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

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 204 and 245

[INS No. 2048–00]

RIN 1115–AF75

National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service (Service) regulations by establishing the procedure under which a physician who is willing to practice full-time in an area designated by the Secretary of Health and Human Services as having a shortage of health care professionals or in a facility operated by the Department of Veterans Affairs may obtain a waiver of the job offer requirement that applies to alien beneficiaries of second preference employment-based immigrant visa petitions. This rule explains the requirements the alien physician must meet in order to obtain approval of an immigrant visa petition and, once the physician has completed the requirements, to obtain adjustment to lawful permanent residence status. This regulatory change is necessary to help reduce the shortage of physicians in designated underserved areas of the United States.

EFFECTIVE DATE: This interim rule is effective October 6, 2000.

Comment date: Written comments must be submitted on or before November 6, 2000.

ADDRESSES: Written comments must be submitted, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW, Room 5307, Washington, DC, 20536. To ensure proper handling, please reference the INS number 2048–00 on your correspondence. Comments are available for public inspection at this location by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Craig Howie, Headquarters Adjudications Officer, Business and Trade Services, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3040, Washington, DC 20536, telephone (202) 353–8177.

SUPPLEMENTARY INFORMATION:

Background

What Are National Interest Waivers?

Section 203 of the Immigration and Nationality Act (the Act) provides for the allocation of preference visas for both family and employment-based immigrants. The second preference employment-based category (EB–2) allows for the immigration of aliens who are members of the professions holding advanced degrees or aliens of exceptional ability. See section 203(b)(2) of the Act. The Act at section 203(b)(2)(B) also allows the Attorney General to waive the job offer requirement placed on EB–2 immigrants when the Attorney General determines that services the alien intends to provide will be in the national interest. Such waivers are commonly called national interest waivers. These waivers relieve the petitioner from fulfilling the labor certification requirement, as administered by the Department of Labor.

Legislative Authority

How Has Congress Amended Section 203 of the Act?

On November 12, 1999, the President approved enactment of the Nursing Relief for Disadvantaged Areas Act of 1999, Public Law 106–95 (Nursing Relief Act). Section 5 of the Nursing Relief Act amends section 203(b)(2) of the Act by adding a new subparagraph (B)(ii). The amendment establishes special rules for requests for a national interest waiver that are filed by or on behalf of physicians who are willing to work in an area or areas of the United States designated by the Secretary of Health and Human Services (HHS) as having a shortage of health care professionals or at facilities operated by the Department of Veterans Affairs (VA). The amendment is applicable only to practicing licensed physicians (namely doctors of medicine and doctors of osteopathy), not other health care professionals such as nurses, physical therapists, or doctor's assistants.

Note that the Consolidated Appropriations Act, 2000, Public Law 106–113, 113 Stat. 1501, enacted on November 29, 1999, also included an essentially identical amendment to section 203(b)(2)(B) of the Act. (See Section 1000(a)(1) of Division B of Pub. L. 106–113, 113 Stat. at 1535, which enacts the Department of Justice Appropriations Act, 2000.) To make the benefit of new section 203(b)(2)(B)(ii) as widely available as possible, and to avoid confusion for any physician on whose behalf a petition was filed between November 12 and November 29, 1999, the interim rule fixes November 12, 1999, as the proper effective date.

Under the Act as amended, the Attorney General is directed to grant a national interest waiver of the job offer requirement to any alien physician who agrees to work full-time in a clinical practice for the period fixed by statute. For most cases, the required period of service is 5 years; 3 years' service is sufficient in those cases involving immigrant visa petitions filed before November 1, 1998. The alien physician must provide the service either in an area or areas designated by the HHS as having a shortage of health care professionals (namely in HHS designated Medically Underserved Areas, Primary Medical Health Professional Shortage Areas, or Mental Health Professional Shortage Areas), or at a VA facility or facilities. In either case, the alien physician must also obtain a determination from HHS, VA, another federal agency that has knowledge of the physician's qualifications, or a State department of public health that the physician's work in such an area, areas, or facility is in the public interest.

Why Is the Service Issuing This Regulation?

This interim rule is necessary to codify the provisions of Public Law 106–95 and to put into place procedures for both the public and Service officers to follow.

Are the New Statutory Provisions Available to Any Physician?

Section 203(b)(2)(B)(ii) of the Act states that any physician may petition for a national interest waiver. While the statutory language says ''any physician,'' the Service notes that HHS currently limits physicians in designated shortage areas to the practice of family or general medicine, pediatrics, general internal medicine, obstetrics/gynecology, and psychiatry. Unless HHS establishes shortage areas for other fields of medicine, only these fields of medicine are covered by this rule.

The Service anticipates that the majority of physicians petitioning under the new provisions will be those that are already admitted to the United States in a valid nonimmigrant status. The Service expects that many J–1 nonimmigrant medical doctors in training, as well as physicians practicing medicine in H–1B nonimmigrant status, will apply for this waiver since many J–1 and H–1B physicians practice or are in training to practice family or general medicine. It is unlikely that many physicians living abroad will have completed the necessary licensing and certification procedures in order to qualify for this particular EB–2 immigrant visa. Any physician living abroad who has met the requirements necessary to practice in the United States, however, may seek a national interest waiver of the job offer requirement, if the physician can meet the requirements of section 203(b)(2)(B)(ii).

How Much Time Will the Service Give an Alien Physician To Complete His or Her Aggregate Service?

The interim rule establishes that physicians petitioning for EB–2 immigrant status with a request for a national interest waiver must fulfill the aggregate 5 years of full-time service within a 6-year period following approval of the petition and waiver (within 4 years of approval of the petition and waiver for cases filed before November 1, 1998). The Service is of the opinion that granting physicians one additional year to accumulate the needed aggregate time is more than reasonable.

The Service realizes that situations will arise that cause some physicians to have interruptions in the respective medical practice, such as job loss through no fault of their own and the ensuing search for new employment in an underserved area, pregnancy, or providing care to ill parents, children, or other family members. Nevertheless, the Service does not consider it appropriate to allow physicians to remain in the United States indefinitely without satisfying the service requirement. The Service will, therefore, deny the application for adjustment of status and revoke approval of the visa petition and national interest waiver in any case in which the alien physician fails to submit, within the time fixed by the interim rule, the required documentary evidence establishing the physician's compliance with the service requirement.

Does Time Spent by the Alien Physician in J–1 Status Count Toward the Mandatory Service Time Period?

No. The Act plainly states that any time spent by the alien physician in J–1 nonimmigrant status does not count toward either the 5 or 3-year medical service requirement.

What Evidence Will Physicians Need To Submit?

This interim rule establishes what documentary evidence is necessary for physicians desiring to take advantage of the statutory amendment. However, most of this documentation is similar to what a physician would be required to submit if he or she were not applying for the national interest waiver. In a national interest waiver case, however, the evidence must establish that the physician will work in an HHS designated shortage area or a VA facility and that the petition is supported by the needed attestations from either HHS, VA, another Federal agency that has knowledge of the physician's qualifications, or a State public health department.

Can Any Federal Agency Issue a Needed Attestation?

This interim rule provides that, in order to provide an attestation, the Federal agency must possess knowledge of the alien physician's skills and have experience in making similar type attestations. In addition to HHS and the VA, this might include, for example, attestations from the medical director of a United States military hospital, The Peace Corps, or the Department of State.

Are Similar Limits Placed on State Departments of Health?

Yes, the interim rule establishes that the needed attestation must come from a State department of public health (or the equivalent), including United States territories and the District of Columbia. While the Act, as amended, states that ''a department of public health in any State'' may provide the needed attestation, the Service has concerns over how a completely decentralized system of providing attestations can effectively address the problem of physician shortages. In particular, the Service sees problems with an attestation procedure operating without a central authority in each State having oversight of the process and oversight of where the physicians are actually practicing. Therefore, the interim rule places the authority with each State department of public health to make the necessary attestations. Nothing in this interim rule prevents local departments of public health from urging the central State health department to issue attestations concerning the merits of a particular alien physician and that physician's desire to practice medicine in an HHS-designated underserved area. This policy of placing the authority to render a needed attestation with the State public health department is consistent with Service regulations that address waivers of the 2-year return home requirement for J–1 nonimmigrant physicians. See 8 CFR 212.7(c)(9)(i)(D).

The Service is also restricting such attestations to physicians intending to practice clinical medicine within the agency's territorial jurisdiction. For example, the Service will not accept an attestation from the State of Maryland Public Health Department regarding a physician proposing to practice medicine exclusively in Pennsylvania.

Is There Any Special Provision for Long-Pending Petitions?

As noted, most alien physicians must work in the area designated by the Secretary of HHS as having a shortage of health care professionals (or at the VA facility) for at least 5 years before the alien physician may obtain permanent residence status. A special rule applies if the alien physician is the beneficiary of an immigrant visa petition filed before November 1, 1998. In that case, all the other requirements apply but the alien physician may obtain permanent residence after only 3 years of qualifying service. The Service has established an administrative method to implement the noted effective dates by providing guidance at 8 CFR 204.12(d) for each group of possible petitioners and beneficiaries.

Is This Waiver Available to an Alien Physician Who Is the Beneficiary of an Immigrant Visa Petition That the Service Denied Prior to the Amendment's Enactment Date of November 12, 1999?

If a Service decision that denied an immigrant visa petition became administratively final before November 12, 1999, the alien physician may obtain the benefit contained in the interim rule only through the filing of a new immigrant visa petition with the required evidence. The Service will not entertain motions to reopen or reconsider denied cases because the provisions of section 203(b)(2)(B)(ii) of the Act were not in effect when those particular cases were denied. Under established precedent, in order for an alien to receive a priority date, his or her petition must be fully approvable under the law that is in effect at the time of filing. *See Matter of Atembe.* 19 I&N Dec. 427 (BIA 1986). The denial of a motion to reopen or reconsider, however, will be without prejudice to the filing of a new immigrant visa petition.

This restriction applies only if the denial became final before November 12, 1999. That is, if the petitioner had filed a timely appeal of the Administrative Appeals Office (AAO) which was still pending as of that date, or, if the AAO affirmed the denial but the petitioner had already sought judicial review by November 12, 1999, it will not be necessary to file a new petition. In making provision for cases filed before November 1, 1998, however, section 203(b)(2)(B)(ii)(IV) of the Act makes it clear that Congress intended to apply this new provision to all petitions that were actually pending on November 12, 1999. If a case was pending before the AAO or a Federal court on November 12, 1999, the Service will support remand of the case to the proper Service Center for a new decision in light of the new amendment. If the case is still pending before a Service Center, the visa petitioner may supplement the record with evidence that satisfies the requirements of section 203(b)(2)(B)(ii) of the Act.

At What Point in the Process May an Alien Physician Apply for Adjustment of Status?

Section 203(b)(2)(B)(ii)(III) of the Act allows any physician in receipt of an approved immigrant petition with an accompanying national interest waiver request based on full-time service in a shortage area to immediately apply for adjustment of status to that of lawful permanent resident. With a non-frivolous adjustment of status application pending, the alien physician is eligible to apply for an Employment Authorization Document (EAD) pursuant to 8 CFR 274a.12(c)(9). (Physicians with approved immigrant petitions and national interest waivers based on service in a shortage area should file the application for adjustment of status and the application for an EAD simultaneously.) This relieves the physician of having to maintain any type of valid nonimmigrant status prior to the final adjudication of the adjustment of status application. That is to say, the alien physician, under section 245(c)(7) of the Act, must have been in a lawful nonimmigrant status when the alien physician files the adjustment application, but need not remain in lawful nonimmigrant status during the entire period of medical service.

At What Point Does the Service Begin Counting the Physician's 5 or 3-year Medical Practice Requirement?

In general, the alien's 5-year or 3-year period of medical service begins when the alien starts working for the petitioner in a medically underserved area. If the physician, other than those with J–1 nonimmigrant visas, already has authorization to accept employment at the facility, the 6-year or 4-year period during which the physician must provide the service begins on the date that the Service approves the Form I–140 petition and national interest waiver. If the physician must obtain employment authorization before the physician can begin working, the 6-year or 4-year period begins on the date the Service issues an EAD. Since section 203(b)(2)(B)(ii)(II) of the Act specifically prohibits any time served in J–1 nonimmigrant status as counting towards the 5-year service requirement, J–1 physicians with approved Form I–140 petitions will have their medical service under this rule begin on the date the physician starts his or her employment with the petitioner, and after the Service issues an EAD.

The interim rule does include a special provision for former J–1 nonimmigrant physicians who have obtained foreign residence requirement waivers. Section 214(l) of the Act, as previously amended by section 220 of Public Law 103–416, provides a special waiver of the foreign residence requirement for alien physicians who are willing to work at VA facilities or in HHS-designated underserved areas. Under section 214(l), 3 years' service as an H–1B nonimmigrant is sufficient. The interim rule makes clear that for aliens who already have a waiver under section 214(l) of the Act, the Service will calculate the 5-year or 3-year period of services of the national interest waiver under section 203(b)(2)(B)(ii) of the Act beginning on the date the alien changed from J–1 to H–1B status. That is, an alien who is subject to the foreign residence requirement will not be required to first serve for 3 years to obtain that waiver and then to serve an additional 5 years to obtain adjustment of status based on the national interest waiver.

Will the Service Hold Open an Adjustment of Status Application for the Aggregate 5 or 3-year Period?

Section 203(b)(2)(B)(ii)(II) of the Act prohibits the Attorney General from making a final determination on any adjustment of status application submitted by a physician practicing medicine full-time in a medically underserved area until the physician has had the opportunity to prove that he or she has worked full-time as a physician for an aggregate of 5 or 3 years, depending on filing date. Physicians should note that this period of service does not count any time the physician has spent in a J–1 nonimmigrant status.

The interim rule establishes two points where the alien physician must submit evidence noting his or her practice of medicine in an underserved area. First, physicians with the 5-year service requirement must make an initial submission of evidence no later than 120 days after the second anniversary of the approval of the immigrant petition, From I–140. The physician must document at least 12 months of qualifying employment during the first 2-year period. If a physician has not worked at least one year of this 2-year period, it will be mathematically impossible for the physician to reach his or her five-year mark within six years. At the end of the physician's four-year balance, evidence must be submitted that documents the employment of the final years of the 5-year aggregate service requirement. Alien physicians with the 3-year service requirement will only be required to submit evidence once, at the conclusion of the 3-years aggregate service.

As evidence, the Service will request individual tax return documents, and documentation from the employer attesting that the physician has in fact performed the required full-time clinical medical service. If a physician obtained the waiver based on his or her plan to establish his or her own practice, the physician must submit documentation proving he or she did so, including proof of the incorporation of the

medical practice (if incorporated), business licenses, and business tax returns.

Are the Adjustment of Status Filing Requirements Different for These Alien Physicians?

Yes. Since the Attorney General is prohibited from making the final adjudication on a physician's adjustment of status application, until the physician has submitted evidence documenting the medical service in a shortage area or areas, the interim rule establishes two modifications to the adjustment filing procedure. First, physicians will not be scheduled for fingerprinting at an Application Support Center until the physician submits evidence documenting the completion of the required years of service. Second, physicians will not submit the required medical examination report at the time of filing for adjustment. The medical report will instead be submitted with the documentary evidence noting the physician's fulfillment of the 5 or 3-year medical service requirement.

Can an Alien Physician Relocate to Another Underserved Area During the 5 or 3-year Service Period?

Yes, physicians will not be prohibited from relocating to other underserved areas. However, the interim rule establishes that any physician desiring to relocate must submit a new petition that documents the reasons for the proposed relocation. The interim rule, at 8 CFR 204.12(f), establishes the necessary procedures for the alien physician and the new petitioner to follow.

The Service will take into account the amount of time the physician is engaged in full-time practices in calculating the aggregate medical service time in the underserved areas. For example, if the physician completed 3 years of service before approval of a second petition, then only 2 more years of service would be needed to qualify for adjustment of status. However, petitioners and beneficiaries should note that the authorization to begin a medical practice in a new area does not constitute the beginning of a new 6-year period. Regardless of the number of moves, physicians are granted just one 6-year period to complete the required service time.

Will the Service Require a Physician To Relocate to Another Underserved Area If the Initial Area Loses Designation as an Underserved Area?

The interim rule does not require that a physician relocate to another underserved area should the area the physician is practicing full-time clinical medicine lose its designation as an underserved area. The purpose of such a designation is to foster a greater physician presence in underserved areas. The Service believed one of the desired results of the statutory amendment is for physicians to take up residency in these areas and become integral parts of the community. Once an area is no longer designated as an underserved area, however, the Service can no longer grant national interest waivers for physicians to practice in that area (other than for physicians who will work in a VA facility).

What Action Will the Service Take If the Alien Physician Does Not Submit the Required Evidence Needed To Complete the Adjustment Process?

The interim rule establishes, at section 245.18(i), that the Service will deny the application for adjustment of status and revoke approval of the Form I–140 if a physician fails to file proof of the physician's completion of the service requirement in a timely fashion.

Request for Comments

The Service is seeking public comments regarding this interim rule. In particular, the Service is interested in hearing from States on the Service's intended method of vesting State departments of public health with the authority to issue attestations for alien physicians. The Service welcomes suggestions on this and all other topics concerning the information contained within this interim rule.

Good Cause Exception

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation public comments, is based on the ''good cause'' exceptions found at 5 U.S.C. 553 (b)(B) and (d)(3). The reason and necessity for immediate implementation of this interim rule without prior notice and comment is that the new legislation became effective upon enactment and requires the Service to alter the processing of immigrant petitions where the petitioner is requesting a national interest waiver based on service as a physician at a VA facility or in an area designated by the Secretary of HHS as having a shortage of health care professionals. Issuing an interim rule allows the regulatory provisions to become effective in a relatively short period of time, and allows alien physicians to begin taking advantage of the new provisions without further delays.

The Service is also aware of the effect that delays in issuing these interim regulations may have on public health in underserved areas of the United States. For this reason, the Service has already consulted with and incorporated suggestions from other Federal agencies involved with physician shortage issues, including HHS, the VA, the Departments of State and Agriculture, and the Appalachian Regional Commission.

For these reasons, the Commissioner has determined that delaying the implementation of this rule would be unnecessary and contrary to the public interest, and that there is good cause for dispensing with the requirements of prior notice. However, the Service welcomes public comment on this interim rule and will address those comments prior to the implementation of the final rule.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities. While some physicians will self-petition and establish self-operated medical practices or clinics, the Service anticipates that the majority of physicians taking advantage of the provisions outlined within this regulation will be employed by hospitals, clinics, or other medical facilities. In these instances, the effect on hospitals, clinics, or other medical facilities considered small entities will be positive by expanding the labor pool of qualified physicians eligible to be employed in designated underserved areas.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1-year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse

effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Under Executive Order 12866, section 6(a)(3)(B)–(D), this proposed rule has been submitted to the Office of Management and Budget for review. This rule is mandated by the Nursing Relief for Disadvantaged Areas Act of 1999 in order to create an incentive for qualified alien physicians to practice medicine in medically underserved areas of the United States.

Executive Order 13132

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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

Paperwork Reduction Act of 1995

The evidence requirements contained in § 204.12 and § 245.18 that must be submitted with the Forms I–140 and I–485 are considered information collections. Since a delay in issuing this interim rule could have an impact in providing public health services in underserved areas of the United States, the Service is using emergency review procedures for review and clearance by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act (PRA) of 1995.

The OMB approval has been requested by September 21, 2000. If granted, the emergency approval is only valid for 180 days. Comments concerning the information collection should be directed to: Office of Information and Regulatory Affairs, OMB Desk Officer for the Immigration and naturalization Service, Office of Management and Budget, Room 10235, Washington, DC 20503.

During the first 60 days of this same period a regular review of this information will also be undertaken. Written comments are encouraged and will be accepted until November 6, 2000. Your comments should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The Service, in calculating the overall burden this requirement will place upon the public, estimates that approximately 8,000 physicians may apply for the national interest waivers annually. The Service also estimates that it will take the physicians approximately 1 hour to comply with the new requirements as noted in this interim rule. This amounts to 8,000 total burden hours.

Organizations and individuals interested in submitting comments regarding this burden estimate or any aspect of these information collection requirements, including suggestions for reducing the burden, should direct them to: Immigration and Naturalization Service, Director, Policy Directives and Instructions Branch, 425 I Street NW., Room 5307, Washington, DC 20536.

List of Subjects

8 CFR Part 204

Administrative practice and procedures, Aliens, Employment, Immigration, Petitions.

8 CFR Part 245

Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 204—IMMIGRANT PETITIONS

1. The authority citation for part 204 continues to read as follows:

Authority: 8 U.S.C. 1101, 1003, 1151, 1153, 1154, 1182, 1186a, 1255, 1641; 8 CFR part 2.

2. Section 204.12 is added to read as follows:

§ 204.12 How can second-preference immigrant physicians be granted a national interest waiver based on service in a medically underserved area or VA facility?

(a) *Which physicians qualify*? Any alien physician (namely doctors of medicine and doctors of osteopathy) for whom an immigrant visa petition has been filed pursuant to section 203(b)(2) of the Act shall be granted a national interest waiver under section 203(b)(2)(B)(ii) of the Act if the physician requests the waiver in accordance with this section and establishes that:

(1) The physician agrees to work full-time (40 hours per week) in a clinical practice for an aggregate of 5 years (not including time served in J–1 nonimmigrant status); and

(2) The service is;

(i) In a geographical area or areas designated by the Secretary of Health and Human Services (HHS) as a Medically Underserved Area, a Primary Medical Health Professional Shortage Area, or a Mental Health Professional Shortage Area, and in a medical speciality that is within the scope of the Secretary's designation for the geographical area or areas; or

(ii) At a health care facility under the jurisdiction of the Secretary of Veterans Affairs (VA); and

(3) A Federal agency or the department of public health of a State, territory of the United States, or the District of Columbia, has previously determined that the physician's work in that area or facility is in the public interest.

(b) *Is there a time limit on how long the physician has to complete the required medical service*?

(1) If the physician already has authorization to accept employment (other than as a J–1 exchange alien), the beneficiary physician must complete the aggregate 5 years of qualifying full-time clinical practice during the 6-year period beginning on the date of approval of the Form I–140.

(2) If the physician must obtain authorization to accept employment before the physician may lawfully begin working, the physician must complete the aggregate 5 years of qualifying full-time clinical practice during the 6-year period beginning on the date of the Service issues the necessary employment authorization document.

(c) *Are there special requirements for these physicians*? Petitioners requesting the national interest waiver is described in this section on behalf of a qualified alien physician, or alien physicians self-

petitioning for second preference classification, must meet all eligibility requirements found in paragraphs (k)(1) through (k)(3) of § 204.5. In addition, the petitioner or self-petitioner must submit the following evidence with Form I–140 to support the request for a national interest waiver. Physicians planning to divide the practice of full-time clinical medicine between more than one underserved area must submit the following evidence for each area of intended practice.

(1)(i) If the physician will be an employee, a full-time employment contract for the required period of clinical medical practice, or an employment commitment letter from a VA facility. The contract or letter must have been issued and dated within 6 months prior to the date the petition is filed.

(ii) If the physician will establish his or her own practice, the physician's sworn statement committing to the full-time practice of clinical medicine for the required period, and describing the steps the physician has taken or intends to actually take to establish the practice.

(2) Evidence that the physician will provide full-time clinical medical service:

(i) In a geographical area or areas designated by the Secretary of HHS as having a shortage of health care professionals and in a medical speciality that is within the scope of the Secretary's designation for the geographical area or areas; or

(ii) In a facility under the jurisdiction of the Secretary of VA.

(3) A letter (issued and dated within 6 months prior to the date on which the petition is filed) from a Federal agency or from the department of public health (or equivalent) of a State or territory of the United States or the District of Columbia, attesting that the alien physician's work is or will be in the public interest.

(i) An attestation from a Federal agency must reflect the agency's knowledge of the alien's qualifications and the agency's background in making determinations on matters involving medical affairs so as to substantiate the finding that the alien's work is or will be in the public interest.

(ii) An attestation from the public health department of a State, territory, or the District of Columbia must reflect that the agency has jurisdiction over the place where the alien physician intends to practice clinical medicine. If the alien physician intends to practice clinical medicine in more than one underserved area, attestations from each intended area of practice must be included.

(4) Evidence that the alien physician meets the admissibility requirements established by section 212(a)(5)(B) of the Act.

(5) Evidence of the Service-issued waivers, if applicable, of the requirements of sections 212(e) of the Act, if the alien physician has been a J–1 nonimmigrant receiving medical training within the United States.

(d) *How will the Service process petitions filed on different dates*?

(1) *Petitions filed on or after November 12, 1999.* For petitions filed on or after November 12, 1999, the Service will approve a national interest waiver provided the petitioner or beneficiary (if self-petitioning) submits the necessary documentation to satisfy the requirements of section 203(b)(2)(B)(ii) of the Act and this section, and the physician is otherwise eligible for classification as a second preference employment-based immigrant. Nothing in this section relieves the alien physician from any other requirement other than that of fulfilling the labor certification process as provided in § 204.5(k)(4).

(2) *Petitions pending on November 12, 1999.* Section 203(b)(2)(B)(ii) of the Act applies to all petitions that were pending adjudication as of November 12, 1999 before a Service Center, before the associate Commissioner for Examinations, or before a Federal court. Petitioners whose petitions were pending on November 12, 1999, will not be required to submit a new petition, but may be required to submit supplemental evidence noted in paragraph (c) of this section. The requirement that supplemental evidence be issued and dated within 6 months prior to the date on which the petition is filed is not applicable to petitions that were pending as of November 12, 1999. If the case was pending before the Associate Commissioner for Examinations or a Federal court on November 12, 1999, the petitioner should ask for a remand to the proper Service Center for consideration of this new evidence.

(3) *Petitions denied on or after November 12, 1999.* The Service Center or the Associate Commissioner for Examinations shall reopen any petition affected by the provision of section 203(b)(2)(B)(ii) of the Act that the Service denied on or after November 12, 1999, but prior to the effective date of this rule.

(4) *Petitions filed prior to November 1, 1998.* For petitions filed prior to November 1, 1998, and still pending as of November 12, 1999, the Service will approve a national interest waiver provided the beneficiary fulfills the evidence requirements of paragraph (c) of this section. Alien physicians that are beneficiaries of pre-November 1, 1998, petitions are only required to work full-time as a physician practicing clinical medicine for an aggregate of 3 years, rather than 5 years, not including time served in J–1 nonimmigrant status, prior to the physician either adjusting status under section 245 of the Act or receiving a visa issued under section 204(b) of the Act. The physician must complete the aggregate of 3 years of medical service within the 4-year period beginning on the date of the approval of the petition, if the physician already has authorization to accept employment (other than as a J–1 exchange alien). If the physician does not already have authorization to accept employment, the physician must perform the service within the 4-year period beginning the date the Service issues the necessary employment authorization document.

(5) *Petitions filed and approved before November 12, 1999.* An alien physician who obtained approval of a second preference employment-based visa petition and a national interest waiver before November 12, 1999, is not subject to the service requirements imposed in section 203(b)(2)(B)(ii) of the Act. If the physician obtained under section 214(1) of the Act a waiver of the foreign residence requirement imposed under section 212(e) of the Act, he or she must comply with the requirements of section 214(1) of the Act in order to continue to have the benefit of that waiver.

(6) *Petitions denied prior to November 12, 1999.* If a prior Service decision denying a national interest waiver under section 203(b)(2)(B) of the Act became administratively final before November 12, 1999, an alien physician who believes that he or she is eligible for the waiver under the provisions of section 203(b)(2)(B)(ii) of the Act may file a new Form I–140 petition accompanied by the evidence required in paragraph (c) of this section. The Service must deny any motion to reopen or reconsider a decision denying an immigrant visa petition if the decision became final before November 12, 1999, without prejudice to the filing of a new visa petition with a national interest waiver request that comports with section 203(b)(2)(B)(ii) of the Act.

(e) *May physicians file adjustment of status applications?* Upon approval of a second preference employment-based immigrant petition, Form I–140, and national interest waiver based on a full-time clinical practice in a shortage area or areas of the United States, an alien physician may submit Form I–485, Application to Register Permanent Residence or Adjust Status, to the

appropriate Service Center. The Service will not approve the alien physician's application for adjustment of status until the alien physician submits evidence documenting that the alien physician has completed the period of required service. Specific instructions for alien physicians filing adjustment applications are found in § 245.18 of this chapter.

(f) *May a physician practice clinical medicine in a different underserved area?* Physicians in receipt of an approved Form I–140 with a national interest waiver based on full-time clinical practice in a designated shortage area and a pending adjustment of status application may apply to the Service if the physician is offered new employment to practice full-time in another underserved area of the United States.

(1) If the physician beneficiary has found a new employer desiring to petition the Service on the physician's behalf, the new petitioner must submit a new Form I–140 (with fee) with all the evidence required in paragraph (c) of this section, including a copy of the approval notice from the initial Form I–140. If approved, the new petition will be matched with the pending adjustment of status application. The beneficiary will retain the priority date from the initial Form I–140. The Service will calculate the amount of time the physician was between employers so as to adjust the count of the aggregate time served in an underserved area. This calculation will be based on the evidence the physician submits pursuant to the requirements of § 245.18(d) of this chapter. An approved change of practice to another underserved area does not constitute a new 6-year period in which the physician must complete the aggregate 5 years of service.

(2) If the physician intends to establish his or her own practice, the physician must submit a new Form I–140 (with fee) will all the evidence required in paragraph (c) of this section, including the special requirement of paragraph (c)(1)(ii) of this section and a copy of the approval notice from the initial Form I–140. If approved, the new petition will be matched with the pending adjustment of status application. The beneficiary will retain the priority date from the initial Form I–140. The Service will calculate the amount of time the physician was between practices so as to adjust the count of the aggregate time served in an underserved area. This calculation will be based on the evidence the physician submits pursuant to the requirements of § 245.18(d) of this chapter. An approved change of practice to another underserved area does not constitute a new 6-year period in which the physician must complete the aggregate 5 years of service.

(g) *Do these provisions have any effect on physicians with foreign residence requirements?* Because the requirements of section 203(b)(2)(B)(ii) of the Act are not exactly the same as the requirements of section 212(e) or 214(l) of the Act, approval of a national interest waiver under section 203(b)(2)(B)(ii) of the Act and this paragraph does not relieve the alien physician of any foreign residence requirement that the alien physician may have under section 212(e) of the Act.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

3. The authority citation for part 245 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1255, sec. 202. Pub. L. 105–100, 111 Stat. 2160, 2193; sec. 902, Pub. L. 105–277, 112 Stat. 2681; and 8 CFR part 2.

