed by the President, by and with the consent of the Senate. The Board is statutorily composed of six judges, a State court administrator, and four members of the public, no more than two of whom can be of the same political party.

Through the award of grants, contracts, and cooperative agreements, the Institute is authorized to perform the following activities:

A. Support research, demonstrations, special projects, technical assistance, and training to improve the administration of justice in the State courts;

B. Provide for the preparation, publication, and dissemination of information regarding State judicial systems;

C. Participate in joint projects with Federal agencies and other private grantors;

D. Evaluate or provide for the evaluation of programs and projects funded by the Institute to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the State courts;

E. Encourage and assist in furthering judicial education;

F. Encourage, assist, and serve in a consulting capacity to State and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services; and

G. Be responsible for the certification of national programs that are intended to aid and improve State judicial systems.

II. Scope of the Program

During FY 2001, the Institute will consider applications for funding support that address any of the areas specified in its enabling legislation. The Board, however, has designated nine program categories as being of special interest. See section II.B.

A. Authorized Program Areas

The Institute is authorized to fund projects addressing one or more of the following program areas listed in the State Justice Institute Act, the Battered Women's Testimony Act, the Judicial Training and Research for Child Custody Litigation Act, and the International Parental Kidnapping Crime Act:

1. Assistance to State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;

2. Education and training programs for judges and other court personnel for the performance of their general duties and for specialized functions, and national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

3. Research on alternative means for using judicial and nonjudicial personnel in court decisionmaking activities, implementation of demonstration programs to test such innovative approaches, and evaluations of their effectiveness;

4. Studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and support to States to implement plans for improved court organization and financing;

5. Support for State court planning and budgeting staffs and the provision of technical assistance in resource allocation and service forecasting techniques;

6. Studies of the adequacy of court management systems in State and local courts, and implementation and evaluation of innovative responses to records management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

7. Collection and compilation of statistical data and other information on the work of the courts and on the work of other agencies which relates to and affects the work of courts;

8. Studies of the causes of trial and appellate court delay in resolving cases, and establishing and evaluating experimental programs for reducing case processing time;

9. Development and testing of methods for measuring the performance of judges and courts, and experiments in the use of such measures to improve the functioning of judges and the courts;

10. Studies of court rules and procedures, discovery devices, and evidentiary standards to identify problems with the operation of such rules, procedures, devices, and standards, and the development of alternative approaches to better reconcile the requirements of due process with the need for swift and certain justice, and testing of the utility of those alternative approaches;

11. Studies of the outcomes of cases in selected areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity, and the development, testing, and evaluation of alternative approaches to resolving cases in such problem areas;

12. Support for programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

13. Testing and evaluating experimental approaches to provide increased citizen access to justice, including processes which reduce the cost of litigating common grievances, and alternative techniques and mechanisms for resolving disputes between citizens;

14. Collection and analysis of information regarding the admissibility and quality of expert testimony on the experiences of battered women offered as part of the defense in criminal cases under State law, as well as sources of and methods to obtain funds to pay costs incurred to provide such testimony, particularly in cases involving indigent women defendants;

15. Development of training materials to assist battered women, operators of domestic violence shelters, battered women's advocates, and attorneys to use expert testimony on the experiences of battered women in appropriate cases, and individuals with expertise in the experiences of battered women to develop skills appropriate to providing such testimony;

16. Research regarding State judicial decisions relating to child custody litigation involving domestic violence;

17. Development of training curricula to assist State courts to develop an understanding of, and appropriate responses to child custody litigation involving domestic violence;

18. Dissemination of information and training materials and provision of technical assistance regarding the issues listed in paragraphs 14–17 above;

19. Development of national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction; and

20. Other programs, consistent with the purposes of the State Justice Institute Act, as may be deemed appropriate by the Institute, including projects dealing with the relationship between Federal and State court systems, such as where there is concurrent State-Federal jurisdiction and where Federal courts, directly or indirectly, review State court proceedings.

Funds will not be made available for the ordinary, routine operation of court systems or programs in any of these areas.

B. Special Interest Program Categories

1. General Description

The Institute is interested in funding both innovative programs and programs of proven merit that can be replicated in other jurisdictions. The Institute is especially interested in funding projects that:

a. Formulate new procedures and techniques, or creatively enhance existing arrangements to improve the courts;

b. Address aspects of the State judicial systems that are in special need of serious attention;

c. Have national significance by developing products, services, and techniques that may be used in other States; and

d. Create and disseminate products that effectively transfer the information and ideas developed to relevant audiences in State and local judicial systems, or provide technical assistance to facilitate the adaptation of effective programs and procedures in other State and local jurisdictions.

A project will be identified as a *Special Interest* project if it meets the four criteria set forth above and (1) it falls within the scope of the *Special Interest* program areas designated below, or (2) information coming to the attention of the Institute from the State courts, their affiliated organizations, the research literature, or other sources demonstrates that the project responds to another special need or interest of the State courts.

Concept papers and applications which address a *Special Interest* category will be accorded a preference in the rating process. (See the selection criteria listed in sections VI.C.2. and VIII.B.

2. Specific Categories

The Board has designated the areas set forth below as *Special Interest* program categories. The order of listing does not imply any ordering of priorities among the categories. For a complete list of projects supported in previous years in each of these categories, please visit the Institute's Internet homepage at http://www.statejustice.org and click on *Grants by Category.*

a. Improving Public Confidence in the Courts

This category includes demonstration, evaluation, research, and education projects designed to improve the responsiveness of courts to public concerns regarding the fairness, equity, accessibility, timeliness, and comprehensibility of the court process, and test innovative methods for increasing the public's trust and confidence in the State courts.

(1) The Institute is particularly interested in supporting innovative projects that:

- Develop national strategies to promote the progress of State court task forces and other court-sponsored programs to eliminate race and ethnic bias in the courts; implement task force recommendations at the State and local level; evaluate the impact of court strategies to address racial and ethnic

bias in jurisdictions in which task force recommendations have been implemented; establish mentoring relationships with States that have successfully implemented recommendations to learn from their experiences; develop products that highlight effective model programs and best practices; and educate judges and court personnel about relevant products developed in different States (*e.g.*, model judicial education curricula, bench books, court conduct handbooks, codes of ethics, and relevant legislation);

• Address court-community problems resulting from the influx of legal and illegal immigrants, including projects to inform judges about the effects of recent Federal and State legislation and judicial decisions regarding immigrants;

• Demonstrate and evaluate approaches to implement the concept of restorative justice that ensure residents' and businesses' safety and restore the offender's positive relationship with the community, including methods for involving the community in the sentencing process, and programs that involve education and mentoring by positive role models;

• Evaluate long-term court-based programs that actively involve citizen volunteers in a range of roles, and compile information on ''best practices'' with respect to the effective use of volunteers in the court environment;

• Educate and clearly communicate information to litigants and the public about judicial decisions, the trial and appellate court process, and court operations, and the standards courts maintain with respect to timeliness, access, and the elimination of bias; and

• Assure that judges and court employees meet the highest ethical standards and that judicial disciplinary procedures are known, fair, and effective.

(2) The Institute also is interested in supporting projects that promote public trust and confidence in the courts. In particular, the Institute seeks to support projects that would:

• Compile and disseminate information about practices being used by courts around the country that show the promise of enhancing public trust and confidence in the justice system; and

• Test and evaluate approaches designed to enhance public access to the courts, including demonstrations of innovative collaborative efforts between courts and community institutions (*e.g.*, schools and public libraries) to enhance access to courts by those who are not computer-literate and for whom it would be a hardship to travel to a courthouse.

Applicants should be aware that the Institute will not support new surveys to determine the sources of the public's dissatisfaction with the courts.

(3) The Institute also continues to be interested in supporting State and local court projects to implement the action plans developed by the teams that participated in the Institute-supported National Conference on Self-Represented Litigants Appearing in Court held in Scottsdale, Arizona, on November 18–21, 1999. In this regard, however, applicants are advised that Institute funds may not be used to directly or indirectly support legal representation of individuals in specific cases.

b. Education and Training for Judges and Other Key Court Personnel

The Institute is interested in supporting an array of projects that will continue to strengthen and broaden the availability of court education programs at the State, regional, and national levels. This category is divided into three subsections: (1) Innovative Educational Programs; (2) Curriculum Adaptation Projects; and (3) Scholarships.

(1) *Innovative Educational Programs.* This category includes support for the development and pilot-testing of innovative, high-quality educational programs for trial and appellate judges or court personnel that address key substantive and administrative issues of concern to the nation's courts, or help local courts or State court systems develop or enhance their capacity to deliver quality continuing education. Programs may be designed for presentation at the local, State, regional, or national level. Ordinarily, court education programs should be based on some form of assessment of the needs of the target audience; include clearly stated learning objectives that delineate the new knowledge or skills that participants will acquire (as opposed to a description of what will be taught); incorporate adult education principles and multiple teaching/learning methods; and result in the development of a disseminable curriculum as defined in section III.G.

(a) The Institute is particularly interested in the development of education programs that:

• Include innovative self-directed learning packages for use by appellate, trial, juvenile and family court judges and personnel, and distance-learning approaches for these audiences to assist those who do not have ready access to classroom-centered programs. These packages and approaches should include the appropriate use of various media and technologies such as Internet-based programming, interactive CD–ROM or computer disk-based programs, videos, or other audio and visual media, supported by written materials or manuals. They also should include a meaningful program evaluation and a self-evaluation process that assesses pre-and post-program knowledge and skills;

• Familiarize faculty with the effective use of innovative instructional technology, including methods for presenting information through web-based and other distance learning approaches such as videos and satellite teleconferences;

• Develop and test innovative methods to evaluate the effectiveness of web-based and distance education programs;

• Assist local courts, State court systems, and court systems in a geographic region to develop or enhance a comprehensive program of continuing education, training, and career development for judges and court personnel as an integral part of court operations;

• Test the effectiveness of including a variety of experiential instructional approaches in judicial branch education programs such as field studies and interchanges with community programs, organizations, and institutions;

• Encourage intergovernmental team-building, collaboration, and planning among the judicial, executive, and legislative branches of government, or courts within a metropolitan area or multi-State region; and

• Develop and test innovative short (one-half or one full day) educational programs on events on issues of critical importance to local courts or courts in a particular region.

(b) The Institute also continues to be very interested in supporting projects that would implement action plans and strategies developed by the State teams at the National Symposium on the Future of Judicial Branch Education held in St. Louis, Missouri, on October 7–9, 1999, as well as proposals from other applicants designed to assist in implementing and disseminating the findings and strategies discussed at the Conference.

(c) The Institute also is interested in supporting the development and testing of curricula on issues of critical importance to the courts, including those listed in the other Special Interest categories described in this Chapter, and the following:

• Materials and curricula for appellate, trial, and juvenile and family

court judges addressing adolescent and youth development, including the role and impact of youth culture (cults and gangs), and the impact that exposure to violence at home, in school, and in the community has on children;

• The specific knowledge and skills needed to manage drug court programs for adults, juveniles, or families;

• Federal and State environmental laws and the effect those laws have on trial and appellate court processes in the impacted jurisdictions; and

• Training to enhance the ability of court personnel to protect their safety and that of jurors, litigants, witnesses, and other members of the public in court facilities, and in managing cases involving individuals or organizations unwilling to cooperate with legal or administrative procedures.

(2) *Curriculum Adaptation Projects.* The Board is reserving up to $200,000 to support projects that adapt a model curriculum previously developed with SJI funds and to pilot-test it to determine its appropriateness, quality, and effectiveness for inclusion in the jurisdiction's judicial branch education program. An illustrative but non-inclusive list of the curricula that may be appropriate for adaptation is contained in Appendix E.

The goal of the Curriculum Adaptation program is to provide State and local courts with sufficient support to modify a model curriculum, course module, or national or regional conference program developed with SJI funds to meet a particular State's or local jurisdiction's educational needs; pilot-test it to determine its appropriateness, quality, and effectiveness; and train instructors to present portions or all of the curriculum. It is anticipated that the adapted curriculum will become part of the grantee's ongoing educational offerings.

Only State or local courts may apply for Curriculum Adaptation funding. Application procedures may be found in Section VII.E.

(3) *Scholarships for Judges and Court Personnel.* The Institute is reserving up to $200,000 to support a scholarship program for State judges and court managers. The purposes of the Institute scholarship program are to:

• Enhance the skills, knowledge, and abilities of judges and court managers;

• Enable State court judges and court managers to attend out-of-State educational programs sponsored by national and State providers that they could not otherwise attend because of limited State, local and personal budgets; and

• Provide States, judicial educators, and the Institute with evaluative information on a range of judicial and court-related education programs.

Scholarships will be granted to individuals only for the purpose of attending an out-of-State educational program within the United States. Application procedures may be found in Section VII.F.

c. Dispute Resolution and the Courts

This category includes research, evaluation, and demonstration projects to evaluate or enhance the effectiveness of court-connected dispute resolution programs. The Institute is interested in projects that facilitate comparison among research studies by using similar measures and definitions; address the nature and operation of ADR programs within the context of the court system as a whole; and compare dispute resolution processes to attorney settlement as well as trial. Specific topics of interest include:

• Examining the timing for referrals to dispute resolution services, and the effect of different referral methods on case outcomes and time to disposition;

• Evaluating innovative court-connected dispute resolution programs for resolving complex and multi-party litigation, environmental hazards, managed health care, minor criminal cases, probate proceedings, and land-use disputes;

• Testing innovative approaches involving community partnerships, particularly in the contexts of juvenile and restorative justice, and examining the benefits such partnerships offer in ensuring the quality of dispute resolution programs;

• Evaluating innovative applications of technology to facilitate dispute resolution processes; and

• Developing methods to eliminate race, ethnic, or gender bias in court-connected dispute resolution programs, testing approaches for assuring that such programs are open to all members of the community served by the court, and assessing whether having a mediator pool that reflects the diversity of the community it serves has an impact on the use of mediation by minorities and its effectiveness.

Applicants should be aware that the Institute will not provide operational support for ongoing ADR programs or start-up costs of non-innovative ADR programs. Courts also should be advised that it is preferable for an applicant to use its own funds to support the operational costs of an innovative program and request Institute funds to support related technical assistance, training, and evaluation elements of the program.

d. Application of Technology

This category includes the testing of innovative applications of technology to improve the operation of court management systems and judicial practices at both the trial and appellate court levels.

The Institute seeks to support local experiments with promising but untested applications of technology in the courts that include an evaluation of the impact of the technology in terms of costs, benefits, and staff workload, and a training component to assure that staff is appropriately educated about the purpose and use of the new technology. In this context, ''untested'' includes novel applications of technology developed for the private sector that have not previously been applied to the courts.

The Institute is particularly interested in supporting efforts to:

• Test and evaluate technologies that, if successfully implemented, would significantly re-engineer the way that courts currently do business;

• Develop and test standards governing electronic access to court records by the public;

• Evaluate approaches for electronically filing pleadings, briefs, and other documents; approaches to integrate electronic filing and electronic document management; and the impact of electronic court record systems on case management and court procedures;

• Develop model rules or standards to govern the use of electronic filing and electronic court records;

• Test innovative applications of voice recognition in the adjudication process;

• Demonstrate and evaluate the use of technology to assist judicial decisionmaking;

• Evaluate the use of digital audio and video technology in making a record of court proceedings;

• Demonstrate and evaluate the use of videoconferencing technology to present testimony by witnesses in remote locations, and appellate arguments (but see the limitations specified below);

• Test and evaluate the effectiveness of automated systems that would enable courts and other justice agencies to measure their performance with respect to internal processes and customer service against benchmarks and strategic goals;

• Assess the impact of the use of multimedia CD–ROM-based briefs on the courts, parties, counsel, and the trial or appellate process; and

• Evaluate innovative applications of technology designed to prevent courthouse incidents that endanger the lives and property of judges, court personnel, and courtroom participants.

Ordinarily, the Institute will not provide support for the purchase of equipment or software to implement a technology that is commonly used by courts, such as videoconferencing between courts and jails, optical imaging for recordkeeping, and automated management information systems. (See also section X.I.2.b. regarding other limits on the use of grant funds to purchase equipment and software.)

e. Court Planning, Management, Financing

The Institute is interested in supporting projects that explore emerging issues that will affect the State courts as they enter the 21st Century, as well as projects that develop and test innovative and collaborative problem-solving approaches for managing the courts; for securing, managing, and demonstrating the effective use of the resources required to fully meet the responsibilities of the judicial branch; and for institutionalizing long-range planning processes. In particular, the Institute is interested in demonstration, evaluation, education, research, and technical assistance projects to:

• Facilitate collaboration, communication, information-sharing, and coordination between the juvenile and criminal courts, between courts and criminal justice agencies, and between courts and court users;

• Identify and assess the effects of collaborative problem-solving approaches designed to assure quality services to court users;

• Strengthen judge and court manager skills in leadership, collaborative planning, case management, facilitation, and human resource development;

• Assess the effects of innovative management approaches designed to assure quality services to court users;

• Enhance the core competencies required of court managers and staff;

• Document and evaluate effective intergovernmental team-building, collaboration, and planning among the judicial, executive, and legislative branches of government, or courts within a metropolitan area or multi-State region;

• Facilitate, demonstrate, and assess the effective use of judge-staff teams for implementing change and encouraging excellence in court operations; and

• Prevent harassment, threats, and incidents endangering the lives and property of judges, court employees, jurors, litigants, witnesses, and other members of the public in court facilities.

f. Substance Abuse

This category includes education, technical assistance, research, and evaluation projects to assist courts in handling a large volume of substance abuse-related criminal, civil, juvenile, and domestic relations cases fairly and expeditiously. (It does not include providing support for planning, establishing, operating, or enhancing a local drug court. Applicants interested in obtaining grants to plan, implement, operate, or enhance a drug court program should contact the Drug Court Program Office, Office of Justice Programs, U.S. Department of Justice.)

The Institute is particularly interested in projects to:

• Identify and test innovative methods to provide appropriate drug treatment and services to juveniles transferred to adult criminal court;

• Evaluate the effectiveness of ''family drug court'' programs (*i.e.,* specialized calendars that provide intensely supervised, court-enforced substance abuse treatment and other services to families involved in child neglect, child abuse, domestic violence, or other family cases);

• Document public sector and private sector managed care programs that effectively provide court-ordered treatment and other services to adults and juveniles; and

• Develop and test State, regional, and local educational programs for judges and court staff on the implications of managed care for the provision of drug and alcohol treatment, mental health treatment, and other services to adult and juvenile offenders, neglected and abused children and their families, and persons subject to civil commitment.

g. Children and Families in Court

This category includes education, demonstration, evaluation, technical assistance, and research projects to identify and inform judges of innovative, effective approaches for handling cases involving children and families. The Institute is particularly interested in projects to:

• Develop and test guidelines, curricula, and other materials for judges that address the implications of sentencing juveniles as adults, including the need for age-appropriate services like schooling, sentencing alternatives and guidelines, and pre-trial services;

• Develop and test innovative protocol, procedures, educational programs, and other measures to determine and address the service needs of children exposed to family violence and the methods for mitigating those effects when issuing protection, custody, visitation, or other orders;

• Develop guidelines and materials to assist judges and other court officers and personnel in critically analyzing psychological evaluations of children and the credibility of clinical experts, their reports, and methods of evaluating children;

• Compile and distribute information about innovative and successful approaches to sentencing and treatment alternatives for serious youthful offenders;

• Develop and test restorative justice approaches that include victims of offenses committed by youthful offenders in the juvenile court process (other than victim-offender mediation programs);

• Create and test educational programs, guidelines, and monitoring systems to assure that the juvenile justice system meets the needs of girls and children of color;

• Develop and test innovative techniques for enhancing collaboration, communication, information-sharing, and coordination of juvenile and criminal courts and divisions;

• Design or evaluate information systems that not only provide aggregate data, but also are able to track individual cases, individual juveniles, and specific families, so that judges and court managers can manage their caseloads effectively, track placement and service delivery, and coordinate orders in different proceedings involving members of the same family; and

• Develop and test educational programs to assure that everyone coming into contact with courts serving children and families is treated with dignity, respect, and courtesy.

h. Improving the Courts' Response to Domestic Violence

This category includes innovative education, demonstration, technical assistance, evaluation, and research projects to improve the fair and effective processing, consideration, and disposition of cases concerning domestic violence and gender-related violent crimes, including projects to:

• Strengthen judges' skills in leadership, collaborative planning, and facilitation of community efforts to reduce and prevent domestic violence;

• Train custody evaluators, guardians ad litem, and other independent professionals appearing in custody and visitation cases about domestic violence

and the impact witnessing such violence has on children;

• Coordinate juvenile, family, and criminal court management of domestic violence cases;

• Evaluate the effectiveness of domestic violence courts (*i.e.,* specialized calendars or divisions for considering domestic violence cases and related matters), including their impact on victims, offenders, and court operations;

• Develop guidelines, curricula, or other materials that address the appropriate role of probation in monitoring domestic violence offenders;

• Assess the effectiveness of including jurisdiction over family violence in a unified family court;

• Demonstrate effective ways to encourage collaboration among courts, criminal justice agencies, and social services programs in responding to domestic violence and gender-related crimes of violence, and to assure that the courts are fully accessible to victims of domestic violence and other gender-related violent crimes;

• Develop and test methods for facilitating recognition and enforcement of protection orders issued by a State, Federal, or tribal court in another jurisdiction;

• Determine the effective use of information contained in protection order files stored in court electronic databases, consistent with the protection of the privacy and safety of victims of violence;

• Test the effectiveness of innovative sentencing and treatment approaches in cases involving domestic violence and other gender-related crimes, including sentences that incorporate regular or periodic judicial review or restorative justice measures; and

• Implement recommendations or action plans addressing the co-occurrence of domestic violence and child maltreatment that stem from the conference on Domestic Violence and Child Maltreatment—co-sponsored by SJI, the Department of Health and Human Services, and the Ford Foundation—to be held September 29–30, 2000, in Jackson, Wyoming.

Institute funds may not be used to provide operational support to programs offering direct services or compensation to victims of crimes. (Applicants interested in obtaining such operational support should contact the Office for Victims of Crime (OVC), Office of Justice Programs, U.S. Department of Justice, or the agency in their State that awards OVC funds to State and local victim assistance and compensation programs.)

i. The Relationship Between State and Federal Courts

This category includes education, research, demonstration, and evaluation projects designed to facilitate appropriate and effective communication, cooperation, and coordination between State and Federal courts. The Institute is particularly interested in innovative projects that:

(1) Develop and test curricula and disseminate information regarding effective methods being used at the trial court, State, and Circuit levels to coordinate cases and administrative activities, and share facilities; and

(2) Develop and test new approaches to:

(a) Implement the habeas corpus provisions of the Anti-Terrorism Act of 1996;

(b) Coordinate and process mass tort cases fairly and efficiently at the trial and appellate levels;

(c) Handle capital habeas corpus cases fairly and efficiently; and

(d) Share facilities, jury pools, alternative dispute resolution programs, information regarding persons on pretrial release or probation, and court services; and

(3) Involve judges in any systemic effort to examine the efficacy, fairness, and speed of capital litigation.

C. ''Think Pieces''

This category addresses the development of essays of publishable quality directed to the court community. The essays should explore emerging issues that could result in significant changes in court process or judicial administration and their implications for the future for judges, court managers, policy-makers, and the public. Grants supporting such projects are limited to no more than $10,000. Applicants should follow the procedures for concept papers requesting an accelerated award of a grant of less than $40,000, which are explained in Section VI.A.3.(b) of this Guideline.

Possible topics include, but are not limited to:

• The impact of the ''digital divide'' on pro se litigants who do not have access to computers, particularly as it relates to increasing electronic access to court documents and placing court services and processes on-line;

• The implications for determining court jurisdiction in a cyberworld that may transcend State and national or other boundaries;

• An examination of the implications of cybercrime on the courts as potential victims suffering violations of privacy, security, and confidentiality;

• The implications of increasing commerce via the Internet for the State courts, including unique problems that may arise and the new rules and procedures that may be needed to address them;

• An exploration of issues related to privacy, data security, and public access to court records in our increasingly technological society;

• The potential for the creation of ''cybercourts'' through the use of the Internet—a ''courthouseless court'' instead of a paperless court—and how the courts would have to be re-engineered to accommodate such a development;

• The implications of changing expectations about the proper role of judges—from adjudicators to problem-solvers—on court procedures, court operations, and judicial selection; and

• The potential use of local court advisory councils rooted in the community as a method of promoting public trust and confidence in the court.

D. Single Jurisdiction Projects

The Board will set aside up to $300,000 to support projects proposed by State or local courts that address the needs of only the applicant State or local jurisdiction. A project under this section may address any of the topics included in the Special Interest Categories or Statutory Program Areas, but it need not be innovative. The Board is particularly interested in supporting projects to replicate programs, procedures, or strategies that have been developed, demonstrated, or evaluated through an SJI grant. An evaluation component is not required if a grant is awarded to replicate another successful SJI project; however, grants to support replications are subject to the same limits on amount and duration as other project grants. (See section V.) Ordinarily, the Institute will not provide support solely for the purchase of equipment or software.

Concept papers for single jurisdiction projects may be submitted by a State court system, an appellate court, or a limited or general jurisdiction trial court. All awards under this category are subject to the matching requirements set forth in sections III.O. and IX.A.8.a.

The application procedures for Single Jurisdiction grants are the same as the procedures for Project Grants (see section VII.A); however, in addition to the information presented in the program narrative, Single Jurisdiction grant applicants must also demonstrate that:

1. The proposed project is essential to meeting a critical need of the jurisdiction; and

2. The need cannot be met solely with State and local resources within the foreseeable future.

E. Technical Assistance Grants

The Board will set aside up to $400,000 to support the provision of technical assistance to State and local courts. The program is designed to provide State and local courts with sufficient support to obtain technical assistance to diagnose a problem, develop a response to that problem, and implement any needed changes. The Institute will reserve sufficient funds each quarter to assure the availability of technical assistance grants throughout the year.

Technical Assistance grants are limited to no more than $30,000 each, and may cover the cost of obtaining the services of expert consultants; travel by a team of officials from one court to examine a practice, program, or facility in another jurisdiction that the applicant court is interested in replicating; or both. Technical assistance grant funds ordinarily may not be used to support production of a videotape. Normally, the technical assistance must be completed within 12 months after the start-date of the grant.

Only a State or local court may apply for a Technical Assistance grant. The application procedures may be found in section VII.D.

III. Definitions

The following definitions apply for the purposes of this Guideline:

A. Accelerated Award

A grant of up to $40,000 awarded on the basis of a concept paper (including a budget and budget narrative) when the need for and benefits of the proposed project are clear and an application would not be needed to provide additional information about the project's methodology and budget. See section VI.C.1. for more information about accelerated awards.

B. Acknowledgment of SJI Support

The prominent display of the SJI logo on the front cover of a written product or in the opening frames of a videotape developed with Institute support, and inclusion of a brief statement on the inside front cover or title page of the document or the opening frames of the videotape identifying the grant number. See section IX.A.11.a.(2) for the precise wording of the statement.

C. Application

A formal request for an Institute grant that is invited by the Board of Directors after approval of a concept paper. A complete application consists of: Form A—Application; Form B—Certificate of State Approval (for applications from local trial or appellate courts or agencies—see Appendix H); Form C—Project Budget/Tabular Format or Form C1—Project Budget/Spreadsheet Format; Form D—Assurances; Disclosure of Lobbying Activities; a detailed 25-page description of the need for the project and all related tasks, including the time frame for completion of each task, and staffing requirements; and a detailed budget narrative that provides the basis for all costs. See section VII. for a complete description of application submission requirements.

D. Close-out

The process by which the Institute determines that all applicable administrative and financial actions and all required grant work have been completed by both the grantee and the Institute.

E. Concept Paper

A proposal of no more than eight double-spaced pages that outlines the nature and scope of a project that would be supported with State Justice Institute funds, accompanied by a preliminary budget. See section VI. for a complete description of concept paper submission requirements.

F. Continuation Grant

A grant lasting no longer than 15 months to permit completion of activities initiated under an existing Institute grant or enhancement of the products or services produced during the prior grant period. See section VII.B. for a complete description of continuation application requirements.

G. Curriculum

The materials needed to replicate an education or training program developed with grant funds including, but not limited to: the learning objectives; the presentation methods; a sample agenda or schedule; an outline of presentations and relevant instructors' notes; copies of overhead transparencies or other visual aids; exercises, case studies, hypotheticals, quizzes, and other materials for involving the participants; background materials for participants; evaluation forms; and suggestions for replicating the program, including possible faculty or the preferred qualifications or experience of those selected as faculty.

H. Curriculum Adaptation Grant

A grant of up to $20,000 to support an adaptation and pilot test of an educational program previously developed with SJI funds. See section VII.E. for a complete description of curriculum grant application requirements.

I. Designated Agency or Council

The office or judicial body which is authorized under State law or by delegation from the State Supreme Court to approve applications for funds and to receive, administer, and be accountable for those funds.

J. Disclaimer

A brief statement that must be included at the beginning of a document or in the opening frames of a videotape produced with State Justice Institute funding that specifies that the points of view expressed in the document or tape do not necessarily represent the official position or policies of the Institute. See section IX.A.11.a.(2) for the precise wording of this statement.

K. Grant Adjustment

A change in the design or scope of a project from that described in the approved application, acknowledged in writing by the Institute. See section XI.A for a list of the types of changes requiring a formal grant adjustment.

L. Grantee

The organization, entity, or individual to which an award of Institute funds is made. For a grant based on an application from a State or local court, *grantee* refers to the State Supreme Court or its designee.

M. Human Subjects

Individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions, and/or experiences through an interview, questionnaire, or other data collection technique.

N. Institute

The State Justice Institute.

O. Match

The portion of project costs not borne by the Institute. Courts or other units of State or local government (not including publicly supported institutions of higher education) must provide a match from private or public sources of not less than 50% of the total amount of the Institute's award. 42 U.S.C. 10705(d). Match includes both in-kind and cash contributions. Cash match is the direct outlay of funds by the grantee to support the project. In-kind match consists of contributions of time, services, space, supplies, etc., made to the project by the grantee or others (*e.g.,* advisory board

members) working directly on the project. Under normal circumstances, allowable match may be incurred only during the project period. When appropriate, and with the prior written permission of the Institute, match may be incurred from the date of the Board of Directors' approval of an award. Match does not include project-related income such as tuition or revenue from the sale of grant products, or the time of participants attending an education program. Amounts contributed as cash or in-kind match may not be recovered through the sale of grant products during or following the grant period.

P. Ongoing Support Grant

A grant lasting 36 months to support a project that is national in scope and that provides the State courts with services, programs or products for which there is a continuing important need. See section VII.C. for a complete description of ongoing support application requirements.

Q. Products

Tangible materials resulting from funded projects including, but not limited to: Curricula; monographs; reports; books; articles; manuals; handbooks; benchbooks; guidelines; videotapes; audiotapes; computer software; and CD–ROM disks.

R. Project Grant

An initial grant lasting up to 15 months to support an innovative education, research, demonstration, or technical assistance project that can improve the administration of justice in State courts nationwide. Ordinarily, a project grant may not exceed $200,000 a year; however, a grant in excess of $150,000 is likely to be rare and awarded only to support highly promising projects that will have a significant national impact. See section VII.A. for a complete description of project grant application requirements.

S. Project-Related Income

Interest, royalties, registration and tuition fees, proceeds from the sale of products, and other earnings generated as a result of a State Justice Institute grant. Project-related income may not be counted as match. For a more complete description of different types of project-related income, see section X.G.

T. Scholarship

A grant of up to $1,500 awarded to a judge or court employee to cover the cost of tuition for and transportation to and from an out-of-State educational program within the United States. See section VII.F. for a complete description of scholarship application requirements.

U. Single Jurisdiction Project Grant

A grant that addresses a critical but not necessarily innovative need of a single State or local jurisdiction that cannot be met solely with State and/or local resources within the foreseeable future. See section II.D. for a description of single jurisdiction projects and sections VI. and VII.A. for a complete description of single jurisdiction project application requirements.

V. Special Condition

A requirement attached to a grant award that is unique to a particular project.

W. State Supreme Court

The highest appellate court in a State, or, for the purposes of the Institute program, a constitutionally or legislatively established judicial council that acts in place of that court. In States having more than one court with final appellate authority, State Supreme Court means that court which also has administrative responsibility for the State's judicial system. State Supreme Court also includes the office of the court or council, if any, it designates to perform the functions described in this Guideline.

X. Subgrantee

A State or local court which receives Institute funds through the State Supreme Court.

Y. Technical Assistance Grant

A grant, lasting up to 12 months, of up to $30,000 to a State or local court to support outside expert assistance in diagnosing a problem and developing and implementing a response to that problem. See section VII.D. for a complete description of technical assistance grant application requirements.

IV. Eligibility for Award

The Institute is authorized by Congress to award grants, cooperative agreements, and contracts to the following entities and types of organizations:

A. *State and local courts and their agencies (42 U.S.C.10705(b)(1)(A)).* Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court or its designated agency or council. The latter shall receive all Institute funds awarded to such courts and be responsible for assuring proper administration of Institute funds, in accordance with section X.C.2. of this Guideline. A list of persons to contact in each State regarding approval of applications from State and local courts and administration of Institute grants to those courts is contained in Appendix C.

B. *National nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments (42 U.S.C. 10705 (b)(1)(B)).*

C. *National nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments (42 U.S.C. 10705(b)(1)(C)).* An applicant is considered a national education and training applicant under section 10705(b)(1)(C) if:

1. The principal purpose or activity of the applicant is to provide education and training to State and local judges and court personnel; and

2. The applicant demonstrates a record of substantial experience in the field of judicial education and training.

D. *Other eligible grant recipients (42 U.S.C. 10705(b)(2)(A)–(D)).*

1. Provided that the objectives of the project can be served better, the Institute is also authorized to make awards to:

a. Nonprofit organizations with expertise in judicial administration;

b. Institutions of higher education;

c. Individuals, partnerships, firms, corporations (for-profit organizations must waive their fees); and

d. Private agencies with expertise in judicial administration.

2. The Institute may also make awards to Federal, State or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements (42 U.S.C. 10705(b)(3)).

E. Inter-agency Agreements. The Institute may enter into inter-agency agreements with Federal agencies (42 U.S.C. 10705(b)(4)) and private funders to support projects consistent with the purposes of the State Justice Institute Act.

V. Types of Projects and Grants; Size of Awards

A. Types of Projects

The Institute supports the following general types of projects:

1. Education and training;
2. Research and evaluation;
3. Demonstration; and
4. Technical assistance.

B. Types of Grants

The Institute supports the following types of grants:

1. Project Grants

See sections II.B. and D., VI., and VII.A. The Institute places no annual

limitations on the overall number of project grant awards or the number of awards in each special interest category.

2. Continuation Grants

See sections III.F. and VII.B. In FY 2001, the Institute is allocating no more than 25% of available grant funds for continuation and ongoing support grants.

3. Ongoing Support Grants

See sections III.P. and VII.C. See *Continuation Grants* above for limitations on funding availability in FY 2001.

4. Technical Assistance Grants

See section II.E. In FY 2001, the Institute is reserving up to $400,000 for these grants.

5. Curriculum Adaptation Grants

See sections II.B.2.b.(2), III.G., and VII.E. In FY 2001, the Institute is reserving up to $200,000 for adaptations of curricula previously developed with SJI funding.

6. Scholarships

See section II.B.2.b.(3), III.T, and VII.F. In FY 2001, the Institute is reserving up to $200,000 for scholarships for judges and court employees. The Institute will reserve sufficient funds each quarter to assure the availability of scholarships throughout the year.

C. Maximum Size of Awards

1. Except as specified below, applicants for new project grants and continuation grants may request funding in amounts up to $200,000 for 15 months, although new and continuation awards in excess of $150,000 are likely to be rare and to be made, if at all, only for highly promising proposals that will have a significant impact nationally.

2. Applicants for ongoing support grants may request funding in amounts up to $600,000 over three years, although awards in excess of $450,000 are likely to be rare. The Institute will ordinarily release funds for the second and third years of ongoing support grants on the following conditions: (1) The project is performing satisfactorily; (2) appropriations are available to support the project that fiscal year; and (3) the Board of Directors determines that the project continues to fall within the Institute's priorities.

3. Applicants for technical assistance grants may request funding in amounts up to $30,000.

4. Applicants for curriculum adaptation grants may request funding in amounts up to $20,000.

5. Applicants for scholarships may request funding in amounts up to $1,500.

D. Length of Grant Periods

1. Grant periods for all new and continuation projects ordinarily may not exceed 15 months.

2. Grant periods for ongoing support grants ordinarily may not exceed 36 months.

3. Grant periods for technical assistance grants and curriculum adaptation grants ordinarily may not exceed 12 months.

VI. Concept Papers

Concept papers are an extremely important part of the application process because they enable the Institute to learn the program areas of primary interest to the courts and to explore innovative ideas, without imposing heavy burdens on prospective applicants. The use of concept papers also permits the Institute to better project the nature and amount of grant awards. The concept paper requirement and the submission deadlines for concept papers and applications may be waived by the Executive Director for good cause (*e.g.,* the proposed project could provide a significant benefit to the State courts or the opportunity to conduct the project did not arise until after the deadline).

A. Format and Content

All concept papers must include a cover sheet, a program narrative, and a preliminary budget.

1. The Cover Sheet

The cover sheet for all concept papers must contain:

a. A title that clearly describes the proposed project;

b. The name and address of the court, organization, or individual submitting the paper;

c. The name, title, address (if different from that in b.), and telephone number of a contact person who can provide further information about the paper;

d. The letter of the Special Interest Category (see section II.B.2.) or the number of the statutory Program Area (see section II.A.) that the proposed project addresses most directly; and

e. The estimated length of the proposed project.

Applicants requesting the Board to waive the application requirement and approve a grant of less than $40,000 based on the concept paper should add Application Waiver Requested to the information on the cover page.

2. The Program Narrative

The program narrative of a concept paper should be no longer than necessary, but must not exceed 8 double-spaced pages on 8½ by 11 inch paper. Margins must be at least 1 inch and type size must be at least 12 point and 12 cpi. The pages should be numbered. The narrative should describe:

a. *Why is this project needed and how would it benefit State courts?* If the project is to be conducted in a specific location(s), applicants should discuss the particular needs of the project site(s) to be addressed by the project, why those needs are not being met through the use of existing materials, programs, procedures, services, or other resources, and the benefits that would be realized by the proposed site(s).

If the project is not site-specific, applicants should discuss the problems that the proposed project would address, why existing materials, programs, procedures, services, or other resources cannot adequately resolve those problems, and the benefits that would be realized from the project by State courts generally.

b. *What would be done if a grant is awarded*? Applicants should include a summary description of the project to be conducted and the approach to be taken, including the anticipated length of the grant period. Applicants requesting a waiver of the application requirement for a grant of less than $40,000 should explain the proposed methods for conducting the project as fully as space allows, and include a detailed task schedule as an attachment to the concept paper.

c. *How would the effects and quality of the project be determined?* Applicants should include a summary description of how the project would be evaluated, including the criteria that would be used to measure its success or impact.

d. *How would others find out about the project and be able to use the results?* Applicants should describe the products that would result, the degree to which they would be applicable to courts across the nation, and to whom the products and results of the project would be disseminated in addition to the SJI-designated libraries (*e.g.,* State chief justices, specified groups of trial judges, State court administrators, specified groups of trial court administrators, State judicial educators, or other audiences). Applicants proposing to develop web-based products should provide for sending a hard-copy document to the SJI-designated libraries and other

appropriate audiences to alert them to the availability of the web site or electronic product (*e.g.,* a written report with a reference to the web site, a press release with the web site address and screens printed from the web site, etc.).

3. The Budget

a. *Preliminary Budget.* A preliminary budget must be attached to the narrative that includes the information specified on Form E included in Appendix G of this Guideline. Applicants should be aware that prior written Institute approval is required for any consultant rate in excess of $300 per day and that Institute funds may not be used to pay a consultant in excess of $900 per day.

b. *Concept Papers Requesting Accelerated Award of a Grant of Less than $40,000.* Applicants requesting a waiver of the application requirement and approval of a grant based on a concept paper under C. in this section must attach to Form E (see Appendix G) a budget narrative that explains the basis for each of the items listed and indicates whether the costs would be paid from grant funds, through a matching contribution, or from other sources. Courts requesting an accelerated award must also attach a Certificate of State Approval—Form B (Appendix H) signed by the Chief Justice of the State Supreme Court or the Chief Justice's designee.

4. Letters of Cooperation or Support

The Institute encourages concept paper applicants to attach letters of cooperation and support from the courts and related agencies that would be involved in or directly affected by the proposed project. Letters of support may be sent under separate cover; however, to ensure sufficient time to bring them to the Board's attention, support letters sent under separate cover must be received no later than January 5, 2001.

5. Page Limits

a. The Institute will not accept concept papers with program narratives exceeding eight double-spaced pages (see A.2. of this section). This page limit does not include the cover page, budget form, letters of cooperation or support, or, for papers requesting accelerated awards, the budget narrative and task schedule. Additional material should not be attached unless it is essential to impart a clear understanding of the project.

b. Applicants submitting more than one concept paper may include material that would be identical in each concept paper in a cover letter. This material will be incorporated by reference into each paper and counted against the eight-page limit for each. A copy of the cover letter should be attached to each copy of each concept paper.

6. Sample Concept Papers

Sample concept papers from previous funding cycles are available from the Institute upon request.

B. Submission Requirements

An original and three copies of all concept papers submitted for consideration in Fiscal Year 2001 must be sent by first class or overnight mail or by courier (but not by fax or e-mail) no later than November 22, 2000.

A postmark or courier receipt will constitute evidence of the submission date. All envelopes containing concept papers should be marked CONCEPT PAPER and sent to: State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314.

Receipt of each concept paper will be acknowledged by the Institute in writing. Extensions of the deadlines for submission of concept papers will not be granted.

C. Institute Review

1. Review Process

Concept papers will be reviewed competitively by the Institute's Board of Directors. Institute staff will prepare a narrative summary and a rating sheet assigning points for each relevant selection criterion for those concept papers which fall within the scope of the Institute's funding program and merit serious consideration by the Board. Staff will also prepare a list of those papers that, in the judgment of the Executive Director, propose projects that lie outside the scope of the Institute's program or are not likely to merit serious consideration by the Board. The narrative summaries, rating sheets, and list of non-reviewed papers will be presented to the Board for its review. Committees of the Board will review concept paper summaries within assigned program areas and prepare recommendations for the full Board. The full Board of Directors will then decide which concept paper applicants will be invited to submit formal applications for funding. The decision to invite an application is solely that of the Board of Directors.

The Board may waive the application requirement and approve a grant based on a concept paper for a project requiring less than $40,000 when the need for and benefits of the project are clear and the methodology and budget require little additional explanation. Applicants considering whether to request consideration for an accelerated award should make certain that the proposed budget is sufficient to accomplish the project objectives in a quality manner. Because the Institute's experience has been that projects to conduct empirical research or a program evaluation ordinarily require a more thorough explanation of the methodology to be used than can be provided within the space limitations of a concept paper, the Board is unlikely to waive the application requirement for such projects.

2. Selection Criteria

a. All concept papers will be evaluated on the basis of the following criteria:

(1) The demonstration of need for the project;

(2) The soundness and innovativeness of the approach described;

(3) The benefits to be derived from the project;

(4) The reasonableness of the proposed budget;

(5) The proposed project's relationship to one of the ''Special Interest'' categories set forth in section II.B; and

(6) The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

Single jurisdiction concept papers will be rated on the proposed project's relation to one of the ''Special Interest'' categories set forth in section II.B. and the special requirements listed in section II.D. and VII.A.

b. In determining which concept papers will be approved for award or selected for development into full applications, the Institute will also consider the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the applicant's anticipated match; whether the applicant is a State court, a national court support or education organization, a non-court unit of government, or another type of entity eligible to receive grants under the Institute's enabling legislation (see 42 U.S.C. 10705(b)), as amended, and section IV of this Grant Guideline); the extent to which the proposed project would also benefit the Federal courts or help the State courts enforce Federal constitutional and legislative requirements; and the level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

3. Notification to Applicants

The Institute will send written notice to all persons submitting concept

papers, informing them of the Board's decisions regarding their papers and of the key issues and questions that arose during the review process. A decision by the Board not to invite an application may not be appealed, but applicants may resubmit the concept paper or a revision thereof in a subsequent funding cycle. The Institute will also notify the relevant State contact (see Appendix C) when the Board invites applications submitted by courts within that State or that specify a participating site within that State.

VII. Applications

A. Project Grants

An application for a Project Grant must include an application form; budget forms (with appropriate documentation); a project abstract and program narrative; a disclosure of lobbying form, when applicable; and certain certifications and assurances. The Institute will send the required application forms to applicants invited to submit a full application.

1. Forms

a. Application Form (FORM A)

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding requested from the Institute. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete; that submission of the application has been authorized by the applicant; and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in Form D.

b. Certificate of State Approval (FORM B)

An application from a State or local court must include a copy of FORM B signed by the State's Chief Justice or Chief Judge, the director of the designated agency, or the head of the designated council. The signature denotes that the proposed project has been approved by the State's highest court or the agency or council it has designated. It denotes further that if funding for the project is approved by the Institute, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

c. Budget Forms (FORM C or C1)

Applicants may submit the proposed project budget either in the tabular format of FORM C or in the spreadsheet format of FORM C1. Applicants requesting $100,000 or more are strongly encouraged to use the spreadsheet format. If the proposed project period is for more than a year, a separate form should be submitted for each year or portion of a year for which grant support is requested, as well as for the total length of the project.

In addition to FORM C or C1, applicants must provide a detailed budget narrative providing an explanation of the basis for the estimates in each budget category. (See 4. below in this section.)

If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

d. Assurances (FORM D)

This form lists the statutory, regulatory, and policy requirements with which recipients of Institute funds must comply.

e. Disclosure of Lobbying Activities

Applicants other than units of State or local government are required to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts. (See section IX.A.7.)

2. Project Abstract

The abstract should highlight the purposes, goals, methods and anticipated benefits of the proposed project. It should not exceed 1 single-spaced page on 8½ by 11 inch paper.

3. Program Narrative

The program narrative for an application may not exceed 25 double-spaced pages on 8½ by 11 inch paper. Margins must be at least 1 inch, and type size must be at least 12-point and 12 cpi. The pages should be numbered. This page limit does not include the forms, the abstract, the budget narrative, and any appendices containing resumes and letters of cooperation or endorsement. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

a. Project Objectives

The applicant should include a clear, concise statement of what the proposed project is intended to accomplish. In stating the objectives of the project, applicants should focus on the overall programmatic objective (*e.g.,* to enhance understanding and skills regarding a specific subject, or to determine how a certain procedure affects the court and litigants) rather than on operational objectives (*e.g.,* provide training for 32 judges and court managers, or review data from 300 cases).

b. Program Areas to be Covered

The applicant should note the Special Interest Category or Categories that are addressed by the proposed project (see section II.B.). If the proposed project does not fall within one of the Institute's Special Interest Categories, the applicant should list the Statutory Program Area or Areas that are addressed by the proposed project. (See section II.A.)

c. Need for the Project

If the project is to be conducted in a specific location(s), the applicant should discuss the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing materials, programs, procedures, services, or other resources.

If the project is not site-specific, the applicant should discuss the problems that the proposed project would address, and why existing materials, programs, procedures, services, or other resources cannot adequately resolve those problems. The discussion should include specific references to the relevant literature and to the experience in the field.

d. Tasks, Methods and Evaluation

(1) *Tasks and Methods.* The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task. For example:

(a) *For research and evaluation projects*, the applicant should include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and the protection of others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to the human subjects, a discussion should be

included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk.

(b) *For education and training projects*, the applicant should include the adult education techniques to be used in designing and presenting the program, including the teaching/learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty would be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars, or workshops to be conducted and the estimated number of persons who would attend them; the materials to be provided and how they would be developed; and the cost to participants.

(c) *For demonstration projects*, the applicant should include the demonstration sites and the reasons they were selected, or if the sites have not been chosen, how they would be identified and their cooperation obtained; and how the program or procedures would be implemented and monitored.

(d) *For technical assistance projects*, the applicant should explain the types of assistance that would be provided; the particular issues and problems for which assistance would be provided; how requests would be obtained and the type of assistance determined; how suitable providers would be selected and briefed; how reports would be reviewed; and the cost to recipients.

(2) *Evaluation*. Every project design must include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. In addition, where appropriate, the evaluation process should be designed to provide ongoing or periodic feedback on the effectiveness or utility of the project in order to promote its continuing improvement. The plan should present the qualifications of the evaluator(s); describe the criteria that would be used to evaluate the project's effectiveness in meeting its objectives; explain how the evaluation would be conducted, including the specific data collection and analysis techniques to be used; discuss why this approach would be appropriate; and present a schedule for completion of the evaluation within the proposed project period.

The evaluation plan should be appropriate to the type of project proposed. For example:

(a) *Research*. An evaluation approach suited to many research projects is a review by an advisory panel of the research methodology, data collection instruments, preliminary analyses, and products as they are drafted. The panel should be comprised of independent researchers and practitioners representing the perspectives affected by the proposed project.

(b) *Education and Training*. The most valuable approaches to evaluating educational or training programs reinforce the participants' learning experience while providing useful feedback on the impact of the program and possible areas for improvement. One appropriate evaluation approach is to assess the acquisition of new knowledge, skills, attitudes or understanding through participant feedback on the seminar or training event. Such feedback might include a self-assessment on what was learned along with the participant's response to the quality and effectiveness of faculty presentations, the format of sessions, the value or usefulness of the material presented, and other relevant factors. Another appropriate approach would be to use an independent observer who might request both verbal and written responses from participants in the program. When an education project involves the development of curricular materials, an advisory panel of relevant experts can be coupled with a test of the curriculum to obtain the reactions of participants and faculty as indicated above.

(c) *Demonstration*. The evaluation plan for a demonstration project should encompass an assessment of program effectiveness (*e.g.*, how well did it work?); user satisfaction, if appropriate; the cost-effectiveness of the program; a process analysis of the program (*e.g.*, was the program implemented as designed, and/or did it provide the services intended to the targeted population?); the impact of the program (*e.g.*, what effect did the program have on the court, and/or what benefits resulted from the program?); and the replicability of the program or components of the program.

(d) *Technical Assistance*. For technical assistance projects, applicants should explain how the quality, timeliness, and impact of the assistance provided would be determined, and develop a mechanism for feedback from both the users and providers of the technical assistance.

Evaluation plans involving human subjects should include a discussion of the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and the protection of others who are not the subjects of evaluation but would be affected by it. Other than the provision of confidentiality to respondents, human subject protection issues ordinarily are not applicable to participants evaluating an education program.

e. Project Management

The applicant should present a detailed management plan, including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that would ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project time line, Gantt Chart, or schedule, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination, would occur within the proposed project period. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter (*i.e.*, no later than January 30, April 30, July 30, and October 30).

Applicants should be aware that the Institute is unlikely to approve more than one limited extension of the grant period. Therefore, the management plan should be as realistic as possible and fully reflect the time commitments of the proposed project staff and consultants.

f. Products

The program narrative in the application should contain a description of the products to be developed (*e.g.*, training curricula and materials, videotapes, articles, manuals, or handbooks), including when they would be submitted to the Institute. The budget should include the cost of producing and disseminating the product to each in-State SJI library, State chief justice, State court administrator, and other judges or court personnel.

(1) *Dissemination Plan*. The application must explain how and to whom the products would be disseminated; describe how they would benefit the State courts, including how they could be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under

the grant would be offered to the courts community and the public at large (*i.e.*, whether products would be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product). (See section IX.A.11.b.) Ordinarily, applicants should schedule all product preparation and distribution activities within the project period.

A copy of each product must be sent to the library established in each State to collect the materials developed with Institute support. (A list of these libraries is contained in Appendix D.) Applicants proposing to develop web-based products should provide for sending a hard-copy document to the SJI-designated libraries and other appropriate audiences to alert them to the availability of the web site or electronic product (*e.g.*, a written report with a reference to the web site, a press release with the web site address and screens printed from the web site, etc.).

Seventeen (17) copies of all project products must be submitted to the Institute. A master copy of each videotape, in addition to 17 copies of each videotape product, must also be provided to the Institute.

(2) *Types of Products and Press Releases.* The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive summary that would be disseminated to the project's primary audience, or both. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they would make their data available for secondary analysis after the grant period. (See section IX.A.14.a.).

The curricula and other products developed by education and training projects should be designed for use outside the classroom so that they may be used again by original participants and others in the course of their duties.

In addition, recipients of project grants must prepare a press release describing the project and announcing the results, and distribute the release to a list of national and State judicial branch organizations. SJI will provide press release guidelines and a list of recipients to grantees at least 30 days before the end of the grant period.

(3) *Institute Review.* Applicants must submit a final draft of all written grant products to the Institute for review and approval at least 30 days before the products are submitted for publication or reproduction. For products in a videotape or CD–ROM format, applicants must provide for incremental Institute review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of the Institute. (See section IX.A.11.e.)