4. Section 245.18 is added to read as follows:

§ 245.18 How can physicians (with approved Forms I–140) that are serving in medically underserved areas or at a Veterans Affairs facility adjust status?

(a) *Which physicians are eligible for this benefit?* Any alien physician who has been granted a national interest waiver under § 204.12 of this chapter may submit Form I–485 during the 6-year period following Service approval of a second preference employment-based immigrant visa petition.

(b) *Do alien physicians have special time-related requirements for adjustment?*

(1) Alien physicians who have been granted a national interest waiver under § 204.12 of this chapter must meet all the adjustment of status requirements of this part.

(2) The Service shall not approve an adjustment application filed by an alien physician who obtained a waiver under section 203(b)(2)(B)(ii) of the Act until the alien physician has completed the period of required service established in § 204.12 of this chapter.

(c) *Are the filing procedures and documentary requirements different for these particular alien physicians?* Alien physicians submitting adjustment applications upon approval of an immigrant petition are required to follow the procedures outlined within this part with the following modifications.

(1) Delayed fingerprinting. Fingerprinting, as noted in the Form I–485 instructions, will not be scheduled at the time of filing. Fingerprinting will be scheduled upon the physician's completion of the required years of service.

(2) Delayed medical examination. The required medical examination, as specified in § 245.5, shall not be submitted with Form I–485. The medical examination report shall be submitted with the documentary evidence noting the physician's completion of the required years of service.

(d) *Are alien physicians eligible for Form I–766, Employment Authorization Document?*

(1) Once the Service has approved an alien physician's Form I–140 with a national interest waiver based upon full-time clinical practice in an underserved waiver based upon full-time clinical practice in an underserved area or at a Veterans Affairs facility, the alien physician should apply for adjustment of status to that of lawful permanent resident on Form I–485, accompanied by an application for an Employment Authorization Document (EAD), Form I–765, as specified in § 274a.12(c)(9) of this chapter.

(2) Since section 203(b)(2)(B)(ii) of the Act requires the alien physician to complete the required employment before the Service can approve the alien physician's adjustment application, an alien physician who was in lawful nonimmigrant status when he or she filed the adjustment application is not required to maintain a nonimmigrant status while the adjustment application remains pending. Even if the alien physician's nonimmigrant status expires, the alien physician shall not be considered to be unlawfully present, so long as the alien physician is practicing medicine in accordance with § 204.5(k)(4)(iii) of this chapter.

(e) *When does the Service begin counting the physician's 5-year or 3-year medical practice requirement?* Except as provided in this paragraph, the 6-year period during which a physician must provide the required 5 years of service begins on the date of the notice approving the Form I–140 and the national interest waiver. Alien physicians who have a 3-year medical practice requirement must complete their service within the 4-year period beginning on that date.

(1) If the physician does not already have employment authorization and so must obtain employment authorization before the physician can begin working, then the period begins on the date the Service issues the employment authorization document.

(2) If the physician formerly held status as a J–1 nonimmigrant, but obtained a waiver of the foreign residence requirement and a change of status to that of an H–1B nonimmigrant, pursuant to section 214(1) of the Act, as amended by section 220 of Public Law 103–416, and § 212.7(c)(9) of this chapter, the period begins on the date of the alien's change from J–1 to H–1B status. The Service will include the alien's compliance with the 3-year period of service required under section 214(l) in calculating the alien's compliance with the period of service required under section 203(b)(2)(B)(ii)(II) of the Act and this section.

(3) An alien may not include any time employed as a J–1 nonimmigrant physician in calculating the alien's compliance with the 5 or 3-year medical practice requirement. If an alien is still in J–1 nonimmigrant status when the Service approves a Form I–140 petition with a national interest job offer waiver, the aggregate period during which the medical practice requirement period must be completed will begin on the date the Service issues an employment authorization document.

(f) *Will the Service provide information to the physician about evidence and supplemental filings?* Upon receipt of the adjustment application, the Service shall provide the physician with the following information and projected timetables for completing the adjustment process.

(1) The Service shall note the date that the medical service begins (provided the physician already had work authorization at the time the Form I–140 was filed) or the date that an employment authorization document was issued.

(2) A list of the evidence necessary to satisfy the requirements of paragraphs (g) and (h) of this section.

(3) A projected timeline noting the dates that the physician will need to submit preliminary evidence two years and 120 days into his or here medical service in an underserved area or VA facility, and a projected date six years and 120 days in the future on which the physician's final evidence of completed medical service will be due.

(g) *Will physicians be required to file evidence prior to the end of the 5 or 3-year period?*

(1) For physicians with a 5-year service requirement, no later than 120 days after the second anniversary of the approval of Petition for Immigrant Worker, Form I–140, the alien physician must submit to the Service Center having jurisdiction over his or her place of employment documentary evidence that proves the physician has in fact fulfilled at least 12 months of qualifying employment. This may be accomplished by submitting the following.

(i) Evidence noted in paragraph (h) of this section that is available at the second anniversary of the I–140 approval.

(ii) Documentation from the employer attesting to the fill-time medical practice and the date on which the physician began his or her medical service.

(2) Physicians with a 3-year service requirement are not required to make a supplemental filing, and must only comply with the requirements of paragraph (h) of this section.

(h) *What evidence is needed to prove final compliance with the service requirement?* No later than 120 days after completion of the service requirement established under § 204.12(a) of this section, an alien physician must submit to the Service Center having jurisdiction over his or her place of employment documentary evidence that proves the physician has in fact satisfied the service requirement. Such evidence must include, but is not limited to:

(1) Individual Federal income tax returns, including copies of the alien'sW–2 forms, for the entire 3-year period of the balance years of the 5-year period that follow the submission of the evidence required in paragraph (e) of this section;

(2) Documentation from the employer attesting to the full-time medical service rendered during the required aggregate period. The documentation shall address instances of breaks in employment, other than routine breaks such as paid vacations;

(3) If the physician established his or her own practice, documents noting the actual establishment of the practice, including incorporation of the medical practice (if incorporated), the business license, and the business tax returns and tax withholding documents submitted for the entire 3 year period, or the balance years of the 5-year period that follow the submission of the evidence required in paragraph (e) of this section.

(i) *What if the physician does not comply with the requirements of paragraphs (f) and (g) of this section*? If an alien physician does not submit (in accordance with paragraphs (f) and (g) of this section) proof that he or she has completed the service required under § 204(n) of this chapter, the Service shall serve the alien physician with a written notice of intent to deny the alien physician's application for adjustment of status and, after the denial is finalized, to revoke approval of the Form I–140 and national interest waiver. The written notice shall require the alien physician to provide the evidence required by paragraph (f) or (g) of this section within 30 days of the date of the written notice. The Service shall not extend this 30-day period. If the alien physician fails to submit the evidence within the 30-day period established by the written notice, the Service shall deny the alien physician's application for adjustment of status and shall revoke approval of the Form I–140 and of the national interest waiver.

(j) *Will a Service officer interview the physician*?

(1) Upon submission of the evidence noted in paragraph (h) of this section, the Service shall match the documentary evidence with the pending form I–485 and schedule the alien physician for fingerprinting at an Application Support Center.

(2) The local Service office shall schedule the alien for an adjustment interview with a Service officer, unless the Service waives the interview as provided in § 245.6. The local Service office shall also notify the alien if supplemental documentation should either be mailed to the office, or brought to the adjustment interview.

(k) *Are alien physicians allowed to travel outside the United States during the mandatory 3 or 5-year service period?* An alien physician who has been granted a national interest waiver under § 204.12 of this chapter and has a pending application for adjustment of status may travel outside of the United States during the required 3 or 5-year service period by obtaining advanced parole prior to traveling. Alien physicians may apply for advanced parole by submitting form I–131, Application for Travel Document, to the Service office having jurisdiction over the alien physician's place of business.

(l) *What if the Service denies the adjustment application*? If the Service denies the adjustment application, the alien physician may renew the application in removal proceedings.

Dated: August 30, 2000.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00–22832 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–270–AD; Amendment 39–11883; AD 2000–17–09]

RIN 2120–AA64

Airworthiness Directive; Aerospatiale Model ATR42–300, –300, and –320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Aerospatiale Model ATR42–200, –300, and –320 series airplanes, that requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Effective October 11, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 11, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. 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: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Aerospatiale Model ATR42 series airplanes was published in the **Federal Register** on August 3, 1999 (64 FR 42052). That action proposed to require a revision to the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate inspections to detect fatigue cracking in certain structure, inspection intervals, and life limits for certain items.

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.

Necessity for Rulemaking

One commenter, an operator, questions the need to issue the proposed AD. The commenter notes that a listing of airworthiness limitations is required for type certification, as specified by section 25.1529 of the Federal Aviation Regulations (14 CFR 25.1529) and Appendix H, paragraph H25.4. The commenter states that this listing is included in its Operations Specifications, and that such specifications would never be approved with any airworthiness limitations that were beyond the limits specified by the manufacturer. In light of this, the commenter considers the actions required by the proposed rule to be redundant.

The FAA infers that the commenter requests that the proposed AD be withdrawn. The FAA does not concur. As stated in the proposed AD, all products certificated to comply with the airworthiness standards requiring ''damage tolerance assessments'' must have Instructions for Continued Airworthiness (or, for some products, maintenance manuals), that include an Airworthiness Limitations Section (ALS).

Based on in-service data or post-certification testing and evaluation, the manufacturer may revise the ALS to include new or more restrictive life limits and structural inspections, or it may become necessary for the FAA to impose new or more restrictive life limits and structural inspections, in order to ensure continued structural integrity and continued compliance with damage tolerance requirements. However, to require compliance with these new inspection requirements and life limits for previously certificated airplanes, the FAA must engage in rulemaking; namely, the issuance of an AD. Because loss of structural integrity would constitute an unsafe condition, it is appropriate to impose such requirements through the AD process. Although prudent operators already may have incorporated the latest revisions of the ALS, issuance of this AD ensures that all operators take appropriate action to correct the identified unsafe condition.

The practice of requiring a revision to the ALS, rather than requiring individual inspections, has been used for several years and is not a novel or unique procedure. The FAA finds that requiring ALS revisions is advantageous for operators because it allows them to record AD compliance status only once—at the time they make the revision—rather than after every inspection. It also has the advantage of keeping all airworthiness limitations, whether imposed by original certification or by the requirements of an AD, in one place within the operator's maintenance program, thereby reducing the risk of non-compliance because of oversight or confusion. In addition, for a large fleet of airplanes with several small operators, it is possible that operators may not receive revisions to the ALS documents. The AD process ensures that these operators are aware of the revisions to the ALS. No change is made to the final rule.

Request to Include Certification Maintenance Requirements Tasks

One commenter, the manufacturer, states that the ''Time Limits'' section of the Maintenance Planning Document (MPD) also includes Certification Maintenance Requirements (CMR) tasks that are applicable to the equipment and systems and are necessary to maintain the certificated standard level of airworthiness. The commenter suggests that a paragraph be added to the proposed AD to require accomplishment of the CMR tasks.

The FAA does not concur. Although the FAA agrees that accomplishment of CMR tasks is necessary to maintain these airplanes in an airworthy condition, the necessity for those actions is based on statistical safety analyses of various airplane systems prior to issuance of an airplane Type Certificate (TC). Thus, CMR tasks are undertaken for a different purpose than are the actions required by this AD, and are intended to address a different unsafe condition than is addressed in this AD. However, if CMR tasks are added, or made more restrictive, following issuance of the TC, the FAA will consider separate rulemaking action to require accomplishment of those additional actions. No change to the final rule is necessary.

Revisions to Service Information

Two commenters advise the FAA that the ATR42 MPD has been reissued as two separate documents, one applicable to Model ATR42–200, –300, and –320 series airplanes, and the other applicable to Model ATR42–500 series airplanes. One commenter suggests that, since the ''Time Limits'' section of the MPD for ATR42–500 airplanes may be changed independently of the other document, the actions in the proposed AD should be separated to reflect the separate documents and revision levels. In addition, these commenters state that Revision 3 of each of these ''Time Limits'' sections was issued in February 1999. The manufacturer also advises that Revision 4 of the ''Time Limits'' section for Model ATR42–200, –300, and –320 series airplanes, dated July 1999, is in the process of review and approval by the appropriate airworthiness authorities. The manufacturer suggests that issuance of the final rule be delayed until approval of this latest revision is granted.

The FAA has received and reviewed the latest revisions of the service information. Revision 2 of the ''Time Limits'' section, dated January 1997, was referenced in the proposed AD as the appropriate source of service information for all Model ATR42 series airplanes. Revision 4 of the ''Time Limits'' section for Model ATR42–200, –300, and –320 series airplanes, dated July 1999, differs from Revision 2 in that a life limit for certain equipment is removed, and a note is added to clarify the compliance threshold for a structural inspection. The FAA has determined that the actions required by this AD must be accomplished in accordance with Revision 4 of the ''Time Limits'' section of the MPD for these airplanes, and has revised the final rule accordingly. Since Revision 4 imposes no additional burden on operators of Model ATR42–200, –300, and –320 series airplanes beyond the action specified in Revision 2, additional notice and opportunity for public comment is not considered necessary.

However, Revision 3 of the ''Time Limits'' section for Model ATR42–500 series airplanes, dated February 1999, adds new inspections and life limits for those airplanes. Therefore, the FAA has determined that revision to the Airworthiness Limitations Section of the Instructions for Continued Airworthiness for Model ATR42–500 series airplanes should be addressed in separate rulemaking action, and has limited the applicability of this AD to Model ATR42–200, –300, and –320 series airplanes only. The Cost Impact paragraph, below, has also been revised to reflect the reduced number of airplanes affected by this AD.

Use of Subsequent Service Information Revisions

One commenter requests that the FAA revise the proposed AD to refer to the current revision of the ''Time Limits'' section of the MPD, ''or later approved revisions.''

The commenter suggests that only referring to the current revision in the AD may lead to confusion about the validity of subsequent revisions.

The FAA does not concur. To use the phrase ''or later approved revisions'' in an AD when referring to future revisions of service information violates Office of the Federal Register (OFR) regulations regarding approval of materials that are ''incorporated by reference'' in rules. The AD may only refer to the service information that was submitted and approved by the OFR for ''incorporation by reference.'' For operators to use later revisions of the service information, either the FAA must revise the AD to reference the specific later revisions, or operators must request approval of any later revisions as alternative methods of compliance with this AD. No change to the AD is necessary in this regard.

MPD Section Reference

Two commenters state that, although the ''Time Limits'' section of the MPD is incorrectly referenced in the proposed AD as Section 9, the correct reference is Section 13. The FAA acknowledges the correction. However, the FAA has removed the reference to the exact section of the ''Time Limits'' section of the MPD in paragraph (a) of this AD to avoid any confusion in case the section number changes in the future.

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 described previously. These changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 75 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $4,500, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–17–09 Aerospatiale: Amendment 39–11883. Docket 97–NM–270–AD.

Applicability: All Model ATR42–200, ATR42–300, and ATR42–320 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been

modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure continued structural integrity of these airplanes, accomplish the following:

Airworthiness Limitations Revision

(a) Within 30 days after the effective date of this AD, revise the Airworthiness Limitations Section of the Instructions for Continued Airworthiness by incorporating the ''Time Limits'' section of the ATR42–200/–300/–320 Maintenance Planning Document, Revision 4, dated July 1999, into the Airworthiness Limitations Section.

(b) Except as provided in paragraph (c) of this AD: After the actions specified in paragraph (a) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the document listed in paragraph (a) of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) 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

(e) The actions shall be done in accordance with the ''Time Limits'' section of Aerospatiale ATR42–200/–300/–320 Maintenance Planning Document, Revision 4, dated July 1999, which contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
Title Page	4	July 1999.
List of Effective Pages, Page 1–LEP	4	July 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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 95–104–060 (B), dated May 24, 1995.

(f) This amendment becomes effective on October 11, 2000.

Issued in Renton, Washington, on August 23, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–21998 Filed 9–5–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 401

[Docket No. FR–4298–C–08]

RIN 2502–AH09

Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark-to-Market); Correction

AGENCY: Office of Multifamily Housing Assistance Restructuring, HUD.

ACTION: Final rule; correction.

SUMMARY: This document makes various corrections to the March 22, 2000, final rule for the Mark-to-Market program administered by HUD's Office of Multifamily Housing Assistance Restructuring (OMHAR).

DATES: Effective Date: April 21, 2000.

FOR FURTHER INFORMATION CONTACT: Dan Sullivan, Public Policy Analyst, Office of Multifamily Housing Assistance Restructuring, 1280 Maryland Ave., SW., Suite 4000, Washington, DC 20024; telephone (202) 708–0001 (this is not a toll-free number). Hearing or speech impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On March 22, 2000, the Office of Multifamily Housing Assistance Restructuring (OMHAR) within HUD published a final rule for the Mark-to-Market program authorized by the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA). That final rule, which took effect on April 21, 2000, replaced an interim rule published on September 11, 1998 (63 FR 48926). The final rule contained some errors that need correction.

The purpose of this document is to make various corrections to the final rule, as follows:

1. *§ 401.2.* ''NHA'' is substituted for ''NA'' as the defined term for the National Housing Act. Related corrections are made in §§ 401.450(b), 401.472(a)(3), and 401.473 (heading and text).

2. *§ 401.99(a)(2).* The word ''or'' is added between ''sale'' and ''transfer'' to conform to the rest of the rule.

3. *§ 401.99(c).* A reference to § 402.4 is now identified as a reference to § 402.4 ''of this chapter''.

4. *§ 401.310(d)(1)(ii).* The word ''notices'' is corrected to ''notification'' to conform to the preceding sentence in the rule.

5. *§ 401.450(b).* The acronym ''CA'' (referring to a comprehensive needs assessment) is corrected to read ''CNA''.

The same correction is made in § 401.503(a)(1).

6. *§ 401.501(b)(2).* An extraneous semi-colon is removed.

7. *§ 401.502(a).* A missing parenthesis is added, the word ''comparable'' is removed from the phrase ''comparable market rent'' to match a forthcoming revision to § 402.6(a)(2), ''of this chapter'' is added after three references to sections from part 402, a reference to § 400.500 is corrected to refer to § 401.500, and a reference to a comprehensive needs assessment is added to conform to a change made in § 401.450 of the final rule.

8. *§ 401.550(b).* The rule is corrected to require a Participating Administrative Entity (PAE) to review annually a project with an ''executed'' Restructuring Plan rather than an ''approved'' Plan, because no annual PAE review is required if a project owner refuses to execute a Restructuring Plan approved by OMHAR.

9. *§ 401.558.* An extraneous comma is removed from the first sentence.

10. *§ 401.595.* The word ''a'' in the first sentence was misplaced and this is corrected. Also, we removed ''initial and subsequent'' from the phrase ''initial and subsequent contract renewals under this part [401]''. The language that is removed was unnecessary. In addition, it could cause confusion because the ''subsequent'' renewal would be governed by 24 CFR part 402 rather than part 401 if the ''initial renewal'' is approved as part of an approved Restructuring Plan under part 401.

11. *§ 401.600.* The references to a section 8 contract ''extension'' or similar term, in the heading and text of this section, are changed to contract ''renewal'' or similar term. MAHRA occasionally refers to ''extension'' of an expiring section 8 contract rather than ''renewal'' of the contract, as in section 514(d) of MAHRA which corresponds to § 401.600. However, HUD's use of these terms in part 401 has not always been consistent with the use in the corresponding MAHRA provisions. In practice HUD has found no need to distinguish between contract extensions and renewals, and the statutory and regulatory definition of ''renewal'' does not exclude extensions. Therefore, to avoid confusion and to match the usage in the forthcoming related final 24 CFR part 402, part 401 is corrected so that it no longer refers to both extensions and renewals, but will only refer to renewals. Related changes are made to §§ 401.408(k), 401.421(b), 401.554, 401.602(a)(1) and (2), and 401.602(c)(1)(i).

12. *§ 401.602(a)(1)(i).* A missing parenthesis is added.

13. *§ 401.602(a)(2).* The parenthetical reference to section 8(c)(8)(C) of the United States Housing Act of 1937 is removed because that provision no longer existed when the final rule was issued. It was combined with section 8(c)(8)(A) by recent amendments to that Act and section 8(c)(8)(A) is already referenced in this provision of the rule. We also added ''of this chapter'' after ''§ 402.4'' and removed an apostrophe from ''month's''.

List of Subjects in 24 CFR Part 401

Grant programs—housing and community development, Housing, Housing assistance payments, Housing standards, Insured loans, Mortgage insurance, Mortgages.

Accordingly, the following corrections are made to 24 CFR part 401:

PART 401—MULTIFAMILY HOUSING MORTGAGE AND HOUSING ASSISTANCE RESTRUCTURING PROGRAM (MARK-TO-MARKET)

1. The authority citation for part 401 continues to read as follows:

Authority: 12 U.S.C. 1715z–1 and 1735f–19(b); 42 U.S.C. 1437f note and 3535(d).

2. Revise the definition of ''NA'' in § 401.2(c) to read as follows:

§ 401.2 What special definitions apply to this part?

* * * * *

(c) * * *

NHA means the National Housing Act, 12 U.S.C. 1702 *et seq.*

* * * * *

3. Amend § 401.99 by revising paragraphs (a)(2) and (c) to read as follows:

§ 401.99 How does an owner request a section 8 contract renewal?

(a) * * *

(2) The owner is not suspended or debarred or has been notified by HUD of any pending suspension or debarment or other enforcement action, or, if so, a voluntary sale or transfer of the property is proposed in accordance with § 401.480.

* * * * *

(c) *Not eligible for Restructuring Plan.* Section 402.5 of this chapter addresses renewal of project-based assistance for a Restructuring Plan. An owner of such a project may also request renewal under § 402.4 of this chapter.

4. Revise the third sentence of § 401.310(d)(1)(ii) to read as follows:

§ 401.310 Conflicts of interest.

* * * * *

(d) * * *

(1) * * *

(ii) * * * The potential PAE may, with its notification, request that the conflict be waived or may propose how it may eliminate the conflict. The potential PAE may also request a determination as to the existence of the conflict. * * *

* * * * *

5. Revise § 401.408(k) to read as follows:

§ 401.408 Affordability and use restrictions required.

* * * * *

(k) *Owner obligation to accept project-based assistance.* Subject to the availability of appropriated funds, the owner of the project must accept any offer of renewal of project-based assistance if the offer is in accordance with the terms and conditions specified in the Restructuring Plan.

6. Revise § 401.421(b), introductory text, to read as follows:

§ 401.421 Rental Assistance Assessment Plan.

* * *

(b) *Matters to be assessed.* The PAE must include an assessment of the impact of converting to tenant-based assistance and the impact of renewing project-based assistance on: * * *

* * * * *

7. Revise § 401.450(b), introductory text, to read as follows:

§ 401.450 Owner evaluation of physical condition.

* * * * *

(b) *Use of CNA.* An owner may comply with paragraph (a) of this section by submitting a comprehensive needs assessment in accordance with title IV of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–1a note) if the CNA: * * *

* * * * *

8. Revise § 401.501(b)(2) to read as follows:

§ 401.501 Delivery of notices and recipients of notices.

* * * * *

(b) * * *

(2) The recipient of any Outreach and Training Grant (OTAG) or Intermediary Technical Assistance Grant (ITAG) for the project location; and * * *

* * * * *

9. Revise § 401.502(a), introductory text, and (a)(1) to read as follows:

§ 401.502 Notice requirement when debt restructuring will not occur.

(a) *PAE responsibility.* If an owner of an eligible project requests a renewal of

a section 8 contract without a Restructuring Plan under § 402.4 of this chapter, HUD or the PAE must notify, or ensure that the owner notifies, all parties identified in § 401.501 of the request and of:

(1) The availability (as provided in § 401.500(c)(3)) of the following information:

(i) The owner evaluation of physical condition (OEPC), or a comprehensive needs assessment (CNA) if used instead of an OEPC, as required by § 401.450 and § 402.6(a)(3) of this chapter;

(ii) The market analysis required by § 402.6(a)(2) of this chapter, but without addresses (or other specific information indicating location) for comparable properties; and

(iii) The items identified in § 401.500(b)(1)(i), (ii), and (iv); and

* * * * *

10. Revise the first sentence of § 401.550(b) to read as follows:

§ 401.550 Monitoring and compliance agreements.

* * * * *

(b) *Periodic monitoring and inspection.* At least once a year, a PAE must review the status of each project for which it developed an executed restructuring Plan. * * *

* * * * *

11. Revise the first sentence of § 401.554 to read as follows:

§ 401.554 Contract renewal and administration.

HUD will offer to renew or extend section 8 contracts as provided in each Restructuring Plan, subject to the availability of appropriations and subject to the renewal authority available at the time of each contract expiration (§ 402.5 of this chapter or another appropriate renewal authority). * * *

12. Revise the first sentence of § 401.558 to read as follows:

§ 401.558 Physical condition standards.

The Restructuring Plan must require the owner to maintain the project in a decent and safe condition that meets the applicable standards under this section. * * *

13. Revise § 401.595 to read as follows:

§ 401.595 Contract and regulatory provisions.

The provisions of chapter VIII of this title will apply to renewal of a section 8 project-based assistance contract under this part only to the extent, if any, provided in the contract. Part 983 of this title will not apply. The term of the contract renewals under this part will be determined by the appropriate HUD official.

14. Revise § 401.600 to read as follows:

§ 401.600 Will a section 8 contract be renewed if it would expire while an owner's request for a Restructuring Plan is pending?

If a section 8 contract for an eligible project would expire before a Restructuring Plan is implemented, the contract may be renewed at rents not exceeding current rents for up to the earlier of 1 year or closing on the Restructuring Plan under § 401.407. HUD may terminate the contract earlier if the PAE or HUD determines that an owner is not cooperative under § 401.402 or if an owner's request is rejected under § 401.403 or § 401.405. Any renewal of the contract beyond 1 year for a pending Restructuring Plan must be at comparable market rents or exception rents. A renewal at comparable market rents or exception rents under this section will not affect a project's eligibility for the Mark-to-Market Program once it has been initially established under this part.

15. Amend § 401.602 by revising the first sentence of paragraph (a)(1)(i), paragraph (a)(2), and paragraph (c)(1)(i) to read as follows:

§ 401.602 Tenant protections if an expiring contract is not renewed.

(a) *Required notices.* (1)(i) The owner of an eligible project who has requested a Restructuring Plan and contract renewal must provide a 12-month notice as provided in section 514(d) if MAHRA, if the owner later decides not to renew an expiring contract (except due to a rejection under §§ 401.101, 401.403, 401.405, or 401.451.) * * *

(2) The owner of an eligible project who has requested a Restructuring Plan but who has been rejected under §§ 401.101, 401.403, 401.405, or 401.451 must provide 12 months advance notice under section 8(c)(8)(A) of the United States Housing Act of 1937, unless project-based assistance is renewed under § 402.4 of this chapter.

* * * * *

(c) * * *

(i) If the owner of an eligible project does not renew the project-based assistance, any eligible tenant residing in a unit assisted under the expiring contract on the date of expiration will be eligible to receive assistance on the later of the date of expiration or the date the owner's obligations under paragraph (b) of this section expire; and

* * * * *

Dated: August 30, 2000.

Camille E. Acevedo,

Assistant General Counsel for Regulations.

[FR Doc. 00–22788 Filed 9–5–00; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8900]

RIN 1545–AW27

Special Rules Regarding Optional Forms of Benefit Under Qualified Retirement Plans

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that permit qualified defined contribution plans to be amended to eliminate some alternative forms in which an account balance can be paid under certain circumstances, and permit certain transfers between defined contribution plans that were not permitted under prior final regulations. These regulations affect qualified retirement plan sponsors, administrators, and participants.

DATES: These regulations are effective September 6, 2000.

FOR FURTHER INFORMATION CONTACT: Linda S. F. Marshall, 202–622–6090 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to 26 CFR part 1 under section 411(d)(6) of the Internal Revenue Code of 1986 (Code).

Section 411(d)(6) generally provides that a plan will not be treated as satisfying the requirements of section 411 if the accrued benefit of a participant is decreased by a plan amendment. Section 411(d)(6)(B), which was added by the Retirement Equity Act of 1984 (REA), Public Law 98–397 (98 Stat. 1426), provides that a plan amendment that eliminates an optional form of benefit is treated as reducing accrued benefits to the extent that the amendment applies to benefits accrued as of the later of the adoption date or the effective date of the amendment. However, section 411(d)(6)(B) authorizes the Secretary of the Treasury to provide exceptions to this requirement. This authority does not extend to a plan amendment that would

have the effect of eliminating or reducing an early retirement benefit or a retirement-type subsidy. Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (ERISA), Public Law 93–406 (88 Stat. 829), provides a parallel rule to section 411(d)(6)(B) of the Code that applies under Title I of ERISA, and authorizes the Secretary of the Treasury to provide exceptions to this parallel ERISA requirement. Thus, Treasury regulations issued under section 411(d)(6)(B) of the Code apply as well for purposes of section 204(g)(2) of ERISA.

Final regulations regarding section 411(d)(6)(B) (the 1988 regulations) were published in the **Federal Register** on July 8, 1988. The 1988 regulations, and subsequent amendments to the regulations, define the optional forms of benefit that are protected under section 411(d)(6)(B) and provide for certain exceptions to the general rule of section 411(d)(6)(B). In general, these regulatory exceptions to the application of section 411(d)(6)(B) to optional forms of benefit have been developed to address certain specific practical problems. For example, § 1.411(d)–4, Q&A–3(b) of the 1988 regulations permits a plan-to-plan transfer of a participant's entire nonforfeitable benefit to be made at the election of the participant, without a requirement that the transferee plan preserve all section 411(d)(6) protected benefits, but only if the participant is eligible to receive an immediate distribution and certain other conditions are satisfied. In addition, some regulatory exceptions to the application of section 411(d)(6)(B) to optional forms of benefit address plan amendments that are related to statutory changes. See Q&A–2(b) and Q&A–10 of § 1.411(d)–4.