(4) *Acknowledgment, Disclaimer, and Logo.* Applicants must also include in all project products a prominent acknowledgment that support was received from the Institute and a disclaimer paragraph based on the example provided in section IX.A.11.a.(2) of the Guideline. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a video, unless the Institute approves another placement.

g. Applicant Status

An applicant that is not a State or local court and has not received a grant from the Institute within the past two years should state whether it is either a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of State governments; or a national non-profit organization for the education and training of State court judges and support personnel. See section IV. If the applicant is a nonjudicial unit of Federal, State, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

h. Staff Capability

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that would be used to select persons for these positions should be included. The applicant also should identify the person who would be responsible for managing and reporting on the finances of the proposed project.

i. Organizational Capacity

Applicants that have not received a grant from the Institute within the past two years should include a statement describing their capacity to administer grant funds, including the financial systems used to monitor project expenditures (and income, if any), and a summary of their past experience in administering grants, as well as any resources or capabilities that they have that would particularly assist in the successful completion of the project.

Unless requested otherwise, an applicant that has received a grant from the Institute within the past two years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant.

If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c) tax-exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For purposes of this requirement, ''current'' means no earlier than two years prior to the present calendar year.

If a current audit report is not available, the Institute will require the organization to complete a financial capability questionnaire which must be signed by a Certified Public Accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

j. Statement of Lobbying Activities

Non-governmental applicants must submit the Institute's Disclosure of Lobbying Activities Form, which documents whether they, or another entity that is a part of the same organization as the applicant, have advocated a position before Congress on any issue, and identifies the specific subjects of their lobbying efforts.

k. Letters of Cooperation or Support

If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, the applicant should attach written assurances of cooperation and availability to the application, or send them under separate cover. To ensure sufficient time to bring them to the Board's attention, letters of support sent under separate cover must be received no more than 30 days after the deadline for mailing the application.

4. Budget Narrative

The budget narrative should provide the basis for the computation of all project-related costs. When the proposed project would be partially supported by grants from other funding sources, applicants should make clear what costs would be covered by those other grants. Additional background or schedules may be attached if they are essential to obtaining a clear understanding of the proposed budget.

Numerous and lengthy appendices are strongly discouraged.

The budget narrative should cover the costs of all components of the project and clearly identify costs attributable to the project evaluation. Under OMB grant guidelines incorporated by reference in this Guideline, grant funds may not be used to purchase alcoholic beverages.

a. Justification of Personnel Compensation

The applicant should set forth the percentages of time to be devoted by the individuals who would staff the proposed project, the annual salary of each of those persons, and the number of work days per year used for calculating the percentages of time or daily rates of those individuals. The applicant should explain any deviations from current rates or established written organizational policies. If grant funds are requested to pay the salary and related costs for a current employee of a court or other unit of government, the applicant should explain why this would not constitute a supplantation of State or local funds in violation of 42 U.S.C. 10706(d)(1). An acceptable explanation may be that the position to be filled is a new one established in conjunction with the project or that the grant funds would support only the portion of the employee's time that would be dedicated to new or additional duties related to the project.

b. Fringe Benefit Computation

The applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented, as well as a description of the elements included in the determination of the percentage rate.

c. Consultant/Contractual Services and Honoraria

The applicant should describe the tasks each consultant would perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (*e.g.,* the number of days multiplied by the daily consultant rates), and the method for selection. Rates for consultant services must be set in accordance with section X.I.2.c. Honorarium payments must be justified in the same manner as other consultant payments. Prior written Institute approval is required for any consultant rate in excess of $300 per day; Institute funds may not be used to pay a consultant more than $900 per day.

d. Travel

Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates must be consistent with those established by the Institute or the Federal Government. (A copy of the Institute's travel policy is available upon request.) The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel should also be included in the narrative.

e. Equipment

Grant funds may be used to purchase only the equipment necessary to demonstrate a new technological application in a court or that is otherwise essential to accomplishing the objectives of the project. Equipment purchases to support basic court operations ordinarily will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described. Purchases for automatic data processing equipment must comply with section X.I.2.b.

f. Supplies

The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.

g. Construction

Construction expenses are prohibited except for the limited purposes set forth in section IX.A.16.b. Any allowable construction or renovation expense should be described in detail in the budget narrative.

h. Telephone

Applicants should include anticipated telephone charges, distinguishing between monthly charges and long distance charges in the budget narrative. Also, applicants should provide the basis used to calculate the monthly and long distance estimates.

i. Postage

Anticipated postage costs for project-related mailings, including distribution of the final product(s), should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine operational mailing costs. The bases for all postage estimates should be included in the budget narrative.

j. Printing/Photocopying

Anticipated costs for printing or photocopying project documents, reports, and publications should be included in the budget narrative, along with the bases used to calculate these estimates.

k. Indirect Costs

Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (*e.g.,* a percentage of the time of senior managers to supervise project activities), the applicant should specify that these costs are not included within its approved indirect cost rate. These rates must be established in accordance with section X.I.4. If the applicant has an indirect cost rate or allocation plan approved by any Federal granting agency, a copy of the approved rate agreement should be attached to the application.

l. Match

The applicant should describe the source of any matching contribution and the nature of the match provided. Any additional contributions to the project should be described in this section of the budget narrative as well. If in-kind match is to be provided, the applicant should describe how the amount and value of the time, services, or materials actually contributed would be documented for audit purposes. Applicants should be aware that the time spent by participants in education courses does not qualify as in-kind match.

Applicants that do not contemplate making matching contributions continuously throughout the course of the project or on a task-by-task basis must provide a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions would be made. (See sections III.O., IX.A.8., and X.E.1.)

5. Submission Requirements

a. Every applicant must submit an original and four copies of the application package consisting of FORM A; FORM B, if the application is from a State or local court, or a Disclosure of Lobbying Form, if the applicant is not

a unit of State or local government; the Budget Forms (either FORM C or C–1); the Application Abstract; the Program Narrative; the Budget Narrative; and any necessary appendices.

All applications invited by the Institute's Board of Directors must be sent by first class or overnight mail or by courier no later than April 25, 2001. A postmark or courier receipt will constitute evidence of the submission date. Please mark APPLICATION on the application package envelope and send it to: State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

Receipt of each application will be acknowledged in writing. Extensions of the deadline for submission of applications will not be granted. See 3.k. above in this section for deadlines for letters of support.

b. Applicants submitting more than one application may include material that would be identical in each application in a cover letter. This material will be incorporated by reference into each application and counted against the 25-page limit for the program narrative. A copy of the cover letter should be attached to each copy of each application.

B. Continuation Grant Applications

1. Purpose and Scope

Continuation grants are intended to support projects with a limited duration that involve the same type of activities as the previous project. They are intended to enhance the specific program or service produced or established during the prior grant period. They may be used, for example, when a project is divided into two or more sequential phases, for secondary analysis of data obtained in an Institute-supported research project, or for more extensive testing of an innovative technology, procedure, or program developed with SJI grant support. Continuation grants should be distinguished from ongoing support grants, which are awarded to support critically needed long-term national scope projects. See C. below in this section.

The award of an initial grant to support a project does not constitute a commitment by the Institute to continue funding. For a project to be considered for continuation funding, the grantee must have completed all project tasks and met all grant requirements and conditions in a timely manner, absent extenuating circumstances or prior Institute approval of changes to the project design. Continuation grants are not intended to provide support for a project for which the grantee has underestimated the amount of time or funds needed to accomplish the project tasks.

2. Letters of Intent

In lieu of a concept paper, a grantee seeking a continuation grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for continued funding becomes apparent but no less than 120 days before the end of the current grant period.

a. A letter of intent must be no more than 3 single-spaced pages on 8½ by 11 inch paper and contain a concise but thorough explanation of the need for continuation; an estimate of the funds to be requested; and a brief description of anticipated changes in the scope, focus, or audience of the project.

b. Within 30 days after receiving a letter of intent, Institute staff will review the proposed activities for the next project period and inform the grantee of specific issues to be addressed in the continuation application and the date by which the application must be submitted.

3. Application Format

An application for a continuation grant must include an application form, budget forms (with appropriate documentation), a project abstract conforming to the format set forth in A.2. of this section, a program narrative, a budget narrative, a Certificate of State Approval—FORM B (Appendix H) if the applicant is a State or local court, a Disclosure of Lobbying Activities form (from applicants other than units of State or local government), and any necessary appendices.

The program narrative should conform to the length and format requirements set forth in A.3. of this section. However, rather than the topics listed there, the program narrative of a continuation application should include:

a. *Project Objectives.* The applicant should clearly and concisely state what the continuation project is intended to accomplish.

b. *Need for Continuation.* The applicant should explain why continuation of the project is necessary to achieve the goals of the project, and how the continuation would benefit the participating courts or the courts community generally, by explaining, for example, how the original goals and objectives of the project would be unfulfilled if it were not continued; or how the value of the project would be enhanced by its continuation.

c. *Report of Current Project Activities.* The applicant should discuss the status of all activities conducted during the previous project period. Applicants should identify any activities that were not completed, and explain why.

d. *Evaluation Findings.* The applicant should present the key findings, impact, or recommendations resulting from the evaluation of the project, if available, and how they would be addressed during the proposed continuation. If the findings are not yet available, the applicant should provide the date by which they would be submitted to the Institute. Ordinarily, the Board will not consider an application for continuation funding until the Institute has received the evaluator's report.

e. *Tasks, Methods, Staff and Grantee Capability.* The applicant should fully describe any changes in the tasks to be performed, the methods to be used, the products of the project, and how and to whom those products would be disseminated, as well as any changes in the assigned staff or the grantee's organizational capacity. Applicants should include, in addition, the criteria and methods by which the proposed continuation project would be evaluated.

f. *Task Schedule.* The applicant should present a detailed task schedule and timeline for the next project period.

g. *Other Sources of Support.* The applicant should indicate why other sources of support would be inadequate, inappropriate, or unavailable.

4. Budget and Budget Narrative

The applicant should provide a complete budget and budget narrative conforming to the requirements set forth in A.4. in this section. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. In addition, the applicant should estimate the amount of grant funds that would remain unobligated at the end of the current grant period.

5. References to Previously Submitted Material

A continuation application should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

6. Submission Requirements

The submission requirements set forth in A.5. in this section, other than the mailing deadline, apply to continuation applications.

C. Ongoing Support Grants

1. Purpose and Scope

Ongoing support grants are intended to support projects that are national in scope and provide the State courts with services, programs or products for which there is a continuing critical need. An ongoing support grant may also be used to fund longitudinal research that directly benefits the State courts. Ongoing support grants are subject to the limits on size and duration set forth in V.C.2. and V.D.2. The Board will consider awarding an ongoing support grant for a period of up to 36 months. The total amount of the grant will be fixed at the time of the initial award. Funds ordinarily will be made available in annual increments as specified in section V.C.2.

The award of an initial grant to support a project does not constitute a commitment by the Institute to provide ongoing support at the end of the original project period. A project is eligible for consideration for an ongoing support grant if:

a. The project is supported by and has been evaluated under a grant from the Institute;

b. The project is national in scope and provides a significant benefit to the State courts;

c. There is a continuing critical need for the services, programs or products provided by the project, indicated by the level of use and support by members of the court community;

d. The project is accomplishing its objectives in an effective and efficient manner; and

e. It is likely that the service or program provided by the project would be curtailed or significantly reduced without Institute support.

Each ongoing support application must include an evaluation component assessing its effectiveness and operation throughout the grant period. The evaluation should be independent but may be designed collaboratively by the evaluator and the grantee. The design should call for regular feedback from the evaluator to the grantee throughout the project period concerning recommendations for mid-course corrections or improvement of the project, as well as periodic reports to the Institute at relevant points in the project.

An interim evaluation report must be submitted 18 months into the 3-year grant period. The decision to release Institute funds to support the third year of the project will be based on the interim evaluation findings and the applicant's response to any deficiencies noted in the report, as well as the availability of appropriations and the project's consistency with the Institute's priorities.

A final evaluation assessing the effectiveness, operation of, and continuing need for the project must be submitted 90 days before the end of the 3-year project period. In addition, a detailed annual task schedule must be submitted not later than 45 days before the end of the first and second years of the grant period, along with an explanation of any necessary revisions in the projected costs for the remainder of the project period.

2. Letters of Intent

In lieu of a concept paper, an applicant seeking an ongoing support grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for continuing funding becomes apparent but no less than 120 days before the end of the current grant period. The letter of intent should be in the same format as that prescribed for continuation grants in B.2. of this section.

3. Format

An application for an ongoing support grant must include an application form; budget forms (with appropriate documentation); a Certificate of State Approval—FORM B (Appendix H) if the applicant is a State or local court; a Disclosure of Lobbying Activities form (from applicants other than units of State or local government); a project abstract conforming to the format set forth in A.2. of this section; a program narrative; a budget narrative; and any necessary appendices.

The program narrative should conform to the length and format requirements set forth in A.3. of this section; however, rather than the topics listed there, the program narrative of applications for ongoing support grants should address:

a. *Description of Need for and Benefits of the Project.* The applicant should provide a detailed discussion of the benefits provided by the project to State courts around the country, including the degree to which State courts, State court judges, or State court managers and personnel are using the services or programs provided by the project.

b. *Demonstration of Court Support.* The applicant should demonstrate support for the continuation of the project from the courts community.

c. *Report on Current Project Activities.* The applicant should discuss the extent to which the project has met its goals and objectives, identify any activities that have not been completed, and explain why they have not been completed.

d. *Evaluation Findings.* The applicant should attach a copy of the final evaluation report regarding the effectiveness, impact, and operation of the project, specify the key findings or recommendations resulting from the evaluation, and explain how they would be addressed during the next three years. Ordinarily, the Board will not consider an application for ongoing support until the Institute has received the evaluator's report.

e. *Objectives, Tasks, Methods, Staff and Grantee Capability.* The applicant should describe fully any changes in the objectives; tasks to be performed; the methods to be used; the products of the project; how and to whom those products would be disseminated; the assigned staff; and the grantee's organizational capacity. The grantee also should describe the steps it would take to obtain support from other sources for the continued operation of the project.

f. *Task Schedule.* The applicant should present a general schedule for the full proposed project period and a detailed task schedule for the first year of the proposed new project period.

g. *Other Sources of Support.* The applicant should describe what efforts it has taken to secure support for the project from other sources.

4. Budget and Budget Narrative

The applicant should provide a complete three-year budget and budget narrative conforming to the requirements set forth in A.4. of this section, and estimate the amount of grant funds that would remain unobligated at the end of the current grant period. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. A complete budget narrative should be provided for the full project as well as for each year, or portion of a year, for which grant support is requested. The budget should provide for realistic cost-of-living and staff salary increases over the course of the requested project period. Applicants should be aware that the Institute is unlikely to approve a supplemental budget increase for an ongoing support grant in the absence of well-documented, unanticipated factors that would clearly justify the requested increase.

5. References to Previously Submitted Material

An application for an ongoing support grant should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

6. Submission Requirements

The submission requirements set forth in A.5. of this section, other than the mailing deadline, apply to applications for ongoing support grants.

D. Technical Assistance Grants

1. Purpose and Scope

Technical assistance grants are awarded to State and local courts to obtain the assistance of outside experts in diagnosing, developing, and implementing a response to a particular problem in a jurisdiction.

2. Application Procedures

In lieu of formal applications, applicants for Technical Assistance grants may submit, at any time, an original and three copies of a detailed letter describing the proposed project. Letters from an individual trial or appellate court must be signed by the presiding judge or manager of that court. Letters from the State court system must be signed by the Chief Justice or State Court Administrator.

3. Application Format

Although there is no prescribed form for the letter nor a minimum or maximum page limit, letters of application should include the following information:

a. *Need for Funding.* What is the critical need facing the court? How would the proposed technical assistance help the court meet this critical need? Why cannot State or local resources fully support the costs of the required consultant services?

b. *Project Description.* What tasks would the consultant be expected to perform, and how would they be accomplished? Which organization or individual would be hired to provide the assistance, and how was this consultant selected? If a consultant has not yet been identified, what procedures and criteria would be used to select the consultant? (Applicants are expected to follow their jurisdictions' normal procedures for procuring consultant services.) What is the time frame for completion of the technical assistance? How would the court oversee the project and provide guidance to the consultant, and who at the court would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the consultant has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed time frame and for the proposed cost. The consultant must agree to submit a detailed written report to the court and the Institute upon completion of the technical assistance.

c. *Likelihood of Implementation.* What steps have been or would be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance? For example, if the support or cooperation of specific court officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant would be needed to adopt the changes recommended by the consultant and approved by the court, how would they be involved in the review of the recommendations and development of the implementation plan?

d. *Support for the Project from the State Supreme Court or its Designated Agency or Council.* Written concurrence on the need for the technical assistance must be submitted. This concurrence may be a copy of SJI Form B (see Appendix H) signed by the Chief Justice of the State Supreme Court or the Chief Justice's designee, or a letter from the State Chief Justice or designee. The concurrence may be submitted with the applicant's letter or under separate cover prior to consideration of the application. The concurrence also must specify whether the State Supreme Court would receive, administer, and account for the grant funds, if awarded, or would designate the local court or a specified agency or council to receive the funds directly.

4. Budget and Matching State Contribution

A completed Form E, Preliminary Budget (see Appendix G) and budget narrative must be included with the letter requesting technical assistance. The estimated cost of the technical assistance services should be broken down into the categories listed on the budget form rather than aggregated under the Consultant/Contractual category.

The budget narrative should provide the basis for all project-related costs, including the basis for determining the estimated consultant costs, if compensation of the consultant is required (*e.g.,* the number of days per task times the requested daily consultant rate). Applicants should be aware that consultant rates above $300 per day must be approved in advance by the Institute, and that no consultant will be paid more than $900 per day. In addition, the budget should provide for submission of two copies of the consultant's final report to the Institute.

Recipients of technical assistance grants do not have to submit an audit but must maintain appropriate documentation to support expenditures. (See section IX.A.3.)

5. Submission Requirements

Letters of application may be submitted at any time; however, all of the letters received during a calendar quarter will be considered at one time. Applicants submitting letters between June 12 and September 29, 2000 will be notified of the Board's decision by December 8, 2000; those submitting letters between September 30, 2000 and January 12, 2001 will be notified by March 23, 2001; those submitting letters between January 13, 2001 and March 9, 2001 will be notified by May 11, 2001; and those submitting letters between March 10, 2001 and June 8, 2001 will be notified by August 3, 2001. Applicants submitting letters between June 9 and September 28, 2001 will be notified of the Board's decision by December 15, 2001.

If the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks, written assurances of such support or cooperation should accompany the application letter. Support letters also may be submitted under separate cover; however, to ensure that there is sufficient time to bring them to the attention of the Board's Technical Assistance Committee, letters sent under separate cover must be received not less than three weeks prior to the Board meeting at which the technical assistance requests will be considered (*i.e.,* by October 20, 2000, and February 9, April 13, July 9, and October 26, 2001).

E. Curriculum Adaptation Grants

1. Purpose and Scope

Curriculum Adaptation grants are awarded to State and local courts to support replication or modification of a model training program originally developed with Institute funds. Ordinarily, the Institute will support the adaptation of a curriculum once (*i.e.,* with one grant) in a given State.

2. Application Procedures

In lieu of concept papers and formal applications, applicants should submit an original and three photocopies of a detailed letter.

3. Application Format

Although there is no prescribed format for the letter, or a minimum or maximum page limit, letters of application should include the following information:

a. *Project Description.* What is the title of the model curriculum to be adapted and who developed it? Why is this education program needed at the present time? What are the project's goals? What are the learning objectives of the adapted curriculum? What program components would be implemented, and what types of modifications, if any, are anticipated in length, format, learning objectives, teaching methods, or content? Who would be responsible for adapting the model curriculum? Who would the participants be, how many would there be, how would they be recruited, and from where would they come (*e.g.,* from across the State, from a single local jurisdiction, from a multi-State region)?

b. *Need for Funding.* Why are sufficient State or local resources unavailable to fully support the modification and presentation of the model curriculum? What is the potential for replicating or integrating the program in the future using State or local funds, once it has been successfully adapted and tested?

c. *Likelihood of Implementation.* What is the proposed timeline, including the project start and end dates and the date(s) the program would be presented? What process would be used to modify and present the program? Who would serve as faculty, and how were they selected? What measures would be taken to facilitate subsequent presentations of the program? (Ordinarily, an independent evaluation of a curriculum adaptation project is not required; however, the results of any evaluation should be included in the final report.)

d. *Expressions of Interest by Judges and/or Court Personnel.* Does the proposed program have the support of the court system leadership, and of judges, court managers, and judicial education personnel who are expected to attend? (This may be demonstrated by attaching letters of support.)

e. *Chief Justice's Concurrence.* Local courts should attach a concurrence form signed by the Chief Justice of the State or his or her designee. (See Form B, Appendix H.)

4. Budget and Matching State Contribution

Applicants should attach a copy of budget Form E (see Appendix G) and a budget narrative (see A.4. in this section) that describes the basis for the computation of all project-related costs and the source of the match offered. As with other awards to State or local courts, cash or in-kind match must be provided in an amount equal to at least 50% of the grant amount requested.

5. Submission Requirements

Letters of application may be submitted at any time. However, applicants should allow at least 90 days between the date of submission and the date of the proposed program to allow sufficient time for needed planning.

F. Scholarships

1. Purpose and Scope

The purposes of the Institute scholarship program are to enhance the skills, knowledge, and abilities of judges and court managers; enable State court judges and court managers to attend out-of-State educational programs sponsored by national and State providers that they could not otherwise attend because of limited State, local and personal budgets; and provide States, judicial educators, and the Institute with evaluative information on a range of judicial and court-related education programs.

Scholarships will be granted to individuals only for the purpose of attending an educational program in another State. An applicant may apply for a scholarship for only one educational program during any one application cycle.

Scholarship funds may be used only to cover the costs of tuition and transportation expenses. Transportation expenses may include round-trip coach airfare or train fare. Scholarship recipients are strongly encouraged to take advantage of excursion or other special airfares (*e.g.,* reductions offered when a ticket is purchased 21 days in advance of the travel date or because the traveler is staying over a Saturday night) when making their travel arrangements. Recipients who drive to a program site may receive $.325/mile up to the amount of the advanced-purchase round-trip airfare between their homes and the program sites. Funds to pay tuition and transportation expenses in excess of $1,500 and other costs of attending the program—such as lodging, meals, materials, transportation to and from airports, and local transportation (including rental cars)—at the program site must be obtained from other sources or borne by the scholarship recipient. Scholarship applicants are encouraged to check other sources of financial assistance and to combine aid from various sources whenever possible.

A scholarship is not transferable to another individual. It may be used only for the course specified in the application unless attendance at a different course that meets the eligibility requirements is approved in writing by the Institute. Decisions on such requests will be made within 30 days after the receipt of the request letter.

2. Eligibility Requirements

a. *Recipients.* Scholarships can be awarded only to full-time judges of State or local trial and appellate courts; full-time professional, State or local court personnel with management responsibilities; and supervisory and management probation personnel in judicial branch probation offices. Senior judges, part-time judges, quasi-judicial hearing officers including referees and commissioners, State administrative law judges, staff attorneys, law clerks, line staff, law enforcement officers, and other executive branch personnel are not eligible to receive a scholarship.

b. *Courses.* A Scholarship can be awarded only for a course presented in a State other than the one in which the applicant resides or works that is designed to enhance the skills of new or experienced judges and court managers; address any of the topics listed in the Institute's Special Interest categories; or is offered by a recognized graduate program for judges or court managers. The annual or mid-year meeting of a State or national organization of which the applicant is a member does not qualify as an out-of-State educational program for scholarship purposes, even though it may include workshops or other training sessions.

Applicants are encouraged not to wait for the decision on a scholarship to register for an educational program they wish to attend.

3. Forms

a. *Judicial Education Scholarship Application—FORM S–1* (Appendix F)

The application form requests basic information about the applicant and the educational program the applicant would like to attend. It also addresses the applicant's commitment to share the skills and knowledge gained with local court colleagues and to submit an evaluation of the program the applicant attends.

b. *Scholarship Application Concurrence—FORM S–2* (Appendix F)

Judges and court managers applying for Scholarships must submit the

written concurrence of the Chief Justice of the State's Supreme Court (or the Chief Justice's designee) on the Institute's Judicial Education Scholarship Concurrence form (see Appendix F). The signature of the presiding judge of the applicant's court cannot be substituted for that of the Chief Justice or the Chief Justice's designee. Court managers, other than elected clerks of court, also must submit a letter of support from their immediate supervisors.

4. Submission Requirements

Scholarship applications must be submitted during the periods specified below:

October 2 and December 1, 2000, for programs beginning between January 1 and March 31, 2001; January 5 and March 5, 2001, for programs beginning between April 1 and June 30, 2001;

April 2 and June 1, 2001, for programs beginning between July 1 and September 30, 2001;

July 5 and September 3, 2001, for programs beginning between October 1 and December 31, 2001; and

October 2 and November 30, 2001, for programs beginning between January 1 and March 31, 2002.

No exceptions or extensions will be granted. Applications sent prior to the beginning of an application period will be treated as having been sent one week *after the beginning of that application period.* All the required items must be received for an application to be considered. If the Concurrence form or letter of support is sent separately from the application, the postmark date of the last item to be sent will be used in applying the above criteria.

All applications should be sent by mail or courier (not fax or e-mail) to: Scholarship Program Coordinator, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

VIII. Application Review Procedures

A. Preliminary Inquiries

The Institute staff will answer inquiries concerning application procedures. The staff contact will be named in the Institute's letter acknowledging receipt of the application.

B. Selection Criteria

1. Project, Continuation, and Ongoing Support Grant Applications

a. All applications will be rated on the basis of the criteria set forth below. The Institute will accord the greatest weight to the following criteria:

(1) The soundness of the methodology;

(2) The demonstration of need for the project;

(3) The appropriateness of the proposed evaluation design;

(4) The applicant's management plan and organizational capabilities;

(5) The qualifications of the project's staff;

(6) The products and benefits resulting from the project including the extent to which the project will have long-term benefits for State courts across the nation;

(7) The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions;

(8) The reasonableness of the proposed budget;

(9) The demonstration of cooperation and support of other agencies that may be affected by the project; and

(10) The proposed project's relationship to one of the ''Special Interest'' categories set forth in section II.B.

b. For continuation and ongoing support grant applications, the key findings and recommendations of evaluations and the proposed responses to those findings and recommendations also will be considered.

c. In determining which applicants to fund, the Institute will also consider whether the applicant is a State court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under the Institute's enabling legislation (see 42 U.S.C. 10705(6) (as amended) and Section IV. above); the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the applicant's match; the extent to which the proposed project would also benefit the Federal courts or help State courts enforce Federal constitutional and legislative requirements; and the level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

2. Technical Assistance Grant Applications

Technical Assistance grant applications will be rated on the basis of the following criteria:

a. Whether the assistance would address a critical need of the court;

b. The soundness of the technical assistance approach to the problem;

c. The qualifications of the consultant(s) to be hired, or the specific criteria that will be used to select the consultant(s);

d. Commitment on the part of the court to act on the consultant's recommendations; and

e. The reasonableness of the proposed budget.