The IRS and Treasury recognize that the accumulation of a variety of payment choices in a plan may increase the cost and complexity of plan operations. For example, an employer that initially adopted a plan for which the plan document was prepared by a prototype sponsor may now be using a different prototype plan that offers a different array of distribution forms. The requirement to preserve virtually all preexisting optional forms for benefits accrued up to the date of change in the prototype plan may present significant practical problems in certain cases. Similar issues arise where employers merge with or acquire other businesses. These employers often face issues of whether to maintain separate plans, terminate one or more of the plans, or merge the plans. If the employer chooses to merge the plans, the resulting plan may accumulate a wide variety of optional forms, some of which may differ in insignificant ways or may entail special administrative costs. Because the elective transfer rule of § 1.411(d)–4, Q&A–3(b) of the 1988 regulations has applied only to situations in which a participant's benefits have become distributable, its applicability has been limited.

In recent years, it has become easier for individuals to replicate the various payment choices available from qualified plans through other means. The Unemployment Compensation Amendments of 1992, Public Law 102–318 (106 Stat. 290), substantially expanded participants' ability to transfer distributions from qualified plans to individual retirement arrangements (IRAs) on a tax-deferred basis. Individuals who receive single-sum distributions from qualified plans frequently roll those distributions over directly to IRAs, under which distributions can be made in a wide variety of payment forms. There are also indications that the vast majority of participants in defined contribution plans who are given a choice of distribution forms that includes a single-sum distribution elect the single-sum distribution.

The IRS and Treasury issued Notice 98–29 (1998–1 C.B. 1163) to request public comment on several ways of providing regulatory relief from the requirements of section 411(d)(6)(B) for defined contribution plans in view of these considerations. Most of the public comments received in response to Notice 98–29 indicated that, particularly for defined contribution plans, the section 411(d)(6)(B) requirement that a plan continue to offer all existing payment options often imposes significant administrative burdens that are disproportionate to any corresponding benefit to participants. After considering the comments received in response to Notice 98–29, the IRS and Treasury issued proposed regulations (REG–109101–98), which were published in the **Federal Register** (65 FR 16546) on March 29, 2000, to propose relief from the requirements of section 411(d)(6)(B) in a wide range of circumstances.

Seventeen written comments responding to the notice of proposed rulemaking were received. No public hearing was requested or held. Nearly all of the written comments expressed support for the provisions of the proposed regulation that would provide relief from the requirements of section 411(d)(6)(B) and requested clarifications or extensions of that relief in various ways. After consideration of all of the written comments, the IRS and the Treasury Department are adopting the proposed regulations as revised by this Treasury Decision for the reasons summarized below.

These final regulations under section 411(d)(6)(B) do not affect other requirements of the Code. For example, a money purchase pension plan (or a plan otherwise described in section 401(a)(11)(B)) generally must satisfy certain requirements relating to qualified joint and survivor annuities and qualified preretirement survivor annuities, and those requirements are not affected by these final regulations. Similarly, these final regulations do not affect the requirements of section 401(a)(31) relating to direct rollovers.

Explanation of Provisions

A. Permitted Amendments to Alternative Forms of Payment Under a Defined Contribution Plan

In order to simplify plan administration, these final regulations adopt a modified version of the rule set forth in the proposed regulations that significantly expands the permitted changes that may be made to alternative forms of payment under a defined contribution plan. Under the rule in the proposed regulations, a defined contribution plan would not violate the requirements of section 411(d)(6) merely because the plan was amended to eliminate or restrict the ability of a participant to receive payment of the participant's accrued benefit under a particular optional form of benefit if, after the plan amendment became effective with respect to the participant, the distribution choices available to the participant included both payment of the accrued benefit in a single-sum distribution form and payment of the accrued benefit in an extended payment form (such as, for example, an annuity distribution), each of which was otherwise identical to the eliminated or restricted optional form of benefit. In the preamble to the proposed regulations, the IRS and the Treasury Department requested comments on whether an extended payment form should be required to be preserved as part of such a plan amendment, or should be required to be preserved in particular circumstances.

In general, comments stated that the rule set forth in the proposed regulations would simplify plan administration. However, most commentators also indicated that requiring the retention of an extended payment form would perpetuate administrative burdens that would not be justified by any comparative advantage to plan participants. These

commentators pointed out various administrative burdens associated with retaining an extended payment form, such as maintaining a system to administer the extended payment form for the few (if any) participants who choose that payment form, including descriptions of the extended payment form in participant materials, explaining the extended payment form in response to participant inquiries, dealing with participant requests to accelerate distributions under the extended payment form, complying with the minimum required distribution rules of section 401(a)(9), and handling the problems that result from an increased incidence of missing participants. These commentators also pointed out the special burdens that maintenance of an extended payment option imposes in mergers and acquisitions. These commentators took the position that, in light of a participant's ability to roll over distributions to one or more IRAs, which commonly offer a far wider array of alternative payment forms, and in light of the ability of many participants to choose to retain their full vested account balance in the qualified plan, there is little or no advantage to the participant in rules requiring the plan sponsor to retain an option to receive extended payments from a qualified defined contribution plan.

After considering these comments regarding the desirability of requiring the retention of an extended payment form, and in light of the ability of participants to replicate any extended payment form that a defined contribution plan may offer by rolling over a single-sum distribution to an IRA, the IRS and the Treasury Department have determined that any advantages of requiring the retention of an extended payment form are outweighed by the countervailing considerations. Accordingly, these final regulations generally provide that a defined contribution plan does not violate the requirements of section 411(d)(6) merely because the plan is amended to eliminate or restrict the ability of a participant to receive payment of accrued benefits under a particular optional form of benefit if, after the plan amendment is effective with respect to the participant, the alternative forms of payment available to the participant include payment in a single-sum distribution form that is otherwise identical to the optional form of benefit that is being eliminated or restricted. The final regulations adopt the rules set forth in the proposed regulations for determining whether a single-sum distribution is otherwise identical to an optional form of benefit that is being eliminated or restricted.

However, the final regulations include a provision that protects participants taking distributions shortly after the plan is amended, who may have planned on the availability of the payment form that is being eliminated or restricted. Under this provision, a plan amendment that eliminates or restricts the ability of a participant to receive a particular optional form of benefit cannot apply to any distribution that has an annuity starting date earlier than the 90th day [1] after the date the participant receiving the distribution has been furnished a summary that reflects the amendment and that satisfies the requirements of the Labor Department regulations at 29 CFR 2520.104b–3 relating to a summary of material modifications for pension plans (or, if earlier, the first day of the second plan year following the plan year in which the amendment is adopted).

As noted above, the final regulations do not affect the survivor annuity requirements of sections 401(a)(11) and 417 or the direct rollover requirements of section 401(a)(31).

One commentator expressed concern that permitting plan amendments that eliminate alternative forms of payment would have the effect of permitting the elimination of subsidized early retirement benefits (*i.e.,* distribution forms available upon early retirement that have a higher actuarial value than the normal retirement benefit that has been accrued at the time the distribution begins). These regulations, however, permit plan amendments eliminating alternative forms of payment only in certain circumstances involving defined contribution plans. Under a defined contribution plan, a participant is entitled to a distribution, in whatever form may be provided under the plan, only to the extent of the participant's individual account, plus earnings thereon. Accordingly, no alternative form of payment can be subsidized relative to any other payment form available under a defined contribution plan. Thus, these regulations do not have the effect of permitting the elimination of any early retirement subsidy or any other subsidized benefit forms.

B. Voluntary Direct Transfers Between Plans

Under certain circumstances, the 1988 regulations permitted elimination of optional forms of benefit in connection with transfers of benefits from one plan to another with a participant's consent. See § 1.411(d)–4, Q&A–3(b) (as contained in 26 CFR part 1 revised April 1, 2000). The proposed regulations contained a number of changes to the 1988 regulations that would significantly liberalize the application of these elective transfer provisions. These final regulations generally finalize the provisions of the proposed regulations relating to elective transfers, with certain modifications that are described below.

The 1988 regulations permitted an elective transfer from one qualified plan to another only if the participant's benefit under the transferring plan was immediately distributable (a distributable event transfer). This condition precluded use of the elective transfer provision in the 1988 regulations in connection with merger and acquisition transactions involving plans with a cash or deferred arrangement under section 401(k) in cases in which benefits under the cash or deferred arrangement were not distributable because section 401(k)(10) was not applicable. In response to Notice 98–29, many commentators stated that permitting elective transfers from the former employer's section 401(k) plan to the new employer's section 401(k) plan under these circumstances would allow employers to permit employees to keep their previously earned retirement benefits in a qualified plan together with their newly earned retirement benefits, particularly in cases where the new employer chooses not to maintain the former employer's plan.

Section 1.411(d)–4, Q&A–3(c) of these final regulations retains and modifies the previously applicable section 411(d)(6) relief for distributable event transfers, and § 1.411(d)–4, Q&A–3(b) of these final regulations adds new section 411(d)(6) relief for transfers in connection with certain corporate mergers and acquisitions or changes in the participant's employment status (transaction or employment change transfers). As a result, relief from section 411(d)(6) applies in each of the following cases:

- *Direct rollover.* Existing rules provide that if a direct rollover is made from one qualified retirement plan to another, as described in section 401(a)(31), the receiving plan is not required by section 411(d)(6) to offer the same optional forms of benefit as the sending plan offered. See § 1.401(a)(31)–1, Q&A–14.
- *Distributable event transfer.* As discussed further below, in any case in

[1] This 90-day requirement is parallel to the 90-day election period applicable to any plan that is subject to the joint and survivor annuity requirements of section 417.

which a participant is entitled to a distribution from either a defined benefit plan or a defined contribution plan but the participant is not eligible to receive an immediate distribution of the participant's entire nonforfeitable accrued benefit in a single–sum distribution that can be entirely rolled over, these final regulations provide section 411(d)(6) relief for a voluntary transfer. Thus, these regulations modify the distributable event transfer provisions of the 1988 regulations.

• *Transaction or employment change transfer.* As discussed further below, even if a participant is not entitled to a distribution to which the preceding rules would apply, these final regulations, like the proposed regulations, allow a voluntary transfer from a defined contribution plan to another defined contribution plan of the same type if the transfer occurs in connection with a corporate merger or acquisition or a change in the participant's employment status. See § 1.411(d)–4, Q&A–3(b).

Under certain circumstances, it may be possible to accomplish a voluntary transfer of a participant's benefit from one defined contribution plan to another that could be structured as either a distributable event transfer or a transaction or employment change transfer. In such a situation, the plans would be required to comply with the requirements applicable to either one of those sets of rules with respect to the transfer.

1. *Expansion of Section 411(d)(6) Relief for Distributable Event Transfers*

Under section 401(a)(31), which was enacted after the issuance of the 1988 regulations, any eligible rollover distribution may be directly rolled over to an IRA or to another eligible retirement plan. The section 411(d)(6) requirements do not apply to amounts that have been distributed, including distributions that are directly rolled over to another plan under section 401(a)(31). Accordingly, for amounts that are distributable in an eligible rollover distribution, the elective transfer rules of the 1988 regulations have largely been duplicated by the enactment of section 401(a)(31) because the same section 411(d)(6) result generally is available through a direct rollover. These final regulations generally eliminate this duplication. Under these final regulations, for transfers occurring on or after January 1, 2002, the distributable event transfer rules are not available if the participant is eligible to receive an immediate distribution of the participant's entire nonforfeitable accrued benefit in a single-sum distribution that would consist entirely of an eligible rollover distribution within the meaning of section 401(a)(31)(C). (Instead, the plan must offer a section 401(a)(31) direct rollover.) However, in other situations, including situations in which a single-sum distribution is not available or the participant's benefit includes an amount attributable to after-tax employee contributions, the distributable event transfer rules will be available.

Some commentators requested that plans have the ability to characterize a transfer that could be accomplished totally or in part as a direct rollover under section 401(a)(31) as a direct transfer to which section 411(d)(6) relief applies. They point out that this procedure is permitted under the 1988 regulations and that this procedure would simplify plan administration. These final regulations clarify that plans are not required to bifurcate a transaction into a partial section 401(a)(31) direct rollover and a partial elective transfer to which section 411(d)(6) relief applies, but that plans are permitted, as an alternative to bifurcation, to treat such a transaction entirely as an elective transfer to which section 411(d)(6) relief applies. However, as noted above, for transfers occurring on or after January 1, 2002, this section 411(d)(6) relief for distributable event transfers does not apply to an elective transfer that occurs at a time at which the participant is eligible to receive an immediate distribution of the participant's entire nonforfeitable account balance in a single-sum distribution that would consist entirely of an eligible rollover distribution within the meaning of section 401(a)(31)(C). Instead, a similar result could be achieved by means of a direct rollover to which section 401(a)(31) applies.

Under the proposed regulations, the section 411(d)(6) relief for transfers of immediately distributable amounts other than eligible rollover distributions would only have applied to transfers between plans of the same type (*i.e.,* transfers from defined benefit plans to defined benefit plans and transfers from defined contribution plans to defined contribution plans), notwithstanding that the 1988 regulations granted section 411(d)(6) relief to transfers between plans of different types (*i.e.,* transfers from defined benefit plans to defined contribution plans and vice versa). The preamble specifically requested comments on whether section 411(d)(6) relief was needed for distributable event transfers between different types of plans, given the availability of direct rollovers. Several commentators stated that this section 411(d)(6) relief provided under the 1988 regulations was still valuable and also requested clarification that the relief applied to transfers of amounts that were immediately distributable only in the form of periodic payments commencing immediately. These final regulations adopt both of these recommendations.

2. Section 411(d)(6) Relief for Transaction or Employment Change Transfers

Section 1.411(d)–4, Q&A–3(b) of these final regulations retains and, in some respects, expands provisions of the proposed regulations that grant, subject to certain conditions, broad section 411(d)(6) relief for many types of elective transfers of a participant's entire benefit under a defined contribution plan, whether or not the benefit is immediately distributable (and whether or not the participant would be eligible for a distribution of the participant's entire benefit in a single-sum distribution that would be an eligible rollover distribution). In order to ensure that the participant's election occurs in connection with an independent event (and is not, in effect, a mere waiver), the transfer must be made either in connection with certain corporate transactions (such as a merger or acquisition) or in connection with a participant's change in employment status (for example, the participant's transfer to a different subsidiary or division of the employer, without regard to whether the transfer constitutes a separation from service) to an employment status with respect to which the participant is not entitled to additional allocations under the transferor plan, even if the event is not one that triggers the right to an immediate distribution. Such elective transfers can be made to a plan that is outside the employer's controlled group, to another plan of the same employer, or to a plan that is maintained by another member of the employer's controlled group.

A transaction or employment change transfer may involve benefits that are not fully vested under the transferor plan. However, where a participant's benefit that is not fully vested under the transferor plan is transferred pursuant to these rules, the vesting schedule amendment requirements of section 411(a)(10) must be satisfied.

A transaction or employment change transfer generally is only permitted between defined contribution plans of the same type (*e.g.,* from a qualified cash or deferred arrangement under section 401(k) to another qualified cash or deferred arrangement). The restrictions on the types of plans

between which transaction or employment change transfers are permitted facilitate administration of the qualified plan distribution rules by ensuring that amounts transferred to the receiving plan, in a transfer that is not itself a distribution, will be subject to similar legal restrictions with respect to in-service distributions. See Rev. Rul. 94–76 (1994–2 C.B. 46). In the case of transfers from plans that are subject to the survivor annuity requirements of sections 401(a)(11)(A) and 417, those survivor annuity requirements would in any event apply to the receiving plan with respect to the transferred amount as a result of the transferee plan rule of section 401(a)(11)(B)(iii)(III).

In response to comments, the final regulations clarify that the right to a transaction or employment change transfer is an other right or feature for purposes of section 401(a)(4) (unlike a distributable event transfer, which is treated as an optional form of benefit for purposes of section 401(a)(4)). In applying section 401(a)(4) to a transaction or employment change transfer right, the final regulations permit certain conditions to be disregarded. Thus, for example, section 401(a)(4) would be satisfied if, with respect to all participants: (1) The plan provides a transfer right in the event that an employee ceases to be covered by the plan because of any asset or stock disposition, merger or other similar business transaction involving a change of the employer; (2) the plan provides a transfer right in the event that an employee ceases to be covered by the plan because of an identified asset or stock disposition, merger or other similar business transaction that involves a change of the employer; or (3) the plan provides a transfer right in the event that an employee ceases to be covered by the plan because of a transfer of employment to a position covered by another plan within the employer's controlled group.

C. Rules Regarding In-Kind Distributions

The final regulations clarify and modify the rules regarding the application of the protections of section 411(d)(6)(B) to a right to receive benefit distributions in kind from defined contribution plans and defined benefit plans. Provisions for distribution in kind are sometimes found, for example, in plans invested in annuity contracts or in marketable mutual funds. The right to a particular form of investment is not a protected optional form of benefit. However, the investments made by a plan generally are subject to fiduciary requirements, including the prudence requirement of section 404(a)(1)(B) of ERISA. The 1988 regulations state that the right to a medium of distribution, such as cash or in-kind payments, is an optional form of benefit to which section 411(d)(6)(B) applies.

The proposed regulations provided that, if a defined benefit plan included an optional form of benefit under which benefits were distributed in the medium of an annuity contract, that optional form of benefit could be modified by substituting cash for the annuity contract. The proposed regulations separately provided a similar rule for defined contribution plans that provided an annuity optional form of benefit and for distribution of an annuity contract, and that substituted a non-annuity optional form of benefit for the annuity form. These final regulations combine and simplify these two rules. The final regulations clarify that a participant's right to receive a particular benefit in the form of cash payments from either a defined benefit plan or a defined contribution plan and a participant's right to receive that benefit in the form of the distribution of an annuity contract that provides for cash payments that are otherwise identical in all respects to those cash payments from the plan are not separate optional forms of benefit. Therefore, for example, if a plan includes an optional form of benefit under which benefits are distributed in the medium of an annuity contract that provides for cash payments, that optional form of benefit may be modified by a plan amendment that substitutes cash payments from the plan for the distribution of the annuity contract, where those cash payments from the plan are identical to the cash payments payable from the annuity contract in all respects except for the source of the payments. Of course, a defined contribution plan that continues to offer a life annuity form of distribution must purchase an annuity contract from an insurance carrier in order to provide that optional form (and the plan may either distribute that contract to the participant or hold the contract as a plan asset from which it makes the payments for the participant).

These final regulations permit a defined contribution plan to be amended to replace the ability to receive a distribution in the form of marketable securities (other than employer securities) with the ability to receive a distribution in the form of cash. Thus, the right to distributions from a defined contribution plan in the form of cash, employer securities or other property that is not marketable securities is generally protected. The protection for employer securities reflects the potential value of the special tax treatment provided to net unrealized appreciation (NUA) on employer securities under section 402(e)(4). The protection for assets that are not marketable securities reflects that possibility that a participant may assign a higher value to such assets than the plan without the participant having the ability to acquire the asset after receiving a cash distribution.

The proposed regulations would permit a defined contribution plan that gives a participant the right to an in-kind distribution (including employer securities and property that is not marketable securities) to be amended to limit the types of property in which distributions can be made to a participant to specific types of property allocated to the participant's account at the time of the amendment (and with respect to which the participant had the right to receive an in-kind distribution before the plan amendment). In addition, the proposed regulations would permit a defined contribution plan giving a participant the right to a distribution in a type of property to be amended to specify that the participant is permitted to receive a distribution in that type of property only to the extent that the plan assets allocated to the participant's account at the time of the distribution include that type of property.

These provisions of the proposed regulations were supported by commentators and have been adopted in these final regulations. In response to commentator suggestions, the examples from the proposed regulations have been modified in these regulations to clarify that a plan amendment that limits the right of a distribution in specified types of property to certain participants, as permitted by these regulations, need not itself contain a list of those participants. These provisions of the final regulations do not permit a plan to be amended in a way that affects protected features of optional forms of benefit other than the medium of distribution.

Effective Date and Applicability Date

These final regulations are effective September 6, 2000. These final regulations apply to plan amendments that are adopted and effective on or after September 6, 2000, except as provided in § 1.411(d)–4, Q&A–2(e)(1)(ii) and Q&A–3(c)(1)(ii).

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a

regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information: The principal author of these regulations is Linda S. F. Marshall of the Office of the Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and Treasury participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

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

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

PAR. 2. Section 1.411(d)–4 is amended as follows:

1. In Q&A–1, paragraph (b)(1), the last sentence is amended by removing the language ''§ 1.401(a)(4)–4(d)'' and adding ''§ 1.401(a)(4)–4(e)(1)'' in its place.

2. Q&A–2 is amended by:

a. In paragraph (a)(1), removing the language ''in paragraph (b) of this Q&A–2'' and adding the language ''in this section'' in its place.

b. Adding two sentences at the beginning of paragraph (a)(3)(ii)(A).

c. Revising the second sentence of paragraph (b)(2) introductory text.

d. Revising paragraph (b)(2)(iii).

e. Amending paragraph (b)(2)(viii) by removing the language '' of the employer''.

f. Adding paragraph (e).

3. Q&A–3 is amended by:

a. Revising paragraph (a)(3).

b. Adding paragraph (a)(4).

c. Revising paragraphs (b), (c), and (d).

The additions and revisions read as follows:

§ 1.411(d)–4 Section 411(d)(6) protected benefits.

* * * * *

A–2: * * *

(a) * * *

(3) * * *

(ii) *Annuity contracts*—(A) *General rule.* The right of a participant to receive a benefit in the form of cash payments from the plan and the right of a participant to receive that benefit in the form of the distribution of an annuity contract that provides for cash payments that are identical in all respects to the cash payments from the plan except with respect to the source of the payments are not separate optional forms of benefit. Therefore, for example, if a plan includes an optional form of benefit under which benefits are distributed in the medium of an annuity contract that provides for cash payments, that optional form of benefit may be modified by a plan amendment that substitutes cash payments from the plan for the annuity contract, where those cash payments from the plan are identical to the cash payments payable from the annuity contract in all respects except with respect to the source of the payments. * * *

* * * * *

(b) * * *

(2) * * * The rules with respect to permissible eliminations and reductions provided in this paragraph (b)(2) generally are effective January 30, 1986; however, the rules of paragraphs (b)(2)(iii) (A) and (B) and (b)(2)(viii) of this Q&A–2 are effective for plan amendments that are adopted and effective on or after September 6, 2000. * * *

* * * * *

(iii) *In-kind distributions*—(A) *In-kind distributions payable under defined contribution plans in the form of marketable securities other than employer securities.* If a defined contribution plan includes an optional form of benefit under which benefits are distributed in the form of marketable securities, other than securities of the employer, that optional form of benefit may be modified by a plan amendment that substitutes cash for the marketable securities as the medium of distribution. For purposes of this paragraph (b)(2)(iii)(A) and paragraph (b)(2)(iii)(B) of this Q&A–2, the term *marketable securities* means marketable securities as defined in section 731(c)(2), and the term *securities of the employer* means securities of the employer as defined in section 402(e)(4)(E)(ii).

(B) *Amendments to defined contribution plans to specify medium of distribution.* If a defined contribution plan includes an optional form of benefit under which benefits are distributable to a participant in a medium other than cash, the plan may be amended to limit the types of property in which distributions may be made to the participant to the types of property specified in the amendment. For this purpose, the types of property specified in the amendment must include all types of property (other than marketable securities that are not securities of the employer) that are allocated to the participant's account on the effective date of the amendment and in which the participant would be able to receive a distribution immediately before the effective date of the amendment if a distributable event occurred. In addition, a plan amendment may provide that the participant's right to receive a distribution in the form of specified types of property is limited to the property allocated to the participant's account at the time of distribution that consists of property of those specified types.

(C) *In-kind distributions after plan termination.* If a plan includes an optional form of benefit under which benefits are distributed in specified property, that optional form of benefit may be modified for distributions after plan termination by substituting cash for the specified property as the medium of distribution to the extent that, on plan termination, an employee has the opportunity to receive the optional form of benefit in the form of the specified property. This exception is not available, however, if the employer that maintains the terminating plan also maintains another plan that provides an optional form of benefit under which benefits are distributed in the specified property.

(D) *Examples.* The following examples illustrate the application of this paragraph (b)(2)(iii):

Example 1. (i) An employer maintains a profit-sharing plan under which participants may direct the investment of their accounts. One investment option available to participants is a fund invested in common stock of the employer. The plan provides that the participant has the right to a distribution in the form of cash upon termination of employment. In addition, the plan provides that, to the extent a participant's account is invested in the employer stock fund, the participant may receive an in-kind distribution of employer stock upon termination of employment. On October 18, 2000, the plan is amended, effective on January 1, 2001, to remove the fund invested in employer common stock as an investment option under the plan and to provide for the stock held in the fund to be sold. The amendment permits participants to elect how the sale proceeds are to be reallocated among the remaining investment options, and provides for amounts not so reallocated as of January 1, 2001, to be allocated to a specified investment option.

(ii) The plan does not fail to satisfy section 411(d)(6) solely on account of the plan amendment relating to the elimination of the employer stock investment option, which is not a section 411(d)(6) protected benefit. See paragraph (d)(7) of Q&A–1 of this section. Moreover, because the plan did not provide for distributions of employer securities except to the extent participants' accounts were invested in the employer stock fund, the plan is not required operationally to offer distributions of employer securities following the amendment. In addition, the plan would not fail to satisfy section 411(d)(6) on account of a further plan amendment, effective after the plan has ceased to provide for an employer stock fund investment option (and participants' accounts have ceased to be invested in employer securities), to eliminate the right to a distribution in the form of employer stock. See paragraph (b)(2)(iii)(B) of this Q&A–2.

Example 2. (i) An employer maintains a profit-sharing plan under which a participant, upon termination of employment, may elect to receive benefits in a single-sum distribution either in cash or in kind. The plan's investments are limited to a fund invested in employer stock, a fund invested in XYZ mutual funds (which are marketable securities), and a fund invested in shares of PQR limited partnership (which are not marketable securities).

(ii) The following alternative plan amendments would not cause the plan to fail to satisfy section 411(d)(6):

(A) A plan amendment that limits non-cash distributions to a participant on termination of employment to a distribution of employer stock and shares of PQR limited partnership. See paragraph (b)(2)(iii)(A) of this Q&A–2.

(B) A plan amendment that limits non-cash distributions to a participant on termination of employment to a distribution of employer stock and shares of PQR limited partnership, and that also provides that only participants with employer stock allocated to their accounts as of the effective date of the amendment have the right to distributions in the form of employer stock, and that only participants with shares of PQR limited partnership allocated to their accounts as of the effective date of the amendment have the right to distributions in the form of shares of PQR limited partnership. To comply with the plan amendment, the plan administrator retains a list of participants with employer stock allocated to their accounts as of the effective date of the amendment, and a list of participants with shares of PQR limited partnership allocated to their accounts as of the effective date of the amendment. See paragraphs (b)(2)(iii) (A) and (B) of this Q&A–2.

(C) A plan amendment that limits non-cash distributions to a participant on termination of employment to a distribution of employer stock and shares of PQR limited partnership to the extent that those assets are allocated to the participant's account at the time of the distribution. See paragraphs (b)(2)(iii) (A) and (B) of this Q&A–2.

(D) A plan amendment that limits non-cash distributions to a participant on termination of employment to a distribution of employer stock and shares of PQR limited partnership, and that provides that only participants with employer stock allocated to their accounts as of the effective date of the amendment have the right to distributions in the form of employer stock, and that only participants with shares of PQR limited partnership allocated to their accounts as of the effective date of the amendment have the right to distributions in the form of shares of PQR limited partnership, and that further provides that the distribution of that stock or those shares is available only to the extent that those assets are allocated to those participants' accounts at the time of the distribution. To comply with the plan amendment, the plan administrator retains a list of participants with employer stock allocated to their accounts as of the effective date of the amendment, and a list of participants with shares of PQR limited partnership allocated to their accounts as of the effective date of the amendment. See paragraphs (b)(2)(iii) (A) and (B) of this Q&A–2.

Example 3. (i) An employer maintains a stock bonus plan under which a participant, upon termination of employment, may elect to receive benefits in a single-sum distribution in employer stock. This is the only plan maintained by the employer under which distributions in employer stock are available. The employer decides to terminate the stock bonus plan.

(ii) If the plan makes available a single-sum distribution in employer stock on plan termination, the plan will not fail to satisfy section 411(d)(6) solely because the optional form of benefit providing a single-sum distribution in employer stock on termination of employment is modified to provide that such distribution is available only in cash. See paragraph (b)(2)(iii)(C) of this Q&A–2.

* * * * *

(e) *Permitted plan amendments affecting alternative forms of payment under defined contribution plans*—(1) *General rule.* A defined contribution plan does not violate the requirements of section 411(d)(6) merely because the plan is amended to eliminate or restrict the ability of a participant to receive payment of accrued benefits under a particular optional form of benefit if—

(i) After the plan amendment is effective with respect to the participant, the alternative forms of payment available to the participant include payment in a single-sum distribution form that is otherwise identical to the optional form of benefit that is being eliminated or restricted; and

(ii) The amendment does not apply to the participant with respect to any distribution with an annuity starting date that is earlier than the earlier of—

(A) The 90th day after the date the participant has been furnished a summary that reflects the amendment and that satisfies the requirements of 29 CFR 2520.104b–3 (relating to a summary of material modifications) for pension plans; or

(B) The first day of the second plan year following the plan year in which the amendment is adopted.

(2) *Otherwise identical single-sum distribution.* For purposes of this paragraph (e), a single-sum distribution form is otherwise identical to an optional form of benefit that is eliminated or restricted pursuant to paragraph (e)(1) of this Q&A–2 only if the single-sum distribution form is identical in all respects to the eliminated or restricted optional form of benefit (or would be identical except that it provides greater rights to the participant) except with respect to the timing of payments after commencement. For example, a single-sum distribution form is not otherwise identical to a specified installment form of benefit if the single-sum distribution form is not available for distribution on the date on which the installment form would have been available for commencement, is not available in the same medium of distribution as the installment form, or imposes any condition of eligibility that did not apply to the installment form. However, an otherwise identical distribution form need not retain rights or features of the optional form of benefit that is eliminated or restricted to the extent that those rights or features would not be protected from elimination or restriction under section 411(d)(6) or this section.