The Institute also will consider factors such as the level and nature of the match that would be provided, diversity of subject matter, geographic diversity, the level of appropriations available to the Institute in the current year, and the amount expected to be available in succeeding fiscal years.

3. Curriculum Adaptation Grant Applications

Curriculum Adaptation grant applications will be rated on the basis of the following criteria:

a. The goals and objectives of the proposed project;

b. The need for outside funding to support the program;

c. The appropriateness of the approach in achieving the project's educational objectives;

d. The likelihood of effective implementation and integration into the State's or local jurisdiction's ongoing educational programming; and

e. Expressions of interest by the judges and/or court personnel who would be directly involved in or affected by the project.

The Institute will also consider factors such as the reasonableness of the amount requested, compliance with match requirements, diversity of subject matter, geographic diversity, the level of appropriations available in the current year, and the amount expected to be available in succeeding fiscal years.

4. Scholarships

Scholarships will be awarded on the basis of:

a. The date on which the application and concurrence (and support letter, if required) were received;

b. The unavailability of State or local funds to cover the costs of attending the program or scholarship funds from another source;

c. The absence of educational programs in the applicant's State addressing the topic(s) covered by the educational program for which the scholarship is being sought;

d. Geographic balance among the recipients;

e. The balance of scholarships among educational programs;

f. The balance of scholarships among the types of courts represented; and

g. The level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

The postmark or courier receipt will be used to determine the date on which

the application form and other required items were sent.

C. Review and Approval Process

1. Project, Continuation, and Ongoing Support Grant Applications

Applications will be reviewed competitively by the Board of Directors. The Institute staff will prepare a narrative summary of each application and a rating sheet assigning points for each relevant selection criterion. When necessary, applications may also be reviewed by outside experts. Committees of the Board will review applications within assigned program categories and prepare recommendations to the full Board. The full Board of Directors will then decide which applications to approve for grants. The decision to award a grant is solely that of the Board of Directors.

Awards approved by the Board will be signed by the Chairman of the Board on behalf of the Institute.

2. Technical Assistance and Curriculum Adaptation Grant Applications

The Institute staff will prepare a narrative summary of each application and a rating sheet assigning points for each relevant selection criterion. Applications will be reviewed competitively by a committee of the Board of Directors. The Board of Directors has delegated its authority to approve Technical Assistance and Curriculum Adaptation grants to the committee established for each program.

Approved awards will be signed by the Chairman of the Board on behalf of the Institute.

3. Scholarships

Scholarship applications are reviewed quarterly by a committee of the Institute's Board of Directors. The Board of Directors has delegated its authority to approve Scholarships to the committee established for the program.

Approved awards will be signed by the Chairman of the Board on behalf of the Institute.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned. Applicants are advised that Institute records are subject to the provisions of the Federal Freedom of Information Act, 5 U.S.C. 552.

E. Notification of Board Decision

1. The Institute will send written notice to applicants concerning all Board decisions to approve, defer, or deny their respective applications. For all except Scholarship applications, the Institute also will convey the key issues and questions that arose during the review process. A decision by the Board to deny an application may not be appealed, but it does not prohibit resubmission of a proposal based on that application in a subsequent funding cycle. With respect to awards other than Scholarships, the Institute will also notify the designated State contact listed in Appendix C when grants are approved by the Board to support projects that will be conducted by or involve courts in that State.

2. The Board anticipates acting upon Curriculum Adaptation grant applications within 45 days after receipt. Grant funds will be available only after Board approval and negotiation of the final terms of the grant.

3. The Institute intends to notify each Scholarship applicant of the Board committee's decision within 30 days after the close of the relevant application period.

F. Response to Notification of Approval

With the exception of those approved for Scholarships, applicants have 30 days from the date of the letter notifying them that the Board has approved their application to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to the Institute within 30 days after notification, the approval may be automatically rescinded and the application presented to the Board for reconsideration.

IX. Compliance Requirements

The State Justice Institute Act contains limitations and conditions on grants, contracts, and cooperative agreements awarded by the Institute. The Board of Directors has approved additional policies governing the use of Institute grant funds. These statutory and policy requirements are set forth below.

A. Recipients of Project Grants

1. Advocacy

No funds made available by the Institute may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities. 42 U.S.C. 10706(b).

2. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, the recipient must submit a description of the qualifications of the newly assigned person to the Institute. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

3. Audit

Recipients of project grants must provide for an annual fiscal audit which includes an opinion on whether the financial statements of the grantee present fairly its financial position and financial operations are in accordance with generally accepted accounting principles. (See section X.K. of the Guideline for the requirements of such audits.) Recipients of scholarships or curriculum adaptation or technical assistance grants are not required to submit an audit, but must maintain appropriate documentation to support all expenditures.

4. Budget Revisions

Budget revisions among direct cost categories that individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget require prior Institute approval.

5. Conflict of Interest

Personnel and other officials connected with Institute-funded programs must adhere to the following requirements:

a. No official or employee of a recipient court or organization shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which Institute funds are used, where, to his or her knowledge, he or she or his or her immediate family, partners, organization other than a public agency in which he or she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, or has a financial interest.

b. In the use of Institute project funds, an official or employee of a recipient court or organization shall avoid any action which might result in or create the appearance of:

(1) Using an official position for private gain; or

(2) Affecting adversely the confidence of the public in the integrity of the Institute program.

c. Requests for proposals or invitations for bids issued by a recipient of Institute funds or a subgrantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work, and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

6. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced in the course of Institute-sponsored work, such fact shall be promptly and fully reported to the Institute. Unless there is a prior agreement between the grantee and the Institute on disposition of such items, the Institute shall determine whether protection of the invention or discovery shall be sought. The Institute will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with ''Government Patent Policy'' (President's Memorandum for Heads of Executive Departments and Agencies, February 18, 1983, and statement of Government Patent Policy).

7. Lobbying

a. Funds awarded to recipients by the Institute shall not be used, indirectly or directly, to influence Executive Orders or similar promulgations by Federal, State or local agencies, or to influence the passage or defeat of any legislation by Federal, State or local legislative bodies. 42 U.S.C. 10706(a).

b. It is the policy of the Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, the Institute will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

8. Matching Requirements

a. All awards to courts or other units of State or local government (not including publicly supported institutions of higher education) require a match from private or public sources of not less than 50% of the total amount of the Institute's award. For example, if the total cost of a project is anticipated to be $150,000, a State court or executive branch agency may request up to $100,000 from the Institute to implement the project. The remaining $50,000 (50% of the $100,000 requested from SJI) must be provided as a match. A cash match, non-cash match, or both may be provided, but the Institute will give preference to those applicants that provide a cash match to the Institute's award. (For a further definition of match, see section III.O.)

b. The requirement to provide match may be waived in exceptionally rare circumstances upon the request of the Chief Justice of the highest court in the State and approval by the Board of Directors. 42 U.S.C. 10705(d).

c. Other eligible recipients of Institute funds are not required to provide a match, but are encouraged to contribute to meeting the costs of the project. In instances where match is proposed, the grantee is responsible for ensuring that the total amount proposed is actually contributed. If a proposed contribution is not fully met, the Institute may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement (see section X.E).

9. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by Institute funds. Recipients of Institute funds must immediately take any measures necessary to effectuate this provision.

10. Political Activities

No recipient may contribute or make available Institute funds, program personnel, or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Officers and employees of recipients shall not intentionally identify the Institute or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office. 42 U.S.C. 10706(a).

11. Products

a. Acknowledgment, Logo, and Disclaimer

(1) Recipients of Institute funds must acknowledge prominently on all products developed with grant funds that support was received from the Institute. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a video product, unless another placement is approved in writing by the Institute. This includes final products printed or otherwise reproduced during the grant period, as well as reprintings or reproductions of those materials following the end of the grant period. A camera-ready logo sheet is available from the Institute upon request.

(2) Recipients also must display the following disclaimer on all grant products: ''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI–[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.''

b. Charges for Grant-Related Products/Recovery of Costs

(1) When Institute funds fully cover the cost of developing, producing, and disseminating a product (*e.g.,* a report, curriculum, videotape or software), the product should be distributed to the field without charge. When Institute funds only partially cover the development, production, or dissemination costs, the grantee may, with the Institute's prior written approval, recover its costs for developing, producing, and disseminating the material to those requesting it, to the extent that those costs were not covered by Institute funds or grantee matching contributions.

(2) Applicants should disclose their intent to sell grant-related products in both the concept paper and the application. Grantees must obtain the written prior approval of the Institute of their plans to recover project costs through the sale of grant products. Written requests to recover costs ordinarily should be received during the grant period and should specify the nature and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than $25, the written request also should include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either

Institute grant funds or grantee matching contributions.

(3) In the event that the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of the Institute-funded project or other purposes consistent with the State Justice Institute Act that have been approved by the Institute. See sections III.S. and X.G. for requirements regarding project-related income realized during the project period.

c. Copyrights

Except as otherwise provided in the terms and conditions of an Institute award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of an Institute-supported project, but the Institute shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

d. Distribution

In addition to the distribution specified in the grant application, grantees shall send:

(1) Seventeen (17) copies of each final product developed with grant funds to the Institute, unless the product was developed under either a Curriculum Adaptation or a Technical Assistance grant, in which case submission of 2 copies is required.

(2) A master copy of each videotape produced with grant funds to the Institute.

(3) One copy of each final product developed with grant funds to the library established in each State to collect materials prepared with Institute support. (A list of the libraries is contained in Appendix D. Labels for these libraries are available from the Institute upon request.) Grantees that develop web-based electronic products must send a hard-copy document to the SJI-designated libraries and other appropriate audiences to alert them to the availability of the web site or electronic product. Recipients of curriculum adaptation and technical assistance grants are not required to submit final products to State libraries.

(4) A press release describing the project and announcing the results to a list of national and State judicial branch organizations provided by the Institute.

e. Institute Approval

No grant funds may be obligated for publication or reproduction of a final product developed with grant funds without the written approval of the Institute. Grantees shall submit a final draft of each written product to the Institute for review and approval. These drafts shall be submitted at least 30 days before the product is scheduled to be sent for publication or reproduction to permit Institute review and incorporation of any appropriate changes agreed upon by the grantee and the Institute. Grantees shall provide for timely reviews by the Institute of videotape or CD–ROM products at the treatment, script, rough cut, and final stages of development or their equivalents, prior to initiating the next stage of product development.

f. Original Material

All products prepared as the result of Institute-supported projects must be originally-developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

12. Prohibition Against Litigation Support

No funds made available by the Institute may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

13. Reporting Requirements

a. Recipients of Institute funds other than Scholarships must submit Quarterly Progress and Financial Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). Two copies of each report must be sent. The Quarterly Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period.

b. The quarterly financial status report must be submitted in accordance with section X.H.2. of this Guideline. A final project progress report and financial status report shall be submitted within 90 days after the end of the grant period in accordance with section X.L.1. of this Guideline.

14. Research

a. Availability of Research Data for Secondary Analysis

Upon request, grantees must make available for secondary analysis a diskette(s) or data tape(s) containing research and evaluation data collected under an Institute grant and the accompanying code manual. Grantees may recover the actual cost of duplicating and mailing or otherwise transmitting the data set and manual from the person or organization requesting the data. Grantees may provide the requested data set in the format in which it was created and analyzed.

b. Confidentiality of Information

Except as provided by Federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

c. Human Subject Protection

All research involving human subjects shall be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, the Institute must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.

15. State and Local Court Applications

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council. The Supreme Court or its designee shall receive, administer, and be accountable for all funds awarded on the basis of such an application. 42 U.S.C. 10705(b)(4). Appendix C to this Guideline lists the person to contact in each State regarding the administration

of Institute grants to State and local courts.

16. Supplantation and Construction

To ensure that funds are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used for the following purposes:

a. To supplant State or local funds supporting a program or activity (such as paying the salary of court employees who would be performing their normal duties as part of the project, or paying rent for space which is part of the court's normal operations);

b. To construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or

c. Solely to purchase equipment.

17. Suspension of Funding

After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, the Institute may terminate or suspend funding of a project that fails to comply substantially with the Act, the Guideline, or the terms and conditions of the award. 42 U.S.C. 10708(a).

18. Title to Property

At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with Institute funds shall vest in the recipient court, organization, or individual that purchased the property if certification is made to and approved by the Institute that the property will continue to be used for the authorized purposes of the Institute-funded project or other purposes consistent with the State Justice Institute Act. If such certification is not made or the Institute disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more shall vest in the Institute, which will direct the disposition of the property.

B. Recipients of Curriculum Adaptation and Technical Assistance Grants

In addition to the compliance requirements in A. in this section, recipients of Curriculum Adaptation and Technical Assistance grants must comply with the following requirements.

1. Curriculum Adaptation Grantees

Recipients of Curriculum Adaptation grants must:

a. Comply with the same quarterly reporting requirements as other Institute grantees (see A.13. above in this section);

b. Include in each grant product a prominent acknowledgment that support was received from the Institute, along with the ''SJI'' logo and a disclaimer paragraph (see A.11.a. above in this section); and

c. Submit one copy of the manuals, handbooks, or conference packets developed under the grant at the conclusion of the grant period, along with a final report that includes any evaluation results and explains how the grantee intends to present the program in the future.

2. Technical Assistance Grantees

Recipients of Technical Assistance grants must:

a. Comply with the same quarterly reporting requirements as other Institute grantees (see A.13. above in this section);

b. Ensure that each technical assistance report prepared by a consultant includes a prominent acknowledgment that support was received from the Institute, along with the ''SJI'' logo and a disclaimer paragraph (see A.11.a. above in this section);

c. Submit to the Institute one copy of a final report that explains how it intends to act on the consultant's recommendations, as well as a copy of the consultant's written report; and

d. Complete a Technical Assistance Evaluation Form at the conclusion of the grant period.

C. Scholarship Recipients

1. Scholarship recipients are responsible for disseminating the information received from the course to their court colleagues locally, and if possible, throughout the State (*e.g.,* by developing a formal seminar, circulating the written material, or discussing the information at a meeting or conference).

Recipients also must submit to the Institute a certificate of attendance at the program, an evaluation of the educational program they attended, and a copy of the notice of any scholarship funds received from other sources. A copy of the evaluation must be sent to the Chief Justice of their State. A State or local jurisdiction may impose additional requirements on scholarship recipients.

2. To receive the funds authorized by a scholarship award, recipients must submit a Scholarship Payment Voucher (Form S3) together with a tuition statement from the program sponsor, and a transportation fare receipt (or statement of the driving mileage to and from the recipient's home to the site of the educational program).

Scholarship Payment Vouchers should be submitted within 90 days after the end of the course which the recipient attended.

3. Scholarship recipients are encouraged to check with their tax advisors to determine whether the scholarship constitutes taxable income under Federal and State law.

X. Financial Requirements

A. Purpose

The purpose of this section is to establish accounting system requirements and offer guidance on procedures to assist all grantees, subgrantees, contractors, and other organizations in:

1. Complying with the statutory requirements for the award, disbursement, and accounting of funds;

2. Complying with regulatory requirements of the Institute for the financial management and disposition of funds;

3. Generating financial data to be used in planning, managing, and controlling projects; and

4. Facilitating an effective audit of funded programs and projects.

B. References

Except where inconsistent with specific provisions of this Guideline, the following regulations, directives and reports are applicable to Institute grants and cooperative agreements under the same terms and conditions that apply to Federal grantees. The following circulars supplement the requirements of this section for accounting systems and financial recordkeeping and provide additional guidance on how these requirements may be satisfied. (Circulars may be obtained from OMB by calling 202–395–3080 or visiting the OMB website at www.whitehouse.gov/OMB.)

1. Office of Management and Budget (OMB) Circular A–21, Cost Principles for Educational Institutions.

2. Office of Management and Budget (OMB) Circular A–87, Cost Principles for State and Local Governments.

3. Office of Management and Budget (OMB) Circular A–88 (revised), Indirect Cost Rates, Audit and Audit Follow-up at Educational Institutions.

4. Office of Management and Budget (OMB) Circular A–102, Uniform Administrative Requirements for

Grants-in-Aid to State and Local Governments.

5. Office of Management and Budget (OMB) Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations.

6. Office of Management and Budget (OMB) Circular A–128, Audits of State and Local Governments.

7. Office of Management and Budget (OMB) Circular A–122, Cost Principles for Non-profit Organizations.

8. Office of Management and Budget (OMB) Circular A–133, Audits of Institutions of Higher Education and Other Non-profit Institutions.

C. Supervision and Monitoring Responsibilities

1. Grantee Responsibilities

All grantees receiving awards from the Institute are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records, and refunding expenditures disallowed by audits.

2. Responsibilities of State Supreme Court

a. Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council. (See III.I.)

b. The State Supreme Court or its designee shall receive all Institute funds awarded to such courts; be responsible for assuring proper administration of Institute funds; and be responsible for all aspects of the project, including proper accounting and financial recordkeeping by the subgrantee. These responsibilities include:

(1) *Reviewing Financial Operations.* The State Supreme Court or its designee should be familiar with, and periodically monitor, its subgrantees' financial operations, records system, and procedures. Particular attention should be directed to the maintenance of current financial data.

(2) *Recording Financial Activities.* The subgrantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the State Supreme Court or its designee in summary form. Subgrantee expenditures should be recorded on the books of the State Supreme Court or evidenced by report forms duly filed by the subgrantee. Non-Institute contributions applied to projects by subgrantees should likewise be recorded, as should any project income resulting from program operations.

(3) *Budgeting and Budget Review.* The State Supreme Court or its designee should ensure that each subgrantee prepares an adequate budget as the basis for its award commitment. The detail of each project budget should be maintained on file by the State Supreme Court.

(4) *Accounting for Non-Institute Contributions.* The State Supreme Court or its designee will ensure, in those instances where subgrantees are required to furnish non-Institute matching funds, that the requirements and limitations of the SJI Grant Guideline are applied to such funds.

(5) *Audit Requirement.* The State Supreme Court or its designee is required to ensure that subgrantees have met the necessary audit requirements set forth by the Institute (see sections K. below and IX.A.3.)

(6) *Reporting Irregularities.* The State Supreme Court, its designees, and its subgrantees are responsible for promptly reporting to the Institute the nature and circumstances surrounding any financial irregularities discovered.

D. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls for itself and for ensuring that an adequate system exists for each of its subgrantees and contractors. An acceptable and adequate accounting system:

1. Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income);

2. Assures that expended funds are applied to the appropriate budget category included within the approved grant;

3. Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;

4. Provides cost and property controls to assure optimal use of grant funds;

5. Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant;

6. Meets the prescribed requirements for periodic financial reporting of operations; and

7. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

E. Total Cost Budgeting and Accounting

Accounting for all funds awarded by the Institute must be structured and executed on a *total project cost* basis. That is, total project costs, including Institute funds, State and local matching shares, and any other fund sources included in the approved project budget serve as the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates on the basis of total costs.

1. Timing of Matching Contributions

Matching contributions need not be applied at the exact time of the obligation of Institute funds. Ordinarily, the full matching share must be obligated during the award period; however, with the prior written permission of the Institute, contributions made following approval of the grant by the Institute's Board of Directors but before the beginning of the grant may be counted as match. Grantees that do not contemplate making matching contributions continuously throughout the course of a project, or on a task-by-task basis, are required to submit a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions will be made. If a proposed cash match is not fully met, the Institute may reduce the award amount accordingly to maintain the ratio of grant funds to matching funds stated in the award agreement.

2. Records for Match

All grantees must maintain records which clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions which exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does Institute funds and required matching shares. For all grants made to State and local courts, the State Supreme Court has primary responsibility for grantee/subgrantee compliance with the requirements of this section. (See C.2. above in this section.)

F. Maintenance and Retention of Records

All financial records, supporting documents, statistical records, and all other records pertinent to grants, subgrants, cooperative agreements, or contracts under grants must be retained by each organization participating in a project for at least three years for

purposes of examination and audit. State Supreme Courts may impose record retention and maintenance requirements in addition to those prescribed in this section.

1. Coverage

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and subgrant awards, applications, and required grantee/subgrantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, subgrant or contract, whether they are employed full-time or part-time. Time and effort reports will be required for consultants.

2. Retention Period

The three-year retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of submission of the annual expenditure report.

3. Maintenance

Grantees and subgrantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and subgrantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's/subgrantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

4. Access

Grantees and subgrantees must give any authorized representative of the Institute access to and the right to examine all records, books, papers, and documents related to an Institute grant.

G. Project-Related Income

Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income and must be reported to the Institute. (See H.2. below in this section) The policies governing the disposition of the various types of project-related income are listed below.

1. Interest

A State and any agency or instrumentality of a State, including institutions of higher education and hospitals, shall not be held accountable for interest earned on advances of project funds. When funds are awarded to subgrantees through a State, the subgrantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are grantees must refund any interest earned. Grantees shall ensure minimum balances in their respective grant cash accounts.

2. Royalties

The grantee/subgrantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the grant provide otherwise.

3. Registration and Tuition Fees

Registration and tuition fees shall be used to pay project-related costs not covered by the grant, or to reduce the amount of grant funds needed to support the project. Registration and tuition fees may be used for other purposes only with the prior written approval of the Institute. Estimates of registration and tuition fees, and any expenses to be offset by the fees, should be included in the application budget forms and narrative.

4. Income From the Sale of Grant Products

a. When grant funds fully cover the cost of producing and disseminating a limited number of copies of a product, the grantee may, with the written prior approval of the Institute, sell additional copies reproduced at its expense at a reasonable market price, as long as the income is applied to court improvement projects consistent with the State Justice Institute Act. When grant funds only partially cover the costs of developing, producing and disseminating a product, the grantee may, with the written prior approval of the Institute, recover costs for developing, reproducing, and disseminating the material to the extent that those costs were not covered by Institute grant funds or grantee matching contributions. If the grantee recovers its costs in this manner, then amounts expended by the grantee to develop, produce, and disseminate the material may not be considered match.

b. If the sale of products occurs during the project period, the costs and income generated by the sales must be reported on the Quarterly Financial Status Reports and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the concept paper and application or reported to the Institute in writing once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and dissemination costs as specified in section IX.A.11.b.

5. Other

Other project income shall be treated in accordance with disposition instructions set forth in the grant's terms and conditions.

H. Payments and Financial Reporting Requirements

1. Payment of Grant Funds

The procedures and regulations set forth below are applicable to all Institute grant funds and grantees.

a. *Request for Advance or Reimbursement of Funds.* Grantees will receive funds on a ''check-issued'' basis. Upon receipt, review, and approval of a Request for Advance or Reimbursement by the Institute, a check will be issued directly to the grantee or its designated fiscal agent. A request must be limited to the grantee's immediate cash needs. The Request for Advance or Reimbursement, along with the instructions for its preparation, will be included in the official Institute award package.

b. *Continuation and Ongoing Support Awards.* For purposes of submitting Requests for Advance or Reimbursement, recipients of continuation and ongoing support grants should treat each grant as a new project and number the requests accordingly (*i.e.,* on a grant rather than a project basis). For example, the first request for payment from a continuation grant or each year of an ongoing support grant would be number 1, the second number 2, etc. (See Appendix B, Questions Frequently Asked by Grantees, for further guidance.)

c. *Termination of Advance and Reimbursement Funding.* When a grantee organization receiving cash advances from the Institute:

(1) Demonstrates an unwillingness or inability to attain program or project goals, or to establish procedures that will minimize the time elapsing between cash advances and disbursements, or cannot adhere to guideline requirements or special conditions;

(2) Engages in the improper award and administration of subgrants or contracts; or

(3) Is unable to submit reliable and/or timely reports; the Institute may

terminate advance financing and require the grantee organization to finance its operations with its own working capital. Payments to the grantee shall then be made by check to reimburse the grantee for actual cash disbursements. In the event the grantee continues to be deficient, the Institute may suspend reimbursement payments until the deficiencies are corrected.

d. *Principle of Minimum Cash on Hand.* Grantees should request funds based upon immediate disbursement requirements. Grantees should time their requests to ensure that cash on hand is the minimum needed for disbursements to be made immediately or within a few days. Idle funds in the hands of subgrantees impair the goals of good cash management.

2. Financial Reporting

a. General Requirements. To obtain financial information concerning the use of funds, the Institute requires that grantees/subgrantees submit timely reports for review.

b. Two copies of the Financial Status Report are required from all grantees, other than scholarship recipients, for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to Institute funds, State and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays. A copy of the Financial Status Report, along with instructions for its preparation, is included in each official Institute Award package. If a grantee requests substantial payments for a project prior to the completion of a given quarter, the Institute may request a brief summary of the amount requested, by object class, to support the Request for Advance or Reimbursement.

c. Additional Requirements for Continuation and Ongoing Support Grants. Grantees receiving continuation or ongoing support grants should number their quarterly Financial Status Reports on a grant rather than a project basis. For example, the first quarterly report for a continuation grant or each year of an ongoing support award should be number 1, the second number 2, etc.

3. Consequences of Non-Compliance With Submission Requirement

Failure of the grantee to submit required financial and progress reports may result in suspension or termination of grant payments.

I. Allowability of Costs

1. General

Except as may be otherwise provided in the conditions of a particular grant, cost allowability is determined in accordance with the principles set forth in *OMB Circular A–87,* Cost Principles for State and Local Governments; *A–21,* Cost Principles Applicable to Grants and Contracts with Educational Institutions; and *A–122,* Cost Principles for Non-Profit Organizations. No costs may be recovered to liquidate obligations incurred after the approved grant period. Circulars may be obtained from OMB by calling 202–395–3080 or visiting the OMB website at www.whitehouse.gov/OMB.

2. Costs Requiring Prior Approval

a. Pre-agreement Costs. The written prior approval of the Institute is required for costs considered necessary to the project but which occur prior to the award date of the grant.

b. Equipment. Grant funds may be used to purchase or lease only that equipment essential to accomplishing the goals and objectives of the project. The written prior approval of the Institute is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds $10,000 or software to be purchased exceeds $3,000.

c. Consultants. The written prior approval of the Institute is required when the rate of compensation to be paid a consultant exceeds $300 a day. Institute funds may not be used to pay a consultant more than $900 per day.

d. Budget Revisions. Budget revisions among direct cost categories that individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget require prior Institute approval.

3. Travel Costs

Transportation and per diem rates must comply with the policies of the grantee. If the grantee does not have an established written travel policy, then travel rates must be consistent with those established by the Institute or the Federal Government. Institute funds may not be used to cover the transportation or per diem costs of a member of a national organization to attend an annual or other regular meeting of that organization.

4. Indirect Costs

These are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. The Institute's policy requires all costs to be budgeted directly; however, if a grantee has an indirect cost rate approved by a Federal agency as set forth below, the Institute will accept that rate.

a. Approved Plan Available. (1) The Institute will accept an indirect cost rate or allocation plan approved for a grantee during the preceding two years by any Federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars. A copy of the approved rate agreement must be submitted to the Institute.

(2) Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools, *e.g.,* accounting services, legal services, building occupancy and maintenance, etc., as direct costs.