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

Example 1. (i) P is a participant in Plan M, a qualified profit-sharing plan with a calendar plan year that is invested in mutual funds. The distribution forms available to P under Plan M include a distribution of P's vested account balance under Plan M in the form of distribution of various annuity contract forms (including a single life annuity and a joint and survivor annuity). The annuity payments under the annuity contract forms begin as of the first day of the month following P's termination of employment (or as of the first day of any subsequent month, subject to the requirements of section 401(a)(9)). P has not previously elected payment of benefits in the form of a life annuity, and Plan M is not a direct or indirect transferee of any plan that is a defined benefit plan or a defined contribution plan that is subject to section 412. Plan M provides that distributions on the death of a participant are made in accordance with section 401(a)(11)(B)(iii)(I). On May 15, 2001, Plan M is amended so that, after the amendment is effective, P is no longer entitled to any distribution in the form of the distribution of an annuity contract. However, after the amendment is effective, P is entitled to receive a single-sum cash distribution of P's vested account balance under Plan M payable as of the first day of

the month following P's termination of employment (or as of the first day of any subsequent month, subject to the requirements of section 401(a)(9)). The amendment does not apply to P if P elects to have annuity payments begin before the earlier of January 1, 2003, or 90 days after the date on which the plan administrator of Plan M furnishes P with a summary that reflects the amendment and that satisfies the requirements of 29 CFR 2520.104b–3. On December 14, 2001, the plan administrator of Plan M furnishes P with a summary plan description that reflects the amendment and that satisfies the requirements of 29 CFR 2520.104b–3.

(ii) Plan M does not violate the requirements of section 411(d)(6) (or section 401(a)(11)) merely because, as of March 14, 2002, the plan amendment has eliminated P's option to receive a distribution in any of the various annuity contract forms previously available.

Example 2. (i) P is a participant in Plan M, a qualified profit-sharing plan to which section 401(a)(11)(A) does not apply. Upon termination of employment, P is entitled to receive cash distributions from Plan M, payable as of the first day of the month following P's termination of employment (or as of the first day of any subsequent month, subject to the requirements of section 401(a)(9)), in the form of a single-sum distribution, or in substantially equal monthly installment payments over either 5, 10, 15, or 20 years. On May 15, 2001, Plan M is amended so that, after the amendment is effective, P is no longer entitled to receive a distribution in the form of substantially equal monthly installment payments over 5, 10, 15, or 20 years. However, after the amendment is effective, P continues to be entitled to receive cash distributions from Plan M, payable as of the first day of the month following P's termination of employment (or as of the first day of any subsequent month, subject to the requirements of section 401(a)(9)), in the form of a single-sum distribution. The amendment does not apply to P if P elects to have annuity payments begin before January 1, 2002. On September 20, 2001, the plan administrator of Plan M furnishes P with a summary of material modifications that reflects the amendment and that satisfies the requirements of 29 CFR 2520.104b–3.

(ii) Plan M does not violate the requirements of section 411(d)(6) merely because, as of January 1, 2002, the plan amendment has eliminated P's option to receive a distribution in the form of substantially equal monthly installment payments over 5, 10, 15, or 20 years.

(4) *Effective date.* This paragraph (e) applies to plan amendments that are adopted on or after September 6, 2000.

* * * * *

A–3. (a) * * *

(3) *Waiver prohibition.* In general, except as provided in paragraph (b) of this Q&A–3, a participant may not elect to waive section 411(d)(6) protected benefits. Thus, for example, the elimination of the defined benefit feature of a participant's benefit under a defined benefit plan by reason of a transfer of such benefits to a defined contribution plan pursuant to a participant election, at a time when the benefit is not distributable to the participant, violates section 411(d)(6).

(4) *Direct rollovers.* A direct rollover described in Q&A–3 of § 1.401(a)(31)–1 that is paid to a qualified plan is not a transfer of assets and liabilities that must satisfy the requirements of section 414(l), and is not a transfer of benefits for purposes of applying the requirements under section 411(d)(6) and paragraph (a)(1) of this Q&A–3. Therefore, for example, if such a direct rollover is made to another qualified plan, the receiving plan is not required to provide, with respect to amounts paid to it in a direct rollover, the same optional forms of benefit that were provided under the plan that made the direct rollover. See § 1.401(a)(31)–1, Q&A–14.

(b) *Elective transfers of benefits between defined contribution plans*—(1) *General rule.* A transfer of a participant's entire benefit between qualified defined contribution plans (other than any direct rollover described in Q&A–3 of § 1.401(a)(31)–1) that results in the elimination or reduction of section 411(d)(6) protected benefits does not violate section 411(d)(6) if the following requirements are met—

(i) *Voluntary election.* The plan from which the benefits are transferred must provide that the transfer is conditioned upon a voluntary, fully-informed election by the participant to transfer the participant's entire benefit to the other qualified defined contribution plan. As an alternative to the transfer, the participant must be offered the opportunity to retain the participant's section 411(d)(6) protected benefits under the plan (or, if the plan is terminating, to receive any optional form of benefit for which the participant is eligible under the plan as required by section 411(d)(6)).

(ii) *Types of plans to which transfers may be made.* To the extent the benefits are transferred from a money purchase pension plan, the transferee plan must be a money purchase pension plan. To the extent the benefits being transferred are part of a qualified cash or deferred arrangement under section 401(k), the benefits must be transferred to a qualified cash or deferred arrangement under section 401(k). To the extent the benefits being transferred are part of an employee stock ownership plan as defined in section 4975(e)(7), the benefits must be transferred to another employee stock ownership plan. Benefits transferred from a profit-sharing plan other than from a qualified cash or deferred arrangement, or from a stock bonus plan other than an employee stock ownership plan, may be transferred to any type of defined contribution plan.

(iii) *Circumstances under which transfers may be made.* The transfer must be made either in connection with an asset or stock acquisition, merger, or other similar transaction involving a change in employer of the employees of a trade or business (*i.e.*, an acquisition or disposition within the meaning of § 1.410(b)–2(f)) or in connection with the participant's change in employment status to an employment status with respect to which the participant is not entitled to additional allocations under the transferor plan.

(2) *Applicable qualification requirements.* A transfer described in this paragraph (b) is a transfer of assets or liabilities within the meaning of section 414(l)(1) and, thus, must satisfy the requirements of section 414(l). In addition, this paragraph (b) only provides relief under section 411(d)(6); a transfer described in this paragraph must satisfy all other applicable qualification requirements. Thus, for example, if the survivor annuity requirements of sections 401(a)(11) and 417 apply to the plan from which the benefits are transferred, as described in this paragraph (b), but do not otherwise apply to the receiving plan, the requirements of sections 401(a)(11) and 417 must be met with respect to the transferred benefits under the receiving plan. In addition, the vesting provisions under the receiving plan must satisfy the requirements of section 411(a)(10) with respect to the amounts transferred.

(3) *Status of elective transfer as other right or feature.* A right to a transfer of benefits from a plan pursuant to the elective transfer rules of this paragraph (b) is an other right or feature within the meaning of § 1.401(a)(4)–4(e)(3), the availability of which is subject to the nondiscrimination requirements of section 401(a)(4) and § 1.401(a)(4)–4. However, for purposes of applying the rules of § 1.401(a)(4)–4, the following conditions are to be disregarded in determining the employees to whom the other right or feature is available—

(i) A condition restricting the availability of the transfer to benefits of participants who are transferred to a different employer in connection with a specified asset or stock disposition, merger, or other similar transaction involving a change in employer of the employees of a trade or business (*i.e.*, a disposition within the meaning of § 1.410(b)–2(f)), or in connection with any such disposition, merger, or other similar transaction.

(ii) A condition restricting the availability of the transfer to benefits of participants who have a change in employment status to an employment status with respect to which the participant is not entitled to additional allocations under the transferor plan.

(c) *Elective transfers of certain distributable benefits between qualified plans*—(1) *In general.* A transfer of a participant's benefits between qualified plans that results in the elimination or reduction of section 411(d)(6) protected benefits does not violate section 411(d)(6) if—

(i) The transfer occurs at a time at which the participant's benefits are distributable (within the meaning of paragraph (c)(3) of this Q&A–3);

(ii) For a transfer that occurs on or after January 1, 2002, the transfer occurs at a time at which the participant is not eligible to receive an immediate distribution of the participant's entire nonforfeitable accrued benefit in a single-sum distribution that would consist entirely of an eligible rollover distribution within the meaning of section 401(a)(31)(C);

(iii) The voluntary election requirements of paragraph (b)(1)(i) of this Q&A–3 are met;

(iv) The participant is fully vested in the transferred benefit in the transferee plan;

(v) In the case of a transfer from a defined contribution plan to a defined benefit plan, the defined benefit plan provides a minimum benefit, for each participant whose benefits are transferred, equal to the benefit, expressed as an annuity payable at normal retirement age, that is derived solely on the basis of the amount transferred with respect to such participant; and

(vi) The amount of the benefit transferred, together with the amount of any contemporaneous section 401(a)(31) direct rollover to the transferee plan, equals the entire nonforfeitable accrued benefit under the transferor plan of the participant whose benefit is being transferred, calculated to be at least the greater of the single-sum distribution provided for under the plan for which the participant is eligible (if any) or the present value of the participant's accrued benefit payable at normal retirement age (calculated by using interest and mortality assumptions that satisfy the requirements of section 417(e) and subject to the limitations imposed by section 415).

(2) *Treatment of transfer*—(i) *In general.* A transfer of benefits pursuant to this paragraph (c) generally is treated as a distribution for purposes of section 401(a). For example, the transfer is subject to the cash-out rules of section 411(a)(7), the early termination requirements of section 411(d)(2), and the survivor annuity requirements of sections 401(a)(11) and 417. A transfer pursuant to the elective transfer rules of this paragraph (c) is not treated as a distribution for purposes of the minimum distribution requirements of section 401(a)(9).

(ii) *Status of elective transfer as optional form of benefit.* A right to a transfer of benefits from a plan pursuant to the elective transfer rules of this paragraph (c) is an optional form of benefit under section 411(d)(6), the availability of which is subject to the nondiscrimination requirements of section 401(a)(4) and § 1.401(a)(4)–4.

(3) *Distributable benefits.* For purposes of paragraph (c)(1)(i) of this Q&A–3, a participant's benefits are distributable on a particular date if, on that date, the participant is eligible, under the terms of the plan from which the benefits are transferred, to receive an immediate distribution of these benefits (*e.g.*, in the form of an immediately commencing annuity) from that plan under provisions of the plan not inconsistent with section 401(a).

(d) *Effective date.* This Q&A–3 is applicable for transfers made on or after September 6. 20000.

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: August 28, 2000.

Jonathan Talisman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 00–22668 Filed 8–31–00; 2:25 pm]

BILLING CODE 4830–01–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–226–FOR]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing its final action to preempt and supersede portions of Kentucky Revised Statute (KRS) 350.060(16). The 1998 Kentucky General Assembly enacted this provision, which pertains to the renewal of expired permits, into law by passing House Bill 593.

It proposed that if a permit has expired or a permit renewal application has not been timely filed and the operator or permittee wants to continue the surface coal mining operation, Kentucky will issue a notice of noncompliance (NOV). The NOV will be considered complied with, and the permit may be renewed, if Kentucky receives a permit renewal application within 30 days of the receipt of the NOV. Upon submittal of a permit renewal application, the operator or permittee will be deemed to have timely filed the application and can continue, under the terms of the expired permit, the mining operation, pending issuance of the permit renewal. Failure to comply with the remedial measures of the NOV will result in the cessation of the operation.

Portions of this provision would allow a permittee to continue mining on an expired permit after the permit renewal application has been filed within 30 days of the receipt of the NOV, regardless of whether the application is timely filed, and even if the application is filed after permit expiration.

OSM is taking this action because the provisions are inconsistent with the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This determination is based on reasons cited in the ''Director's Findings'' section in a separate notice published on May 10, 2000 (65 FR 29949), announcing disapproval of the statutory provision.

EFFECTIVE DATE: September 6, 2000.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (859) 260–8400. E-mail: *bkovacic@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background
II. Summary and Disposition of Comments
III. Director's Findings and Decision
IV. Effect of Director's Decision
V. Procedural Determinations

I. Background

You can find detailed background on the actions proposed in this document in a notice of final rulemaking pertaining to the Kentucky program published on May 10, 2000 (65 FR 29949).

II. Summary and Disposition of Comments

We received one comment supporting the proposed action to preempt.

III. Director's Findings and Decision

Pursuant to section 505(b) of SMCRA and 30 CFR 730.11(a), we preempt and supersede certain portions of KRS 350.060(16). The complete text of KRS 350.060 (16) reads as follows:

Any permit renewal shall be for a term not to exceed the period of the original permit. Application for permit renewal shall be made at least one hundred twenty (120) days prior to the expiration of the valid permit. However, if a permit has expired or if a permit renewal application has not been timely filed, and the operator or permittee desires to continue the surface coal mining operation, the cabinet shall forthwith cause a notice of noncompliance to be issued. The notice of noncompliance shall be deemed to have been complied with, and the permit may be renewed, if the cabinet receives a permit renewal application within thirty (30) days of the receipt of the notice of noncompliance. Upon the submittal of a permit renewal application, the operator or permittee shall be deemed to have timely filed the permit renewal application and shall be entitled to continue, under the terms of the expired permit, the surface coal mining operation, pending the issuance of the permit renewal. Failure to comply with the remedial measures of the notice of noncompliance shall result in the cessation of the surface coal mining operation.

The specific wording for preemption and supersession are the phrase ''if a permit has expired or * * *'' and the following sentence:

> Upon the submittal of a permit renewal application, the operator or permittee shall be deemed to have timely filed the permit renewal application and shall be entitled to continue, under the terms of the expired permit, the surface coal mining operation, pending the issuance of the permit renewal.

We are taking this action because we have initially determined that these provisions are inconsistent with section 506 of SMCRA and less effective than 30 CFR 843.11 based on the reasons cited under ''Director's Findings'' in a separate notice of final rulemaking as noted above. This will require the State to operate and enforce the approved program as if the preempted and superseded provisions did not exist.

IV. Effect of the Director's Decision

Because 30 CFR 732.17(g) provides that no changes to state laws or regulations can take effect for purposes of a State program until approved as an amendment, it is generally not necessary to use the preemption provision of 30 CFR 730.11(a) and section 505(b) of SMCRA. However, Kentucky has enacted legislation that is clearly less stringent than section 506 of SMCRA and less effective than 30 CFR 843.11.

Therefore, to remove any ambiguity regarding the status of those portions of KRS 350.060(16) described in the ''Director's Findings and Decision '' above, we are preempting that section of the Kentucky law. This action clarifies that this provision cannot be implemented or enforced by any party.

V. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The state submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or

the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 17, 2000.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 917—KENTUCKY

1. The authority citation for part 917 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 917.13 is amended by adding a new paragraph (c) to read as follows:

§ 917.13 State statutory and regulatory provisions set aside.

* * * * *

(c) The following portions of the Kentucky Revised Statute at KRS 350.060(16) are inconsistent with section 506 of SMCRA and less effective than 30 CFR 843.11 and are set aside effective September 6, 2000:

The specific wording is the phrase ''if a permit has expired or . . .'' and the following sentence:

Upon the submittal of a permit renewal application, the operator or permittee shall be deemed to have timely filed the permit renewal application and shall be entitled to continue, under the terms of the expired permit, the surface coal mining operation, pending the issuance of the permit renewal.

[FR Doc. 00–22778 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 167

[USCG–2000–7695]

RIN 2115–AF99

Traffic Separation Scheme: In the Approaches to Los Angeles-Long Beach, California

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the existing Traffic Separation Scheme (TSS) in the Approaches to Los Angeles-Long Beach, California. A recent port access route study, which evaluated vessel routing and traffic management measures, validated the proposed amendments. The study was necessary because of major port improvements made to the Ports of Los Angeles and Long Beach. The amended TSS will route commercial vessels farther offshore, providing an extra margin of safety and environmental protection in the San Pedro Channel area and the entrances to the Ports of Los Angeles and Long Beach.

DATES: This final rule is effective on September 6, 2000.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2000–7695 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Mike Van Houten, Aids to Navigation Section Chief, Eleventh Coast Guard District, telephone 510–437–2968, e-mail MvanHouten@d11.uscg.mil; Lieutenant Patricia Springer, Vessel Traffic Management Officer, Eleventh Coast Guard District, telephone 510–437–2951, e-mail Pspringer@d11.uscg.mil; or George Detweiler, Coast Guard, Office of Vessel Traffic Management (G–MWV), at 202–267–0574, e-mail Gdetweiler@comdt.uscg.mil. For questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Regulatory History

On July 28, 2000, we published a notice of proposed rulemaking entitled ''Traffic Separation Scheme: In the Approaches to Los Angeles-Long Beach, CA'' in the **Federal Register** (65 FR 46378). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Regulatory Information

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. Per our request, IMO suspended the existing TSS effective September 1, 2000. We are making this rule effective on the date of publication so that a TSS is in place on September 1st or as soon thereafter as possible.

Background and Purpose

This rule amends the existing TSS in the approaches to Los Angeles-Long Beach adopted by the International Maritime Organization (IMO) in 1975 (''Ships Routing,'' Sixth Edition 1991, IMO). These amendments—

a. Expand the Precautionary Area approximately 2.2 nautical miles to the south;

b. Shift the western traffic lane approximately 2.2 nautical miles to the south; and

c. Shift the southern traffic lane approximately 3 miles to the west.

In addition, this rule codifies the amended TSS into Title 33 part 167 of the Code of Federal Regulations (CFR).

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The costs and benefits of this rule are summarized below.

Costs

The amendments to the TSS's in the approaches to Los Angeles-Long Beach will result in a slight increase in transit times and operating costs for vessels using the TSS's to call on the Los Angeles-Long Beach Port complex. Most

of the vessels using the TSS are large commercial vessels such as container ships and tankers. The following calculations assume vessels arriving or departing from the north or south are using the proposed western and southern TSS's, respectively. The distance for vessels arriving from the north (3600/year) will increase by approximately 2.35 nautical miles (nm). The distance for vessels departing to the north (3100/year) will increase by approximately 1.6 nm. The distance for vessels arriving from the south (2100/year) will increase by approximately 0.40 nm. The distance for vessels departing to the south (2600/year) will increase by approximately 1.2 nm. Assuming an average transit speed of 12 knots, the time per transit arriving from the north would increase by .20 hr, departing to the north by .14 hr, arriving from the south by .04 hr, and departing to the south by .10 hr. This corresponds to 1154 additional hours per year for vessels arriving or departing to the north [(3600 transits × .20hr/transit) + (3100 transits × .14 hr/transit)] and 344 additional hours per year for vessels arriving or departing to the south [(2100 transits × .04hr/transit) + (2600 transits × .1 hr/transit)]. Assuming a fuel cost of approximately $600.00 per hour, the estimated increase in costs for the industry would be $898,800.00 per year [(1154 hours + 344 hours) × $600/hr].

Vessel operators will incur the minimal cost of plotting new coordinates on their existing charts or purchasing updated charts, when available.

Benefits

The amendments to the TSS's in the approaches to Los Angeles-Long Beach will increase the margin of safety for all vessels utilizing the Ports of Los Angeles and Long Beach. The larger Precautionary Area and amended traffic lanes will decrease the chance of collisions and groundings, particularly for the deepest draft vessels, which require significant room to maneuver.

The larger Precautionary Area will give vessels of all types, sizes, and drafts more time and room to maneuver in their approach to or departure from the ports. The expanded Precautionary Area is also well adapted to the lengthened Los Angeles entrance channel.

The existing western and southern TSS's do not yield safe or practical approaches to the improved Long Beach and Los Angeles entrance channels. The lengthened entrance channels extend beyond the entrance to the existing western traffic lane. This rule shifts the western TSS to the south and the southern TSS to the west. These changes will reduce the maneuvering difficulties for vessels approaching and departing the Los Angeles-Long Beach Port Complex. The shifts will allow even the largest vessels safe transit between both ports and the western lane.

Relocating the southern TSS westward will align the southern TSS with Long Beach channel and will allow a more direct approach to Los Angeles channel. In addition, the oil platforms will no longer be in the southern lane separation zone, which will increase the safety of the platforms and transiting vessels.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule will have a minimal economic impact on vessels operated by small entities. The rule amends existing TSS's. This action improves safety for commercial vessels using the TSS by reducing the risk of collisions, allisions, and groundings. Vessels voluntarily transiting the TSS's will have to transit an additional 1.6 to 3.95 nautical miles per trip, depending on the route traveled. The additional transit distance results in increased vessel operating costs ranging from approximately $84 to $204 per trip. Vessels that tend to use the TSS's are commercial vessels such as containerships, freighters, and tankers. These vessels by their very nature are large in size and capable of operating in an offshore environment. Because of their large size most of them would not qualify as small entities. However, even if a vessel does qualify as a small entity, the impact of the additional $84 to $204 per trip would be an insignificant increase to the overall cost of its complete voyage.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking. If the rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult George Detweiler, Coast Guard, Marine Transportation Specialist, at 202–267–0574.

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

Collection of Information

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

Federalism

We have analyzed this rule under E.O. 13132 and have determined that it does not have implications for federalism under that Order.

Title I of the Ports and Waterways Safety Act (33 U.S.C. 1221 *et. seq.*) (PWSA) authorizes the Secretary to promulgate regulations to designate and amend traffic separation schemes (TSS's) to protect the marine environment. In enacting PWSA in 1972, Congress found that advance planning and consultation with the affected States and other stakeholders was necessary in the development and implementation of a TSS. Throughout the history of the development of the TSS in the approaches to Los Angeles—Long Beach, California, we consulted with the LA/LB Harbor Safety Committee (''HSC''), the affected state and federal pilot's associations, vessel operators, users, and all affected stakeholders. The LA/LB HSC, which was established by the State of California, includes all the principal waterway users of the LA/LB ports and other key agencies. The HSC was an active participant in various meetings with the Coast Guard and contributed to this rulemaking.

Presently, there are no California State laws or regulations concerning the same subjects as are contained in this rule. We understand the state does not contemplate issuing any such rules. However, it should be noted, that by virtue of the PWSA authority, the TSS

in this rule will preempt any state rule on the same subject.

In order to be applicable to foreign flag vessels on the high seas, TSS's must be submitted to, approved by, and implemented by the International Maritime Organization (IMO). Individual states are not represented at IMO; that is the role of the federal government. The Coast Guard is the principal United States agency responsible for advancing the interests of the United States at IMO. We recognize, however, the interest of all local stakeholders as we work at IMO to advance the goals of this TSS. We continued to work closely with such stakeholders in implementing the final rule to ensure that the waters in the approaches to Los Angeles—Long Beach affected by this rule are made safer and more environmentally secure.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their regulatory actions not specifically required by law. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(I) of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This rule amends an existing traffic separation scheme. These amendments will enhance safety by routing commercial vessels farther offshore which will provide an extra margin of safety and environmental protection in the San Pedro Channel area and the entrances to the Ports of Los Angeles and Long Beach. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 167

Harbors, Marine safety, Navigation (water), and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 167 as follows:

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

1. The authority citation for part 167 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46.

2. Following § 167.452, add §§ 167.500 through 167.503 to read as follows:

§ 167.500 In the approaches to Los Angeles-Long Beach Traffic Separation Scheme: General.

The Traffic Separation Scheme in the approaches to Los Angeles-Long Beach consists of three parts: a Precautionary Area, a Western Approach, and a Southern Approach. The specific areas in the approaches to Los Angeles-Long Beach are described in §§ 167.501 through 167.503. The geographic coordinates in §§ 167.501 through 167.503 are defined using North American Datum 1983 (NAD 83).

§ 167.501 In the approaches to Los Angeles/Long Beach: Precautionary area.

(a) The precautionary area consists of the water area enclosed by the Los Angeles-Long Beach breakwater and a line connecting Point Fermin Light at 33°42.30′N, 118°17.60′W, with the following geographical positions:

Latitude	Longitude
33°35.50′N	118°17.60′W.
33°35.50′N	118°09.00′W.
33°37.70′N	118°06.50′W.
33°43.40′N	118°10.80′W.

(b) Pilot boarding areas are located within the precautionary area described in paragraph (a) of this section. Specific regulations pertaining to vessels operating in these areas are contained in 33 CFR 165.1109(d).

§ 167.502 In the approaches to Los Angeles-Long Beach: Western approach.

(a) A separation zone is bounded by a line connecting the following geographical positions:

Latitude	Longitude
33°37.70′N	118°17.60′W.
33°36.50′N	118°17.60′W.
33°36.50′N	118°23.10′W.
33°43.20′N	118°36.90′W.
33°44.90′N	118°35.70′W.
33°37.70′N	118°20.90′W.

(b) A traffic lane for northbound coastwise traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°38.70′N	118°17.60′W.
33°38.70′N	118°20.60′W.
33°45.80′N	118°35.10′W.

(c) A traffic lane for southbound coastwise traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°35.50′N	118°17.60′W.
33°35.50′N	118°23.43′W.
33°42.30′N	118°37.50′W.

§ 167.503 In the approaches to Los Angeles-Long Beach TSS: Southern approach.

(a) A separation zone is established bounded by a line connecting the following geographic positions:

Latitude	Longitude
33°35.50′N	118°10.30′W.
33°35.50′N	118°12.75′W.
33°19.70′N	118°03.50′W.
33°19.00′N	118°05.60′W.

(b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°35.50′N	118°09.00′W.
33°20.00′N	118°02.30′W.

(c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
33°35.50′N	118°14.00′W.
33°18.70′N	118°06.75′W.

Dated: August 31, 2000.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–22944 Filed 9–1–00; 2:42 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Parts 36 and 36a

Currently Effective Indian Health Service Eligibility Regulations

AGENCY: Indian Health Service.

ACTION: Final Rule; Correction.

SUMMARY: This document corrects a final rule published on October 28, 1999, governing eligibility for services from the Indian Health Service. In that rule, HHS renumbered and suspended the regulations that were, and continue to be under a Congressional moratorium. This correction clarifies that only subparts A through G of part 36 (as it appears in the Code of Federal Regulations edition of October 1, 1999) were intended to be moved to the renumbered part and suspended.

DATES: Effective October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Leslie M. Morris, Director, Division of Regulatory and Legal affairs, Indian Health Service, suite 450, 12300 Twinbrook Parkway, Rockville, MD 20852, telephone: (301) 443–1116. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 28, 1999 (64 FR 58318), The Indian Health Service (we) intended to republish the eligibility regulations that were still in effect due to a Congressional moratorium but which no longer appeared in the Code of Federal Regulations. We also intended to renumber the rules subject to the moratorium from part 36 to part 36a and suspend them. However, in the amendatory instructions, we did not specify that only subparts A through G were being renumbered as part 36a and suspended while subparts H through J remained in the current part 36.

Correction

I. Beginning on page 58318 in the third column, the heading ''PART 36—[REDESIGNATED AS PART 36a]' is removed, and instruction paragraphs 1. through 5. are corrected to read as set forth below and a new instruction 6. is added:

1. A new part 36a, Indian Health, is added and subparts A through G of part 36 are redesignated as Subparts A through G of the new part 36a.

2. The authority of part 36a is added to read as set forth below:

Authority: Sec. 3, 68 Stat. 674; 42 U.S.C. 2003, 42 Stat. 208, sec. 1, 68 Stat. 674; 25 U.S.C. 13, 42 U.S.C. 2001, unless otherwise noted.

3. In newly redesignated Part 36a, in the redesignated section and paragraph listed in the first column below, references to the sections listed in the second column are revised to read as shown in the third column:

Redesignated section	Old section reference	New section reference
36a.12 (a)(2), (a)(3), and (b)(1)	36.15	36a.15
36a.15 (b)(1)	36.12(a) (1) and (3)	36a.12(a) (1) and (3)
36a.16(a)	36.12(a)	36a.12(a)
36a.33(a)	36.32(a)	36a.32(a)
36a. 33(b)	36.14	36a.14
36a.34(b)	36.14	36a.14
36a.42	36.41	36a.41
36a.43	36.41	36a.41
36a.53	36.51	36a.51
36a.53	36.54	36a.54
36a.56	36.54	36a.54

4. Redesignated part 36a is suspended indefinitely.

5. The authority of part 36 continues to read as follows:

Authority: 25 U.S.C. 13; sec 3, 68 stat. 674 (42 U.S.C., 2001, 2003); sec. 1, 42 Stat. 208 (25 U.S.C. 13); 42 U.S.C. 2001, unless otherwise noted.

6. New subparts A through G are added to the remaining text of part 36 (Subparts H through J) to read as set forth below.

II. On page 58319, at the bottom of the 1st column, a line of 5 asterisks should appear below the listing for § 36.61 and the authority citation should be removed.

Dated: August 29, 2000.

Brian P. Burns,

Deputy Assistant Secretary for Information and Resource Management.

[FR Doc. 00–22703 Filed 9–5–00; 8:45 am]

BILLING CODE 4160–16–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Chapter I and Part 295

RIN 3067–AD12

Disaster Assistance: Cerro Grande Fire Assistance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Correction of interim final rule.

SUMMARY: This document corrects the interim final rule published on Monday, August 28, 2000 (65 FR 52260). The rule sets out procedures for applicants to obtain assistance for injuries and property damage resulting from the Cerro Grande fire.

EFFECTIVE DATE: August 28, 2000.

FOR FURTHER INFORMATION CONTACT: Nathan Bergerbest, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2685, (telefax) (202) 646–4536, or (email) Nathan.Bergerbest@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency published an interim final rule on August 28, 2000 that sets out procedures for applicants to obtain assistance for injuries and property damage resulting from the Cerro Grande fire in New Mexico in May 2000. As published the final rule includes an erroneous date that can be misleading to applicants.

Accordingly, the final rule published as FR Doc. 00–21926 on August 28, 2000, 65 FR 52260 through 52279, is corrected as follows:

On page 52260, in the third column, last paragraph, the date October 2, 2000 is corrected to read October 27, 2000.

Dated: August 30, 2000.

Ernest B. Abbott,

General Counsel.