(3) When utilizing total direct costs as the base, organizations with approved indirect cost rates usually exclude contracts under grants from any overhead recovery. The negotiated agreement will stipulate that contracts are excluded from the base for overhead recovery.

b. Establishment of Indirect Cost Rates. To be reimbursed for indirect costs, a grantee must first establish an appropriate indirect cost rate. To do this, the grantee must prepare an indirect cost rate proposal and submit it to the Institute within three months after the start of the grant period to assure recovery of the full amount of allowable indirect costs. The rate must be developed in accordance with principles and procedures appropriate to the type of grantee institution involved as specified in the applicable OMB Circular.

c. No Approved Plan. If an indirect cost proposal for recovery of actual indirect costs is not submitted to the Institute within three months after the start of the grant period, indirect costs will be irrevocably disallowed for all months prior to the month that the indirect cost proposal is received.

J. Procurement and Property Management Standards

1. Procurement Standards

For State and local governments, the Institute has adopted the standards set forth in Attachment O of *OMB Circular A–102.* Institutions of higher education, hospitals, and other non-profit

organizations will be governed by the standards set forth in Attachment O of *OMB Circular A–110*.

2. Property Management Standards

The property management standards as prescribed in Attachment N of *OMB Circulars A–102* and *A–110* apply to all Institute grantees and subgrantees except as provided in section IX.A.18. All grantees/subgrantees are required to be prudent in the acquisition and management of property with grant funds. If suitable property required for the successful execution of projects is already available within the grantee or subgrantee organization, expenditures of grant funds for the acquisition of new property will be considered unnecessary.

K. Audit Requirements

1. Implementation

Each recipient of a grant from the Institute other than a scholarship, curriculum adaptation, or technical assistance grant must provide for an annual fiscal audit. This requirement also applies to a State or local court receiving a subgrant from the State Supreme Court. The audit may be of the entire grantee or subgrantee organization or of the specific project funded by the Institute. Audits conducted in accordance with the Single Audit Act of 1984 and *OMB Circular A–128*, or *OMB Circular A–133*, will satisfy the requirement for an annual fiscal audit. The audit must be conducted by an independent Certified Public Accountant, or a State or local agency authorized to audit government agencies. Grantees must send two copies of the audit report to the Institute. Grantees that receive funds from a Federal agency and satisfy audit requirements of the cognizant Federal agency must submit two copies of the audit report prepared for that Federal agency to the Institute in order to satisfy the provisions of this section. Cognizant Federal agencies do not send reports to the Institute. Therefore, each grantee must send copies of this report directly to the Institute.

2. Resolution and Clearance of Audit Reports

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grantee must have policies and procedures for acting on audit recommendations by designating officials responsible for: follow-up; maintaining a record of the actions taken on recommendations and time schedules; responding to and acting on audit recommendations; and submitting periodic reports to the Institute on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues

Ordinarily, the Institute will not make a new grant award to an applicant that has an unresolved audit report involving Institute awards. Failure of the grantee to resolve audit questions may also result in the suspension or termination of payments for active Institute grants to that organization.

L. Close-Out of Grants

1. Grantee Close-Out Requirements

Within 90 days after the end date of the grant or any approved extension thereof (see L.2. below in this section), the following documents must be submitted to the Institute by grantees (other than scholarship recipients):

a. Financial Status Report. The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated/unexpended funds will be deobligated from the award by the Institute. Final payment requests for obligations incurred during the award period must be submitted to the Institute prior to the end of the 90-day close-out period. Grantees on a check-issued basis, who have drawn down funds in excess of their obligations/expenditures, must return any unused funds as soon as it is determined that the funds are not required. In no case should any unused funds remain with the grantee beyond the submission date of the final financial status report.

b. Final Progress Report. This report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation.

These reporting requirements apply at the conclusion of any non-scholarship grant, even when the project will continue under a continuation or ongoing support grant.

2. Extension of Close-Out Period

Upon the written request of the grantee, the Institute may extend the close-out period to assure completion of the grantee's close-out requirements. Requests for an extension must be submitted at least 14 days before the end of the close-out period and must explain why the extension is necessary and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period.

XI. Grant Adjustments

All requests for programmatic or budgetary adjustments requiring Institute approval must be submitted in a timely manner by the project director. All requests for changes from the approved application will be carefully reviewed for both consistency with this Guideline and the enhancement of grant goals and objectives.

A. Grant Adjustments Requiring Prior Written Approval

There are several types of grant adjustments that require the prior written approval of the Institute. Examples of these adjustments include:

1. Budget revisions among direct cost categories that individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget. See section X.I.2.d.

For continuation and ongoing support grants, funds from the original award may be used during the new grant period and funds awarded through a continuation or ongoing support grant may be used to cover project-related expenditures incurred during the original award period, with the prior written approval of the Institute.

2. A change in the scope of work to be performed or the objectives of the project (see D. below in this section).

3. A change in the project site.

4. A change in the project period, such as an extension of the grant period and/or extension of the final financial or progress report deadline (see E. below).

5. Satisfaction of special conditions, if required.

6. A change in or temporary absence of the project director (see F. and G. below).

7. The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section IX.A.2.).

8. A change in or temporary absence of the person responsible for managing and reporting on the grant's finances.

9. A change in the name of the grantee organization.

10. A transfer or contracting out of grant-supported activities (see H. below).

11. A transfer of the grant to another recipient.

12. Preagreement costs (see section X.I.2.a.).

13. The purchase of automated data processing equipment and software (see section X.I.2.b.).

14. Consultant rates (see section X.I.2.c.).

15. A change in the nature or number of the products to be prepared or the manner in which a product would be distributed.

B. Requests for Grant Adjustments

All grantees and subgrantees must promptly notify their SJI program managers, in writing, of events or proposed changes that may require adjustments to the approved project design. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the program manager determines would help the Institute's review.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the Executive Director or his designee. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by the Institute. A grantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification of the SJI program manager.

E. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. A revised task plan should accompany a request for a no-cost extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the final financial report or final progress report must be made at least 14 days in advance of the report deadline (see section X.L.2.).

F. Temporary Absence of the Project Director

Whenever an absence of the project director is expected to exceed a continuous period of one month, the plans for the conduct of the project director's duties during such absence must be approved in advance by the Institute. This information must be provided in a letter signed by an authorized representative of the grantee/subgrantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by the Institute.

G. Withdrawal of/Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, the Institute must be notified immediately. In such cases, if the grantee/subgrantee wishes to terminate the project, the Institute will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to the Institute for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by the Institute.

H. Transferring or Contracting Out of Grant-Supported Activities

No principal activity of a grant-supported project may be transferred or contracted out to another organization without specific prior approval by the Institute. All such arrangements must be formalized in a contract or other written agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval of the Institute at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, will be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to the Institute.

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David I. Tevelin,

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Appendix A—Recommendations to Grant Writers

Over the past 14 years, Institute staff have reviewed approximately 3,800 concept papers and 1,700 applications. On the basis of those reviews, inquiries from applicants, and the views of the Board, the Institute offers the following recommendations to help potential applicants present workable, understandable proposals that can meet the funding criteria set forth in this Guideline.

The Institute suggests that applicants make certain that they address the questions and issues set forth below when preparing a concept paper or application. Concept papers and applications should, however, be presented in the formats specified in sections VI. and VII. of the Guideline, respectively.

1. What is the subject or problem you wish to address?

Describe the subject or problem and how it affects the courts and the public. Discuss how your approach will improve the situation or advance the state of the art or knowledge, and explain why it is the most appropriate approach to take. When statistics or research findings are cited to support a statement or position, the source of the citation should be referenced in a footnote or a reference list.

2. What do you want to do?

Explain the goal(s) of the project in simple, straightforward terms. The goals should describe the intended consequences or expected overall effect of the proposed project (*e.g.*, to enable judges to sentence drug-abusing offenders more effectively, or to dispose of civil cases within 24 months), rather than the tasks or activities to be conducted (*e.g.*, hold three training sessions, or install a new computer system).

To the greatest extent possible, an applicant should avoid a specialized vocabulary that is not readily understood by the general public. Technical jargon does not enhance a paper, nor does a clever but uninformative title.

3. How will you do it?

Describe the methodology carefully so that what you propose to do and how you would do it are clear. All proposed tasks should be set forth so that a reviewer can see a logical progression of tasks, and relate those tasks directly to the accomplishment of the project's goal(s). When in doubt about whether to provide a more detailed explanation or to assume a particular level of knowledge or expertise on the part of the reviewers, provide the additional information. A description of project tasks also will help identify necessary budget items. All staff positions and project costs should relate directly to the tasks described. The Institute encourages applicants to attach letters of cooperation and support from the courts and related agencies that will be involved in or directly affected by the proposed project.

4. How will you know it works?

Include an evaluation component that will determine whether the proposed training, procedure, service, or technology accomplished the objectives it was designed to meet. Concept papers and applications should present the criteria that will be used to evaluate the project's effectiveness; identify program elements which will require further modification; and describe how the evaluation will be conducted, when it will occur during the project period, who will conduct it, and what specific measures will be used. In most instances, the evaluation should be conducted by persons not connected with the implementation of the procedure, training, service, or technique, or the administration of the project.

The Institute has also prepared a more thorough list of recommendations to grant writers regarding the development of project evaluation plans. Those recommendations are available from the Institute upon request.

5. How will others find out about it?

Include a plan to disseminate the results of the training, research, or demonstration beyond the jurisdictions and individuals directly affected by the project. The plan should identify the specific methods which will be used to inform the field about the project, such as the publication of law review or journal articles, or the distribution of key materials. A statement that a report or research findings ''will be made available to'' the field is not sufficient. The specific means of distribution or dissemination as well as the types of recipients should be identified. Reproduction and dissemination costs are allowable budget items.

6. What are the specific costs involved?

The budget in both concept papers and applications should be presented clearly. Major budget categories such as personnel, benefits, travel, supplies, equipment, and indirect costs should be identified separately. The components of ''Other'' or ''Miscellaneous'' items should be specified in the application budget narrative, and should not include set-asides for undefined contingencies.

7. What, if any, match is being offered?

Courts and other units of State and local government (not including publicly-supported institutions of higher education) are required by the State Justice Institute Act to contribute a match (cash, non-cash, or both) of at least 50 percent of the grant funds requested from the Institute. All other applicants also are encouraged to provide a matching contribution to assist in meeting the costs of a project.

The match requirement works as follows: If, for example, the total cost of a project is anticipated to be $150,000, a State or local court or executive branch agency may request up to $100,000 from the Institute to implement the project. The remaining $50,000 (50% of the $100,000 requested from SJI) must be provided as match.

Cash match includes funds directly contributed to the project by the applicant, or by other public or private sources. It does not include income generated from tuition fees or the sale of project products. Non-cash match refers to in-kind contributions by the applicant, or other public or private sources. This includes, for example, the monetary value of time contributed by existing personnel or members of an advisory committee (but not the time spent by participants in an educational program attending program sessions). When match is offered, the nature of the match (cash or in-kind) should be explained and, at the application stage, the tasks and line items for which costs will be covered wholly or in part by match should be specified.

8. Which of the two budget forms should be used?

Section VII.A.1.c. of the SJI Grant Guideline encourages use of the spreadsheet format of Form C1 if the application requests $100,000 or more. Form C1 also works well for projects with discrete tasks, regardless of the dollar value of the project. Form C, the tabular format, is preferred for projects lacking a number of discrete tasks, or for projects requiring less than $100,000 of Institute funding. Generally, use the form that best lends itself to representing most accurately the budget estimates for the project.

9. How much detail should be included in the budget narrative?

The budget narrative of an application should provide the basis for computing all project-related costs, as indicated in section VII.A.4. of the Guideline. To avoid common shortcomings of application budget narratives, applicants should include the following information:

Personnel estimates that accurately provide the amount of time to be spent by personnel involved with the project and the total associated costs, including current salaries for the designated personnel (*e.g.*, Project Director, 50% for one year, annual salary of $50,000 = $25,000). If salary costs are computed using an hourly or daily rate, the annual salary and number of hours or days in a work-year should be shown.

Estimates for supplies and expenses supported by a complete description of the supplies to be used, the nature and extent of printing to be done, anticipated telephone charges, and other common expenditures, with the basis for computing the estimates included (*e.g.*, 100 reports × 75 pages each × .05/page = $375.00). Supply and expense estimates offered simply as ''based on experience'' are not sufficient.

In order to expedite Institute review of the budget, make a final comparison of the amounts listed in the budget narrative with those listed on the budget form. In the rush to complete all parts of the application on time, there may be many last-minute changes; unfortunately, when there are discrepancies between the budget narrative and the budget form or the amount listed on the application cover sheet, it is not possible for the Institute to verify the amount of the request. A final check of the numbers on the form against those in the narrative will preclude such confusion.

10. What travel regulations apply to the budget estimates?

Transportation costs and per diem rates must comply with the policies of the applicant organization, and a copy of the applicant's travel policy should be submitted as an appendix to the application. If the applicant does not have a travel policy established in writing, then travel rates must be consistent with those established by the Institute or the Federal Government (a copy of the Institute's travel policy is available upon request). The budget narrative should state which policies apply to the project.

The budget narrative also should include the estimated fare, the number of persons traveling, the number of trips to be taken, and the length of stay. The estimated costs of travel, lodging, ground transportation, and other subsistence should be listed and explained separately. It is preferable for the budget to be based on the actual costs of traveling to and from the project or meeting sites. If the points of origin or destination are not known at the time the budget is prepared, an average airfare may be used to estimate the travel costs. For example, if it is anticipated that a project advisory committee will include members from around the country, a reasonable airfare from a central point to the meeting site, or the average of airfares from each coast to the meeting site may be used. Applicants should arrange travel so as to be able to take advantage of advance-purchase price discounts whenever possible.

11. May grant funds be used to purchase equipment?

Generally, grant funds may be used to purchase only the equipment that is necessary to demonstrate a new technological application in a court, or that is otherwise essential to accomplishing the objectives of the project. The budget narrative must list the equipment to be purchased and explain why the equipment is necessary to the success of the project. Written prior approval is required when the amount of computer hardware to be purchased or leased exceeds $10,000, or the software to be purchased exceeds $3,000.

12. To what extent may indirect costs be included in the budget estimates?

It is the policy of the Institute that all costs should be budgeted directly; however, if an indirect cost rate has been approved by a Federal agency within the last two years, an indirect cost recovery estimate may be included in the budget. A copy of the approved rate agreement should be submitted as an appendix to the application.

If an applicant does not have an approved rate agreement and cannot budget directly for all costs, an indirect cost rate proposal

should be prepared in accordance with section X.I.4. of the Guideline, based on the applicant's audited financial statements for the prior fiscal year. (Applicants lacking an audit should budget all project costs directly.)

13. What meeting costs may be covered with grant funds?

SJI grant funds may cover the reasonable cost of meeting rooms, necessary audio-visual equipment, meeting supplies, and working meals.

14. Does the budget truly reflect all costs required to complete the project?

After preparing the program narrative portion of the application, applicants may find it helpful to list all the major tasks or activities required by the proposed project, including the preparation of products, and note the individual expenses, including personnel time, related to each. This will help to ensure that, for all tasks described in the application (*e.g.,* development of a videotape, research site visits, distribution of a final report), the related costs appear in the budget and are explained correctly in the budget narrative.

Appendix B—Questions Frequently Asked by Grantees

The Institute's staff works with grantees to help assure the smooth operation of the project and compliance with the Guideline. On the basis of monitoring more than 1,000 grants, the Institute staff offers the following suggestions to aid grantees in meeting the administrative and substantive requirements of their grants.

1. After the grant has been awarded, when are the first quarterly reports due?

Quarterly Progress Reports and Financial Status Reports must be submitted within 30 days after the end of every calendar quarter—*i.e.*, no later than January 30, April 30, July 30, and October 30—regardless of the project's start date. The reporting periods covered by each quarterly report end 30 days before the respective deadline for the report. When an award period begins December 1, for example, the first quarterly progress report describing project activities between December 1 and December 31 will be due on January 30. A financial status report should be submitted even if funds have not been obligated or expended.

By documenting what has happened over the past three months, quarterly progress reports provide an opportunity for project staff and Institute staff to resolve any questions before they become problems, and make any necessary changes in the project time schedule, budget allocations, etc. The quarterly progress report should describe project activities, their relationship to the approved timeline, and any problems encountered and how they were resolved, and outline the tasks scheduled for the coming quarter. It is helpful to attach copies of relevant memos, draft products, or other requested information. An original and one copy of a quarterly progress report and attachments should be submitted to the Institute.

Additional quarterly progress report or financial status report forms may be obtained from the grantee's Program Manager at SJI, or photocopies may be made from the supply received with the award.

2. Do reporting requirements differ for continuation and ongoing support grants?

Recipients of continuation or ongoing support grants are required to submit quarterly progress and financial status reports on the same schedule and with the same information as recipients of grants for single new projects.

A continuation grant and each yearly grant under an ongoing support award should be considered as a separate phase of the project. The reports should be numbered on a grant rather than project basis. Thus, the first quarterly report filed under a continuation grant or a yearly increment of an ongoing support award should be designated as number one, the second as number two, and so on, through the final progress and financial status reports due within 90 days after the end of the grant period.

3. What information about project activities should be communicated to SJI?

In general, grantees should provide prior notice of critical project events such as advisory board meetings or training sessions so that the Institute Program Manager can attend, if possible. If methodological, schedule, staff, budget allocations, or other significant changes become necessary, the grantee should contact the Program Manager prior to implementing any of these changes, so that possible questions may be addressed in advance. Questions concerning the financial requirements, quarterly financial reporting, or payment requests should be addressed to the Institute's Grants Financial Manager listed in the award letter.

It is helpful to include the grant number assigned to the award on all correspondence to the Institute.

4. Why are special conditions attached to the award document?

In some instances, a list of special conditions is attached to the award document. Special conditions may be imposed to establish a schedule for reporting certain key information, assure that the Institute has an opportunity to offer suggestions at critical stages of the project, and provide reminders of some (but not necessarily all) of the requirements contained in the Grant Guideline. Accordingly, it is important for grantees to check the special conditions carefully and discuss with their Program Managers any questions or problems they may have with the conditions. Most concerns about timing, response time, and the level of detail required can be resolved in advance through a telephone conversation. The Institute's primary concern is to work with grantees to assure that their projects accomplish their objectives, not to enforce rigid bureaucratic requirements. However, if a grantee fails to comply with a special condition or with other grant requirements, the Institute may, after proper notice, suspend payment of grant funds or terminate the grant.

Sections IX., X., and XI. of the Grant Guideline contain the Institute's administrative and financial requirements. Institute Finance Division staff are always available to answer questions and provide assistance regarding these provisions.

5. What is a Grant Adjustment?

A Grant Adjustment is the Institute's form for acknowledging the satisfaction of special conditions, or approving changes in grant activities, schedule, staffing, sites, or budget allocations requested by the project director. It also may be used to correct errors in grant documents or deobligate funds from the grant.

6. What schedule should be followed in submitting requests for reimbursements or advance payments?

Requests for reimbursements or advance payments may be made at any time after the project start date and before the end of the 90-day close-out period. However, the Institute follows the U.S. Treasury's policy limiting advances to the minimum amount required to meet immediate cash needs. Given normal processing time, grantees should not seek to draw down funds for periods greater than 30 days from the date of the request.

7. Do procedures for submitting requests for reimbursement or advance payment differ for continuation or ongoing support grants?

The basic procedures are the same for any grant. A continuation grant or the yearly grant under an ongoing support award should be considered as a separate phase of the project. Payment requests should be numbered on a grant rather than a project basis. The first request for funds from a continuation grant or a yearly increment under an ongoing support award should be designated as number one, the second as number two, and so on through the final payment request for that grant.

8. If things change during the grant period, can funds be reallocated from one budget category to another?

The Institute recognizes that some flexibility is required in implementing a project design and budget. Thus, grantees may shift funds among direct cost budget categories. When any one reallocation or the cumulative total of reallocations is expected to exceed five percent of the approved project budget, a grantee must specify the proposed changes, explain the reasons for the changes, and request Institute approval.

The same standard applies to continuation and ongoing support grants. In addition, prior written Institute approval is required to shift leftover funds from the original award to cover activities to be conducted under the renewal award, or to use renewal grant monies to cover costs incurred during the original grant period.

9. What is the 90-day close-out period?

Following the last day of the grant, a 90-day period is provided to allow for all grant-related bills to be received and posted, and grant funds drawn down to cover these expenses. No obligations of grant funds may be incurred during this period. The last day on which an expenditure of grant funds can be obligated is the end date of the grant period. Similarly, the 90-day period is not intended as an opportunity to finish and disseminate grant products. This should occur before the end of the grant period.

During the 90 days following the end of the award period, all monies that have been obligated should be expended. All payment requests must be received by the end of the

90-day ''close-out-period.'' Any unexpended monies held by the grantee that remain after the 90-day follow-up period must be returned to the Institute. Any funds remaining in the grant that have not been drawn down by the grantee will be deobligated.

10. Are funds granted by SJI ''Federal'' funds?

The State Justice Institute Act provides that, except for purposes unrelated to this question, ''the Institute shall not be considered a department, agency, or instrumentality of the Federal Government.'' 42 U.S.C.10704(c)(1). Because SJI receives appropriations from Congress, some grantee auditors have reported SJI grants funds as ''Other Federal Assistance.'' This classification is acceptable to SJI but is not required.

11. If SJI is not a Federal Agency, do OMB circulars apply with respect to audits?

Unless they are inconsistent with the express provisions of the SJI Grant Guideline, Office of Management and Budget (OMB) Circulars A–110, A–21, A–87, A–88, A–102, A–122, A–128 and A–133 are incorporated into the Grant Guideline by reference. Because the Institute's enabling legislation specifically requires the Institute to ''conduct, or require each recipient to provide for, an annual fiscal audit'' (see 42 U.S.C. 10711(c)(1)), the Grant Guideline sets forth options for grantees to comply with this statutory requirement. (See Section X.K.)

SJI will accept audits conducted in accordance with the Single Audit Act of 1984 and OMB Circulars A–128 or A–133 to satisfy the annual fiscal audit requirement. Grantees that are required to undertake these audits in conjunction with Federal grants may include SJI funds as part of the audit even if the receipt of SJI funds would not require such audits. This approach gives grantees an option to fold SJI funds into the governmental audit rather than to undertake a separate audit to satisfy SJI's Guideline requirements.

In sum, educational and nonprofit organizations that receive payments from the Institute that are sufficient to meet the applicability thresholds of OMB Circular A–133 must have their annual audit conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States rather than with generally accepted auditing standards. Grantees in this category that receive amounts below the minimum threshold referenced in Circular A–133 must also submit an annual audit to SJI, but they would have the option to conduct an audit of the entire grantee organization in accordance with generally accepted auditing standards; include SJI funds in an audit of Federal funds conducted in accordance with the Single Audit Act of 1984 and OMB Circulars A–128 or A–133; or conduct an audit of only the SJI funds in accordance with generally accepted auditing standards. (See Guideline section X.K.) Circulars may be obtained from OMB by calling 202–395–3080 or visiting the OMB website at www.whitehouse.gov/OMB.

12. Does SJI have a CFDA number?

Auditors often request that a grantee provide the Institute's Catalog of Federal Domestic Assistance (CFDA) number for guidance in conducting an audit in accordance with Government Accounting Standards.

Because SJI is not a Federal agency, it has not been issued such a number, and there are no additional compliance tests to satisfy under the Institute's audit requirements beyond those of a standard governmental audit.

Moreover, because SJI is not a Federal agency, SJI funds should not be aggregated with Federal funds to determine if the applicability threshold of Circular A–133 has been reached. For example, if in fiscal year 1999 grantee ''X'' received $10,000 in Federal funds from a Department of Justice (DOJ) grant program and $20,000 in grant funds from SJI, the minimum A–133 threshold would not be met. The same distinction would preclude an auditor from considering the additional SJI funds in determining what Federal requirements apply to the DOJ funds.

Grantees who are required to satisfy either the Single Audit Act, OMB Circulars A–128 or A–133, and who include SJI grant funds in those audits, need to remember that because of its status as a private non-profit corporation, SJI is not on routing lists of cognizant Federal agencies. Therefore, the grantee needs to submit a copy of the audit report prepared for such a cognizant Federal agency directly to SJI. The Institute's audit requirements may be found in section X.K. of the Grant Guideline.

Appendix C—List of State Contacts Regarding Administration of Institute Grants to State and Local Courts

Mr. Frank Gregory, Administrative Director, Administrative Office of the Courts, 300 Dexter Avenue, Montgomery, AL 36104, (334) 242–0300.

Ms. Stephanie J. Cole, Administrative Director of the Courts, Alaska Court System, 303 K Street, Anchorage, AK 99501, (907) 264–0547.

Mr. Eliu F. Paopao, Court Administrator, High Court of American Samoa, P.O. Box 309, Pago Pago, AS 96799, 011 (684) 633–1150.

Mr. David K. Byers, Administrative Director of the Courts, Supreme Court of Arizona, 1501 West Washington Street, Suite 411, Phoenix, AZ 85007, (602) 542–9301.

Mr. James D. Gingerich, Director, Administrative Office of the Courts, Supreme Court of Arkansas, Justice Building, Little Rock, AR 72201, (501) 682–9400.

Mr. William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102, (415) 865–4200.

Honorable Gerald (Jerry) A. Marroney, State Court Administrator, Colorado Judicial Department, 1301 Pennsylvania Street, Suite 300, Denver, CO 80203, (303) 837–3668.

Honorable Robert C. Leuba, Chief Court Administrator, Supreme Court of Connecticut, 231 Capitol Avenue, Hartford, CT 06106, (860) 566–4461.

Michael E. McLaughlin, Deputy Director, Administrative Office of the Courts, Carvel State Office Building, 11th Floor, 820 N. French Street, Wilmington, DE 19801, (302) 577–8481.

Ms. Anne B. Wicks, Acting Executive Officer, District of Columbia Courts, 500 Indiana Avenue, N.W., Suite 1500, Washington, D.C. 20001, (202) 879–1700.

Mr. Kenneth R. Palmer, State Courts Administrator, Florida Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399–1900, (850) 922–5081.

Mr. Jay Martin, Interim Director, Administrative Office of the Courts, 47 Trinity Avenue, Suite 414, Atlanta, GA 30334, (404) 656–5171.

Mr. Daniel J. Tydingco, Executive Officer, Supreme Court of Guam, Guam Judicial Center, Suite 300, 120 West O'Brien Drive, Hagatna, Guam 96910–5174, 011 (671) 475–3278.

Mr. Michael F. Broderick, Administrative Director of the Courts, The Judiciary, State of Hawaii, 417 S. King Street, Room 206, Honolulu, HI 96813, (808) 539–4900.

Ms. Patricia Tobias, Administrative Director of the Courts, Supreme Court Building, 451 West State Street (Zip Code 83702), Post Office Box 83720, Boise, ID 83720–0101, (208) 334–2246.

Mr. Joseph A. Schillaci, Director, Administrative Office of the Illinois Courts, 222 N. LaSalle Street, 13th Floor, Chicago, IL 60601, (312) 793–3250.

Ms. Lilia G. Judson, Executive Director, Division of State Court Administration, Indiana Supreme Court, 115 W. Washington, Suite 1080, Indianapolis, IN 46204–3417, (317) 232–2542.

Mr. William J. O'Brien, State Court Administrator, Supreme Court of Iowa, State House, Des Moines, IA 50319, (515) 281–5241.

Dr. Howard P. Schwartz, Judicial Administrator, Kansas Judicial Center, 301 West Tenth Street, Topeka, KS 66612, (785) 296–4873.

Ms. Cicely Jaracz Lambert, Director, Administrative Office of the Courts, 100 Millcreek Park, Frankfort, KY 40601–9230, (502) 573–2350.

Dr. Hugh M. Collins, Judicial Administrator, Supreme Court of Louisiana, 1555 Poydras Street, Suite 1540, New Orleans, LA 70112–3701, (504) 568–5747.

Mr. James T. Glessner, State Court Administrator, Administrative Office of the Courts, P.O. Box 4820, 62 Elm Street, Portland, ME 04112–4820, (207) 822–0792.

Mr. Frank Broccolina, State Court Administrator, Administrative Office of the Courts, Maryland Judicial Center, 580 Taylor Avenue, Annapolis, MD 21401, (410) 260–1290.

Honorable Barbara A. Dortch-Okara, Chief Justice for Administration and Management, Administrative Office of the Trial Courts, Two Center Plaza, Fifth Floor, Boston, MA 02108, (617) 742–8575.

Mr. John D. Ferry, Jr., State Court Administrator, 309 N. Washington Square, Lansing, MI 48909, (517) 373–2222

Ms. Sue K. Dosal, State Court Administrator, Supreme Court of Minnesota, 25 Constitution Avenue, St. Paul, MN 55155, (651) 296–2474

Mr. Rick D. Patt, Acting Director, Administrative Office of the Courts,

Supreme Court of Mississippi, P.O. Box 117, Jackson, MS 39205, (601) 354–7408

Mr. Michael L. Buenger, State Court Administrator, Supreme Court of Missouri, P.O. Box 104480, Jefferson City, MO 65110, (573) 751–3585

Mr. Patrick A. Chenovick, State Court Administrator, Office of the Court Administrator, Supreme Court of Montana, Justice Building, Room 315, 215 North Sanders, Post Office Box 203002, Helena, MT 59620–3002, (406) 444–2621

Mr. Joseph C. Steele, State Court Administrator, Administrative Office of the Courts/Probation, State Capitol Building, Room 1220, Post Office Box 98910, Lincoln, NE 68509–8910, (404) 471–3730

Ms. Karen Kavanau, State Court Administrator, Administrative Office of the Courts, Supreme Court Building, 201 South Carson Street, Suite 250, Carson City, NV 89701–4702, (775) 684–1717

Mr. Donald Goodnow, Director, Administrative Office of the Courts, Two Noble Drive, Concord, NH 03301, (603) 271–2521

Honorable Richard J. Williams, Acting Administrative Director, Administrative Office of the Courts, Post Office Box 037, RJH Justice Complex, 25 Market Street, Trenton, NJ 08625, (609) 292–1747

Mr. John M. Greacen, Director, Administrative Office of the Courts, 237 Don Gaspar, Room 25, Sante Fe, NM 87501–2178, (505) 827–4800

Honorable Jonathan Lippman, Chief Administrative Judge, New York State Unified Court System, Office of Court Administration, 25 Beaver Street, New York, NY 10004, (212) 428–2100

Honorable Thomas W. Ross, Administrative Director of the Courts, North Carolina Administrative Office of the Courts, 2 East Morgan Street (Zip Code 27601), Post Office Box 2448, Raleigh, NC 27602, (919) 733–7107

Mr. Keithe E. Nelson, State Court Administrator, Supreme Court of North Dakota, State Capitol Building, 600 East Boulevard Avenue, Dept. 180, Bismarck, ND 58505–0530, (701) 328–4216

Ms. Margarita M. Palacios, Director of Court, Supreme Court of the Commonwealth of the Northern Mariana Islands, P.O. Box 2165 CK, Saipan, MP 96950, (670) 235–9800

Mr. Steven C. Hollon, Administrative Director, Supreme Court of Ohio, Rhodes Office Tower, 30 East Broad Street, Columbus, OH 43266–0419, (614) 466–2653

Mr. Howard W. Conyers, Administrative Director of the Courts, 1925 N. Stiles, Suite 305, Oklahoma City, OK 73105, (405) 521–2450

Ms. Kingsley W. Click, State Court Administrator, Office of the State Court Administrator, Supreme Court Building, Salem, OR 97310, (503) 986–5900

Mr. Zygmont A. Pines, Acting Court Administrator, Administrative Office of Pennsylvania Courts, Supreme Court of Pennsylvania, 1515 Market Street, Suite 1414, Philadelphia, PA 19102, (215) 560–6337

Ms. Mercedes M. Bauermeister, Administrative Director of the Courts, General Court of Justice, Office of Court Administration, 6 Vela Street, Post Office Box 190917, Hato Rey, PR 00919, (787) 763–3358

Dr. Robert C. Harrall, State Court Administrator, Supreme Court of Rhode Island, 250 Benefit Street, Providence, RI 02903, (401) 277–3263

Ms. Rosalyn Woodson Frierson, Director, South Carolina Court Administration, 1015 Sumter Street, Suite 200, Columbia, SC 29201, (803) 734–1800

Mr. Daniel Schenk, Acting State Court Administrator, Unified Judicial System, 500 East Capitol Avenue, Pierre, SD 57501, (605) 773–3474

Ms. Cornelia A. Clark, Director, Administrative Office of the Courts, Tennessee Supreme Court, 511 Union Street, Suite 600, Nashville, TN 37243–0607, (615) 741–2687

Mr. Jerry L. Benedict, Administrative Director, Office of Court Administration, Tom C. Clark State Courts Building, Post Office Box 12066 (Zip Code 78711–2066), 205 West 14th Street, Suite 600, Austin, TX 78701, (512) 463–1625

Mr. Daniel Becker, State Court Administrator, 450 South State, Post Office Box 140241, Salt Lake City, UT 84114–0241, (801) 578–3806

Mr. Lee Suskin, Court Administrator, Supreme Court of Vermont, 109 State Street, Montpelier, VT 05609–0701, (802) 828–3278

Ms. Glenda L. Lake, Territorial Court of the Virgin Islands, P.O. Box 70, Charlotte Amalie, St. Thomas, Virgin Islands 00804, (340) 774–6680

Mr. Robert N. Baldwin, State Court Administrator, Supreme Court of Virginia, 100 North Ninth Street, 3rd Floor, Richmond, VA 23219, (804) 786–6455

Ms. Mary Campbell McQueen, State Court Administrator, Supreme Court of Washington, Temple of Justice, P.O. Box 41174, Olympia, WA 98504–1174, (360) 357–2121

Mr. James M. Albert, Administrative Director, West Virginia Supreme Court of Appeals, E–100, State Capitol Bldg., 1900 Kanawha Blvd. East, Charleston, WV 25305–0833, (304) 558–0145

Mr. J. Denis Moran, Director of State Courts, Room LL2, 119 Martin Luther King Jr. Blvd. (Zip Code 53703), Post Office Box 1688, Madison, WI 53702, (608) 266–6828

Ms. Holly A. Hansen, State Court Administrator, Supreme Court of Wyoming, Supreme Court Building, 2301 Capital Avenue, Cheyenne, WY 82002, (307) 777–7480

Appendix D—SJI Libraries: Designated Sites and Contacts

Alabama

Supreme Court Library

Mr. Timothy A. Lewis, State Law Librarian, Alabama Supreme Court Bldg., 300 Dexter Avenue, Montgomery, AL 36104, (334) 242–4347

Alaska

Anchorage Law Library

Ms. Cynthia S. Fellows, State Law Librarian, Alaska State Court Law Library, 820 W. Fourth Ave., Anchorage, AK 99501, (907) 264–0583

Arizona

State Law Library

Ms. Gladys Ann Wells, Collection Development, Research Division, Arizona Dept. of Library, Archives and Public Records, State Law Library, 1501 W. Washington, Phoenix, AZ 85007, (602) 542–4035

Arkansas

Administrative Office of the Courts

Mr. James D. Gingerich, Director, Administrative Office of the Courts, Supreme Court of Arkansas, Justice Building, Little Rock, AR 72201, (501) 682–9400

California

Administrative Office of the Courts

Mr. William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102, (415) 865–4200

Colorado

Supreme Court Library

Ms. Lois Calvert, Supreme Court Law Librarian, Colorado State Judicial Building, 2 East 14th Avenue, Denver, CO 80203, (303) 837–3720

Connecticut

State Library

Ms. Denise D. Jernigan, Head, Law/Legislative Reference Unit, Connecticut State Library, Hartford, CT 06106, (860) 566–2516

Delaware

Administrative Office of the Courts

Mr. Michael E. McLaughlin, Deputy Director, Administrative Office of the Courts, Carvel State Office Building, 820 North French Street, 11th Floor, P.O. Box 8911, Wilmington, DE 19801, (302) 577–8481

District of Columbia

Executive Office, District of Columbia Courts

Ms. Anne B. Wicks, Acting Executive Officer, District of Columbia Courts, 500 Indiana Avenue, N.W., Suite 1500, Washington, D.C. 20001, (202) 879–1700

Florida

Administrative Office of the Courts

Mr. Kenneth R. Palmer, State Courts Administrator, Florida Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399–1900, (850) 922–5081

Georgia

Administrative Office of the Courts

Mr. Jay Martin, Interim Director, Administrative Office of the Courts, 47 Trinity Avenue, Suite 414, Atlanta, GA 30334, (404) 656–5171

Hawaii

Supreme Court Library

Ms. Ann Koto, State Law Librarian, The Supreme Court Law Library, 417 South King St., Room 119, Honolulu, HI 96813, (808) 539–4965

Idaho

AOC Judicial Education Library/State Law Library

Ms. Beth Peterson, State Law Librarian, Idaho State Law Library, Supreme Court Building, 451 West State St., Boise, ID 83720, (208) 334–3316

Illinois

Supreme Court Library

Ms. Brenda Larison, Supreme Court of Illinois Library, 200 East Capitol Avenue, Springfield, IL 62701–1791, (217) 782–2425

Indiana

Supreme Court Library

Dennis Lager, Supreme Court Librarian, Supreme Court Library, State House, Room 316, Indianapolis, IN 46204, (317) 232–2557

Iowa

Administrative Office of the Court

Dr. Jerry K. Beatty, Executive Director, Judicial Education & Planning, Office of the State Court Administrator, State Capital Building, Des Moines, IA 50319–0001, (515) 281–8279

Kansas

Supreme Court Library

Mr. Fred Knecht, Law Librarian, Kansas Supreme Court Library, 301 West 10th Street Topeka, KS 66612, (913) 296–3257

Kentucky

State Law Library

Ms. Sallie Howard, State Law Librarian, State Law Library, State Capital, Room 200, Frankfort, KY 40601, (502) 564–4848

Louisiana

State Law Library

Ms. Carol Billings, Director, Louisiana Law Library, 301 Loyola Avenue, New Orleans, LA 70112, (504) 568–5705

Maine

State Law and Legislative Reference Library

Ms. Lynn E. Randall, State Law Librarian, 43 State House Station, Augusta, ME 04333, (207) 287–1600

Maryland

State Law Library

Mr. Michael S. Miller, Director, Maryland State Law Library, Court of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, (410) 260–1430

Massachusetts

Middlesex Law Library

Ms. Sandra Lindheimer, Librarian, Middlesex Law Library, Superior Court House, 40 Thorndike Street, Cambridge, MA 02141, (617) 494–4148

Michigan

Michigan Judicial Institute

Mr. Kevin Bowling, Director, Michigan Judicial Institute, 222 Washington Square North, P.O. Box 30205, Lansing, MI 48909, (517) 334–7804

Minnesota

State Law Library (Minnesota Judicial Center),

Mr. Marvin R. Anderson, State Law Librarian, Supreme Court of Minnesota, 25 Constitution Avenue, St. Paul, MN 55155, (612) 297–2084

Mississippi

Mississippi Judicial College

Mr. Leslie Johnson, Director, University of Mississippi, P.O. Box 8850, University, MS 38677, (601) 232–5955

Montana

State Law Library

Ms. Judith Meadows, State Law Librarian, State Law Library of Montana, 215 North Sanders, Helena, MT 59620, (406) 444–3660

Nebraska

Administrative Office of the Courts

Mr. Joseph C. Steele, State Court Administrator, Administrative Office of the Courts/Probation, State Capitol Building, Room 1220, Post Office Box 98910, Lincoln, NE 68509–8910, (402) 471–2197

Nevada

National Judicial College

Clara Kelly, Law Librarian, National Judicial College, Judicial College Building, University of Nevada, Reno, NV 89550, (702) 784–6747

New Jersey

New Jersey State Library

Marjorie Garwig, Supervising Law Librarian, New Jersey State Law Library, 185 West State Street, P.O. Box 520, Trenton, NJ 08625–0250, (609) 292–6230

New Mexico

Supreme Court Library

Mr. Thaddeus Bejnar, Librarian, Supreme Court Library, Post Office Drawer L, Santa Fe, NM 87504, (505) 827–4850

New York

Supreme Court Library

Ms. Colleen Stella, Principal Law Librarian, New York State Supreme Court Law Library, Onondaga County Court House 401 Montgomery Street, Syracuse, NY 13202, (315) 435–2063

North Carolina

Supreme Court Library

Ms. Louise Stafford, Librarian, North Carolina Supreme Court Library, P.O. Box 28006, 2 East Morgan Street, Raleigh, NC 27601, (919) 733–3425

North Dakota

Supreme Court Library

Ms. Marcella Kramer, Assistant Law Librarian, Supreme Court Law Library, 600 East Boulevard Avenue, Dept. 182, 2nd Floor, Judicial Wing, Bismarck, ND 58505–0540, (701) 328–2229

Northern Mariana Islands

Supreme Court of the Northern Mariana Islands Honorable Miguel Sablan Demapan, Chief Justice, Supreme Court of the Commonwealth of the Northern Mariana Islands, P.O. Box 2165 CK, Saipan, MP 96950, (670) 236–9700

Ohio

Supreme Court Library

Mr. Paul S. Fu, Law Librarian, Supreme Court Law Library, Supreme Court of Ohio, 30 East Broad Street, Columbus, OH 43266–0419, (614) 466–2044

Oklahoma

Administrative Office of the Courts

Mr. Howard W. Conyers, Administrative Director of the Courts, 1915 North Stiles, Suite 305, Oklahoma City, OK 73105, (405) 521–2450

Oregon

Administrative Office of the Courts

Ms. Kingsley W. Click, State Court Administrator, Office of the State Court Administrator, Supreme Court Building, Salem, OR 97310, (503) 986–5900

Pennsylvania

State Library of Pennsylvania

Ms. Kathy Hale, State Justice Depository, State Library of Pennsylvania, Collection Management, Room G–48 Forum Building, P.O. Box 1601, Harrisburg, PA 17105–1601, (717) 787–5718

Puerto Rico

Office of Court Administration

Alfredo Rivera-Mendoza, Esq., Director, Area of Planning and Management, Office of Court Administration, P.O. Box 917, Hato Rey, PR 00919,

Rhode Island

Roger Williams Law School Library

Mr. Kendall Svengalis, Law Librarian, Licht Judicial Complex, 250 Benefit Street, Providence, RI, (401) 254–4546

South Carolina

Coleman Karesh Law Library (University of South Carolina School of Law)

Mr. Steve Hinckley, Library Director, Coleman Karesh Law Library, U.S.C. Law Center, University of South Carolina, Columbia, SC 29208, (803) 777–5944

South Dakota

State Law Library

Librarian, 500 East Capitol, Pierre, South Dakota 57501, (605) 773–4898

Tennessee

Tennessee State Law Library

Judge Cornelia A. Clark, Director, Administrative Office of the Courts, Tennessee Supreme Court, 511 Union, Nashville, TN 37243–0607, (615) 741–2687

Texas

State Law Library

Ms. Kay Schleuter, Director, State Law Library, P.O. Box 12367, Austin, TX 78711, (512) 463–1722

U.S. Virgin Islands

Library of the Territorial Court of the Virgin Islands (St. Thomas)

Librarian, The Library, Territorial Court of the Virgin Islands, Post Office Box 70, Charlotte Amalie, St. Thomas, U.S. Virgin Islands 00804

Utah

Utah State Judicial Administration Library

Ms. Debbie Christiansen, Utah State Judicial Administration Library, Administrative Office of the Courts, 450 South State, P.O. Box 140241, Salt Lake City, UT 84114–0241, (801) 533–6371

Vermont

Supreme Court of Vermont

Mr. Lee Suskin, Court Administrator, Supreme Court of Vermont, 109 State Street, Montpelier, VT 05609–0701, (802) 828–3278

Virginia

Administrative Office of the Courts

Mr. Robert N. Baldwin, State Court Administrator, Supreme Court of Virginia 100 North Ninth Street, 3rd Floor, Richmond, VA 23219, (804) 786–6455

Washington

Washington State Law Library

Ms. Deborah Norwood, State Law Librarian, Washington State Law Library, Temple of Justice, P.O. Box 40751, Olympia, WA 98504–0751, (206) 357–2136

West Virginia

Administrative Office of the Courts

Mr. Richard H. Rosswurm, Chief Deputy, West Virginia Supreme Court of Appeals, State Capitol 1900 Kanawha, Charleston, WV 25305, (304) 348–0145

Wisconsin

State Law Library

Ms. Jane Colwin, Director of Public Services, State Law Library, 310 E. State Capitol, P.O. Box 7881, Madison, WI 53707, (608) 261–2340

Wyoming

Wyoming State Law Library

Ms. Kathy Carlson, Law Librarian, Wyoming State Law Library, Supreme Court Building, 2301 Capitol Avenue, Cheyenne, WY 82002 (307) 777–7509

NATIONAL

American Judicature Society

Ms. Clara Wells, Assistant for Information and Library Services, 180 North Michigan Avenue, #600, Chicago, IL 60601, (312) 558–6900,

National Center for State Courts

Ms. Peggy Rogers, Acquisitions/Serials Librarian, 300 Newport Avenue, Williamsburg, VA 23187–8798, (804) 253–2000

JERITT

Maureen E. Conner, Ph.D., Executive Director, (The JERITT Project), 1407 S. Harrison, Suite 330 Nisbet, East Lansing, MI 48823–5239, (517) 353–8603, (517) 432–3965 (fax), e-mail: *connerm@msu.edu*, website: *http://jeritt.msu.edu*

Appendix E—Illustrative List of Model Curricula

The following list includes examples of model SJI-supported curricula that State judicial educators may wish to adapt for presentation in education programs for judges and other court personnel with the assistance of a Curriculum Adaptation Grant. *Please refer to section VII.E. for information on submitting a letter application for a Curriculum Adaptation Grant.* A list of all SJI-supported education projects is available on the SJI website (http://www.statejustice.org). Please also check with the JERITT project (517/353–8603) or *http://jeritt.msu.edu* and with your State SJI-designated library (see Appendix D) for information on other SJI-supported curricula that may be appropriate for in-State adaptation.

Alternative Dispute Resolution

Judicial Settlement Manual (National Judicial College: SJI–89–089)

Improving the Quality of Dispute Resolution (Ohio State University College of Law: SJI–93–277)

Comprehensive ADR Curriculum for Judges (American Bar Association: SJI–95–002)

Domestic Violence and Custody Mediation (American Bar Association: SJI–96–038)

Court Coordination

Bankruptcy Issues for State Trial Court Judges (American Bankruptcy Institute: SJI–91–027)

Intermediate Sanctions Handbook: Experiences and Tools for Policymakers (Center for Effective Public Policy: IAA–88–NIC–001)

Regional Conference Cookbook: A Practical Guide to Planning and Presenting a Regional Conference on State-Federal Judicial Relationships (U.S. Court of Appeals for the 9th Circuit: SJI–92–087)

Bankruptcy Issues and Domestic Relations Cases (American Bankruptcy Institute: SJI–96–175)

Court Management

Managing Trials Effectively: A Program for State Trial Judges (National Center for State Courts/National Judicial College: SJI–87–066/067, SJI–89–054/055, SJI–91–025/026)

Caseflow Management Principles and Practices (Institute for Court Management/National Center for State Courts: SJI–87–056)

A Manual for Workshops on Processing Felony Dispositions in Limited Jurisdiction Courts (National Center for State Courts: SJI–90–052)

Managerial Budgeting in the Courts; Performance Appraisal in the Courts; Managing Change in the Courts; Court Automation Design; Case Management for Trial Judges; Trial Court Performance Standards (Institute for Court Management/National Center for State Courts: SJI–91–043)

Strengthening Rural Courts of Limited Jurisdiction and Team Training for Judges and Clerks (Rural Justice Center: SJI–90–014, SJI–91–082)

Interbranch Relations Workshop (Ohio Judicial Conference: SJI–92–079)

Integrating Trial Management and Caseflow Management (Justice Management Institute: SJI–93–214)

Leading Organizational Change (California Administrative Office of the Courts: SJI–94–068)

Privacy Issues in Computerized Court Record Keeping: An Instructional Guide for Judges and Judicial Educators (National Judicial College: SJI–94–015)

Managing Mass Tort Cases (National Judicial College: SJI–94–141)

Employment Responsibilities of State Court Judges (National Judicial College: SJI–95–025)

Dealing with the Common Law Courts: A Model Curriculum for Judges and Court Staff (Institute for Court Management/National Center for State Courts: SJI–96–159)

Caseflow Management (Justice Management Institute: SJI–98–041)

Courts and Communities

A National Program for Reporting on the Courts and the Law (American Judicature Society: SJI–88–014)

Victim Rights and the Judiciary: A Training and Implementation Project (National Organization for Victim Assistance: SJI–89–083)

National Guardianship Monitoring Project: Trainer and Trainee's Manual (American Association of Retired Persons: SJI–91–013)

Access to Justice: The Impartial Jury and the Justice System and When Implementing the Court-Related Needs of Older People and Persons with Disabilities: An Instructional Guide (National Judicial College: SJI–91–054)

You Are the Court System: A Focus on Customer Service (Alaska Court System: SJI–94–048)

Serving the Public: A Curriculum for Court Employees (American Judicature Society: SJI–96–040)

Courts and Their Communities: Local Planning and the Renewal of Public Trust and Confidence: A California Statewide Conference (California Administrative Office of the Courts: SJI–98–008)

Public Trust and Confidence in the Courts (Mid-Atlantic Association for Court Management: SJI–98–208)

Trial Court Judicial Leadership Program: Judges and Court Administrators Serving the Courts and Community (National Center for State Courts: SJI–98–268)

ACA National Conference: Public Trust and Confidence (Arizona Courts Association: SJI–99–063)

Criminal Process

Search Warrants: A Curriculum Guide for Magistrates (American Bar Association Criminal Justice Section: SJI–88–035)

Diversity, Values, and Attitudes

Troubled Families, Troubled Judges (Brandeis University: SJI–89–071)

The Crucial Nature of Attitudes and Values in Judicial Education (National Council of Juvenile and Family Court Judges: SJI–90–058)

Enhancing Diversity in the Court and Community (Institute for Court Management/National Center for State Courts: SJI–91–043)

Cultural Diversity Awareness in Nebraska Courts from Native American Alternatives to Incarceration Project (Nebraska Urban Indian Health Coalition: SJI–93–028)

Race Fairness and Cultural Awareness Faculty Development Workshop (National Judicial College: SJI–93–063)

A Videotape Training Program in Ethics and Professional Conduct for Nonjudicial Court Personnel and The Ethics Fieldbook: Tool For Trainers (American Judicature Society: SJI–93–068)

Court Interpreter Training Course for Spanish Interpreters (International Institute of Buffalo: SJI–93–075)

Doing Justice: Improving Equality Before the Law Through Literature-Based Seminars for Judges and Court Personnel (Brandeis University: SJI–94–019)

Indian Welfare Act; Defendants, Victims, and Witnesses with Mental Retardation (National Judicial College: SJI–94–142)

Multi-Cultural Training for Judges and Court Personnel (St. Petersburg Junior College: SJI–95–006)

Ethical Standards for Judicial Settlement: Developing a Judicial Education Module (American Judicature Society: SJI–95–082)

Code of Ethics for the Court Employees of California (California Administrative Office of the Courts: SJI–95–245)

Workplace Sexual Harassment Awareness and Prevention (California Administrative Office of the Courts: SJI–96–089)

Just Us On Justice: A Dialogue on Diversity Issues Facing Virginia Courts (Virginia Supreme Court: SJI–96–150)

When Bias Compounds: Insuring Equal Treatment for Women of Color in the Courts (National Judicial Education Program: SJI–96–161)

When Judges Speak Up: Ethics, the Public, and the Media (American Judicature Society: SJI–96–152)

Family Violence and Gender-Related Violent Crime

National Judicial Response to Domestic Violence: Civil and Criminal Curricula (Family Violence Prevention Fund: SJI–87–061, SJI–89–070, SJI–91–055).