[FR Doc. 00–22803 Filed 9–5–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–D–7501]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama:					
Colbert	City of Tuscumbia	February 11, 2000, February 18, 2000, *Colbert County Reporter.*	The Honorable Jean McCormack, Mayor of the City of Tuscumbia, P.O. Box 29, Tuscumbia, Alabama 35674.	May 18, 2000	010049 D
Elmore	Unincorporated Areas.	May 17, 2000, May 24, 2000, *Montgomery Advertiser.*	Mr. Wayne Teal, Chairman of the Elmore County Commission, 100 Commerce Street, Room 207, Wetumpka, Alabama 36092.	Aug. 22, 2000	010406 B
Elmore	City of Wetumpka	May 17, 2000, May 24, 2000, *Montgomery Advertiser.*	The Honorable Jo Glenn, Mayor of the City of Wetumpka, P.O. Box 1180, Wetumpka, Alabama 36092.	Aug. 22, 2000	010070 B
Florida:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Charlotte	Unincorporated Areas.	May 15, 2000, May 22, 2000, *Sun Herald*.	Mr. Jan Winters, Charlotte County Administrator, 18500 Murdock Circle, Room 536, Port Charlotte, Florida 33948–1094.	May 8, 2000	120061 E
Orange	Unincorporated Areas.	May 17, 2000, May 24, 2000, *The Orlando Sentinel*.	Dr. M. Krishnamurthy, P.E., Orange County Stormwater, Management Department, 4200 South John Young Parkway, Orlando, Florida 32839–9205.	May 10, 2000	120179 D
Sarasota	Unincorporated Areas.	April 28, 2000, May 5, 2000, *Sarasota Herald-Tribune*.	Mr. Jim Ley, Sarasota County Administrator, 1660 Ringling Boulevard, 2nd Floor, Sarasota, Florida 34236.	Apr. 21, 2000	125144 D
Georgia:					
Cherokee	Unincorporated Areas.	May 17, 2000, May 24, 2000, *Cherokee Tribune*.	Ms. Emily Lemcke, Chairwoman of the Cherokee County Board of Commissioners, 90 North Street, Suite 310, Canton, Georgia 30114.	Aug. 22, 2000	130424 C
Cherokee	City of Woodstock	May 17, 2000, May 24, 2000, *Cherokee Tribune*.	The Honorable W. David Rogers, Mayor of the City of Woodstock, 103 Arnold Mill Road, Woodstock, Georgia 30188.	Aug. 22, 2000	130264 B
Maryland:					
Harford	Unincorporated Areas.	May 12, 2000, May 19, 2000, *The Aegis*.	Mr. James M. Harkins, Harford County Executive, 220 South Main Street, Bel Air, Maryland 21014.	May 3, 2000	240040 D
North Carolina:					
Currituck	Unincorporated Areas.	June 30, 2000, July 7, 2000, *The Daily Advance*.	Mr. William S. Richardson, Currituck County Manager, P.O. Box 39, Currituck, North Carolina 27929–0070.	Oct. 5, 2000	370078 C
Orange	Town of Chapel Hill.	April 28, 2000, May 5, 2000, *Chapel Hill News*.	The Honorable Rosemary Waldorf, Mayor of the Town of Chapel Hill, 306 North Columbia Street, Chapel Hill, North Carolina 27516.	Apr. 19, 2000	370180 E
Pennsylvania:					
Berks	Township of Lower Heidelberg.	April 24, 2000, May 1, 2000, *Reading Eagle/Reading Times*.	Mr. Russell Swinehart, Chairman of the Lower Heidelberg, Board of Supervisors, 24 Lisa Road, Sinking Spring, Pennsylvania 19608.	Apr. 4, 2000	421077 E
Bucks	Township of Middletown.	April 26, 2000, May 3, 2000, *News-Herald*.	Mr. John J. Burke, Middletown Township Manager, 2140 Trenton Road, Levittown, Pennsylvania 19056.	Mar. 8, 2000	420193
Butler	Borough of Harmony.	June 8, 2000, June 15, 2000, *Butler Eagle*.	Mr. Jeffrey Smith, President, Borough of Harmony Council, P.O. Box 945, Harmony, Pennsylvania 16037.	Sept. 13, 2000	420217
Butler	Township of Jackson.	June 8, 2000, June 15, 2000, *Butler Eagle*.	Mr. James A. MacDonald, Chairman, Township of Jackson, Board of Supervisors, 140 Magill Road, Zelieople, Pennsylvania 16063.	Sept. 13, 2000	421420
Huntingdon ...	Borough of Mount Union.	April 21, 2000, April 28, 2000, *The Daily News*.	The Honorable Michael C. Goodman, Mayor of the Borough of Mount Union, P.O. Box 90, Mount Union, Pennsylvania 17066.	Mar. 22, 2000	420489 B
Lebanon	Township of South Lebanon.	October 8, 1999, October 15, 1999, *The Daily News*.	Mr. Curtis Kulp, Township of South Lebanon Manager, 1800 South Fifth Avenue, Lebanon, Pennsylvania 17042.	Jan. 13, 2000	420581
Mifflin	Township of Wayne.	April 21, 2000, April 28, 2000, *The Daily News*.	Mr. Theodore M. Reed, Chairman of the Wayne Township Board of Supervisors, 3055 Ferguson Valley, McVeytown, Pennsylvania 17051.	Mar. 22, 2000	421240 A
Tennessee:					
Shelby	Unincorporated Areas.	March 23, 2000, March 30, 2000, *The Collierville Herald*.	The Honorable Jim Rout, Mayor of Shelby County, 160 North Main Street, Suite 850, Memphis, Tennessee 38103.	June 28, 2000	470214
Virginia:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Prince William	Unincorporated Areas.	April 7, 2000, April 14, 2000, *Potomac News*.	Mr. H.B. Ewert, Prince William County Executive, 1 County Complex Court, Prince William, Virginia 22192.	July 13, 2000	510119 D

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: August 25, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–22804 Filed 9–5–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
CONNECTICUT	
Meriden (City), New Haven County (FEMA Docket No. 7307)	
Quinnipiac River:	
At downstream corporate limits	*70
Approximately 1.04 miles upstream of Oregon Road	*101
Sodom Brook:	
Approximately 0.53 mile downstream of Coe Avenue	*92
At downstream side of Leonard Street	*137
Harbor Brook:	
Approximately 0.58 mile downstream of Coe Avenue	*91
At confluence of Willow and Spoon Shop Brooks	*205
Spoon Shop Brook:	
At confluence with Harbor Brook	*205
At Birdsey Avenue	*370

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Willow Brook:	
At confluence with Harbor Brook	*205
Approximately 0.7 mile upstream of Cinema Road	*283
Crow Hollow Brook:	
At confluence with Sodom Brook	*99
Approximately 70 feet upstream of West Main Street	*193
Maps available for inspection at the Meriden City Hall, 142 East Main Street, Meriden, Connecticut.	
FLORIDA	
Apopka (City), Orange County (FEMA Docket No. 7275)	
Lake Alden:	
Entire shoreline within community	*68
Lake Cora:	
Entire shoreline within community	*64
Upper Lake Doe:	
Entire shoreline within community	*71
Lower Lake Doe:	
Entire shoreline within community	*71
Lake Hiawatha:	
Entire shoreline within community	*74
Marshall Lake:	
Entire shoreline within community	*71
Lake Maynard:	
Entire shoreline within community	*70
Lake Merril and Wolf Lake:	
Entire shoreline within community	*64
Lake Pearl No. 1:	
Entire shoreline within community	*70
Lake Prevatt:	
Entire shoreline within community	*61
Lake Rutherford:	
Entire shoreline within community	*71
Lake Standish:	
Approximately 800 feet southwest of intersection of Ellen Lane and Schopke Lester Road	*68
Lake Witherington:	
Entire shoreline within community	*70
Lake Francis:	
Entire shoreline within community	*65
Lake Opal:	
Entire shoreline within community	*85
Lake Carter:	
Entire shoreline within community	*76
Unnamed Lake 12:	
Entire shoreline within community	*70
Unnamed Lake 13:	
Entire shoreline within community	*70
Lake McCoy:	
Entire shoreline within community	*67
Border Lake:	
Entire shoreline within community	*80
Dream Lake:	
Approximately 350 feet northeast of intersection of Lakeside Drive and North Lake Avenue	*117
Lake Jackson No. 2:	
Entire shoreline within community	*82
Medicine Lake:	
Approximately 700 feet southwest of intersection of Ocoee Apopka Road and West Keene Road	*73
Maps available for inspection at the City Engineer's Office, 120 East Maine Street, Second Floor, Apopka, Florida.	
Auburndale (City), Polk County (FEMA Docket No. 7231)	
Lake Arianna:	
Entire shoreline within community	*138
Lake Lena:	
Entire shoreline within community	*138
Lake Myrtle No. 1:	
Entire shoreline within community	*142
Lake Juliana:	
Entire shoreline within community	*136
Lake Mariana:	
Entire shoreline within community	*140
Maps available for inspection at the City of Auburndale Building and Zoning Division, 207 Orange Street, Auburndale, Florida.	
Blountstown (City), Calhoun County (FEMA Docket No. 7271)	
Apalachicola River:	
At South Mayhaw Drive	*57
At northern corporate limits	*61
Sutton Creek:	
Upstream side of South Mayhaw Drive	*57
Upstream side of Sherry Avenue	*57
Maps available for inspection at the Blountstown City Hall, 125 West Central Avenue, Blountstown, Florida.	
Calhoun County (Unincorporated Areas) (FEMA Docket No. 7271)	
Apalachicola River:	
At southern county boundary	*36
At northern county boundary	*72
Chipola River:	
At mouth at Dead Lakes	*41
At county boundary	*60
Maps available for inspection at the Calhoun County Building Inspector's Office, 425 East Central Avenue, 3rd Floor, Blountstown, Florida.	
Dundee (Town), Polk County (FEMA Docket No. 7231)	
Peace Creek Drainage Canal:	
West of CSX Transportation crossing Town of Dundee and Polk County corporate limits, approximately 1,250 feet northwest of Lake Annie	*121
Approximately 500 feet west of U.S. Route 27 and State Route 25 crossing Town of Lake Hamilton and Town of Dundee corporate limits	*123
Maps available for inspection at the Dundee Town Hall, 105 Center Street, Dundee, Florida.	
Eagle Lake (City), Polk County (FEMA Docket No. 7231)	
Lake McLeod:	
Entire shoreline within community	*135
Eagle Lake:	
Entire shoreline within community	*132
Wahneta Farms Canal:	
Approximately 2,000 feet southwest of intersection of Snively Avenue and 8th Street (extended)	*132
Maps available for inspection at the Eagle Lake City Hall, 75 North Seventh Street, Eagle Lake, Florida.	
Eatonville (Town), Orange County (FEMA Docket No. 7275)	
Lake Shadow:	
Approximately 1,000 feet northwest of intersection of West Kennedy Boulevard and South Keller Road	*85
Maps available for inspection at the Eatonville Town Hall, 307 East Kenney Boulevard, Eatonville, Florida.	
Haines City (City), Polk County (FEMA Docket No. 7231)	
Hammock Lake:	
Entire shoreline within community	*135
Lake Brooks:	
Entire shoreline within community	*135
Little Lake Hamilton:	
Entire shoreline within community	*124
Lake Alice:	
Entire shoreline within community	*131
Shallow Flooding Area:	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Between Baker Dairy Road and Marion Creek Road	*115
Maps available for inspection at the Haines City City Hall, 502 East Hinson Avenue, Haines City, Florida.	
Hillcrest Heights (Town), Polk County (FEMA Docket No. 7231)	
Crooked Lake:	
Entire shoreline within community	*126
Maps available for inspection at the Lake Wales City Hall, 152 East Central Avenue, Lake Wales, Florida.	
Lake Alfred (City), Polk County (FEMA Docket No. 7231)	
Lake Alfred:	
Entire shoreline within community	*135
Lake Swoope:	
Entire shoreline within community	*134
Maps available for inspection at the Lake Alfred Building Department, 155 East Pomelo Street, Lake Alfred, Florida.	
Lake Hamilton (Town), Polk County (FEMA Docket No. 7231)	
Lake Hamilton:	
Entire shoreline within community	*124
Little Lake Hamilton:	
At Kokomo Road and 6th Street intersection	*124
Maps available for inspection at the Lake Hamilton Town Hall, 100 Smith Avenue, Lake Hamilton, Florida.	
Lake Wales (City), Polk County (FEMA Docket No. 7231)	
Peace Creek Drainage Canal:	
Approximately 0.95 mile upstream of State Road 653	*117
Approximately 0.60 mile upstream of Olson Road	*120
Peace Creek Drainage Canal Tributary 2:	
Approximately 1,500 feet southwest of intersection of Hunt Brothers Road and U.S. Route 27	*118
At confluence with Peace Creek Drainage Canal	*119
Lake Myrtle No. 2:	
Entire shoreline within community	*120
Maps available for inspection at the Lake Wales City Hall, 152 East Central Avenue, Lake Wales, Florida.	
Lakeland (City), Polk County (FEMA Docket No. 7231)	
Lake Parker No. 1:	
Entire shoreline within community	*134
Lake Gibson:	
Entire shoreline within community	*146
Lake Parker Tributary:	
Approximately 100 feet downstream of Lakeshore Drive	*134
At State Road 33	*134
Maps available for inspection at the City of Lakeland Building Inspection Division, 228 South Massachusetts Avenue, Lakeland, Florida.	
Maitland (City), Orange County (FEMA Docket No. 7275)	
Lake Maitland:	
Entire shoreline within community	*70
Stream A No. 2:	
Approximately 1,100 feet upstream of Dommerich Drive	*69
Approximately 1,400 feet upstream of Dommerich Drive	*70
Lake Minnehaha:	
Approximately 1,000 feet south of intersection of Mayo Avenue and Silver Palm Lane	*68
Maps available for inspection at the Maitland City Hall, Building and Zoning Department, 1776 Independence Lane, Maitland, Florida.	
Ocoee (City), Orange County (FEMA Docket No. 7275)	
Tributary to Lake Lotta:	
At State Highway 50	*101
Approximately 100 feet upstream of South Bluford Avenue	*117
Lake Addah:	
Entire shoreline within community	*81
Lake Lotta:	
Entire shoreline within community	*93
Lake Lilly No. 1:	
Entire shoreline within community	*122
Lake Pearl No. 3:	
Entire shoreline within community	*122
Maps available for inspection at the Ocoee City Hall, Building and Zoning Department, 150 North Lakeshore Drive, Ocoee, Florida.	
Orange County (Unincorporated Areas) (FEMA Docket No. 7275)	
Lake Addah:	
Entire shoreline within community	*81
Lake Alma:	
Entire shoreline within community	*77
Lake Alpharetta:	
Entire shoreline within community	*74
Lake Arlie:	
Entire shoreline within community	*76
Lake Austin:	
Entire shoreline within community	*114
Lake Avalon:	
Entire shoreline within community	*99
Lake Bartho:	
Entire shoreline within community	*56
Border Lake:	
Entire shoreline within community	*80
Lake Buchanan:	
Entire shoreline within community	*95
Buck Lake:	
Entire shoreline within community	*80
Lake Buynak:	
Entire shoreline within community	*114
Lake Carter:	
Approximately 1,000 feet southeast of Ocoee Apopka Road and West Keene Road	*76
Club Lake:	
Entire shoreline within community	*61
Corner Lake:	
Entire shoreline within community	*64
Lake Cortez:	
Entire shoreline within community	*69
Lake Crescent:	
Entire shoreline within community	*105
Downey Lake:	
Entire shoreline within community	*73
Lake Drawdy:	
Entire shoreline within community	*59
Dwarf Lake:	
Entire shoreline within community	*77
Lake Ellenore:	
Entire shoreline within community	*98
Lake Eve:	
Entire shoreline within community	*106
Lake Fredrica:	
Entire shoreline within community	*100
Lake Gem Mary:	
Entire shoreline within community	*93
Lake Gigi:	
Entire shoreline within community	*90
Grass Lake:	
Entire shoreline within community	*114
Heiniger Lake:	
Entire shoreline within community	*72
Lake Heney:	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Entire shoreline within community	*105
Lake Hiawassee:	
Entire shoreline within community	*84
Hickory Nut Lake:	
Entire shoreline within community	*106
Lake Herrick:	
Entire shoreline within community	*83
Lake Geyer:	
Entire shoreline within community	*84
Holts Lake:	
Entire shoreline within community	*106
Lake Lerla:	
Entire shoreline within community	*67
Lake Lilly No. 1:	
Entire shoreline within community	*122
Lake Lotta:	
Entire shoreline within community	*93
Lake Louise No. 2:	
Entire shoreline within community	*63
Lake Lucie:	
Entire shoreline within community	*64
Lake Lucy:	
Entire shoreline within community	*73
Lake Luzom:	
Entire shoreline within community	*112
Lake Mac:	
Entire shoreline within community	*114
Lake Maggiore:	
Entire shoreline within community	*88
Lake Minore:	
Entire shoreline within community	*88
Lake Marden:	
Entire shoreline within community	*79
Marshall Lake:	
Entire shoreline within community	*71
Lake Maynard:	
Approximately 1,000 feet north of intersection of Marden Road and West Keene Road	*70
Lake McCoy:	
Entire shoreline within community	*67
Medicine Lake:	
Entire shoreline within community	*73
Lake Merril:	
Approximately 1,000 feet east of intersection of West Ponkan Road and Ponkan Pines Road	*64
Mudd Lake:.	
Entire shoreline within community	*114
Lake Nan:.	
Entire shoreline within community	*67
Lake Needham:.	
Entire shoreline within community	*108
Neighborhood Lakes:	
Entire shoreline within community	*62
Lake Oliver:	
Entire shoreline within community	*114
Lake Opal:	
Entire shoreline within community	*85
Lake Paxton:	
Entire shoreline within community	*50
Lake Pearl No. 2:	
Entire shoreline within community	*56
Lake Pearl No. 3:	
Entire shoreline within community	*122
Lake Pickett:	
Entire shoreline within community	*59
Lake Pinto:	
Entire shoreline within community	*84
Lake Prevatt:	
Entire shoreline within community	*61
Red Lake:	
Entire shoreline within community	*80
Lake Rhea:	
Entire shoreline within community	*118
Lake Rose:	
Entire shoreline within community	*90
Lake Rouse:	
Entire shoreline within community	*70
Lake Rutherford:	
Entire shoreline within community	*71
Lake Semmes:	
Entire shoreline within community	*72
Lake Sentinel:	
Entire shoreline within community	*112
Sheppard Lake:	
Entire shoreline within community	*72
Lake Small:	
Entire shoreline within community	*79
Lake Standish:	
Entire shoreline within community	*68
Lake Star:	
Entire shoreline within community	*112
Lake Tanner:	
Entire shoreline within community	*50
Lake Tiny:	
Entire shoreline within community	*76
Tub Lake:	
Entire shoreline within community	*96
Sandy Lake:	
Entire shoreline within community	*100
Unnamed Lake A:	
Entire shoreline within community	*108
Unnamed Lake B:	
Entire shoreline within community	*108
Lake Tyler:	
Entire shoreline within community	*95
Steer Lake:	
Entire shoreline within community	*89
Unnamed Lake C:	
Entire shoreline within community	*108
Unnamed Lake D:	
Entire shoreline within community	*106
Unnamed Lake E:	
Entire shoreline within community	*106
Unnamed Lake F:	
Entire shoreline within community	*106
Unnamed Lake G:	
Entire shoreline within community	*106
Unnamed Lake H:	
Entire shoreline within community	*106
Unnamed Lake I:	
Entire shoreline within community	*106
Unnamed Lake J:	
Entire shoreline within community	*107
Unnamed Lake K:	
Entire shoreline within community	*107
Lake Whitney:	
Entire shoreline within community	*114
Pond C (Tributary to Apopka):	
Entire shoreline within community	*70
Pond B (Tributary to Apopka):	
Entire shoreline within community	*70
Pond A (Tributary to Apopka):	
Entire shoreline within community	*70
Dream Lake:	
Entire shoreline within community	*117
Unnamed Lake 13:	
Entire shoreline within community	*70
Unnamed Lake 12:	
Entire shoreline within community	*70
Unnamed Lake 17:	
Entire shoreline within community	*70
Unnamed Lake 14:	
Entire shoreline within community	*109
Unnamed Lake 14:	
Entire shoreline within community	*106
Unnamed Lake 15:	
Entire shoreline within community	*106
Lake Olivia-East:	
Entire shoreline within community	*99
Hart Branch:	
Approximately 2,700 feet upstream of confluence with Lake Hart	*65
Approximately 1 mile upstream from OUC railroad bridge	*82
Myrtle Bay:	
Approximately 650 feet upstream of confluence with Lake Hart	*65

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
At Narcoosee Road	*80
Tributary to Lake Lotta:	
At State Highway 50	*101
Approximately 1,000 feet upstream of Chicago Avenue	*107
East Tributary to Econlockhatchee River:	
At Seminole Trail	*49
Approximately 150 feet upstream of Old Cheney Highway	*65
West Tributary to Econlockhatchee River:	
Approximately 1,900 feet upstream of confluence with Econlockhatchee River	*42
Approximately 250 feet upstream of State Highway 50	*52
Shingle Creek:	
Approximately 2,000 feet upstream of downstream county boundary	*77
Approximately 1,400 feet upstream of West Oak Ridge Road	*95
Howell Creek:	
Approximately 800 feet east of Cove Colony Road and North Thistle Lane intersection	*67
Approximately 650 feet north of Temple Trail and Cove Trail intersection	*67
Lake Gear:	
Approximately 200 feet west of intersection of Maltby Avenue and Daubert Street	*112
Rio Pinar Canal:	
Approximately 650 feet upstream of confluence with Azalea Park Outfall Canal	*79
Downstream side of Lake Underhill Road	*82
Disston Canal:	
At confluence with Lake Mary Jane	*64
At divergence from Econlockhatchee River	*64
Tributary to Hart Branch:	
At confluence with Hart Branch	*78
Approximately 0.8 mile upstream of confluence with Hart Branch	*82
Crowell Lake:	
Entire shoreline within community	*104
Stream B Swamp:	
Entire shoreline within community	*116
At confluence with Tributary C	*115
Approximately 450 feet upstream from confluence with Tributary C	*115
Lake Olivia:	
Entire shoreline within community	*98
Little Lake Bryan:	
Entire shoreline within community	*101
Upper Lake Doe:	
Entire shoreline within community	*71
Lake Bryan:	
Approximately 400 feet southeast of intersection of Vista Lake Lane and Lake Vining Drive	*100
Lake Catherine No. 1:	
Approximately 1,000 feet northwest of intersection of Castle Palm Road and South Texas Avenue	*94
Lake Mann:	
Approximately 200 feet north of intersection of Lenox Boulevard and Florence Avenue	*95
Maps available for inspection at the Stormwater Management Department, 4200 South John Young Parkway, Orlando, Florida.	
Orlando (City), Orange County (FEMA Docket No. 7275)	
Lake Dover:	
Entire shoreline within community	*111
Lake Gem Mary:	
Entire shoreline within community	*93
East Orlando Outfall Canal:	
Approximately 650 feet upstream of Wild Horse Road	*95
At South Semoran Boulevard	*96
Lake Corrine Outfall Canal:	
At Truman Road	*92
Downstream side of Japonica Street	*93
Lake Fredrica:	
Entire shoreline within community	*100
Lake Gear:	
Entire shoreline within community	*112
Lake Nona:	
Entire shoreline within community	*80
Mud Lake:	
Entire shoreline within community	*76
Lake Pamela:	
Entire shoreline within community	*113
Sandy Lake:	
Entire shoreline within community	*100
Bay Lake:	
Entire shoreline within community	*93
Lake Shannon:	
Entire shoreline within community	*113
Red Lake:	
Entire shoreline within community	*80
Buck Lake:	
Entire shoreline within community	*80
Lake Hiawassee:	
Entire shoreline within community	*84
Lake Warren No. 1:	
Entire shoreline within community	*90
Shingle Creek:	
At Raleigh Street	*98
At downstream corporate limit	*95
Maps available for inspection at the City of Orlando Permitting Services, 400 South Orange Avenue, Orlando, Florida.	
Polk City (Town), Polk County (FEMA Docket No. 7231)	
Mud Lake:	
Entire shoreline within community	*143
Mud Lake Drain:	
At State Route 33	*142
At confluence of Mud Lake	*143
Maps available for inspection at the Polk City Town Hall, 132 Commonwealth Avenue, Polk City, Florida.	
Polk County (Unincorporated Areas) (FEMA Docket No. 7307)	
Fox Branch Tributary:	
At confluence with Fox Branch	*142
Approximately 400 feet upstream of Duff Road	*151
Blackwater Creek:	
At downstream county boundary	*112
At North Galloway Road	*137
Blackwater Creek Tributary 2:	
At downstream county boundary	*108
Approximately 900 feet upstream of Ross Creek Road	*132
Wahneta Farms Canal:	
At confluence with Peace Creek Drainage Canal	*108
Downstream side of Hoover Road	*133
Wahneta Farms Canal Tributary:	
At confluence with Wahneta Farms Canal	*119
Approximately 0.85 mile upstream of Eagle Lake Loop Road	*132
Peace Creek Drainage Canal Tributary 3:	
Approximately 1,300 feet upstream of confluence with Peace Creek Drainage Canal	*122
Approximately 1.3 miles upstream of Lake Daisy Road	*128
Peace Creek Drainage Canal Tributary 4:	
At confluence with Peace Creek Drainage Canal	*124
Approximately 0.5 mile upstream of Dundee Road	*126
Itchepackesassa Creek Tributary 1:	
At the confluence with Itchepackesassa Creek	*120
Downstream side of North Wabash Avenue	*136
Itchepackesassa Creek Tributary 2:	
At the confluence with Itchepackesassa Creek	*120