Domestic Violence: A Curriculum for Rural Courts (Rural Justice Center: SJI–88–081)

Judicial Training Materials on Spousal Support; Judicial Training Materials on Child Custody and Visitation (Women Judges' Fund for Justice: SJI–89–062)

Judicial Response to Stranger and Nonstranger Rape and Sexual Assault (National Judicial Education Program: SJI–92–003)

Domestic Violence & Children: Resolving Custody and Visitation Disputes (Family Violence Prevention Fund: SJI–93–255)

Adjudicating Allegations of Child Sexual Abuse When Custody Is In Dispute (National Judicial Education Program: SJI–95–019)

Handling Cases of Elder Abuse: Interdisciplinary Curricula for Judges and Court Staff (American Bar Association: SJI–93–274)

Health and Science

Environmental Law Resource Handbook (University of New Mexico Institute for Public Law: SJI–92–162)

A Judge's Deskbook on the Basic Philosophies and Methods of Science: Model Curriculum (University of Nevada, Reno: SJI–97–030)

Judicial Education For Appellate Court Judges

Career Writing Program for Appellate Judges (American Academy of Judicial Education: SJI–88–086)

Civil and Criminal Procedural Innovations for Appellate Courts (National Center for State Courts: SJI–94–002)

Judicial Education Faculty, and Program Development

The Leadership Institute in Judicial Education and The Advanced Leadership Institute in Judicial Education (University of Memphis: SJI–91–021)

''Faculty Development Instructional Program'' from Curriculum Review (National Judicial College: SJI–91–039)

Resource Manual and Training for Judicial Education Mentors (National Association of State Judicial Educators: SJI–95–233)

Institute for Faculty Excellence in Judicial Education, (National Council of Juvenile and Family Court Judges: SJI–96–042)

Orientation, Mentoring, and Continuing Professional Education of Judges and Court Personnel

Legal Institute for Special and Limited Jurisdiction Judges (National Judicial College: SJI–89–043, SJI–91–040)

Pre-Bench Training for New Judges (American Judicature Society: SJI–90–028)

A Unified Orientation and Mentoring Program for New Judges of All Arizona Trial Courts (Arizona Supreme Court: SJI–90–078)

Court Organization and Structure (Institute for Court Management/National Center for State Courts: SJI–91–043)

Judicial Review of Administrative Agency Decisions (National Judicial College: SJI–91–080)

New Employee Orientation Facilitators Guide (Minnesota Supreme Court: SJI–92–155)

Magistrates Correspondence Course (Alaska Court System: SJI–92–156)

Computer-Assisted Instruction for Court Employees (Utah Administrative Office of the Courts: SJI–94–012)

Bench Trial Skills and Demeanor: An Interactive Manual (National Judicial College: SJI 94–058)

Ethical Issues in the Election of Judges (National Judicial College: SJI–94–142)

Professional Development for Court Managers: Educational Criteria in the 21st Century (National Association for Court Management: SJI–96–148)

Innovative Approaches to Improving Competencies of General Jurisdiction Judges (National Judicial College: SJI–98–001)

Juveniles and Families in Court

Fundamental Skills Training Curriculum for Juvenile Probation Officers (National Council of Juvenile and Family Court Judges: SJI–90–017)

Child Support Across State Lines: The Uniform Interstate Family Support Act from Uniform Interstate Family Support Act: Development and Delivery of a Judicial Training Curriculum (ABA Center on Children and the Law: SJI–94–321)

Strategic and Futures Planning

Minding the Courts into the Twentieth Century (Michigan Judicial Institute: SJI–89–029)

An Approach to Long-Range Strategic Planning in the Courts (Center for Public Policy Studies: SJI–91–045)

Substance Abuse

Effective Treatment for Drug-Involved Offenders: A Review & Synthesis for Judges and Court Personnel (Education Development Center, Inc.: SJI–90–051)

Good Times, Bad Times: Drugs, Youth, and the Judiciary (Professional Development and Training Center, Inc.: SJI–91–095)

Gaining Momentum: A Model Curriculum for Drug Courts (Florida Office of the State Courts Administrator: SJI–94–291)

Judicial Response to Substance Abuse: Children, Adolescents, and Families (National Council of Juvenile and Family Court Judges: SJI–95–030)

BILLING CODE 6820–SC–P

Appendix F

(Form S1)

STATE JUSTICE INSTITUTE

SCHOLARSHIP APPLICATION

This application does not serve as a registration for the course. Please contact the education provider.

APPLICANT INFORMATION:

1. Applicant Name: _____
(Last) (First) (M)

2. Position: _____

3. Name of Court: _____

4. Address: _____
Street/P.O. Box

_____
City State Zip Code

5. Telephone No. _____ 6. Congressional District: _____

PROGRAM INFORMATION:

7. Course Name: _____

8. Course Dates: _____

9. Course Provider: _____

10. Location Offered: _____

ESTIMATED EXPENSES: (Please note, scholarships are limited to tuition and transportation expenses to and from the site of the course up to a maximum of $1,500.)

Tuition: $_____ Transportation: $_____
(Airfare, train fare, or, if you plan to drive, an amount equal to the approximate distance and mileage rate)

Amount Requested: $_____

SJI

1650 King Street, Suite 600, Alexandria, Virginia 22314 (703) 684-6100

ADDITIONAL INFORMATION: Please attach a current resume or professional summary, and answer the following questions. (You may attach additional pages if necessary.)

1. How will taking this course benefit you, your court, and the State's courts generally?

2. Is there any education or training currently available through your State on this topic?

3. How will you apply what you have learned? Please include any plans you may have to develop/teach a course on this topic in your jurisdiction/State, provide in-service training, or otherwise disseminate what you have learned to colleagues.

4. Are State or local funds available to support your attendance at the proposed course? If so, what amount(s) will be provided?

5. How long have you served as a judge or court manager?

6. How long do you anticipate serving as a judge or court manager, assuming reelection or reappointment?

7. What continuing professional education programs have you attended in the past year? Please indicate which were mandatory (M) and which were non-mandatory (V).

STATEMENT OF APPLICANT'S COMMITMENT

If a scholarship is awarded, I will submit an evaluation of the educational program to the State Justice Institute and to the Chief Justice of my State.

_____ _____

Signature Date

Please return this form and Form S-2 to: State Justice Institute, 1650 King Street, Suite 600, Alexandria Virginia 22314

(Form S2)

STATE JUSTICE INSTITUTE

SCHOLARSHIP APPLICATION

CONCURRENCE

I, _____,
Name of Chief Justice (or Chief Justice's Designee)

have reviewed the application for a scholarship to attend the program entitled

_____,

prepared by _____,
Name of Applicant

and concur in its submission to the State Justice Institute. The applicant's participation in the program would benefit the State; the applicant's absence to attend the program would not present an undue hardship to the court; and receipt of a scholarship would not diminish the amount of funds made available by the State for judicial education.

_____
Signature

_____
Name

_____
Title

_____
Date

Appendix G

Form E

STATE JUSTICE INSTITUTE

LINE-ITEM BUDGET FORM

For Concept Papers, Curriculum Adaptation & Technical Assistance Grant Requests

Category	SJI Funds	Cash Match	In-Kind Match
Personnel	$_____	$_____	$_____
Fringe Benefits	$_____	$_____	$_____
Consultant/Contractual	$_____	$_____	$_____
Travel	$_____	$_____	$_____
Equipment	$_____	$_____	$_____
Supplies	$_____	$_____	$_____
Telephone	$_____	$_____	$_____
Postage	$_____	$_____	$_____
Printing/Photocopying	$_____	$_____	$_____
Audit	$_____	$_____	$_____
Other	$_____	$_____	$_____
Indirect Costs (%)	$_____	$_____	$_____
TOTAL	$_____	$_____	$_____

PROJECT TOTAL $_____

Financial assistance has been or will be sought for this project from the following other sources:

_____

_____

* Concept papers requesting an accelerated award, Curriculum Adaptation grant requests, and Technical Assistance grant requests should be accompanied by a budget narrative explaining the basis for each line-item listed in the proposed budget.

Appendix H

(Form B)

STATE JUSTICE INSTITUTE

Certificate of State Approval

The _____
Name of State Supreme Court or Designated Agency or Council

has reviewed the application entitled _____

prepared by _____
Name of Applicant

approves its submission to the State Justice Institute, and

[ ] agrees to receive and administer and be accountable for all funds awarded by the Institute pursuant to the application.

[ ] designates _____
Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by the Institute pursuant to the application.

_____ _____
Signature *Date*

_____
Name

_____
Title

INSTRUCTIONS

The State Justice Act requires that:

Each application for funding by a State or local court shall be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council, which shall receive, administer, and be accountable for all funds awarded by the Institute to such courts. 42 U.S.C. 10705(b)(4).

FORM B should be signed by the Chief Judge or Chief Justice of the State Supreme Court, or by the director of the designated agency or chair of the designated council. If the designated agency or council differs from the designee listed in Appendix I to the State Justice Institute grant Guideline, evidence of the new or additional designation should be attached.

The term "State Supreme Court' refers to the court of last resort of a State. "Designated agency or council" refers to the office or judicial body which is authorized under State law or by delegation from the State Supreme Court to approve applications for funds and to receive, administer and be accountable for those funds.

[FR Doc. 00–21924 Filed 8–30–00; 8:45 am]
BILLING CODE 6820–SC–C

Federal Register

Thursday,
August 31, 2000

Part III

Office of Personnel Management

Science and Technology (S&T) Reinvention Laboratory Personnel Demonstration Project, Department of the Army, Aviation Research, Development, and Engineering Center (AVRDEC) and Missile Research, Development, and Engineering Center (MRDEC); Notice

OFFICE OF PERSONNEL MANAGEMENT

Science and Technology (S&T) Reinvention Laboratory Personnel Demonstration Project, Department of the Army, Aviation Research, Development, and Engineering Center (AVRDEC) and Missile Research, Development, and Engineering Center (MRDEC)

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice of amendment of the AVRDEC and MRDEC demonstration project plans to merge the two separate demonstrations into one project. The resulting project is designated the S&T Reinvention Laboratory Personnel Demonstration Project at the U.S. Army Aviation & Missile Research, Development, and Engineering Center (AMCOM RDEC).

SUMMARY: 5 U.S.C. 4703 authorizes OPM to conduct demonstration projects that experiment with new and different personnel management concepts to determine whether such changes in policy or procedures will result in improved Federal personnel management.

Public Law 103–337, October 5, 1994, permits the Department of Defense (DOD), with the approval of OPM, to carry out personnel demonstration projects at S&T Reinvention Laboratories. Pursuant to 5 CFR 470.315, this notice amends the AVRDEC and the MRDEC projects to merge the separate demonstrations into one project.

Both demonstration projects were approved on June 27, 1997 and implemented on September 28, 1997. The formation of the Army Aviation and Missile Command (AMCOM), a directed BRAC 95 action, took place on October 11, 1997. This BRAC action placed both demonstration projects under the organizational control of AMCOM. The demonstration organizations (MRDEC and AVRDEC) were not merged at the formation of AMCOM to avoid excessive personnel turbulence and to ensure continued customer support during the BRAC transitions.

However, Army planning included the eventual merger of the MRDEC and AVRDEC after several years of operation. For this reason, the **Federal Register** notice for both AVRDEC and MRDEC included the statement that ''Successor organizations which may result from actions associated with the 1995 Base Realignment and Closure Commission (BRAC) or future Commissions will continue coverage in the demonstration project.'' Headquarters, U.S. Army Materiel Command Permanent Orders 063–1, dated March 4, 1999, redesignated and reorganized the MRDEC as the AMCOM RDEC, discontinued the AVRDEC, and merged the AVRDEC with the AMCOM RDEC.

DATES: This amendment to the AVRDEC and MRDEC demonstration projects may be implemented beginning on the date of August 31, 2000.

FOR FURTHER INFORMATION CONTACT:

AVRDEC: Mr. David Knepper, Aviation Research, Development, and Engineering Center, U.S. Army Aviation and Missile Command, ATTN: AMSAM–RD, Redstone Arsenal, Alabama 35898–5000, phone 256–876–1522.

MRDEC: Ms. Lana Hargrove, Missile Research, Development, and Engineering Center, U.S. Army Aviation and Missile Command, ATTN: AMSAM–RD, Redstone Arsenal, Alabama 35898–5000, phone 256–955–6734.

OPM: Mr. Gary Hacker, U.S. Office of Personnel Management, 1900 E Street NW, Room 7458, Washington, DC 20415, phone 202–606–2820.

SUPPLEMENTARY INFORMATION:

1. Background

OPM approved and published the final plans in the **Federal Register** for the following S&T Reinvention Laboratory Demonstration Projects:

A. MRDEC final publication on Friday, June 27, 1997, Volume 62, Number 124, Part IV, page 34876.

B. AVRDEC final publication on Friday, June 27, 1997, Volume 62, Number 124, Part V, page 34905.

C. AVRDEC correction to the definition of competitive area and publication on Monday, March 8, 1999, Volume 64, Number 44, page 11074.

D. Publication of an amendment to include competitive examining and Distinguished Scholastic Achievement Appointment authorities as part of the AVRDEC and the MRDEC plans. Published in the **Federal Register** on Thursday, March 11, 1999, Volume 64, Number 47, page 12216.

The AVRDEC and the MRDEC demonstration projects involve simplified job classification, pay banding, a performance-based compensation system, employee development provisions, and modified reduction-in-force procedures.

2. Overview

This action is in response to a reorganization directed by the U.S. Army Materiel Command that re-designates the MRDEC as the U.S. Army Aviation & Missile Research, Development, and Engineering Center (AMCOM RDEC) effective October 1, 2000, and merges the AVRDEC with the newly established AMCOM RDEC.

Dated: August 24, 2000.

Office of Personnel Management.

Janice R. Lachance,

Director.

I. Executive Summary

The Department of the Army designed the personnel demonstration projects to be generally similar to the system in use at the Navy personnel demonstration known as China Lake. The projects and this amendment are built upon the concepts of linking performance to pay for all covered positions; simplifying the paperwork in the processing of classification and other personnel actions; emphasizing partnerships among management, employees, and the union; and delegating authorities to line managers.

The projects are beneficial to both the AVRDEC and the MRDEC and will be continued. This conforms with the provision on successorship in the **Federal Register**, June 27, 1997, Volume 62, Number 124, at page 34881, section IIE, and at page 34909, section IID, that states, ''Successor organizations which may result from actions associated with the 1995 Base Realignment and Closure Commission (BRAC) or future Commissions will continue coverage in the demonstration project.'' The consolidation re-designating the MRDEC and merging the AVRDEC with the new AMCOM RDEC results from 1995 BRAC actions.

II. Introduction

The personnel demonstration at the merged AMCOM RDEC laboratory will provide its managers the authority, control, and flexibility to achieve a quality laboratory and quality products. The successor project will allow the AMCOM RDEC to compete more effectively for high-quality personnel and strengthen the manager's role in personnel management.

Basic provisions are unchanged from each of the approved demonstration projects. Except as described in section III that follows, provisions of the MRDEC plan will be followed for the consolidated AMCOM RDEC project.

Employee notification will be made by delivery of a copy of this notice. Training for supervisors and employees will be accomplished along with implementation.

III. Specific Provisions

A. Participating Organization

The AMCOM RDEC will have approximately 1,953 employees covered by the project, approximately 1,502 from the MRDEC and approximately 451 from the AVRDEC. The majority of the employees are located at Redstone Arsenal, Alabama, with the remaining employees located at Fort Rucker, Alabama; Mesa, Arizona; Moffett Field, California; Eglin Air Force Base, Florida; Orlando, Florida; Andover, Massachusetts; Dallas, Texas; Fort Bliss, Texas; Fort Hood, Texas; Fort Eustis, Virginia; Hampton, Virginia; and Washington, DC.

B. Occupational Series by Occupational Family

The AVRDEC has the following occupational series that will be added to those in Appendix A of the MRDEC final plan pursuant to the merged project.

Engineers & Scientists

0180 Psychologist Series (Engineering Research Psychologist, Engineering Psychologist)
0801 General Engineer (Human Factors Engineer)

Technical and Business Support
0018 Safety & Occupational Health Management
0510 Accounting
0905 General Attorney
1035 Public Affairs
1060 Photography
1071 Audio Visual Production
1084 Visual Information
1103 Industrial Property Management Specialist
1601 General Facilities & Equipment
2181 Aircraft Operation

General Support
0525 Accounting Technician
1105 Purchasing
2102 Transportation Clerk and Assistant

C. Labor Participation

Former AVRDEC and former MRDEC employees are currently represented as stated in the **Federal Register**, June 27, 1997, Volume 62, Number 124, at page 34881, section IIF. (The term MRDEC is replaced with the term AMCOM RDEC.) Currently, no union represents AMCOM RDEC employees at the Fort Eustis and Langley, Virginia, geographic locations.

D. Performance-Based Actions

Former AVRDEC and former MRDEC employees are currently covered by the provisions in the **Federal Register**, June 27, 1997, Volume 62, Number 124, at pages 34885 and 34886 for this topic.

E. Calculation of Performance Pay Pool Funds

The AMCOM RDEC Management of Operations and Business Office, in consultation with the union(s) representing AMCOM employees covered by this demonstration project, will calculate the total performance pay pool funds and allocate them to pay pools or teams as appropriate. This allocation, approved by the Executive Director, will be achieved early in the annual performance appraisal cycle. These provisions replace the last paragraph of section IIIB (Performance Pay Pool) in the **Federal Register**, June 27, 1997, Volume 62, Number 124, at page 34887.

F. Competitive Areas

All positions included in the demonstration project at a specific geographic location will be considered a separate competitive area (exception: positions at Fort Eustis and Hampton (NASA-Langley), Virginia will be combined into one competitive area).

[FR Doc. 00–22319 Filed 8–30–00; 8:45 am]
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Federal Register

Thursday,
August 31, 2000

Part IV

Environmental Protection Agency

Solicitation Notice: Environmental Education Grants Program; Fiscal Year 2001; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6861–4]

Solicitation Notice: Environmental Education Grants Program; Fiscal Year 2001

Contents

Section I—Overview and Deadlines
Section II—Eligible Applicants and Activities
Section III—Funding Priorities
Section IV—Requirements for Proposals & Matching Funds
Section V—Review and Selection Process
Section VI—Grantee Responsibilities
Section VII—Resource Information & Mailing List
Appendices—Federal Forms and Instructions

Section I.—Overview and Deadlines

A. Purpose of Solicitation

This document solicits grant proposals from education institutions, environmental and educational public agencies, and not-for-profit organizations to support environmental education projects, as defined in this notice. This solicitation notice contains all the information and forms necessary to prepare a proposal. If your project is selected as a finalist after the evaluation process is concluded, EPA will provide you with additional Federal forms needed to process your proposal. These grants require non-federal matching funds for at least 25% of the total cost of the project.

The Environmental Education Grants Program provides financial support for projects which design, demonstrate, or disseminate environmental education practices, methods, or techniques, including assessing environmental and ecological conditions or specific environmental issues or problems. This program is authorized under Section 6 of the National Environmental Education Act of 1990 (the Act) (Pub. L. 101–619).

B. Environmental Education versus Environmental Information

Environmental Education: Increases public awareness and knowledge about environmental issues and provides the skills to make informed decisions and take responsible actions. It does not advocate a particular viewpoint or course of action. It teaches individuals how to weigh various sides of an issue through critical thinking and it enhances their own problem-solving skills.

Environmental Information: Proposals that simply disseminate ''information'' will not be funded. These would be projects that provide facts or opinions about environmental issues or problems, but may not enhance critical-thinking, problem solving or decision-making skills. Although information is an essential element of any educational effort, environmental information is not, by itself, environmental education.

C. Due Date and Grant Schedule

(1) *Due Date*—November 15, 2000. This is the *postmark* due date for an original proposal signed by an authorized representative plus one copy to be mailed to EPA. Proposals mailed or sent after this date will not be considered for funding.

(2) *Rejection Letters*—EPA Headquarters and 10 Regional Offices send these out at different times as determined by scheduling to accommodate review teams. Letters are usually sent between April and June.

(3) *Start Date for Projects*—July 1, 2001 is the earliest start date that applicants should plan on and enter on their application forms and timelines.

D. Addresses for Mailing Proposals

Proposals requesting over $25,000 in Federal environmental education grant funds must be mailed to EPA Headquarters in Washington, DC; proposals requesting $25,000 or less must be mailed to the EPA Regional Office where the project takes place. The Headquarters address and the list of Regional Office mailing addresses by state is included at the end of this notice.

E. Funding Limits Per Proposal

EPA anticipates funding of less than $3 million for this annual grant cycle, subject to appropriations and the availability of funds. Since implementation of this grants program in 1992, there has been a great deal of public enthusiasm for developing environmental education projects. Consequently, EPA has consistently received many more applications for these grants than can be supported with available funds. The competition for grants is intense, especially at Headquarters which usually receives about 250 proposals and is able to fund less than 5% of the applicants. Regional offices generally fund about 15% of proposals seeking over $5,000 and more than 30% of proposals for $5,000 or less.

Grants in excess of $150,000 have seldom been awarded through this program. Although the Act sets a maximum limit of $250,000 in environmental education grant funds for any one project, because of limited funds, EPA prefers to award smaller grants to more recipients. Also, Congress requires that at least 25% of available funds go to small grants of $5,000 or less. In summary, you will significantly increase your chance of being funded if you request $5,000 or less from a Regional Office or $100,000 or less from Headquarters.

Section II.—Eligible Applicants and Activities

F. Eligible Applicants

Any local education agency, state education or environmental agency, college or university, not-for-profit organization as described in Section 501(C)(3) of the Internal Revenue Code, or noncommercial educational broadcasting entity may submit a proposal. ''Tribal education agencies'' which may also apply include a school or community college which is controlled by an Indian tribe, band, or nation, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and which is not administered by the Bureau of Indian Affairs. These terms are defined in Section 3 of the Act and 40 CFR 47.105.

Applicant organizations must be located in the United States and the majority of the educational activities must take place in the United States, Canada and/or Mexico. A teacher's school district, an educator's nonprofit organization, or a faculty member's college or university may apply, but an individual teacher, educator, or faculty member *may not*. Tribal organizations also do not qualify unless they meet the criteria listed above.

G. Multiple or Repeat Proposals

An organization may submit more than one proposal if the proposals are for different projects. No organization will be awarded more than one grant for the same project during the same fiscal year. Applicants who received one of these grants in the past may submit a new proposal to expand a previously funded project or to fund an entirely different one. Each new proposal will be evaluated based upon the specific criteria set forth in this solicitation and in relation to the other proposals received in this fiscal year. Due to limited resources, EPA does not generally sustain projects beyond the initial grant period. This grant program is geared toward providing seed money to initiate new projects or to advance existing projects that are ''new'' in some way, such as reaching new audiences or new locations. If you have received a grant from this program in the past, it is essential that you explain how your current proposal is ''new.''

H. Restrictions on Curriculum Development

EPA strongly encourages applicants to demonstrate or disseminate existing environmental education materials (curricula, training materials, activity books, etc.) rather than designing new materials, because experts indicate that a significant amount of quality educational materials have already been developed and are under-utilized. EPA will consider funding new materials *only* where the applicant demonstrates that there is a need, e.g., that existing educational materials cannot be adapted well to a particular local environmental concern or audience, or existing materials are not otherwise accessible. The applicant must specify what steps they have taken to determine this need, e.g., you may cite a conference where this need was discussed, the results of inquiries made within your community or with various educational institutions, or a research paper or other published document. Further, EPA recommends the use of a publication entitled *Environmental Education Materials: Guidelines for Excellence* which was developed in part with EPA funding. These guidelines contain recommendations for developing and selecting quality environmental education materials. On our website ''www.epa.gov/enviroed/resources'' you may view these guidelines and find information about ordering copies.

I. Ineligible Activities

Environmental education funds cannot be used for:

(1) Technical training of environmental management professionals;

(2) Environmental ''information'' projects that have no educational component, as described in Section I (B);

(3) Lobbying or political activities, in accordance with OMB Circulars A–21, A–87 and A–122;

(4) Non-educational research and development; or

(5) Construction projects EPA will not fund construction activities such as the acquisition of real property (*e.g.,* buildings) or the construction or modification of any building. EPA may, however, fund activities such as creating a nature trail or building a bird watching station as long as these items are an integral part of the environmental education project, and the cost is a relatively small percentage of the total amount of federal funds requested.

Section III.—Funding Priorities

J. Educational Priorities

All proposals must satisfy the definition of ''environmental education'' under Section I(B) and also address one of the following educational priorities. Headquarters will fund the proposals for larger grants (over $25,000 in Federal funds) that address any of the top three categories listed below; and regional offices will fund grants in any of seven categories listed below. The order of the list is random and does not indicate a ranking. Please read the definitions that are included in this section to prevent your application from being rejected for failure to correctly address a priority.

Headquarters Priorities (Federal funds in excess of $25,000):

(1) *Capacity Building:* Increasing capacity to develop and deliver coordinated environmental education programs across a state or across multiple states.

(2) *Education Reform:* Utilizing environmental education as a catalyst to advance state, local, or tribal education reform goals.

(3) *Community Issues:* Designing and implementing model projects to educate the public about environmental issues and/or health issues in their communities through community-based organizations or through print, film, broadcast, or other media.

Regional Office Priorities ($25,000 or less in Federal funds):

(1–3) *All of the Above*

(4) *Health:* Educating teachers, students, parents, community leaders, or the public about human-health threats from environmental pollution, especially as it affects children, and how to minimize human exposure to preserve good health.

(5) *Teaching Skills:* Educating teachers, faculty, or nonformal educators about environmental issues to improve their environmental education teaching skills, e.g., through workshops.

(6) *Career Development:* Educating students in formal or nonformal settings about environmental issues to encourage environmental careers.

(7) *Environmental Justice:* Educating low-income or culturally-diverse audiences about environmental issues, thereby advancing environmental justice.

Definitions: The terms used above and in Section IV are defined as follows:

Capacity Building refers to developing effective leaders and organizations that design, implement, and link environmental education programs across a state or states to promote long-term sustainability of the programs. Effective efforts address both leadership and organizational needs, as well as coordination to decrease fragmentation of effort and duplication across programs. Coordination should involve all major education and environmental education providers (e.g. state education and natural resource agencies, tribal education agencies, schools and school districts, professional education associations, and nonprofit education and environmental education organizations). Examples of capacity building activities include identifying and assessing needs and setting priorities; identifying, evaluating and linking programs; developing and implementing strategic plans; identifying funding sources and resources; facilitating communication and networking; promoting sustained professional development; and sponsoring leadership seminars. For purposes of this definition, States and tribal lands are equivalent and thus capacity building can take place ''across'' either or both.

Note: Proposals must identify existing capacity building efforts, if any, and discuss how the proposed project will support these efforts.

Education Reform refers to state, local, or tribal efforts to improve student academic achievement. Where feasible, collaboration with private sector providers of technology and equipment is recommended. Education reform efforts often focus on changes in curriculum, instruction, assessment or how schools are organized. Curriculum and instructional changes may include inquiry and problem solving, real-world learning experiences, project-based learning, team building and group decision-making, and interdisciplinary study. Assessment changes may include developing content and performance standards and realigning curriculum and instruction to the new standards and new assessments. School site changes may include creating magnet schools or encouraging parental and community involvement.

Note: All proposals must identify existing educational improvement needs and goals and discuss how the proposed project will address these needs and goals.

Environmental issue is one of importance to the community, state, or region being targeted by the project, e.g., one community may have significant air pollution problems which makes teaching about human health effects from it and solutions to air pollution important, while rapid development in another community may threaten a nearby wildlife habitat, thus making habitat or ecosystem protection a high priority issue.

Environmental Justice refers to the fair treatment of people of all races, cultures, and income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. Fair treatment means that no racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences that might result from the operation of industrial, municipal, and commercial enterprises and from the execution of federal, state, local, and tribal programs and policies.

Partnerships refers to the forming of a collaborative working relationship between two or more organizations such as governmental agencies, not-for-profit organizations, educational institutions, and/or the private sector. It may also refer to intra-organizational unions such as the science and art departments within a university collaborating on a project.

Wide application refers to a project that targets a large and diverse audience in terms of numbers or demographics; or that can serve as a model program elsewhere.