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 400 feet upstream of Old Tampa Highway	*129
Fox Branch:	
At Polk County boundary	*85
Approximately 1,000 feet upstream of U.S. Route 98	*149
Lake Lowery:	
Entire shoreline within county	*135
Mountain Lake:	
Entire shoreline within county	*121
Lake Effie:	
Entire shoreline within county	*122
Lake Lee No. 2:	
Entire shoreline within county	*124
Venus Lake:	
Entire shoreline within county	*127
Lake Parker No. 2:	
Entire shoreline within county	*123
Hammock Lake:	
Entire shoreline within county	*135
Tower Lake:	
Entire shoreline within county	*135
Bonnet Lake:	
Entire shoreline within county	*135
Lake Brooks:	
Entire shoreline within county	*135
Scott Lake:	
Entire shoreline within county	*172
Banana Lake:	
Entire shoreline within county	*107
Lake Myrtle No. 1:	
Entire shoreline within county	*142
Little Van Lake:	
Entire shoreline within county	*142
Lake Griffin:	
Entire shoreline within county	*135
Lake Alfred:	
Entire shoreline within county	*135
Lake Medora:	
Entire shoreline within county	*141
Lake Mariana:	
Entire shoreline within county	*140
Lake Blue:	
Entire shoreline within county	*151
Sears Lake:	
Entire shoreline within county	*144
Lake Gross:	
Entire shoreline within county	*140
Lake Gibson:	
Entire shoreline within county	*146
Lake McLeod:	
Entire shoreline within county	*135
Spirit Lake:	
Entire shoreline within county	*135
Grassy Lake No. 2:	
Entire shoreline within county	*136
Eagle Lake:	
Entire shoreline within county	*132
Millsite Lake:	
Entire shoreline within county	*126
Lake Parker No. 1:	
Entire shoreline within county	*134
Lake Bonnet Drain:	
Just downstream of North Chestnut Road	*140
Approximately 300 feet downstream of Brunnell Parkway	*144
Lake Garfield:	
Entire shoreline within county	*108
Lake Myrtle No. 2:	
Entire shoreline within county	*120
Round Lake:	
Entire shoreline within county	*131
Reeves Lake:	
Entire shoreline within county	*126
Lake Hart:	
Entire shoreline within county	*126
Lake Ruby:	
Entire shoreline within county	*126
Lake Daisy:	
Entire shoreline within county	*132
Lake Fox:	
Entire shoreline within county	*136
River Lake:	
Entire shoreline within county	*141
Lake Florence:	
Entire shoreline within county	*130
Crystal Lake No. 3:	
Entire shoreline within county	*131
Lake Reed:	
Entire shoreline within county	*140
Lake Annie:	
Entire shoreline within county	*124
Lake Arbuckle:	
Entire shoreline within county	*59
Lake Bess:	
Entire shoreline within county	*126
Dinner Lake No. 1:	
Entire shoreline within county	*130
Dinner Lake No. 2:	
Entire shoreline within county	*124
Grassy Lake No. 3:	
Entire shoreline within county	*129
Thomas Lake No. 1:	
Entire shoreline within county	*137
Camp Lake:	
Entire shoreline within county	*134
Lake Eva No. 1:	
Entire shoreline within county	*135
Lake Swoope:	
Entire shoreline within county	*134
Little Lake Hamilton:	
Entire shoreline within county	*124
Lake Hamilton:	
Entire shoreline within county	*124
Middle Lake Hamilton:	
Entire shoreline within county	*124
Lake Streety:	
Entire shoreline within county	*110
Hickory Lake:	
Entire shoreline within county	*99
Silver Lake:	
Entire shoreline within county	*106
Lake Weohyakapka:	
Entire shoreline within county	*65
Lake Leonore:	
Entire shoreline within county	*88
Blue Lake:	
Entire shoreline within county	*125
Lake Moody:	
Entire shoreline within county	*94
Mud Lake:	
Entire shoreline within county	*143
Surveyors Lake:	
Entire shoreline within county	*135
Gator Lake:	
Entire shoreline within county	*135
Grassy Lake No. 4:	
Entire shoreline within county	*140
Polecat Lake:	
Entire shoreline within county	*144
Tiger Lake:	
Entire shoreline within county	*57
Lake Aurora:	
Entire shoreline within county	*103
Big Gum Lake:	
Entire shoreline within county	*96
Cypress Lake No. 1:	
Entire shoreline within county	*102
Little Gum Lake:	
Entire shoreline within county	*98
Parks Lake:	
Entire shoreline within county	*105
Thomas Lake No. 2:	
Entire shoreline within county	*106
Lake Mabel:	
Entire shoreline within county	*117
Lake Tennessee:	
Entire shoreline within county	*136
Lake Juliana:	
Entire shoreline within county	*136
Lake Starr:	
Entire shoreline within county	*117
Lake Otis:	
Entire shoreline within county	*134
Lake Ring:	
Entire shoreline within county	*138
Lake Elizabeth:	
Entire shoreline within county	*135
Lake Ida No. 1:	
Entire shoreline within county	*138
Lester Lake:	
Entire shoreline within county	*132
Polk Lake:	
Entire shoreline within county	*110
Mud Lake Drain:	
Approximately 700 feet downstream of State Road 33	*138
At confluence of Mud Lake	*143
Crystal Lake No. 1:	
Entire shoreline within county	*140
Lake Davenport:	
Entire shoreline within county	*121
Horse Creek:	
Approximately 1,450 feet above State Route 547	*115
Approximately 2,300 feet above State Route 547	*115
Lake Hatchineha:	
Entire shoreline within county	*57
Lake Boomerang:	
Entire shoreline within county	*123
Grassy Lake No. 1:	
Entire shoreline within county	*134
Lake Holloway:	
Entire shoreline within county	*141
Crews Lake:	
Entire shoreline within county	*149
Lake Henry No. 2:	
Entire shoreline within county	*160
Old Lake Davenport:	
Entire shoreline within county	*112
Seward Lake:	
Entire shoreline within county	*136
Hidden Lake:	
Entire shoreline within county	*134
Sick Lake:	
Entire shoreline within county	*134
Reedy Creek:	
At a point approximately 16.1 miles above mouth	*67
At a point approximately 19.9 miles above mouth	*68
Maps available for inspection at the Polk County Engineering Department, 330 West Church Street, Bartow, Florida.	
Winter Garden (City), Orange County (FEMA Docket No. 7275)	
Winter Garden Coop Ditch:	
Approximately 1,800 feet downstream of CSX Transportation	*82
Approximately 800 feet downstream of CSX Transportation	*87
Maps available for inspection at the Winter Garden City Hall, 251 West Plant Street, Winter Garden, Florida.	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Winter Haven (City), Polk County (FEMA Docket No. 7231)	
Lake Hamilton:	
Entire shoreline within community	*124
Middle Lake Hamilton:	
Entire shoreline within community	*124
Lake Otis:	
Entire shoreline within community	*134
Lake Elbert:	
Entire shoreline within community	*139
Lake Ida No. 1:	
Entire shoreline within community	*138
Lake Silver:	
Entire shoreline within community	*148
Lake Idyl:	
Entire shoreline within community	*137
Maps available for inspection at the Winter Haven Public Works Department, Engineering Division, 550 7th Street, SW, Winter Haven, Florida.	
GEORGIA	
Rockdale County (Unincorporated Areas) (FEMA Docket No. 7307)	
Lake Capri Tributary, including Lakes Sorrento, Capri, and Capistrano:	
Approximately 70 feet downstream of Lake Capri Drive	*719
Downstream side of Rockbridge Road	*734
Hammock Creek:	
At confluence of Yellow River	*711
Approximately 0.28 mile upstream of Humphries Road	*814
Yellow River:	
Approximately 2,950 feet upstream of Irwan Bridge Road	*711
At county boundary	*719
Big Haynes Creek, including Big Haynes Reservoir:	
Approximately 8,000 feet upstream from State Route 138	*740
Approximately 2,850 feet upstream from Haralson Mill Road	*752
Maps available for inspection at the Rockdale County Department of Public Services, 2570 Old Covington Highway, Conyers, Georgia.	
ILLINOIS	
Alsip (Village), Cook County (FEMA Docket No. 7259)	
Tinley Creek:	
Shallow flooding approximately 450 feet west of the intersection of State Route 83 (Calumet Sag Road) and 127th Street	*600
At intersection of Central Avenue and 127th Street	*602
Merrionette Park Ditch:	
Approximately 50 feet upstream of 123rd Street	*594
Approximately 0.4 mile upstream of 123rd Street	*596
Maps available for inspection at the Alsip Building Department, 4500 West 123rd Street, Alsip, Illinois.	
Arlington Heights (Village), Cook County (FEMA Docket No. 7287)	
Salt Creek, Arlington Heights Branch:	
Upstream side of Euclid Avenue	*707
Downstream face of Chicago and Northwestern Railway	*710
Maps available for inspection at the Village of Arlington Heights Engineering Department, 33 South Arlington Heights Road, Arlington Heights, Illinois	
Bedford Park (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 1,000 feet downstream of Interstate 55	*598
Approximately 1.6 miles upstream of Interstate Route 55	*599
71st Street Ditch:	
Approximately 400 feet downstream of the intersection of 71st Street and Blackstone Avenue	*590
Approximately 350 feet upstream of the intersection of 71st Street and 86th Avenue	*592
Maps available for inspection at the Bedford Park Village Office, 6701 South Archer Road, Bedford Park, Illinois.	
Blue Island (City), Cook County (FEMA Docket No. 7259)	
Midlothian Creek:	
Approximately 800 feet upstream of the confluence with Little Calumet River	*590
Approximately 1,000 feet upstream of Missouri-Kansas-Texas Railroad	*596
Stony Creek (East):	
Upstream side of Burr-Oak Avenue	*583
At Central Park Avenue	*585
Maps available for inspection at the Blue Island City Building Department, 13051 South Greenwood Avenue, Blue Island, Illinois.	
Bridgeview (Village), Cook County (FEMA Docket No. 7259)	
Lucas Ditch Cutoff:	
At 103rd Street	*593
Approximately 0.54 mile upstream of 103rd Street	*594
Maps available for inspection at the Bridgeview Village Engineering Department, 7100 South Thomas, Bridgeview, Illinois.	
Broadview Village), Cook County (FEMA Docket No. 7259)	
Salt Creek:	
Approximately 1,350 feet upstream of confluence of Addison Creek	*620
At upstream corporate limits	*622
Maps available for inspection at the Broadview Village Building Department, 2350 South 25th Avenue, Broadview, Illinois.	
Brookfield (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 0.53 mile downstream of Burlington Northern Railroad	*613
Approximately 0.24 mile downstream of 26th Street	*617
Maps available for inspection at the Brookfield Village Hall, 8820 Brookfield Avenue, Brookfield, Illinois.	
Burnham (Village), Cook County (FEMA Docket No. 7259)	
Grand Calumet River:	
At Burnham Avenue	*581
Approximately 600 feet upstream of CSX Transportation	*581
Maps available for inspection at the Burnham Village Clerk's Office, 14450 Manistee Avenue, Burnham, Illinois.	
Chicago (City), Cook County (FEMA Docket No. 7259)	
Lake Michigan:	
Entire shoreline within community	*585
Grand Calumet River:	
Just upstream of South Torrence Avenue	*581
Just downstream of East 138 Street	*581
Crystal Creek:	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 405 feet downstream of Mannheim road	*639
Approximately 1,000 feet upstream of Lawrence Avenue	*639
Willow Creek:	
Approximately 250 feet southwest of Thorndale Avenue/Scott Street intersection	*632
Approximately 700 feet upstream of Wolf Road	*646
Silver Creek:	
At downstream corporate limit	*652
At Irving Park Road	*652
Industrial Tributary:	
At intersection of Irving Park Road and Lawrence Avenue	*643
Des Plaines River:	
Upstream side of Belmont Avenue	*627
Approximately 120 feet upstream of West Higgins Road	*629
Maps available for inspection at the City of Chicago Department of Environment, 30 North LaSalle Street, 25th Floor, Chicago, Illinois.	
Chicago Heights (City), Cook County (FEMA Docket No. 7259)	
Third Creek:	
Approximately 0.5 mile downstream of Joe Orr Road	*627
Approximately 900 feet downstream of Joe Orr Road	*629
Butterfield Creek:	
Approximately 900 feet downstream of Riegel Road	*628
Approximately 0.45 mile downstream of Dixie Highway	*635
Thorn Creek:	
Approximately 0.5 mile downstream of Joe Orr Road	*625
Approximately 250 feet downstream of Joe Orr Road	*630
Maps available for inspection at the Chicago Heights Municipal Building, 1601 Chicago Road, Chicago, Illinois.	
Cook County (Unincorporated Areas) (FEMA Docket No. 7259)	
Salt Creek Tributary D:	
Approximately 750 feet upstream of Hammond Drive	*732
Approximately 800 feet upstream of Roselle Road	*752
Salt Creek, Arlington Heights Branch:	
At downstream face of Chicago and Northwestern Railway	*710
At downstream face of Forest Preserve Access Road	*778
Salt Creek West Branch:	
Approximately 250 feet downstream of Interstate Route 290	*693
Approximately 1,700 feet downstream of Basswood Road	*736
Salt Creek West Branch Tributary A:	
At confluence with Salt Creek West Branch	*725
Approximately 1,375 feet upstream of confluence with Salt Creek West Branch	*730
Salt Creek (Upper Reach):	
Approximately 400 feet upstream Evanston-Elgin Road	*693
Approximately 75 feet downstream of Meacham Road	*715
Salt Creek Arlington Heights Branch, Anderson Drive Tributary:	
Approximately 2,750 feet downstream of Evergreen Drive	*717
Approximately 500 feet downstream of Evergreen Drive	*717
Buffalo Creek Tributary A:	
Just upstream of Hicks Road	*740
Downstream face of Dundee Road	*743
Unnamed Tributary to Salt Creek Tributary D:	
At confluence with Salt Creek Tributary D	*735
Approximately 3,400 feet upstream of the confluence with Salt Creek Tributary D	*750
North Creek:	
Upstream face of Cottage Grove Avenue	*608
Approximately 1,000 feet upstream of Oakwood Drive	*611
Lansing Ditch, Lynwood Tributary:	
Approximately 500 feet upstream of confluence of North Creek	*610
At Burnham Avenue	*616
Lansing Ditch:	
Southwest corner of intersection of 204th Street and Burnham Avenue	*616
Approximately 0.96 mile upstream of 223rd Street	*653
Lansing Ditch, Tributary A:	
Confluence with Lansing Ditch	*631
Just downstream of Katz Corner Road	*632
Lansing Ditch, East Tributary:	
Approximately 1,000 feet upstream of confluence with Lansing Ditch	*636
Just downstream of Steger Road	*654
Lansing Ditch, West Tributary:	
At confluence with Lansing Ditch	*631
Approximately 1,860 feet upstream of Torrence Avenue	*632
Lansing Ditch, Torrence Tributary:	
At confluence with Lansing Ditch, just downstream of CONRAIL railroad tracks	*627
Approximately 1.26 miles upstream of confluence with Lansing Ditch	*630
Skokie River:	
Just upstream of Willow Road	*627
Just downstream of LakeCook Road	*633
Skokie River, Botanical Garden Division:	
At confluence with Skokie River	*628
At divergence from Skokie River	*633
Skokie River, Western Ditch:	
At confluence with Skokie River	*626
Approximately 0.35 mile upstream of confluence with Skokie River	*626
Merrionette Park Ditch:	
Upstream side of 123rd Street	*594
Approximately 0.4 mile upstream of 123rd Street	*596
Crestwood Drainage Ditch West:	
Upstream side of 131st Street	*596
Approximately 1,700 feet downstream of 135th Street	*602
Butterfield Creek:	
Approximately 75 feet upstream of Chicago Road (Riegel Road)	*632
Approximately 0.25 mile upstream of CONRAIL	*707
Butterfield Creek East Branch:	
Approximately 1,125 feet upstream of Elgin, Joliet and Eastern Railway	*704
Approximately 1,000 feet upstream of Polk Avenue	*736
Butterfield Creek East Branch Tributary:	
Upstream side of Imperial Drive	*730
Approximately 100 feet downstream of Lake Shore Drive	*730
Lansing Ditch, Lynwood Tributary:	
At Glynwood Lansing Road	*614
At Burnham Avenue	*616
Lansing Ditch:	
Approximately 1,350 feet upstream of confluence of Lansing Ditch Lynwood Tributary	617
Approximately 1,850 feet upstream of confluence of Lansing Ditch Lynwood Tributary	*617
Calumet Sag Channel Tributary C:	
Approximately 50 feet upstream of Midlothian Turnpike	*621
Approximately 0.38 mile upstream of Midlothian Turnpike	*625
Calumet Union Drainage Ditch:	
Approximately 1,300 feet upstream of Vincenne's Road	*602
At Rockwell Street	*610
Dixie Creek:	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 100 feet downstream of Interstate Route 294	*607
Approximately 1,300 feet upstream of Interstate Route 294	*607
Little Calumet River:	
At confluence with Calumet Sag Channel	*588
Approximately 350 feet downstream of Torrence Avenue	*599
Silver Creek:	
Approximately 250 feet downstream of 9th Avenue	*624
Approximately 350 feet downstream of Irving Park Road	*651
Willow Creek:	
Approximately 100 feet upstream of Lee Street	643
Approximately 1,400 feet downstream of Wolf Road	*645
Salt Creek (Upper & Lower Reach):.	
Approximately 650 feet downstream of 26th Street	*620
Approximately 0.8 mile downstream of John F. Kennedy Boulevard	*683
Chicago River, North Branch, Middle Fork:	
At confluence with Chicago River, North Branch and Skokie River	*624
At Lake Cook Road	*651
Underwriters Tributary:	
At confluence with Chicago River, North Branch, West Fork	*649
Approximately 1,250 feet upstream of confluence with Chicago River, North Branch, West Fork	*652
McDonald Creek:	
Approximately 200 feet downstream of Des Plaines River Road	*638
Approximately 100 feet downstream of Foundry Lane	*638
63rd Street Ditch:	
Approximately 50 feet upstream of confluence with Flag Creek	*640
Approximately 400 feet upstream of confluence with Flag Creek	*640
Filsen Park Ditch:	
Approximately 20 feet upstream of confluence with 76th Avenue Ditch	*696
At Harlem Avenue	*696
Tinley Park Reservoir (Shallow Flooding Area):	
Approximately 650 feet west of intersection of Oleander Avenue and 167th Street	*696 2
Tinley Park Reservoir (Ponding Area):	
Approximately 900 feet west of intersection of Oleander Avenue and 167th Street	*694
At intersection of 180th Street and 70th Avenue	*695 0
Addison Creek:	
Approximately 775 feet upstream of Cemetery Access Road	*649
Approximately 220 feet downstream of Chicago and Northwestern Railroad	*651
Boca Rio Ditch:	
Approximately 0.32 mile downstream of 151st Street	*664
Just downstream of 151st Street	*670
Calumet Union Drainage Ditch, Southwest Branch:	
Approximately 0.81 mile downstream of 167th Street	*609
Approximately 0.70 mile downstream of 167th Street	*609
Chicago River, North Branch:	
Approximately 50 feet downstream of Golf Road	*620
At the confluence of the Skokie River and Chicago River, North Branch Middle Fork	*624
Skokie River:	
At the confluence with Chicago River, North Branch	*624
Approximately 250 feet upstream of Dundee Road *627.	
Chicago River, North Branch, West Fork:	
Approximately 175 feet upstream of Techny Road	*636
Approximately 250 feet upstream of Interstate 94	*651
Des Plaines River:	
Approximately 7.2 miles downstream of Wentworth Avenue	*594
Upstream county boundary	*644
Lansing Ditch East Tributary:	
At Katz Corner Road	*638
Approximately 1,500 feet upstream of Katz Corner Road	*639
Long Run:	
Approximately 900 feet downstream of State Route 171 (Archer Avenue)	*645
Approximately 2,350 feet upstream of the confluence of Long Run Tributary B	*653
Lord's Park Tributary:	
Approximately 80 feet downstream of Lake Street	*721
Approximately 100 feet upstream of Lake Street	*724
Midlothian Creek:	
Approximately 0.33 mile downstream of Waverly Avenue	*622
Approximately 1,250 feet downstream of 84th Avenue	*696
Midlothian Creek Western Tributary:	
Just upstream of 84th Avenue	*702
Approximately 1,200 feet upstream of 84th Avenue	*702
Feehanville Ditch:	
At confluence with Des Plaines River	*637
Approximately 1,725 feet upstream of the confluence with the Des Plaines River	*637
Farmer's Creek:	
Approximately 375 feet downstream of Rand Road	*633
At Emerson Street	*635
Flint Creek Tributary:	
Approximately 750 feet upstream of Lake Cook Road	*830
Approximately 1,900 feet upstream of Lake Cook Road	*833
Mill Creek:	
Approximately 1,500 feet upstream of 123rd Street	*652
Approximately 900 feet downstream of Firestone Drive	*677
Natalie Creek:	
Approximately 250 feet upstream of 149th Street	*636
At Cicero Avenue	*637
Lake Michigan:	
For its entire shoreline within the community	*585
Butterfield Creek Ponding Area:	
Approximately 300 feet northeast of intersection of Kostner Avenue and 205th Street	*692
Ponding Area:	
At intersection of 178th Street and 70th Avenue	*695
Plainfield Road Ditch:	
Approximately 100 feet upstream of confluence with Flag Creek	*638
Approximately 280 feet upstream of confluence with Flag Creek	*638
Poplar Creek East Branch:	
Approximately 0.7 mile west of Barrington Road/Northwest Tollway intersection	*790
Techny Drain:	
Approximately 250 feet upstream of confluence with Chicago River, North Branch, West Fork	*636
Approximately 0.5 mile upstream of confluence with Chicago River, North Branch, West Fork	*639
Thorn Creek:	
Approximately 2,200 feet downstream of Volbrecht Road	*600
Approximately 300 feet downstream of Margaret Street	*604
Union Drainage Ditch:	
Approximately 150 feet upstream of Oak Park Avenue	*694
Approximately 1,200 feet upstream of Oak Park Avenue	*694
Wheeling Drainage Ditch:	
Approximately 1,350 feet upstream of confluence with Des Plaines River	*641
At intersection of Kerry Lane and Wolf Road	*642
Willow Creek Ponding Area:	
Approximately 1,100 feet southwest of Lee Street/Touhy Avenue intersection	*642
Tinley Creek:	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 200 feet west of intersection of Alpine Drive and 127th Street	*600
Approximately 600 feet south of intersection of South Manor Avenue and 127th Street	*604
Stony Creek (West):	
Approximately 1,950 feet downstream of 107th Street	*589
At Harlem Avenue	*591
Long Run, Tributary B:	
Approximately 430 feet upstream of confluence with Long Run	*650
Approximately 1,550 feet upstream of confluence with Long Run	*650
Mill Creek West Branch:	
Approximately 300 feet upstream of Hobart Avenue ..	*667
Approximately 50 feet upstream of the most upstream crossing of 123rd Street	*668
Shallow Flooding Area:	
Approximately 300 feet east of the intersection of 131st Street and Harlem Avenue	#1
76th Avenue Ditch:	
Approximately 250 feet south of 167th Street	*696
Just downstream of 76th Avenue	*696
Maps available for inspection at the Cook County Building and Zoning Department, 69 West Washington, Suite 2830, Chicago, Illinois.	
Crestwood (Village), Cook County (FEMA Docket No. 7259)	
Calumet Sag Channel Tributary C:	
At Midlothian Turnpike	*621
Approximately 0.35 mile upstream of Midlothian Turnpike	*624
Crestwood Drainage Ditch West:	
Just upstream of Calumet Sag Road (State Route 83)	*594
Approximately 500 feet southwest of intersection of Rivercrest Drive and Cicero Avenue	*596
Tinley Creek (Upstream entry):	
Approximately 400 feet west of intersection of Central Avenue and 131st Street ..	*611
Tinley Creek (Downstream entry):	
Approximately 500 feet west of intersection of Alpine Drive and 127th Street	*600
Maps available for inspection at the Crestwood Village Clerk's Office, 13840 South Cicero Avenue, Crestwood, Illinois.	
Deerfield (Village), Cook County (FEMA Docket No. 7259)	
Chicago River, North Branch, West Fork:	
Approximately 100 feet upstream of Interstate 94	*651
At Lake Cook Road	*656
USACE Reservoir 29A:	
Approximately 300 feet northwest of intersection of Edens Expressway and Pfingsten Road	*656
Maps available for inspection at the Deerfield Village Hall, 850 Waukegan Road, Deerfield, Illinois.	
Des Plaines (City), Cook County (FEMA Docket No. 7259)	
Feehanville Ditch:	
At confluence with Des Plaines River	*637
Approximately 1,725 feet upstream of the confluence with Des Plaines River	*637
Farmer's Creek:	
At confluence with Des Plaines River	*633
Approximately 350 feet upstream of U.S. Route 14 ...	*633
Wheeling Creek Ponding Area:	
At intersection of Pratt Avenue and Alger Street	*642
Des Plaines River:	.....
Approximately 50 feet upstream of TriState Tollway	*631
Approximately 50 feet upstream of confluence of Feehanville Ditch	*637
Maps available for inspection at the Des Plaines City Hall, Engineering Department, 1420 Miner/Northwest Highway, 5th Floor, Des Plaines, Illinois.	
Dixmoor (Village), Cook County (FEMA Docket No. 7259)	
Shallow Flooding Area:	
Ponding area south of Grand Trunk and Western Railway	*603
East of Dixie Highway and north of Sibley Boulevard ..	*603
Maps available for inspection at the Dixmoor Village Hall, 170 West 145th Street, Dixmoor, Illinois.	
Elk Grove (Village), Cook County (FEMA Docket No. 7287)	
Salt Creek, West Branch Tributary 6:	
At confluence with Salt Creek West Branch	*708
Approximately 75 feet downstream of Plum Grove Road	*708
Salt Creek West Branch Tributary 7:	
At confluence with Salt Creek West Branch Tributary 6 ...	*715
Approximately 1,450 feet upstream of Baltimore Drive	*727
Salt Creek West Branch:	
Just upstream of Meacham Road	*706
Approximately 850 feet downstream of confluence of Salt Creek West Branch Tributary 3.	*714
Maps available for inspection at the Village of Elk Grove Engineering and Community Development, Charles Zeitek Municipal Center, 901 Wellington Avenue, Elk Grove, Illinois.	
Elmwood Park (Village), Cook County (FEMA Docket No. 7259)	
Golf Course Tributary:	
Approximately 3,160 feet downstream of Fullerton Avenue	*625
Approximately 2,160 feet downstream of Fullerton Avenue	*625
Des Plaines River:	
Upstream side of North Avenue	*625
Approximately 0.15 mile upstream of North Avenue	*625
Maps available for inspection at the Elmwood Park Village Hall, 11 Conti Parkway, Elmwood Park, Illinois.	
Evanston (City), Cook County (FEMA Docket No. 7259)	
Lake Michigan:	
Entire shoreline affecting community	*585
Maps available for inspection at the City of Evanston's Engineer's Office, 2100 Ridge Avenue, Evanston, Illinois.	
Flossmoor (Village), Cook County (FEMA Docket No. 7287)	
Butterfield Creek Tributary No. 3:	
Just upstream of Illinois Central Railway	*669
Approximately 105 feet upstream of Kedzie Avenue ..	*687
Butterfield Creek Tributary No. 4:	
Just upstream of Illinois Central Railway	*665
Approximately 130 feet upstream of Governors Highway	*698
Maps available for inspection at the Flossmoor Public Works Department, Service Center, 1700 Central Park Avenue, Flossmoor, Illinois.	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Forest Park (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 0.66 mile upstream of Cermak Road	*619
Downstream side of Madison Street	*622
Maps available for inspection at the Forest Park Village Hall, 517 Des Plaines Avenue, Forest Park, Illinois.	
Franklin Park (Village), Cook County (FEMA Docket No. 7259)	
Crystal Creek Tributary:	
Approximately 85 feet downstream of Panoramic Drive	*643
Approximately 480 feet upstream of Mannheim Road	*645
Sexton Ditch:	
Approximately 1,450 feet upstream of confluence with Crystal Creek Tributary	*643
Approximately 1,830 feet upstream of confluence with Crystal Creek Tributary	*643
Des Plaines River:	
Just upstream of Belmont Avenue	*627
Approximately 500 feet downstream of Irving Park Road	*627
Maps available for inspection at the Franklin Park Village President's Office, 9500 Belmont Avenue, Franklin Park, Illinois.	
Glencoe (Village), Cook County (FEMA Docket No. 7287)	
Skokie River:	
Approximately 250 feet upstream of Tower Road	*628
Approximately 450 feet upstream of Dundee Road (State Route 68)	*628
Skokie River Botanical Gardens Diversion:	
Approximately 600 feet upstream of Botanical Gardens Dam	*630
Approximately 0.38 mile upstream of Botanical Gardens Dam	*630
Maps available for inspection at the Village of Glencoe Engineering Department, 675 Village Court, Glencoe, Illinois	
Glenview (Village), Cook County (FEMA Docket No. 7259)	
Chicago River, North Branch, Middle Fork:	
At the confluence with the Skokie River and Chicago River, North Branch	*624
Approximately 0.26 mile downstream of Winnetka Road	*624
Maps available for inspection at the Glenview Village Engineering Department, 1225 Waukegan Road, Glenview, Illinois.	
Glenwood (Village), Cook County (FEMA Docket No. 7259)	
Butterfield Creek:	
Approximately 300 feet upstream of Chicago Heights Glenwood Road	*616
Downstream side of Halsted Street	*620
Maps available for inspection at the Glenwood Village Building Department, 13 South Rebecca Street, Glenwood, Illinois.	
Golf (Village), Cook County (FEMA Docket No. 7259)	
Chicago River, North Branch, West Fork:	
Approximately 50 feet downstream of Golf Road	*620
Approximately 0.77 mile upstream of Golf Road	*621
Maps available for inspection at the Golf Village Hall, One Briar Road, Golf, Illinois.	
Harvey (City), Cook County (FEMA Docket No. 7259)	
Dixie Creek Shallow Flooding Area:	
At ponding area south of Grand Trunk and Western Railway	*603
East of Dixie Highway and north of 154th Street	*603
Calumet Union Drainage Ditch:	
Approximately 250 feet upstream of Vincennes Road	*599
Approximately 200 feet downstream of Park Avenue	*606
Belaire Creek:	
Approximately 0.22 mile downstream of Interstate 294	*607
Approximately 425 feet downstream of Interstate 294	*607
Maps available for inspection at the City of Harvey Planning and Development Department, 15320 Broadway, Harvey, Illinois.	
Hazel Crest (Village), Cook County (FEMA Docket No. 7259)	
Cherry Creek East Branch:	
Approximately 80 feet upstream of 175th Street	*635
Approximately 430 feet upstream of Governors Highway	*640
Maps available for inspection at the Village of Hazel Crest Public Works Department, 3000 West 170th Place, Hazel Crest, Illinois.	
Hickory Hills (City), Cook County (FEMA Docket No. 7307)	
Lucas Ditch:	
Approximately 1,000 feet upstream of Lucas Ditch Cut-Off Tributary	*594
Approximately 0.41 mile upstream of Lucas Ditch Cut-Off Tributary	*594
Maps available for inspection at the City of Hickory Hills Building Department, 8652 West 95th Street, Hickory Hills, Illinois.	
Hillside (Village), Cook County (FEMA Docket No. 7259)	
Addison Creek:	
At Manheim Road	*637
Approximately 550 feet west of Manheim Road	*637
Maps available for inspection at the Hillside Village Hall, 30 North Wolf Road, Hillside, Illinois.	
Hodgkins (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 100 feet downstream of Tri-State Tollway	*631
Approximately 800 feet upstream of Tri-State Tollway	*631
Maps available for inspection at the Hodgkins Village Hall, 8990 Lyons Avenue, Hodgkins, Illinois.	
Hoffman Estates (Village), Cook County (FEMA Docket No. 7287)	
Salt Creek (Upper Reach):	
Approximately 400 feet upstream of Poteet Avenue	*815
Salt Creek, West Branch Tributary A:	
Approximately 700 feet downstream of Basswood Road	*740
Approximately 125 feet upstream of Apple Street	*759
Maps available for inspection at the Village of Hoffman Estates Community Development Department, 1400 Hassell Road, Hoffman Estates, Illinois.	
Homewood (Village), Cook County (FEMA Docket No. 7259)	
Butterfield Creek:	

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 500 feet downstream of Halsted Street	*619
Approximately 50 feet upstream of Riegel Road	*632
Maps available for inspection at the Village of Homewood Public Works Department, 17755 South Ashland Avenue, Homewood, Illinois.	
Indian Head Park (Village), Cook County (FEMA Docket No. 7259)	
Plainfield Road Ditch:	
Approximately 70 feet upstream of confluence with Flag Creek	*638
Maps available for inspection at the Village of Indian Head Park Municipal Facility, 201 Acadia Drive, Indian Head Park, Illinois.	
Inverness (Village), Cook County (FEMA Docket No. 7287)	
Salt Creek Tributary C:	
At upstream side of Roselle Road	*766
Approximately 200 feet upstream of Roselle Road	*767
Salt Creek Tributary B:	
Approximately 75 feet upstream of the confluence with Salt Creek	*787
Approximately 450 feet upstream of Palatine Road	*819
Salt Creek Tributary A:	
At confluence with Salt Creek	*760
Just downstream of Ela Road	*838
Salt Creek (Upper Reach):	
Downstream side of Harrison Avenue	*760
At Roberts Road	*815
Maps available for inspection at the Inverness Village Hall, 1400 Baldwin Road, Inverness, Illinois.	
Justice (Village), Cook County (FEMA Docket No. 7259)	
71st Street Ditch:	
Approximately 25 feet upstream of confluence with Chicago Sanitary Drainage and Ship Canal	*581
Approximately 230 feet upstream of 86th Avenue	*592
Maps available for inspection at the Justice Village Engineer's Office, 87th and Roberts Road, Justice, Illinois.	
Kenilworth (Village), Cook County (FEMA Docket No. 7259)	
Lake Michigan:	
Entire shoreline affecting community	*585
Maps available for inspection at the Kenilworth Village Hall, 419 Richmond Road, Kenilworth, Illinois.	
La Grange (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River Tributary A:	
Approximately 800 feet downstream of 55th Street	*665
Approximately 300 feet downstream of 55th Street	*667
Maps available for inspection at the La Grange Village Hall, 53 South La Grange Road, La Grange, Illinois.	
La Grange Park (Village), Cook County (FEMA Docket No. 7259)	
Salt Creek:	
Approximately 900 feet downstream of Indiana Harbor Belt Railroad	*621
Approximately 1,500 feet upstream of Indiana Harbor Belt Railroad	*622
Maps available for inspection at the La Grange Park Village Hall, Department of Building and Zoning, 447 North Catherine, La Grange Park, Illinois.	
Lansing (Village), Cook County (FEMA Docket No. 7287)	
Lansing Ditch:	
Approximately 100 feet downstream of 189th Street	*612
Approximately 0.73 mile upstream of Burnham Avenue	*615
North Creek:	
Approximately 925 feet upstream of Torrence Avenue	*610
Approximately 350 feet downstream of confluence of Lansing Ditch	*611
Maps available for inspection at the Village of Lansing Building Department, 18200 Chicago Avenue, Lansing, Illinois.	
Lemont (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 7.3 miles downstream of Wentworth Avenue (at downstream corporate limit)	*594
Approximately 3.9 miles downstream of Wentworth Avenue	*595
Maps available for inspection at the Village of Lemont Engineering Department, 418 Main Street, Lemont, Illinois.	
Lynwood (Village), Cook County (FEMA Docket No. 7287)	
Lansing Ditch:	
Approximately 0.57 mile downstream of 202nd Street	*615
Approximately 350 feet upstream of Glenwood Dyer Road	*626
Lansing Ditch, Lynwood Tributary:	
Downstream side of Glenwood Lansing Road	*611
Subdivision Entrance	*615
Maps available for inspection at the Village Hall, 21460 Lincoln Highway, Lynwood, Illinois.	
Lyons (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Just upstream of Hoffman Dam	*610
Approximately 0.92 mile upstream of Hoffman Dam	*614
Maps available for inspection at the Lyons Village Building Department, 7801 West Ogden Avenue, Lyons, Illinois.	
Markham (City), Cook County (FEMA Docket No. 7259)	
Calumet Union Drainage Ditch:	
At Park Avenue (upstream side)	*606
Approximately 1,000 feet upstream of Central Park Avenue	*623
Calumet Union Drainage Ditch, Southwest Branch:	
Approximately 0.87 mile downstream of 167th Street	*609
Approximately 1,200 feet south of intersection of 167th Street and California Avenue	*629
Maps available for inspection at the Markham City Hall, 16313 South Kedzie Parkway, Markham, Illinois.	
Matteson (Village), Cook County (FEMA Docket No. 7259)	
Butterfield Creek:	
Upstream side of Crawford Avenue	*685
Just upstream of Interstate 30	*703
Butterfield Creek East Branch:	
Upstream side of Lincoln Highway	*687
Approximately 950 feet upstream of Elgin Joliet & Eastern Railway	*704
Butterfield Creek East Branch Tributary:	
At confluence with Butterfield Creek East Branch	*702