Section IV.—Requirements for Proposals and Matching Funds

K. Contents of Proposal and Scoring

The proposal must contain two standard federal forms, a work plan with budget, and appendices, as described below. Please follow instructions and do not submit additional items. EPA will make copies of your proposal for use by grant reviewers. Unnecessary attachments and forms create a paperwork burden for the reviewers.

Federal Forms: Application for Federal Assistance (SF–424) and Budget Information (SF–424A): The SF–424 and SF–424A are required for all federal grants and must be submitted as part of your proposal. These two forms, along with instructions and examples, are included at the end of this notice. Only finalists will be asked to submit additional federal forms needed to process their proposal.

Work Plan and Appendices: A work plan describes your proposed project and your budget. Appendices establish your timeline, your qualifications, and your partnerships with other organizations, where applicable. Include all five sections described below which will be evaluated and scored by reviewers. The highest possible score per proposal is 100 points as outlined in this section and in paragraph (N).

(1) *Project Summary:* Provide the following overview of your entire project in this format and on *one page only:*

(a) *Organization:* Describe: (1) your organization, and (2) list your key partners for this grant, if applicable. Partnerships are encouraged and considered to be a major factor in the success of projects.

(b) *Summary Statement:* Provide an overview of your project that explains the concept and your goals and objectives. This should be a very basic explanation in layman's terms to provide a reviewer with an understanding of the purpose and expected outcome of your educational project.

(c) *Educational Priority:* Identify which priority listed in Section III you will address, such as education reform. Proposals may address several educational priorities, however, EPA cautions against losing focus on projects. Evaluation panels often select projects with a clearly defined purpose, rather than projects that attempt to address multiple priorities at the expense of a quality outcome.

(d) *Delivery Method:* Explain how you will reach your audience, such as workshops, conferences, interactive programs, etc.

(e) *Audience:* Describe the demographics of your target audience including the number and types you expect to reach, such as, teachers, students, specific grade levels, ethnic composition, members of the general public, etc.

(f) *Costs:* List the types of activities for which the EPA portion of grant funds will be spent.

The project summary will be scored on how well you provide an overview of your entire project using the format and topics stated above.

Summary—Maximum Score: 10 Points

(2) *Project Description:* Describe precisely what your project will achieve—why, how, when, with what, and who will benefit. Explain each aspect of your proposal in enough detail to answer a grant reviewer's questions. This section is intended to provide you with the flexibility to be creative and does *not* require any specific format for describing your project. However, you should address the following to ensure that grant reviewers can fully comprehend and score your project. Address each criteria in any sequence that best demonstrates the strengths of your project.

This subsection will be scored on how well you design and describe your project and how effectively your project meets the following criteria:

(a) *Why:* Explain the purpose of your project and how it will address an educational priority listed in Section III, such as education reform or children's health; and address an environmental issue, such as clean air, ecosystem protection, or cross-cutting issues. Explain the importance to your community, state, or region. Specify if the project has the potential for wide application, and/or can serve as a model for use in other locations with a similar audience.

(b) *Who:* Explain who will conduct the project; identify the target audience and demonstrate an understanding of the needs of that audience (including cultural diversity where appropriate); explain your recruitment plan to attract your target audience; and clarify if you have incentives such as stipends or continuing education credits.

(c) *How:* Explain your strategy, objectives, activities, delivery methods, and outcomes to establish for reviewers that you have realistic goals and objectives and will use effective methods to achieve them. Clarify for the reviewers how you will complete all basic steps from beginning to end. Do not omit steps that lead up to or follow the actual delivery methods, e.g., if you plan to make a presentation about your project at a local or national conference, specify where.

(d) *With What:* Demonstrate that the project uses or produces quality educational products or methods that teach critical-thinking, problem-solving, and decision-making skills. (Please note restrictions on the development of curriculum and educational materials in Section H.)

Description—Maximum Score: 40 Points (10 Points for Each of (a) Through (d))

(3) *Project Evaluation:* Explain how you will ensure that you are meeting the goals and objectives of your project. Evaluation plans may be quantitative and/or qualitative and may include, for example, evaluation tools, observation, or outside consultation.

The project evaluation will be scored on how well your plan will: (a) measure the project's effectiveness; and (b) apply evaluation data gathered during your project to strengthen it.

Evaluation—Maximum Score: 10 Points (5 Points Each for (a) and (b))

(4) *Budget and Timeframe:* Clarify how EPA funds and non-federal matching funds will be used for specific items or activities, such as personnel/salaries, fringe benefits, travel, equipment, supplies, contract costs, and indirect costs. Include a table which

lists each major proposed activity, and the amount of EPA funds and/or matching funds that will be spent on each activity. Smaller grants with uncomplicated budgets may have a table that lists only a few activities. Budget periods not to exceed *one-year* are preferred by EPA for all grants and are mandatory for small grants of $5,000 or less. Budget periods for larger grants cannot exceed two-years.

Please Note the following funding restrictions:

—Indirect costs may be requested only if your organization has already prepared an indirect cost rate proposal and has it on file, subject to audit.

—Funds for salaries and fringe benefits may be requested *only* for those personnel who are directly involved in implementing the proposed project and whose salaries and fringe benefits are directly related to specific products or outcomes of the proposed project. EPA strongly encourages applicants to request reasonable amounts of funding for salaries and fringe benefits to ensure that your proposal is competitive.

—EPA will not fund the acquisition of real property (including buildings) or the construction or modification of any building.

Matching Funds Requirement: Non-federal matching funds of *at least* 25% of the *total cost* of the project are required, and EPA encourages additional matching funds where possible. The match may be provided by the applicant or a partner organization or institution, and may be provided in cash or by in-kind contributions and other non-cash support. In-kind contributions often include salaries or other *verifiable* costs and this value must be carefully documented. In the case of salaries, applicants may use either minimum wage or fair market value. If the match is provided by a partner organization, the applicant is still responsible for proper accountability and documentation. All grants are subject to Federal audit.

Important: The matching non-federal share is a percentage of the *entire cost* of the project. For example, if the 75% federal portion is $10,000, then the entire project should, at a minimum, have a budget of $13,333, with the recipient providing a contribution of $3,333. To assure that your match is sufficient, simply divide the Federally requested amount by three. Your match must be at least one-third of the requested amount to be sufficient. For a $5,000 EPA grant your match cannot be less than $1,667.

Other Federal Funds: You may use other Federal funds in addition to those provided by this program, but not for activities that EPA is funding. You may not use any federal funds to meet any part of the required 25% match described above, unless it is specifically authorized by statute. If you have already been awarded federal funds for a project for which you are seeking additional support from this program, you must indicate those funds in the budget section of the work plan. You must also identify the project officer, agency, office, address, phone number, and the amount of the federal funds.

This subsection will be scored on: (a) how well the budget information clearly and accurately shows how funds will be used; (b) whether the funding request is reasonable given the activities proposed; and (c) whether the funding provides a good return on the investment.

Budget—Maximum Score: 15 points (5 Points for each of (a) Through (c))

(5) *Appendices:*

(a) *Timeline*—Include a ''timeline'' to link your activities to a clear project schedule and indicate at what point over the months of your budget period each action, event, product, development, etc. occurs.

(b) *Key Personnel*—Attach a one page resume for the key personnel conducting the project (Maximum of three resumes please).

(c) *Letters of Commitment*—If the applicant organization has partners, such as schools, state agencies, or other organizations, include one page letters of commitment from partners *explaining their role* in the proposed project. Do *not* include letters of endorsement or recommendation or have them mailed in later; they will *not* be considered in evaluating proposals.

Please do not submit other appendices or attachments such as video tapes or sample curricula. EPA may request such items if your proposal is among the finalists under consideration for funding.

This subsection will be scored based upon: (1) Whether the timeline clarifies the workplan and allows reviewers to determine that the project is well thought out and feasible as planned; (2) whether the key personnel are qualified to implement the proposed project; and (3) whether letters of commitment are included (if partners are used) and the extent to which a firm commitment is made.

Appendices—Maximum Score: 15 Points (5 Points Each (a) Through (c))

(6) *Bonus Points:* Reviewers have the flexibility to provide up to 10 bonus points for exceptional projects based on the following criteria. (a) A maximum of 5 bonus points for: addressing an educational priority or environmental issue well, strong partnerships, solid recruitment plan for teachers or other target audience, creative use of resources, innovation, or other strengths noted by the reviewers. (b) A maximum of 5 bonus points for a well explained and easily read proposal. Factors for points could include: clear and concise, well organized, no unnecessary jargon, or other strengths noted by the reviewers who evaluate and compare proposals.

Bonus Points—Maximum Score: 10 Points (5 Points Each for (a) and (b))

L. Page Limits

The Work Plan should not exceed 5 pages. ''One page'' refers to one side of a single-spaced typed page. The pages must be letter sized (8 ½ x 11 inches), with margins at least one-half inch wide and with normal type size (10 or 12 font), rather than extremely small type. This page limit applies to Parts 1, 2, and 3 of the Work Plan, (i.e., the Summary, Project Description, and Project Evaluation). Parts 4 and 5 (i.e. Budget and Appendices) are not included in these page limits.

M. Submission Requirements and Copies

The applicant must submit one original and *one* copy of the proposal (a signed SF–424, an SF–424A, a work plan, a budget, and the appendices listed above). Do *not* include other attachments such as cover letters, tables of contents, additional federal forms or appendices other than those listed above. Grant reviewers often lower scores on proposals for failure to follow instructions. The SF–424 should be the first page of your proposal and *must be* signed by a person authorized to receive funds. Blue ink for signatures is preferred. Proposals must be reproducible; they should not be bound. They should be stapled or clipped once in the upper left hand corner, on white paper, and with page numbers. Mailing addresses for submission of proposals are listed at the end of this document.

Section V.—Review and Selection Process

N. Proposal Review

Proposals submitted to EPA headquarters and regional offices will be evaluated using the same criteria, as defined here and in Section IV of this solicitation. Proposals will be reviewed in two phases—the screening phase and the evaluation phase. During the screening phase, proposals will be reviewed to determine whether they meet the basic requirements of this

document. Only those proposals which meet all of the basic requirements will enter the full evaluation phase of the review process. During the evaluation phase, proposals will be evaluated based upon the quality of their work plans. Reviewers conducting the screening and evaluation phases of the review process will include EPA officials and external environmental educators approved by EPA. At the conclusion of the evaluation phase, the reviewers will score work plans based upon the scoring system described in more detail in Section IV. In summary, the maximum score of 100 points can be reached as follows:

(1) Project Summary—10 Points
(2) Project Description—40 Points
(3) Project Evaluation—10 Points
(4) Budget—15 Points
(5) Appendices—15 Points
(6) Bonus Points—10 Points (Only for outstanding proposals)

O. Final Selections

After individual projects are evaluated and scored by reviewers, as described under Section IV, EPA officials in the regions and at headquarters will select a diverse range of finalists from the highest ranking proposals. In making the final selections, EPA will take into account the following:

(1) Effectiveness of collaborative activities and partnerships, as needed to successfully develop or implement the project;
(2) Environmental and educational importance of the activity or product;
(3) Effectiveness of the delivery mechanism (i.e., workshop, conference, etc.);
(4) Cost effectiveness of the proposal; and
(5) Geographic distribution of projects.

P. Notification to Applicants

Applicants will receive a confirmation that EPA has received their proposal once EPA has received all proposals and entered them into a computerized database, usually within two months of receipt. EPA will contact finalists no later than early summer to request additional federal forms and other items as recommended by reviewers.

Section VI.—Grantees Responsibilities

Q. Responsible Officials

The Act requires that projects be performed by the applicant or by a person satisfactory to the applicant and EPA. All proposals must identify any person other than the applicant who will assist in carrying out the project. These individuals are responsible for receiving the grant award agreement from EPA and ensuring that all grant conditions are satisfied. Recipients are responsible for the successful completion of the project.

R. Incurring Costs

Grant recipients may begin incurring costs on the start date identified in the EPA grant award agreement. Activities must be completed and funds spent within the time frames specified in the document.

S. Reports and Work Products

Specific financial and other reporting requirements will be identified in the EPA grant award agreement. Grant recipients receiving more than $100,000 from EPA will be required to submit formal semi-annual progress reports; and grantees for less may be required to submit brief semi-annual reports. Grant recipients will submit two copies of their final report and two copies of all work products to the EPA project officer within 90 days after the expiration of the budget period. This report will be accepted as the final requirement unless the EPA project officer notifies you that changes must be made.

Section VII.—Resource Information and Mailing List

T. Internet: www.epa.gov/enviroed

Resources: Please visit our website where you can view and download this solicitation notice, tips for developing successful grant applications, descriptions of projects funded under this program by state, and other education links and resource materials. The ''Excellence in EE'' series of publications listed there includes guidelines for: developing and evaluating educational materials; the initial preparation of environmental educators; and using environmental education in grades K–12 to support state and local education reform goals. In addition, a tutorial for grant applicants is available at: *www.epa.gov/seahome/grants/src/grant.htm*

Forms: If you receive this solicitation electronically and if the standard federal forms for Application (SF–424) and Budget (SF–424A) cannot be printed by your equipment, you may locate them the following ways (but please read our instructions which have been modified for this grant program): The **Federal Register** in which this document is published contains the forms and is available to be copied at many public libraries; many federal offices use the forms and have copies available; or you may call or write the appropriate EPA office listed at the end of this document.

U. Other Funding

Please note that this is a very competitive grants program. Limited funding is available and many grant applications are expected to be received. Therefore, EPA cannot fund all applications. If your project is not funded, you may wish to review a listing of other EPA grant programs in the *Catalog of Federal Domestic Assistance.* This publication is available at local libraries, colleges, and universities.

V. Regulatory References

The Environmental Education Grant Program Regulations, published in the **Federal Register** on March 9, 1992, provides additional information on EPA's administration of this program (57 FR 8390; Title 40 CFR, part 47 or 40 CFR part 47). Also, EPA's general assistance regulations at 40 CFR part 31 applies to state, local, and Indian tribal governments and 40 CFR part 30 applies to all other applicants such as nonprofit organizations.

W. Classification of Notice

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804 (2).

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this solicitation under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2030–0006.

X. Mailing List for Year 2002 Environmental Education Grants

EPA develops an entirely new mailing list for the grants program each year. The Fiscal Year 2002 mailing list will automatically include all applicants who submit proposals for a FY 2001 grant and anyone who specifically requests the next Solicitation Notice. If you do not submit a proposal for the year 2001 and wish to be added to our future mailing list, mail your request—please do not telephone—along with your name, organization, address, and phone number to: Environmental Education Grant Program (Year 2002), EPA Office of Environmental Education,

(1704 A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Dated: August 25, 2000.

John Kasper,

Acting Deputy Associate Administrator, Office of Communications, Education, and Media Relations.

Mailing Addresses and Information

Applicants who need more information about this grant program or clarification about specific requirements in this Solicitation Notice, may contact the Environmental Education Office in Washington, D.C. for grant requests of more than $25,000 or their EPA regional office for grant requests of $25,000 or less.

U.S. EPA Headquarters—For Proposals Requesting More Than $25,000 From EPA

Mail proposals to: Environmental Education Grant Program, Office of Environmental Education (1704 A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Information: Diane Berger and Sheri Jojokian, (202) 260–8619.

U.S. EPA Regional Offices—For Proposals Requesting $25,000 or Less

Mail the proposal to the Regional Office where the project will take place, rather than where the applicant is located, if these locations are different.

EPA Region I—CT, ME, MA, NH, RI, VT

Mail proposals to: U.S. EPA, Region I, Enviro Education Grants (MGM), 1 Congress Street, Suite 1100, Boston, MA 02114.

Hand-deliver to: 10th Floor Mail Room, Boston, MA (M–F 8am–4pm).

Information: Kristen Conroy, (617) 918–1069.

EPA Region II—NJ, NY, PR, VI

Mail proposals to: U.S. EPA, Region II, Enviro Education Grants, Grants and Contracts Management Branch, 290 Broadway, 27th Floor, New York, NY 10007–1866.

Information: Teresa Ippolito, (212) 637–3671.

EPA Region III—DC, DE, MD, PA, VA, WV

Mail proposals to: U.S. EPA, Region III, Enviro Education Grants, Grants Management Section (3PM70), 1650 Arch Street, Philadelphia, PA 19103–2029.

Information: Nan Ides, (215) 814–5546.

EPA Region IV—AL, FL, GA, KY, MS, NC, SC, TN

Mail proposals to: U.S. EPA, Region IV, Enviro Education Grants, Office of External Affairs, 61 Forsyth Street, S.W., Atlanta, GA 30303.

Information: Benjamin Blair, (404) 562–8321.

EPA Region V—IL, IN, MI, MN, OH, WI

Mail proposals to: U.S. EPA, Region V, Enviro Education Grants, Grants Management Section (MC–10J), 77 West Jackson Boulevard, Chicago, IL 60604.

Information: Megan Gavin, (312) 353–5282.

Region VI—AR, LA, NM, OK, TX

Mail proposals to: U.S. EPA, Region VI, Enviro Education Grants (6XA), 1445 Ross Avenue, Dallas, TX 75202.

Information: Jo Taylor, (214) 665–2204.

Region VII—IA, KS, MO, NE

Mail proposal to: U.S. EPA, Region VII, Enviro Education Grants, Office of External Programs, 901 N. 5th Street, Kansas City, KS 66101.

Information: Denise Morrison, (913) 551–7402.

Region VIII—CO, MT, ND, SD, UT, WY

Mail proposals to: U.S. EPA, Region VIII, Enviro Education Grants, 999 18th Street (80C), Denver, CO 80202–2466.

Information: Cece Forget, (303) 312–6605.

Region IX—AZ, CA, HI, NV, American Samoa, Guam, Northern Marianas

Mail proposals to: U.S. EPA, Region IX, Enviro Education Grants, Commun. & Gov't Relations (CGR–3), 75 Hawthorne Street, San Francisco, CA 94105.

Information: Stacey Benfer, (415) 744–1161.

Region X—AK, ID, OR, WA

Mail proposals to: U.S. EPA, Region X, Enviro Education Grants, Public Environmental Resource Center, 1200 Sixth Avenue (EXA–124), Seattle, WA 98101

Information: Sally Hanft, (800) 424–4372, (206) 553–1207.

Instructions for the SF 424–Application

This is a standard Federal form to be used by applicants as a required face sheet for the Environmental Education Grants Program. These instructions have been modified for this program only and do not apply to any other Federal program.

1. Check the box marked ''Non-Construction'' under ''Application.''

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If you are currently funded for a related project, enter present Federal identifier number. If not, leave blank.

5. Legal name of applicant organization, name of primary organizational unit which will undertake the grant activity, complete address of the applicant organization, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. You can obtain this number from your payroll office. It is the same Federal Identification Number which appears on W–2 forms. If your organization does not have a number, you may obtain one by calling the Taxpayer Services number for the IRS.

7. Enter the appropriate letter in the space provided.

8. Check the box marked ''new'' since all proposals must be for new projects.

9. Enter U.S. Environmental Protection Agency.

10. Enter 66.951 Environmental Education Grants Program.

11. Enter a brief descriptive title of the project.

12. List only the largest areas affected by the project (e.g., State, counties, cities).

13. Self-explanatory (see Section IV, K4 in Solicitation Notice).

14. In (a) list the Congressional District where the applicant organization is located; and in (b) any District(s) affected by the program or project. If your project covers many areas, several congressional districts will be listed. If it covers the entire state, simply put in STATEWIDE. If you are not sure about the congressional district, call the County Voter Registration Department.

15. Amount requested or to be contributed during the funding/budget period by each contributor. Line (a) is for the amount of money you are requesting from EPA. Lines (b–e) are for the amounts either you or another organization are providing for this project. Line (f) is for any program income which you expect will be generated by this project. Examples of program income are fees for services performed, income generated from the sale of a brochure produced with the grant funds, or admission fees to a conference financed by the grant funds. The total of lines (b–e) must be at least 25% of line (g), as this grant has a match requirement of 25% of the Total Allowable Project Costs. Value of in-kind contributions should be included on appropriate lines as applicable. If both basic and supplemental amounts

are included, show breakdown on an attached Budget sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Check (b) (NO) since your application does not have to be sent through the state clearinghouse for review.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. The authorized representative is the person who is able to contract or obligate your agency to the terms and conditions of the grant. (Please sign with blue ink.) A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

Instructions for the SF–424A—Budget

This is a standard Federal form used by applicants as a basic budget. These instructions have been modified for this grant program only and do *not* apply to any other Federal Program. Do not fill in Section A—Budget Summary.

Complete Section B—Budget Categories—Columns (1), (2) and (5)

For each major program, function or activity, fill in the total requirements for funds by object class categories. Please round figures to the nearest dollar.

All applications should contain a breakdown by the relevant object class categories shown in Lines (a–h): columns (1), (2), and (5) of Section B. Include Federal funds in column (1) and non-Federal (matching) funds in column (2), and put the totals in column (5). Many applications will not have entries in all object class categories. Line 6(i)—Show the totals of lines 6(a) through 6(h) in each column. Line 6(j)—Show the amount of indirect costs, but ONLY if your organization has already prepared an ''indirect cost rate'' proposal and has it on file, subject to audit. Line 6(k)—Enter the total of amounts of Lines 6(i) and 6(j). Line 7—Program Income—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Describe the nature and source of income in the detailed budget description.

Detailed Itemization of Costs: The proposal must also contain a detailed budget description as specified in the Notice in Section IV, K4, and should conform to the following:

Personnel: List all participants in the project by position title. Give the percentage of the budget period for which they will be fully employed on the project (e.g., half-time for half the budget period equals 25%, full-time for half the budget period equals 50%, *etc.*). Give the annual salary and the total cost over the budget period for all personnel listed.

Travel: If travel is budgeted, show destination and purpose of travel as well as costs.

Equipment: Identify all equipment to be purchased and for what purpose it will be used.

Supplies: If the supply budget is less than 2% of total costs, you do not need to itemize.

Contractual: Specify the nature and cost of such services. EPA may require review of contracts for personal services prior to their execution to assure that all costs are reasonable and necessary to the project.

Construction: Not allowable for this program.

Other: Specify all other costs under this category.

Indirect Costs: Provide an explanation of how indirect charges were calculated for this project.

BILLING CODE 6560–50–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

EXAMPLE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED 11/10/00	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name: Wythe County School System

Organizational Unit: Office of Teacher Training

Address (give city, county, state, and zip code): 219 Main Street, Wytheville, VA 12345

Name and telephone number of the person to be contacted on matters involving this application (give area code): Janet Jones (TEL) (540) 223-4567 (FAX) (540) 223-7890

6. EMPLOYER IDENTIFICATION NUMBER (EIN): 1 2 – 3 4 5 6 7 8 9

7. TYPE OF APPLICANT: (enter appropriate letter in box) [B]

A. State; B. County; C. Municipal; D. Township; E. Interstate; F. Intermunicipal; G. Special District; H. Independent School Dist.; I. State Controlled Institution of Higher Learning; J. Private University; K. Indian Tribe; L. Individual; M. Profit Organization; N. Non-Profit; O. Other (Specify)

8. TYPE OF APPLICATION: ☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award; B. Decrease Award; C. Increase Duration; D. Decrease Duration; Other (specify):

9. NAME OF FEDERAL AGENCY: U.S. ENVIRONMENTAL PROTECTION AGENCY

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 6 6 . 9 5 1

TITLE: ENVIRONMENTAL EDUCATION GRANT

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: "Eco-Blue" Teacher Training re: Ecosystems in the Blue Ridge Mountains

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): 3 Counties: Wythe, Smith, Green

13. PROPOSED PROJECT:

Start Date	Ending Date
07/01/01	06/30/02

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project
02	02, 04, 12

15. ESTIMATED FUNDING:

a. Federal	$ 10,000	.00
b. Applicant	$ 3,000	.00
c. State	$	.00
d. Local	$	.00
e. Other	$ 334	.00
f. Program Income	$	.00
g. TOTAL	$ 13,334	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☒ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
John Smith	Superintendent of Schools	(540) 223-4231

d. Signature of Authorized Representative: John Smith

e. Date Signed: 11/10/00

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Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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BUDGET INFORMATION — Non-Construction Programs

EXAMPLE

SECTION A — BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B — BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Federal Funds	(2) Non-Federal Match	(3)	(4)	
a. Personnel	$ 4,200	$ 1,600	$		$ 5,800
b. Fringe Benefits	400	200			600
c. Travel	500	200			700
d. Equipment					
e. Supplies	2,300	1,000			3,300
f. Contractual	1,200				1,200
g. Construction	XXXXXXXXXXX	XXXXXXXXXXX			XXXXXXXXXXX
h. Other	1,400	334			1,734
i. Total Direct Charges (sum of 6a - 6h)	10,000	3,334			13,334
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$ 10,000	$ 3,334	$	$	$ 13,334
7. Program Income	$	$	$	$	$

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OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	Preapplication
☐ Construction	☐ Construction
☒ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address (*give city, county, state, and zip code*):

Name and telephone number of the person to be contacted on matters involving this application (*give area code*)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (*enter appropriate letter in box*) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Non-Profit
O. Other (Specify) _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (*specify*):

9. NAME OF FEDERAL AGENCY:
U.S. ENVIRONMENTAL PROTECTION AGENCY

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 6 6 . 9 5 1

TITLE: ENVIRONMENTAL EDUCATION GRANT

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (*cities, counties, states, etc.*):

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☒ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

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OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

Section A — BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B — BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Federal Funds	(2) Non-Federal Match	(3)	(4)	
a. Personnel	$	$			$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction	XXXXXXXXXXX	XXXXXXXXXXX			XXXXXXXXXXX
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$			$
7. Program Income	$	$			$

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BILLING CODE 6560–50–C

Reader Aids

Federal Register

Vol. 65, No. 170

Thursday, August 31, 2000

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- Technical amendments; published 8-31-00

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- California; published 8-1-00

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Buprofezin; published 8-31-00

Superfund program:
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  - Naitonal priorities list update; published 8-31-00

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  - Trimethylolethane; published 8-31-00

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- Polymers; published 8-31-00

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Federal Aviation Administration

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- Sikorsky; published 8-16-00

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- Reasonable security provision; comments due by 9-8-00; published 8-9-00

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- Oregon and Washington; comments due by 9-5-00; published 7-6-00

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Marine mammals:
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  - Northern fur seals; comments due by 9-8-00; published 8-9-00

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Water pollution; effluent guidelines for point source categories:
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  - Class I municipal wells in Florida; comments due by 9-5-00; published 7-7-00

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  - National Exchange Carrier Association, Inc.; access tariffs participation changes; notice period shortened; comments due by 9-8-00; published 8-24-00

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- Texas; comments due by 9-5-00; published 7-17-00

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  - Tenant-based certificate and voucher programs merger into Housing Choice Voucher Program; comments due by 9-8-00; published 7-10-00

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.R. 3519/P.L. 106–264

Global AIDS and Tuberculosis Relief Act of 2000 (Aug. 19, 2000; 114 Stat. 748)

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