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 100 feet upstream of Elgin Joliet & Eastern Railway	*708
Maps available for inspection at the Village of Matteson Planning Department, 3625 West 215th Street, Matteson, Illinois.	
Maywood (Village), Cook County (FEMA Docket No. 7259)	
Addison Creek:	
Approximately 200 feet southeast of intersection of I–290 and 25th Avenue	*627
Des Plaines River:	
Downstream side of Eisenhower Expressway	*621
Approximately 1,800 feet upstream of Chicago Avenue	*624
Silver Creek:	
At confluence with the Des Plaines River	*624
Approximately 1,050 feet downstream of 5th Avenue	*624
Maps available for inspection at the Village of Maywood Public Works Building, Code Enforcement and Planning Department, 1 East Madison, Maywood, Illinois.	
McCook (Village), Cook County (FEMA Docket No. 7307)	
East Avenue Ditch:	
At East Avenue	*648
Approximately 1,550 feet upstream of East Avenue	*648
Maps available for inspection at the McCook Village Hall, 50th & Glencoe Aveue, McCook, Illinois.	
Melrose Park (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 0.41 mile downstream of Soo Line Railroad	*624
Approximately 75 feet downstream of North Avenue	*625
Silver Creek:	
Approximately 1,250 feet downstream of 5th Avenue	*624
Approximately 500 feet upstream of 9th Avenue	*624
Addison Creek:	
Approximately 200 feet east of Park View Drive and Edward Avenue	*640
Maps available for inspection at the Village of Melrose Park Building Department, 1000 North 25th Avenue, Melrose Park, Illinois.	
Midlothian (Village), Cook County (FEMA Docket No. 7259)	
Natalie Creek:	
At Crawford Avenue	*613
Approximately 650 feet upstream of 149th Street	*636
Midlothian Creek:	
Approximately 200 feet downstream of Interstate Route 294	*604
Approximately 625 feet downstream of Kilbourne Avenue	*626
Natalie Creek Overland Flow:	
At confluence with Natalie Creek	*615
At Kenton Avenue	*631
Maps available for inspection at the Midlothian Village Hall, 14801 Pulaski Road, Midlothian, Illinois.	
Morton Grove (Village), Cook County (FEMA Docket No. 7259)	
Chicago River North Branch:	
Approximately 250 feet downstream of Oakton Street	*618
Approximately 50 feet downstream of Golf Road	*620
Chicago River, North Branch, West Fork:	
At confluence with Chicago River, North Branch	*620
Approximately 50 feet downstream of Golf Road	*620
Maps available for inspection at the Village of Morton Grove Community Development Department, 6101 Capulina, Morton Grove, Illinois.	
Mount Prospect (Village), Cook County (FEMA Docket No. 7259)	
McDonald Creek:	
Approximately 100 feet downstream of Foundary Lane	*637
Approximately 1,950 feet upstream of Foundary Lane	*638
Feehanville Ditch:	
Approximately 400 feet upstream of Wolf Road	*645
Approximately 2,450 feet upstream of Kensington Road	*649
Des Plaines River:	
Approximately 650 feet upstream of Euclid Avenue	*639
Approximately 400 feet upstream of Milwaukee Avenue	*640
Maps available for inspection at the Village of Mount Prospect Public Works Department, Engineering Division, 1700 West Central Road, Mount Prospect, Illinois.	
Niles (Village), Cook County (FEMA Docket No. 7259)	
Chicago River North Branch:	
Approximately 150 feet downstream of Touhy Avenue	*615
Approximately 3,900 feet downstream of Dempster Street	*619
Maps available for inspection at the Village of Niles Public Works Department, 6849 West Touhy, Niles, Illinois.	
Northbrook (Village), Cook County (FEMA Docket No. 7287)	
Skokie River:	
Approximately 0.4 mile upstream of Dundee Road	*628
Approximately 500 feet downstream of Lake-Cook Road	*632
Skokie River, Botanical Garden Diversion:	
Approximately 0.41 mile upstream of confluence with Skokie River	*630
Approximately 0.44 mile upstream of confluence with Skokie River	*630
Maps available for inspection at the Northbrook Village Hall, Village Engineering Department, 1225 Cedar Lane, Northbrook, Illinois.	
Northfield (Village), Cook County (FEMA Docket No. 7287)	
Skokie River, West Ditch:	
Just upstream of Willow Road	*626
Approximately 0.5 mile upstream of confluence with Skokie River	*626
Maps available for inspection at the Village of Northfield Community Development Department, 361 Happ Road, Northfield, Illinois.	
North Riverside (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Upstream side of 31st Street	*616
Approximately 50 feet upstream of Cermak Road	*618
Maps available for inspection at the Village of North Riverside Building Department, 2401 South Des Plaines Avenue, North Riverside, Illinois.	
Oak Forest (City), Cook County (FEMA Docket No. 7259)	
Natalie Creek:	
Approximately 75 feet upstream of 151st Street	*639
Approximately 1,500 feet upstream of James Drive (155th Street)	*654
Midlothian Creek Western Branch:	
At the confluence with Midlothian Creek	*648

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 200 feet upstream of the confluence with Midlothian Creek	*651
Midlothian Creek:	
Approximately 475 feet downstream of Kenton Avenue	*630
Approximately 1,575 feet downstream of 167th Street	*662
Boca Rio Ditch:	
Approximately 100 feet upstream of 147th Street	*659
Approximately 1,550 feet downstream of 151st Street	*665
Maps available for inspection at the Oak Forest City Hall, 15440 South Central Avenue, Oak Forest, Illinois.	
Olympia Fields (Village), Cook County (FEMA Docket Nos. 7259 & 7287)	
Butterfield Creek Tributary No. 4:	
Approximately 50 feet downstream from intersection of Kedzie Avenue with Vollmer Road	*683
Approximately 100 feet downstream from Governors Highway	*697
Butterfield Creek:	
Just upstream of Vollmer Road	*656
Just downstream of Crawford Avenue	*685
Butterfield Creek East Branch:	
Confluence with Butterfield Creek	*685
Downstream side of downstream Lincoln Highway	*686
Maps available for inspection at the Olympia Fields Village Hall, 20701 Governors Highway, Olympia Fields, Illinois.	
Orland Park (Village), Cook County (FEMA Docket No. 7259)	
Marley Creek Tributary D:	
Approximately 50 feet downstream of Norfolk and Western Railway	*688
Approximately 1.2 miles upstream of 104th Avenue	*702
Marley Creek:	
Approximately 700 feet downstream of 108th Avenue	*687
Approximately 1,200 feet southwest of the intersection of 159th Street and 96th Avenue	*692
Long Run Tributary A:	
Ponding area just east of 108th Avenue	*707
Ponding area south and east of Golf Road	*709
Ponding area approximately 300 feet north of intersection of Lake Ridge and Golf Road	*715
Spring Creek Ponding Areas:	
Upstream side of 108th Avenue	*709
Between 108th Avenue and Misty Hill Road	*709
Between Hollow Tree Road and Golf Road	*730
Between Hollow Tree Road and Golf Road	*739
Spring Creek:	
Approximately 1,400 feet upstream of Wolf Road	*700
Approximately 2,800 feet upstream of Wolf Road	*700
Tinley Creek:	
Approximately 300 feet upstream of 82nd Avenue	*661
Approximately 600 feet upstream of Wheeler Drive	*683
Maps available for inspection at the Village of Orland Park Engineering Department, 14700 Ravinia Avenue, Orland Park, Illinois.	
Palatine (Village), Cook County (FEMA Docket No. 7307)	
Salt Creek, Arlington Heights Branch Anderson Drive Tributary:	
At confluence with Salt Creek, Arlington Heights Branch	*717
Approximately 450 feet upstream of Evergreen Drive	*719
Salt Creek, Arlington Heights Branch:	
Upstream side of Northwest Highway	*711
Downstream side of Quentin Road	*771
Salt Creek (Upper Reach):	
Approximately 1,900 feet downstream of Euclid Avenue	*725
Downstream side of Roselle Road	*764
Salt Creek Tributary C:	
Approximately 1,200 feet upstream of Quentin Road	*750
Downstream side of Roselle Road	*765
Buffalo Creek Tributary A:	
Approximately 200 feet upstream of Dundee Road	*743
At confluence with Salt Creek Arlington Heights Branch	*759
Maps available for inspection at the Palatine Village Hall, 200 East Wood Street, Palatine, Illinois.	
Palos Hills (City), Cook County (FEMA Docket No. 7259)	
Lucas Ditch:	
At 111th Street	*585
Just downstream of 80th Court	*594
Lucas Ditch Cutoff:	
Approximately 1,200 feet upstream of confluence with Stony Creek (West)	*589
Approximately 1,375 feet upstream of confluence of Lucas Ditch Cutoff Tributary	*594
Maps available for inspection at the Palos Hills City Hall, 10335 South Roberts Road, Palos Hills, Illinois.	
Palos Park (Village), Cook County (FEMA Docket No. 7259)	
Calumet Sag Channel Tributary B:	
Upstream side of Calumet Sag Road	*606
Downstream side of 119th Street	*609
Mill Creek:	
Approximately 400 feet upstream of 127th Street (at intersection of Algoma Drive and Roma Road)	*666
Approximately 100 feet downstream of 129th Street	*667
Maps available for inspection at the Palos Park Village Hall, 8901 West 123rd Street, Palos Park, Illinois.	
Park Ridge (City), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 100 feet upstream of Higgins Road	*629
Approximately 175 feet downstream of I–294 (Tristate Tollway)	*631
Maps available for inspection at the City of Park Ridge Public Works Department, 505 Butler Place, Park Ridge, Illinois.	
Prospect Heights (City), Cook County (FEMA Docket No. 7259)	
McDonald Creek Tributary A:	
At the confluence with McDonald Creek	*651
At Elmhurst Avenue	*651
Des Plaines River:	
Approximately 65 feet downstream of Milwaukee Avenue	*639
At confluence of Wheeling Drainage Ditch	*640
Maps available for inspection at the Prospect Heights City Hall, 1 North Elmhurst Road, Prospect Heights, Illinois.	
Richton Park (Village), Cook County (FEMA Docket No. 7259)	
Butterfield Creek East Branch:	
Approximately 350 feet downstream of Maple Road	*705

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 400 feet south of the intersection of Crescent Way and Imperial Drive	*730
Butterfield Creek East Branch Tributary:	
Approximately 50 feet upstream of Elgin Joliet & Eastern Railway	*708
Approximately 700 feet upstream of Lake Shore Drive	*731
Butterfield Creek East Branch Tributary A:	
Approximately 580 feet downstream of Amy Drive	*723
Approximately 238 feet downstream of Amy Drive	*723
Maps available for inspection at the Richton Park Municipal Building, 4455 Sauk Trail, Richton Park, Illinois.	
River Forest (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Upstream side of Madison Street	*622
Downstream side of North Avenue	*625
Maps available for inspection at the River Forest City Hall, 400 Park Avenue, River Forest, Illinois.	
River Grove (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Just upstream of North Avenue	*625
Downstream side of Belmont Avenue	*625
Golf Course Tributary:	
At confluence with the Des Plaines River	*625
At Thatcher Road	*625
Maps available for inspection at the Village of River Grove Administrative Offices, 2621 Thatcher Avenue, River Grove, Illinois.	
Riverdale (Village), Cook County (FEMA Docket No. 7303)	
Little Calumet River:	
Approximately 600 feet upstream of the confluence with Calumet Sag Channel	*588
Maps available for inspection at the Riverdale Village Hall, Office of Community and Economic Development, 157 West 144th Street, Riverdale, Illinois.	
Riverside (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 50 feet upstream of Ogden Avenue	*600
Downstream side of 31st Street	*616
Maps available for inspection at the Village of Riverside Building/Zoning Department, 27 Riverside Road, Riverside, Illinois.	
Rolling Meadows (City), Cook County (FEMA Docket No. 7287)	
Salt Creek Tributary C:	
At confluence with Salt Creek (Upper Reach)	*721
Approximately 70 feet downstream of Euclid Avenue	*753
Salt Creek, Arlington Heights Branch:	
At confluence with Salt Creek	*700
Downstream side of Euclid Avenue	*706
Salt Creek (Upper Reach):	
At Evanston-Elgin Road	*693
Approximately 75 feet upstream of Euclid Avenue	*725
Maps available for inspection at the City of Rolling Meadows Building and Zoning Department, 3600 Kirchoff Road, Rolling Meadows, Illinois.	
Rosemont (Village), Cook County (FEMA Docket No. 7259)	
Willow Creek:	
At confluence with Des Plaines River	*629
Approximately 895 feet upstream of confluence with Des Plaines River	*629
Des Plaines River:	
At downstream corporate limit	*628
Approximately 1,450 feet upstream of West Higgins Road	*628
Maps available for inspection at the Village of Rosemont Engineer's Office, Christopher B. Burke Engineering, Ltd., 9575 West Higgins Road, Suite 600, Rosemont, Illinois.	
Sauk Village (Village), Cook County (FEMA Docket No. 7287)	
Lansing Ditch:	
Approximately 750 feet downstream of Sauk Trail Road	*631
Approximately 0.96 mile upstream of 223rd Street	*653
Lansing Ditch East Tributary:	
At confluence with Lansing Ditch	*635
Approximately 0.6 mile upstream of Katz Corner Road	*646
Lansing Ditch West Tributary:	
Approximately 1,250 feet upstream of the confluence with Lansing Ditch	*631
Approximately 50 feet upstream of Torrence Avenue	*631
Lansing Ditch Torrence Tributary:	
Approximately 0.78 mile upstream of confluence with Lansing Ditch	*629
Approximately 1.28 miles upstream of confluence with Lansing Ditch	*630
Maps available for inspection at the Village of Sauk Village Building Department, 21701 Torrence Avenue, Sauk Village, Illinois.	
Schaumburg (Village), Cook County (FEMA Docket No. 7287)	
Salt Creek, West Branch Tributary 5:	
At confluence with Salt Creek West Branch Tributary 3	*729
Approximately 250 feet upstream of Summit Drive	*746
Salt Creek, West Branch Tributary 4:	
Approximately 210 feet upstream of confluence with Salt Creek West Branch Tributary 3	*737
Approximately 200 feet upstream of Roselle Road	*788
Salt Creek, West Branch Tributary 3:	
Approximately 280 feet upstream of confluence with Salt Creek West Branch	*715
Approximately 350 feet upstream of Roselle Road	*777
Salt Creek, West Branch Tributary 6:	
At upstream side of Plum Grove Road	*720
Approximately 100 feet upstream of Summit Drive	*744
Salt Creek, West Branch Tributary 7:	
Approximately 200 feet upstream of Baltimore Drive	*721
Approximately 125 feet downstream of Plum Grove Road	*735
Salt Creek West Branch:	
Approximately 150 feet downstream of Interstate Route 290	*693
Approximately 100 feet upstream of Roselle Road	*748
Salt Creek West Branch Tributary A:	
Approximately 1,375 feet upstream of confluence with Salt Creek West Branch	*730
Approximately 650 feet downstream of Basswood Road	*740
Salt Creek Tributary D:	
At confluence with Salt Creek (Upper Reach)	*718
Approximately 1,000 feet upstream of Hammond Drive	*732
Salt Creek (Upper Reach):	
Approximately 60 feet downstream Meacham Road	*716

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 75 feet upstream Hartung Road	*721
Salt Creek Tributary C:	
Approximately 1,000 feet northwest of the intersection of Algonquin Road and College Drive	*750
Maps available for inspection at the Village of Schaumburg Engineering Department, 101 Schaumburg Court, Schaumburg, Illinois.	
Schiller Park (Village), Cook County (FEMA Docket No. 7259)	
Des Plaines River:	
Approximately 0.42 mile downstream of Irving Park Road	*627
Downstream side of Foster Avenue	*628
Crystal Creek:	
At confluence with the Des Plaines River	*628
Approximately 924 feet upstream of Scott Avenue	*639
Sexton Ditch:	
At confluence with Crystal Creek Tributary	*643
Approximately 1,800 feet upstream of confluence with Crystal Creek Tributary	*643
Motel Ditch:	
At confluence with Industrial Tributary	*641
Approximately 2,025 feet upstream of Belle Plaine Avenue	*641
Industrial Tributary:	
At confluence with Crystal Creek Tributary	*640
Approximately 625 feet upstream of TransWorld Road	*645
Crystal Creek Tributary:	
At confluence with Crystal Creek	*639
Approximately 85 feet downstream of Panoramic Drive	*643
Maps available for inspection at the Village of Schiller Park Building Department, 4501 North 25th Avenue, Schiller Park, Illinois.	
South Barrington (Village), Cook County (FEMA Docket No. 7259)	
Poplar Creek Tributary:	
Approximately 2,350 feet upstream of confluence with Poplar Creek	*811
Approximately 1,600 feet upstream of confluence with Poplar Creek	*810
Maps available for inspection at the South Barrington Village Hall, 30 South Barrington Road, South Barrington, Illinois.	
South Chicago Heights (Village), Cook County (FEMA Docket No. 7259)	
Thorn Creek/Sauk Lake:	
At downstream corporate limit	*682
Approximately 2,150 feet upstream of 26th Street	*682
Maps available for inspection at the South Chicago Heights Village Hall, 3317 Chicago Road, South Chicago Heights, Illinois.	
South Holland (Village), Cook County (FEMA Docket No. 7259)	
Calumet Union Drainage Ditch:	
Approximately 920 feet downstream of Vincennes Road	*598
Approximately 1,260 feet upstream of Vincennes Road	*602
Maps available for inspection at the Village of South Holland Planning and Development Department, 16226 Wausau, South Holland, Illinois.	
Tinley Park (Village), Cook and Will Counties (FEMA Docket No. 7259)	
Midlothian Creek Western Tributary:	
Confluence with Midlothian Creek	*697
Approximately 1,000 feet upstream of 168th Street	*702
Midlothian Creek:	
Approximately 175 feet downstream of Gentry Lane	*682
Approximately 100 feet upstream of 175th Street	*701
76th Avenue Ditch:	
Confluence with Midlothian Creek	*694
Approximately 50 feet downstream of 159th Street	*703
Tinley Park Reservoir:	
Entire shoreline within community	*694
Tinley Park Reservoir Shallow Flooding Area:	
Approximately 650 feet west of intersection of Oleander Avenue and 167th Street ..	#2
Filsen Park Ditch:	
At the confluence with 76th Avenue Ditch	*696
Approximately 100 feet upstream of Harlem Avenue	*696
Ponding Area:	
At intersection of 70th Avenue and 176th Street	*695
Union Drainage Ditch:	
Upstream side of Oak Park Avenue	*694
Approximately 1,675 feet upstream of Oak Park Avenue	*694
Maps available for inspection at the Tinley Park Village Hall, 16250 South Oak Park Avenue, Tinley Park, Illinois.	
University Park (Village), Cook and Will Counties (FEMA Docket No. 7259)	
Butterfield Creek East Branch:	
Approximately 350 feet northwest of the intersection of Davis Avenue and Kostner Avenue	*730
At the county boundary (approximately 2,000 feet upstream of Polk Avenue)	*741
Maps available for inspection at the University Park Village Hall, 698 Burnham Drive, University Park, Illinois.	
Westchester (Village), Cook County (FEMA Docket No. 7259)	
Salt Creek:	
Approximately 50 feet upstream of Mannheim Road	*625
Approximately 100 feet upstream of 31st Street	*631
Maps available for inspection at the Village of Westchester Building Department, 10300 Roosevelt Road, Westchester, Illinois.	
Wheeling (Village), Cook County (FEMA Docket No. 7287)	
McDonald Creek:	
Downstream side of Wheeling Road	*650
Approximately 1,300 feet downstream of Wheeling Road	*649
Wheeling Drainage Ditch:	
At confluence with Des Plaines River	*641
Approximately 1,000 feet downstream of Hintz Road	*641
Des Plaines River:	
Approximately 450 feet downstream of confluence of Wheeling Drainage Ditch	*641
Approximately 50 feet downstream of County Line Road	*644
Maps available for inspection at the Village of Wheeling Engineering Office, 255 West Dundee Road, Wheeling, Illinois.	
Wilmette (Village), Cook County (FEMA Docket No. 7259)	
Chicago River, North Branch:	
Approximately 50 feet downstream of East Lake Avenue	*623
At confluence of Skokie River	*624
Skokie River:	
At confluence with Chicago River, North Branch	624

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 650 feet upstream of Edens Expressway	625
Lake Michigan:	
Entire shoreline affecting community	*585
Skokie River, West Ditch:	
At intersection of 21st Street and Beechwood Avenue	*626
Maps available for inspection at the Wilmette Village Hall, 1200 Wilmette Avenue, Wilmette, Illinois.	
Worth (Village), Cook County (FEMA Docket No. 7259)	
Stony Creek (West):	
Approximately 0.78 mile downstream of Harlem Avenue	*589
Just at downstream side of Harlem Avenue	*591
Maps available for inspection at the Worth Village Hall, 7112 West 111th Street, Worth, Illinois.	
Indianapolis (City), Marion County (FEMA Docket No. 7303)	
Derbyshire Creek:	
Approximately 275 feet upstream of Perrault Drive	*770
Upstream Limit of Detailed Study at McFarland Road (approximately 325 feet north of intersection of East Banta Road and McFarland Road)	*773
O'Brian Ditch:	
Upstream side of 42nd Street	*835
Approximately 1,150 feet upstream of Black Locust Drive	*853
Maps available for inspection at the City-County Building, 200 East Washington Street, Room 2142, Indianapolis, Indiana.	
MASSACHUSETTS	
Braintree (Town), Norfolk County (FEMA Docket No. 7299)	
Cochato River:	
Upstream face of Richardi Reservoir Dam No. 1	*105
Braintree/Randolph corporate limits	*109
Maps available for inspection at the Braintree Town Hall, One J.F.K. Memorial Drive, Braintree, Massachusetts.	
MICHIGAN	
Blaine (Township), Benzie County (FEMA Docket No. 7303)	
Lake Michigan:	
Entire shoreline within the community	*585
Maps available for inspection at the Blaine Township Hall, Meeting Room, 4760 Herring Grove Road (White Owl Road), Arcadia, Michigan.	
DeTour (Township), Chippewa County (FEMA Docket No. 7303)	
Lake Huron:	
Entire shoreline within the community	*584
Saint Marys River:	
Entire shoreline within the community	*584
Maps available for inspection at the DeTour Township Office, 260 Superior Street, DeTour Village, Michigan.	
Drummond Island (Township), Chippewa County (FEMA Docket No. 7303)	
Saint Marys River:	
Entire shoreline within the community	*584
Maps available for inspection at the Drummond Island Township Hall, 110 Center Street, Drummond Island, Michigan.	
Garfield (Township), Mackinac County (FEMA Docket No. 7303)	
Lake Michigan:	
Entire shoreline within the community	*585
Maps available for inspection at the Garfield Township Hall, Route 1, Krause Road, Engadine, Michigan.	
Mankato (City), Blue Earth & Nicollet Counties (FEMA Docket No. 7267)	
Minnesota River:	
At downstream corporate limits	*774
At upstream corporate limits	*786
Blue Earth River:	
At confluence with Minnesota River	*785
Approximately 2,250 feet upstream of U.S. Highway 169	*785
Maps available for inspection at the Mankato City Hall, 10 Civic Center Plaza, Mankato, Minnesota.	
Moran (Township), Mackinac County (FEMA Docket No. 7303)	
Lake Michigan:	
Entire shoreline within community	*585
Maps available for inspection at the Moran Township Hall, 1358 West U.S. Highway 2, St. Ignace, Michigan.	
Onota (Township), Alger County (FEMA Docket No. 7303)	
Lake Superior:	
Entire shoreline within the community	*604
Maps available for inspection at the Onota Township Hall, 1461 Deerton Sandlake Road, Deerton, Michigan.	
Powell (Township), Marquette County (FEMA Docket No. 7303)	
Lake Superior:	
Entire shoreline within the community	*604
Maps available for inspection at the Powell Township Hall, 101 Bensinger Avenue, Big Bay, Michigan.	
St. Ignace (Township), Mackinac County (FEMA Docket No. 7303)	
Lake Huron:	
Entire shoreline within community	*585
Maps available for inspection at the Mackinac County Courthouse Annex, 100 North Marley, Room 115, St. Ignace, Michigan.	
NEW HAMPSHIRE	
Bow (Town), Merrimack County (FEMA Docket No. 7279)	
Merrimack River:	
At the confluence of the Soucook River	*204
Approximately 1.52 miles upstream of Garvins Falls Dam	*228
Maps available for inspection at the Bow Town Hall, Building Department, 10 Grandview Road, Bow, New Hampshire.	
Charlestown (Town), Sullivan County (FEMA Docket No. 7283)	
Connecticut River:	
At a point approximately 1.35 miles downstream of confluence of Jabes Meadow Brook	*302
Approximately 2.3 miles upstream of the confluence of Ox Brook	*312
Little Sugar River:	
At the confluence with Connecticut River	*307
Approximately 1,500 feet upstream of the confluence with Connecticut River	*307
Beaver Brook:	
At the confluence with Connecticut River	*306

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Approximately 1.2 miles upstream of the confluence with Connecticut River	*306
Maps available for inspection at the Charlestown Town Hall, Selectmen's Office, 26 Railroad Street, Charlestown, New Hampshire.	
NEW JERSEY	
Mantoloking (Borough), Ocean County (FEMA Docket No. 7275)	
Barnegat Bay:	
Approximately 200 feet east of the intersection of Runyon Lane and Albertson Street	*6
Atlantic Ocean:	
Approximately 450 feet east of the intersection of Herbert Street and Ocean Avenue	*15
Approximately 30 feet west of the intersection of Stephens Place and East Avenue	#1
Approximately 80 feet east of the intersection of Stephens Place and East Avenue	*13
Maps available for inspection at the Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, New Jersey.	
Scotch Plains (Township), Union County (FEMA Docket No. 7247)	
Green Brook:	
Approximately 250 feet upstream of Terrill Road	*136
At upstream corporate limits	*198
Blue Brook:	
At confluence with Green Brook	*198
At upstream corporate limits	*240
Maps available for inspection at the Township of Scotch Plains Engineering Office, 430 Park Avenue, Scotch Plains, New Jersey.	
NEW YORK	
Brunswick (Town), Rensselaer County (FEMA Docket No. 73030)	
Piscawen Kill:	
At the Brunswick/Troy corporate limits	*363
Approximately 50 feet upstream of North Lake Avenue Crossing #4	*477
Maps available for inspection at the Brunswick Town Hall, Assessor's Office, 308 Town Office Road, Troy, New York.	
Clarkstown (Town), Rockland County (FEMA Docket No. 7279)	
Demarest Kill:	
Approximately 750 feet upstream of the confluence with West Branch Hackensack River	*97
Approximately 1,900 feet upstream of New Hempstead Road	*173
Pascack Brook:	
Upstream side of Pascack Road	*354
Approximately 2,500 feet upstream of Pascack Road ...	*410
Maps available for inspection at the Town of Clarkstown Department of Environmental Control, 10 Maple Avenue, New York City, New York.	
Cold Brook (Village), Herkimer County (FEMA Docket Nos. 7295 and 7307)	
Sheet Flow:	
Approximately 880 feet north of intersection of State Route 8 and Rose Valley Road along east side of State Route 8	#2
Approximately 1,170 feet north of intersection of State Route 8 and Military Road along east side of State Route 8	#2
Approximately 1,720 feet north of intersection of State Route 8 and Military Road along the west side of State Route 8	#2
Cold Brook:	
Approximately 80 feet downstream of U.S. Route 8 where it crosses just upstream of the downstream corporate limits	*797
Approximately 75 feet upstream of U.S. Route 8 where it crosses just downstream of the upstream corporate limits	*1,012
Maps available for inspection at the Cold Brook Village Hall, 457 Main Street, Cold Brook, New York.	
Frankfort (Town), Herkimer County (FEMA Docket No. 7299)	
Mohawk River:	
Approximately 0.38 mile downstream of Railroad Street	*395
Approximately 0.31 mile downstream of upstream corporate limits	*407
Maps available for inspection at the Frankfort Village Hall, Clerk's Office, 126 East Orchard Street, Frankfort, New York.≤	
Lowville (Town), Lewis County (FEMA Docket No. 7291)	
Mill Creek:	
At confluence with Black River	*744
At upstream corporate limits	*760
Maps available for inspection at the Lowville Town Hall, 5533 Bostwick, Lowville, New York.	
Painted Post (Village), Steuben County (FEMA Docket No. 7295)	
Chemung River:	
At the downstream corporate limits	*934
At confluence of Cohocton and Tioga Rivers	*935
Cohocton River:	
At confluence with Chemung and Tioga Rivers	*935
Approximately 1,600 feet upstream of CONRAIL	*938
Tioga River:	
At confluence with Chemung and Cohocton Rivers	*935
Approximately 0.9 mile upstream of confluence with Chemung River	*938
Maps available for inspection at the Painted Post Village Hall, Corner of Steuben & West High Street, Painted Post, New York.	
Prospect (Village), Oneida County (FEMA Docket No. 7311)	
West Canada Creek:	
At Military Road	*1,078
Approximately 2,030 feet upstream of Military Road	*1,127
Maps available for inspection at the Prospect Village Office, 915 Trenton Falls Street, Prospect, New York.	
NORTH CAROLINA	
Franklin County (Unincorporated Areas) (FEMA Docket No. 7307)	
Tar River:	
Approximately 1,000 feet upstream of the Nash County boundary	*172
At the Vance County boundary	*246
Maps available for inspection at the Franklin County Planning and Development Office, 215 East Nash Street, Louisburg, North Carolina.	
Louisburg (Town), Franklin County (FEMA Docket No. 7307)	
Tar River:	
A point approximately 1.98 miles downstream of South Bickett Boulevard	*201
A point approximately 2.4 miles upstream of North Main Street	*213

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Maps available for inspection at the Louisburg Town Hall, 110 West Nash Street, Louisburg, North Carolina.	
PENNSYLVANIA	
Allegheny (Township), Westmoreland County (FEMA Docket No. 7295)	
Allegheny River:	
Approximately 4,100 feet of upstream side of Lock and Dam #4	*764
Approximately 920 feet downstream of confluence with Kiskiminetas River	*770A
Maps available for inspection at the Allegheny Township Supervisor's Office, 136 Community Building Road, Leechburg, Pennsylvania.	
Arnold (City), Westmoreland County (FEMA Docket No. 7295)	
Allegheny River:	
Approximately 2,300 feet upstream of New Kensington Highway	*753
Approximately 4,300 feet upstream of New Kensington Highway	*754
Maps available for inspection a the Arnold City Hall, 1829 Fifth Avenue, Arnold, Pennsylvania.	
Dingman (Township), Pike County (FEMA Docket No. 7311)	
Delaware River:	
Approximately 3.0 miles downstream of U.S. Route 206	*391
Approximately 1.0 mile upstream of U.S. Route 206	*403
Maps available for inspection at the Dingman Township Hall, 118 Fisher Lane, Milford, Pennsylvania.	
Greene (Township), Pike County (FEMA Docket No. 7311)	
Lake Wallenpaupack:	
Entire shoreline within community	*1,191
Maps available for inspection at the Greene Township Building, Brink Hill Road, Greentown, Pennsylvania.	
Lehman (Township), Pike County (FEMA Docket No. 7311)	
Delaware River:	
Approximately 0.51 mile upstream of confluence of Bushkill Creek	*349
Approximately 1.4 miles upstream of confluence of Bushkill Creek	*354
Maps available for inspection at the Lehman Zoning Office, Municipal Road, Bushkill, Pennsylvania.	
Lower Burrell (City), Westmoreland County (FEMA Docket No. 7295)	
Allegheny River:	
Approximately 1,600 feet upstream of Stevenson Boulevard	*756
Approximately 1,300 feet downstream of Lock and Dam # 4	*758
Maps available for inspection at the City of Lower Burrell Engineer's Office, 2800 Bethel Street, Lower Burrell, Pennsylvania.	
Matamoras (Borough), Pike County (FEMA Docket No. 7311)	
Delaware River:	
Approximately 355 feet downstream of State Route 84	*426
Approximately 3,020 feet upstream of Pennsylvania Avenue	*440
Maps available for inspection at the Matamoras Borough Hall, Avenue I, Matamoras, Pennsylvania.	
Milford (Borough), Pike County (FEMA Docket No. 7311)	
Delaware River:	
Approximately 1.0 mile upstream of U.S. Route 206	*403
Approximately 1.5 miles upstream of U.S. Route 206	*405
Maps available for inspection at the Milford Borough Office, 111 West Catherine Street, Milford, Pennsylvania.	
Milford (Township), Pike County (FEMA Docket No. 7311)	
Delaware River:	
Approximately 1.5 miles upstream of U.S. Route 206	*405
Approximately 2.7 miles upstream of U.S. Route 206	*409
Maps available for inspection at the Milford Township Office, 590 Route 6 and 209, Milford, Pennsylvania.	
New Kensington (City), Westmoreland County (FEMA Docket No. 7295)	
Allegheny River:	
Approximately 1,400 feet upstream of New Kensington Highway	*753
Approximately 1,600 feet upstream of Stevenson Boulevard	*756
Maps available for inspection at the New Kensington Municipal Building, 301 11th Street, New Kensington, Pennsylvania.	
Palmyra (Township), Pike County (FEMA Docket No. 7311)	
Lake Wallenpaupack:	
Entire area within community	*1,191
Lackawaxen River:	
Approximately 100 feet upstream of Kimbles Road	*835
Approximately 3.4 miles upstream of Kimbles Road	*884
Wallenpaupack Creek:	
Approximately 0.7 mile downstream of U.S. Route 6	*1,040
Approximately 1,500 feet upstream of U.S. Route 6	*1,138
Maps available for inspection at the Palmyra Township Building, Gumbletown Road, Buehler Lane, Paupack, Pennsylvania.	
Shohola (Township), Pike County (FEMA Docket No. 7311)	
Delaware River:	
Approximately 1,200 feet downstream of Pond Eddy Bridge	*527
Approximately 6.8 miles upstream of Pond Eddy	*578
Maps available for inspection at the Shohola Township Hall, 159 Twin Lakes Road, Shohola, Pennsylvania.	
Westfall (Township), Pike County (FEMA Docket No. 7311)	
Delaware River:	
Approximately 1.4 miles downstream of confluence of Cummings Creek	*409
Approximately 1,050 feet downstream of Pond Eddy Bridge	*527
Maps available for inspection at the Westfall Township Municipal Building, 102 La Barr Lane, Matamoras, Pennsylvania.	
SOUTH CAROLINA	
Camden (City), Kershaw County (FEMA Docket No. 7295)	
Bolton Branch:	
Approximately 40 feet upstream of Wilder Street	*172
Approximately 300 feet upstream of Wylie Street	*175
Unnamed Tributary to Bolton Branch:	
Approximately 200 feet downstream of Wylie Street	*167

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
Downstream side of Campell Street	*178
Maps available for inspection at the City of Camden Building Department, City Hall, 1000 Lyttleton Street, Camden, South Carolina.	
Kershaw County (Unincorporated Areas) (FEMA Docket No. 7295)	
Bolton Branch:	
Approximately 330 feet downstream of Old Chestnut Ferry Road	*152
Approximately 40 feet upstream of Wilder Street	*172
Flat Branch:	
At confluence with Twentyfive Mile Creek	*182
Approximately 245 feet upstream of Wildwood Lane	*271
Gilles Creek:	
Approximately 250 feet upstream of the confluence with Gilles Ditch	*145
Approximately 0.81 mile upstream of Gilles Creek Road	*225
Haig Creek:	
At confluence with Spears Creek	*155
Approximately 865 feet upstream of Fort Jackson Road	*178
Horsepen Creek:	
At confluence with Twentyfive Mile Creek	*188
Approximately 300 feet upstream of Highway 1	*292
McCaskill Creek:	
At U.S. Route 601	*142
Approximately 1.3 miles upstream of confluence of Rununder Branch	*237
Rununder Branch:	
At confluence with McCaskill Creek	*188
Approximately 0.37 mile upstream of Spring Creek Road	*246
Sandy Branch:	
At confluence with Twentyfive Mile Creek	*235
Approximately 1.14 miles upstream of Watson Street (At county boundary)	*261
Sloan Branch:	
At confluence with Spears Creek	*166
Approximately 320 feet upstream of Tower Road	*203
Spears Creek:	
At U.S. Route 601	*143
Approximately 1.3 miles upstream of Fort Jackson Road	*189
Tributary to Haig Creek 1:	
At confluence with Haig Creek	*178
Approximately 1.6 miles upstream of Whiting Way	*246
Tuppler Branch:	
At confluence with Sandy Branch	*243
Approximately 105 feet upstream of Sessions Road	*305
Twentyfive Mile Creek:	
Approximately 1.4 miles downstream of Pine Grove Road	*159
At upstream county boundary	*261
Unnamed Tributary to Bolton Branch:	
At confluence with Bolton Branch	*158
Approximately 200 feet downstream of Wylie Street	*167
Yankee Branch:	
At confluence with Twentyfive Mile Creek	*203
Approximately 0.68 mile upstream of Chestnut Road	*287
Maps available for inspection at the Kershaw County Planning and Zoning Office, County Courthouse, 1121 Broad Street, Camden, South Carolina.	
VIRGINIA	
Monterey (Town), Highland County (FEMA Docket No. 7307)	
West Straight Creek:	
Approximately 120 feet downstream of the downstream corporate limits	*2,847
Approximately 615 feet upstream of Mill Alley	*2,965
Maps available for inspection at the Town of Monterey Building and Zoning Office, Courthouse Annex, Spruce Street, Monterey, Virginia.	
WEST VIRGINIA	
Moorefield (Town), Hardy County (FEMA Docket No. 7307)	
Unnamed Ponding Area:	
Approximately 500 feet southwest of the intersection of U.S. Route 220 and Monroe Avenue	*804
South Branch Potomac River:	
Unnamed tributary from downstream corporate limits to Spring Avenue	*798
Maps available for inspection at the Moorefield Town Hall, 206 Winchester Avenue, Moorefield, West Virginia.	

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: August 25, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–22805 Filed 9–5–00; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AG22

Migratory Bird Hunting; Approval of Tungsten-Matrix Shot as Nontoxic for Hunting Waterfowl and Coots

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) amends 50 CFR 20.21(j) to grant final approval of tungsten-matrix shot as nontoxic for hunting waterfowl and coots. Acute toxicity studies reveal no adverse effects over a 30-day period on mallards (*Anas platyrhynchos*) dosed with tungsten-matrix shot. Reproductive/chronic toxicity testing over a 150-day period indicated that tungsten-matrix administered to adult mallards did not adversely affect them or the offspring they produced. We also remove 50 CFR Subpart M (Part 20—Migratory Bird Hunting)—Criteria and Schedule for Implementing Nontoxic Shot Zones for the 1987–88 and Subsequent Waterfowl Hunting Season because implementation of nontoxic shot zones in the United States was completed in 1991.

DATES: This rule takes effect September 6, 2000.

ADDRESSES: Copies of the Environmental Assessment are available by writing to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr., Suite 634, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Jon Andrew, Chief, Division of Migratory Bird Management, (703) 358–1714.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of 1918 (Act) (16 U.S.C. 703–712 and 16 U.S.C. 742 a–j) implements migratory bird treaties between the United States and Great Britain for Canada (1916 and 1996 as amended), Mexico (1936 and 1972 as amended), Japan (1972 and 1974 as amended), and Russia (then the Soviet Union, 1978). These treaties protect certain migratory birds from take, except as permitted under the Act. The Act authorizes the Secretary of the Interior to regulate take of migratory birds in the United States. Under this authority, the Fish and Wildlife Service controls the hunting of migratory game birds through regulations in 50 CFR part 20.

The purpose of this rule is to allow the hunting public to use tungsten-

matrix shot for hunting waterfowl and coots. Accordingly, we propose to amend 50 CFR 20.21, which describes illegal hunting methods for migratory birds. Paragraph (j) of § 20.21 pertains to prohibited types of shot. In accordance with § 20.21(j)(2), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead) is legal as nontoxic shot for waterfowl and coot hunting for the 1999–2000 hunting season only. We amend § 20.21(j) to allow permanent use of tungsten-matrix shot in the formulation described above.

Since the mid-1970s, we have sought to identify shot that does not pose a significant toxic hazard to migratory birds or other wildlife. Currently, only steel, bismuth-tin, tungsten-iron, and tungsten-polymer shot are approved as nontoxic. We previously granted temporary approval for tungsten-matrix shot during the 1998–99 (December 8, 1998; 63 FR 67619) and 1999–2000 (August 19, 1999; 64 FR 45400) migratory bird hunting seasons. Compliance with the use of nontoxic shot has increased over the last few years. We believe that compliance will continue to increase with the approval and availability of other nontoxic shot types.

Kent Cartridge Company has requested that we permanently approve tungsten-matrix shot as nontoxic for hunting waterfowl and coots. Kent's candidate shot is fabricated from what is described in their application as a mixture of powdered metals in a plastic polymer matrix whose density is comparable to that of lead. All component metals are present in their elemental form, not as compounds. The shot material being considered has a density of 10.8 grams/cm^3 and is composed of approximately 95.9 percent tungsten and 4.1 percent plastic polymers.

Kent's application for tungsten-matrix includes a description of the shot, a toxicological report (Thomas 1997), results of a 30-day toxicity study (Wildlife International, Ltd. 1998), and results of a 150-day reproductive/chronic toxicity study (Gallagher *et al.* 2000). The toxicological report incorporates toxicity information (a synopsis of acute and chronic toxicity data for mammals and birds, potential for environmental concern, and toxicity to aquatic and terrestrial invertebrates, amphibians, and reptiles) and information on environmental fate and transport (shot alteration, environmental half-life, and environmental concentration).

Toxicity Information: The toxicity of the plastic polymers in tungsten-matrix is negligible due to their insolubility. There is considerable difference between the toxicity of soluble and insoluble compounds of tungsten. Elemental tungsten, as found in tungsten-matrix shot, is virtually insoluble and is expected to be relatively nontoxic. Even though most toxicity tests reviewed were based on soluble tungsten compounds rather than elemental tungsten, there appears to be no basis for concern of toxicity to wildlife for tungsten-matrix shot via ingestion by fish or mammals (Bursian *et al.* 1996a, Bursian *et al.* 1996b; Bursian *et al.* 1999; Gigiema 1983; Karantassis 1924; Patty 1982; Industrial Medicine 1946).

Environmental Fate and Transport: Elemental tungsten is insoluble in water and, therefore, does not weather and degrade in the environment. Tungsten is very stable with acids and does not easily form compounds with other substances. Preferential uptake by plants in acidic soil suggests uptake of tungsten when it has formed compounds with other substances rather than when it is in its elemental form (Kabata-Pendias and Pendias 1984).

Environmental Concentration: The estimated environmental concentration (EEC) for a terrestrial ecosystem was calculated based on 69,000 shot per hectare (Pain 1990), assuming complete erosion of shot material in 5 centimeters of soil. The EECs for tungsten and the two polymers found in tungsten-matrix are 25.7 milligram/kilogram (mg/kg), 4.2 mg/kg, and 0.14 mg/kg, respectively. The EEC for an aquatic ecosystem was calculated assuming complete erosion of the shot in 1 foot of standing water. The EECs in water for tungsten and the two plastic polymers found in tungsten-matrix shot are 4.2 milligram/liter (mg/L), 0.2 mg/L, and 0.02 mg/L, respectively.

Effects on Birds: An extensive literature review contained in the application provided information on the toxicity of elemental tungsten to waterfowl and other birds. Ringelman *et al.* (1993) orally dosed 20 8-week-old game-farm mallards with 12–17 (1.03 g average weight) tungsten-bismuth-tin pellets and monitored them for 32 days for evidence of intoxication. No birds died during the trial, and gross lesions were not observed during the postmortem examinations. Examination of tissues did not reveal any evidence of toxicity or tissue damage, and tungsten was not detectable in kidney or liver samples. The authors concluded that tungsten-bismuth-tin shot presented virtually no potential for acute toxicity in mallards.

Kraabel *et al.* (1996) assessed the effects of embedded tungsten-bismuth-tin shot on mallards and concluded that tungsten-bismuth-tin was not acutely toxic when implanted in muscle tissue. Inflammatory reactions to tungsten-bismuth-tin shot were localized and had no detectable systemic effects on mallard health.

Ringelman *et al.* (1992) conducted a 32-day acute toxicity study that involved dosing game-farm mallards with a shot alloy of tungsten-bismuth-tin (39 percent tungsten, 44.5 bismuth, and 16.5 tin). No dosed birds died during the trial, and behavior was normal. Examination of tissues post-euthanization revealed no toxicity or damage related to shot exposure. This study concluded that ''* * * tungsten-bismuth-tin shot presents virtually no potential for acute intoxication in mallards under the conditions of this study.''

Nell (1981) fed laying chickens (*Gallus domesticus*) 0.4 or 1.0 grams/kg tungsten (contained in an unspecified salt compound) in a commercial mash for 5 months to assess reproductive performance. Weekly egg production was normal, and hatchability of fertile eggs was not affected. Exposure of chickens to large doses of tungsten either through injection or by feeding resulted in an increased tissue concentration of tungsten (Nell 1981). The loss of tungsten from the liver occurred in an exponential manner with a half-life of 27 hours. Death due to tungsten occurred when tissue concentrations increased to 25 milligram/gram of liver. Due to the insoluble nature of elemental tungsten contained in tungsten-matrix shot, it is not expected that such high levels of tungsten could be attained through ingestion of tungsten-matrix shot.

The two plastic polymers used in tungsten-matrix shot act as a physical matrix in which the tungsten is distributed as ionically bound fine particles. Most completely polymerized nylon materials are physiologically inert, regardless of the toxicity of the monomer from which they are made (Peterson 1977). A literature review did not reveal studies in which either of the two polymers were evaluated for toxicity in birds.

New Acute Toxicity Studies: Kent contracted with Wildlife International Ltd. to conduct an acute toxicity study of tungsten-matrix. The acute toxicity test is a short-term (30-day) study where ducks are dosed with shot and fed commercially available duck food. Survival, body weight, blood chemistry (hematocrit), bone (femur), and organ analysis are recorded.

Kent's 30-day dosing study (Wildlife International Ltd. 1998) included four

treatment and one control group of game-farm mallards. Treatment groups were exposed to one of three different types of shot: eight No. 4 steel, eight No. 4 lead, or eight No. 4 tungsten-matrix; whereas the control group received no shot. The two tungsten-matrix treatment groups (one group with a deficient diet, one group with a balanced diet) each consisted of 16 birds (8 males and 8 females); whereas remaining treatment and control groups consisted of 6 birds each (3 males and 3 females). All tungsten-matrix-dosed birds survived the test and showed no overt signs of toxicity or treatment-related effects on body weight. There were no differences in hematocrit or hemoglobin concentration between the tungsten-matrix treatment group and either the steel shot or control groups. No histopathological lesions were found during gross necropsy. In general, no adverse effects were seen in mallards given eight No. 4 size tungsten-matrix shot and monitored over a 30-day period. Tungsten was found to be below the limit of detection in all samples of femur, gonad, liver, and kidney from treatment groups.

New Reproductive/Chronic Toxicity Study: Kent contracted with Wildlife International Ltd. to conduct a reproductive/chronic toxicity study of tungsten-matrix. The reproductive/chronic toxicity study is a long-term (150-day) study where ducks are dosed with shot and fed commercially available duck food. Survival, body weight, blood hematocrit, bone (femur), organ analysis, and reproductive performance are recorded.

The chronic toxicity/reproductive study revealed no adverse effects when mallards were dosed with eight No. 4 size tungsten-matrix shot and monitored over a 150-day period (Gallagher *et al.* 2000). At initiation of the test (day 0), and on days 31, 60, and 90, 21 male and 21 female adult mallards were orally dosed with 8 No. 4 tungsten-matrix shot. On the same days, 22 male and 22 female adult mallards were dosed with 8 No. 4 steel shot (negative control group). An additional four male and four female mallards were dosed with a single No. 4 lead shot (positive control group). Two lead-dosed birds (one female, one male) died from lead toxicosis on days 10 and 17, respectively, during the study; whereas no mortalities occurred in the other test groups. Hematological and biochemical results from blood samples collected during tests revealed no biologically meaningful differences between the tungsten-matrix group and the steel shot control group. Low, but measurable, levels of tungsten were found in the livers of males from the tungsten-matrix group and in the femurs of females from all treatment groups. For all treatment groups, levels of tungsten were below the limit of detection in egg yolks and whites, and all tissues collected from offspring. Liver and kidney tissues collected for histopathological examination revealed no treatment-related abnormalities.

No significant differfences occurred in egg production, fertility, or hatchability of eggs from birds dosed with tungsten-matrix when compared to steel-dosed ducks. No differences occurred in survival and body weight of ducklings from birds dosed with tungsten-matrix when compared to ducklings from steel-dosed ducks. Blood measurements of ducklings from tungsten-matrix-dosed ducks were similar to measurements from ducklings from steel-dosed ducks. Overall, results of the 150-day study indicated that tungsten-matrix shot repeatedly administered to adult mallards did not adversely affect them, or the offspring they produced.

Nontoxic Shot Approval

The nontoxic shot approval process contains a tiered review system and outlines three conditions for approval of shot types. The first condition for nontoxic shot approval is toxicity testing. Based on the results of the toxicological report and the toxicity tests discussed above, we conclude that tungsten-matrix shot does not pose a significant danger to migratory birds or other wildlife.

The second condition for approval is testing for residual lead levels. Any shot with lead levels equal to or exceeding 1 percent will be considered toxic and, therefore, illegal. We have determined that the maximum environmentally acceptable level of lead in any nontoxic shot is trace amounts of <1 percent, and we have incorporated this requirement in the new approval process. Kent has documented that tungsten-matrix meets this requirement.

The third condition for approval involves law enforcement. In the August 18, 1995 **Federal Register** (60 FR 43314), we indicated our position that a noninvasive field detection device to distinguish lead from other shot types was an important component of the nontoxic shot approval process. At that time, we stated that final approval of bismuth-tin shot would be contingent upon the development and availability of a noninvasive field detection device (60 FR 43315). We incorporated a requirement for a noninvasive field detection device in the revised nontoxic shot approval process published on December 1, 1997 (62 FR 63608). The most common electronic field testing device used by wildlife law enforcement officers can distinguish shells containing tungsten-matrix from shells containing lead. Therefore, the tungsten-matrix application meets the final condition for approval.

As stated previously, this rule amends 50 CFR 20.21(j) by approving tungsten-matrix shot as nontoxic for hunting waterfowl and coots. It is based on the toxicological report, acute toxicity study, and the reproductive/chronic toxicity study submitted by Kent. Results of these studies indicate the absence of any deleterious effects of tungsten-matrix shot when ingested by captive-reared mallards. This rule also amends § 20.21(j) by removing paragraph (3), which pertains to the legal use of tin shot during the 1999–2000 hunting season. Because the 1999–2000 hunting season is over, this regulation is no longer in effect.

This rule further amends 50 CFR part 20, by removing and reserving subpart M-Criteria and Schedule for Implementing Nontoxic Shot Zones for the 1987–1988 and Subsequent Waterfowl Hunting Season. A need for this Subpart no longer exists, as implementation of nontoxic shot zones in the United States was completed in 1991. Nontoxic shot zones are defined in § 20.108 for the purpose of hunting waterfowl, coots, and certain other species as being the contiguous 48 United States, and the States of Alaska and Hawaii, the Territories of Puerto Rico and the Virgin Islands, and the territorial waters of the United States.

Public Comments and Responses

The July 26, 2000, proposed rule published in the **Federal Register** (65 FR 45957) invited public comments from interested parties. The closing date for receipt of all comments was August 25, 2000. During this 30-day comment period, we received two comments.

The Wildlife Legislative Fund of America encouraged the Service to give final approval for tungsten-matrix shot. They believe that approval of tungsten-matrix would help fulfill the objective of making lead shot substitutes available to hunters.

Kent Cartridge Company (Kent) supported prompt final approval of tungsten-matrix shot.

Service Response: We agree that providing another nontoxic shot option for hunting waterfowl and coots likely will improve hunter compliance, thereby reducing the amount of lead shot in the environment.

Effective Date

Under the Administrative Procedures Act (5 U.S.C. 551 *et seq.*), the Service waives the required 30-day period before the rule becomes effective. This rule relieves a restriction within the terms of 5 U.S.C. 553(d)(1). In addition, the Service finds that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) to make this rule will take effect immediately upon publication. It is in the best interest of migratory birds and their habitats to grant final approval for tungsten-matrix shot as nontoxic for hunting waterfowl and coots. It is in the best interest of small retailers who have stocked tungsten-matrix shot for the current season. We believe another nontoxic shot option likely will improve hunter compliance, thereby reducing the amount of lead shot in the environment.

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Wildlife International, Ltd. 1998. Tungsten-matrix shot: An oral toxicity study with the mallard. Project No. 475–101. 162 pp.

NEPA Consideration

In compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U. S. C. 4332(C)), and the Council on Environmental Quality's regulation for implementing NEPA (40 CFR 1500–1508), we prepared an Environmental Assessment (EA) for approval of tungsten-matrix shot in August 2000. The EA is available to the public at the location indicated under the **ADDRESSES** caption. Based on review and evaluation of the information in the EA, we have determined that amending 50 CFR 20. 21(j) to provide final approval of tungsten-matrix shot as nontoxic for waterfowl and coot hunting would not be a major Federal action that would significantly affect the quality of the human environment.

Endangered Species Act Considerations

Section 7 of the Endangered Species Act (ESA) of 1972, as amended (16 U. S. C. 1531 *et seq.*), provides that Federal agencies shall ''insure that any action authorized, funded or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of (critical) habitat . . . '' We have completed a Section 7 consultation under the ESA for this rule. The result of our consultation under Section 7 of the ESA is available to the public at the location indicated under the **ADDRESSES** caption.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U. S. C. 601 *et seq.*) requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which includes small businesses, organizations, or governmental jurisdictions. This rule proposes to approve an additional type of nontoxic shot that may be sold and used to hunt migratory birds; this rule would provide one shot type in addition to the existing four that are approved. We have determined, however, that this rule will have no effect on small entities since the approved shot merely will supplement nontoxic shot already in commerce and available throughout the retail and wholesale distribution systems. We anticipate no dislocation or other local effects, with regard to hunters and others.

Executive Order 12866

This rule is not a significant regulatory action subject to Office of Management and Budget (OMB) review under Executive Order 12866. OMB makes the final determination under E. O. 12866.

Paperwork Reduction Act

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. We have examined this regulation under the Paperwork Reduction Act of 1995 (44 U. S. C. 3501) and found it to contain no information collection requirements. However, we do have OMB approval (1018–0067; expires 08/30/2000; renewal submitted) for information collection relating to what manufacturers of shot are required to provide to us for the nontoxic shot approval process. For further information, see 50 CFR 20. 134.

Unfunded Mandates Reform

We have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U. S. C. 1502, *et seq.* , that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

We, in promulgating this rule, have determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule allows hunters to exercise privileges that would be otherwise unavailable and, therefore, reduces restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship with Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Accordingly, we are amending part 20, subchapter B, chapter 1 of Title 50 of the Code of Federal Regulations as follows:

PART 20—[AMENDED]

1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

2. Section 20.21 is amended by revising paragraph (j) in its entirety to read as follows:

§ 20.21 What hunting methods are illegal?

* * * * *

(j) While possessing shot (either in shotshells or as loose shot for muzzleloading) other than steel shot, or bismuth-tin (97 parts bismuth: 3 parts tin with <1 percent residual lead) shot, or tungsten-iron (40 parts tungsten: 60 parts iron with <1 percent residual lead) shot, or tungsten-polymer (95.5 parts tungsten: 4.5 parts Nylon 6 or 11 with <1 percent residual lead) shot, or tungsten-matrix (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead) shot, or such shot approved as nontoxic by the Director pursuant to procedures set forth in § 20.134, provided that this restriction applies only to the taking of Anatidae (ducks, geese, [including brant] and swans), coots (Fulica americana) and any species that make up aggregate bag limits during concurrent seasons with the former in areas described in § 20.108 as nontoxic shot zones.

Subpart M—[Removed and Reserved]

3. Remove and reserve subpart M, consisting of §§ 20.140 through 20.143.

Dated: August 30, 2000.

Stephen C. Saunders,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–22721 Filed 8–31–00; 1:23 pm]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000119014-0137-02; I.D. 083000E]

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for *Loligo* Squid

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

ACTION: Closure.

SUMMARY: NMFS announces that the directed fishery for Loligo squid in the exclusive economic zone (EEZ) will be closed effective September 7, 2000. Vessels issued a Federal permit to harvest *Loligo* squid may not retain or land more than 2,500 lb (1.13 mt) per trip of *Loligo* squid for the remainder of the year. This action is necessary to prevent the fishery from exceeding its annual quota. The Mid-Atlantic Fishery Management Council (Council) has recommended that additional quota be allocated for the year 2000, and NMFS is reviewing the recommendation. Should the recommendation be adopted, NMFS will reopen the fishery.

DATES: Effective 0001 hours, September 7, 2000, through 2400 hours, December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273, fax 978-281-9135, e-mail paul.h.jones@noaa.gov.

SUPPLEMENTARY INFORMATION: Regulations governing the *Loligo* squid fishery are found at 50 CFR part 648. The regulations require annual specifications for initial optimum yield, as well as the amounts for allowable biological catch, domestic annual harvest (DAH), domestic annual processing, joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The procedures for setting the annual initial specifications are described in § 648.21.

The 2000 specification of DAH for *Loligo* squid was set at 13,000 mt (65 FR 16341, March 28, 2000). This amount is allocated by trimester, based on the percentages summarized in the following table.

Loligo 4-MONTH PERIOD ALLOCATIONS

4–month Period	Percent	Metric Tons
I (Jan-Apr)	42	5,460
II (May-Aug)	18	2,340
III (Sep-Dec)	40	5,200
Total	100	13,000

Section 648.22 requires the closure of the directed *Loligo* squid fishery in the EEZ when 90 percent of the trimester's allocation of DAH for *Loligo* squid has been harvested in Period I or II, and when 95 percent of the total annual DAH has been harvested in Period III. NMFS is further required to notify, in advance of the closure, the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the closure to all holders of Loligo squid permits at least 72 hours before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register.**

NMFS has determined, based on landings and other available information, that 95 percent of the total annual DAH for *Loligo* squid will be harvested by September 6, 2000. Therefore, effective 0001 hours, September 7, 2000, the directed fishery for *Loligo* squid is closed and vessels issued Federal permits for *Loligo* squid may not retain or land more than 2,500 lb (1.13 mt) of *Loligo* per trip. The directed fishery will reopen effective 0001 hours, January 1, 2001, which marks the beginning of the Period I quota for the 2001 fishing year. The Council has recommended that additional quota be allocated for the year 2000. NMFS is reviewing this recommendation. Should the recommendation be adopted, NMFS will reopen the fishery by publishing a notification action in the **Federal**

Register to inform the fishing industry and the general public.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: August 30, 2000.

Richard W. Surdi,

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

[FR Doc. 00–22789 Filed 8–31–00; 1:38 pm]

BILLING CODE 3210–22–S

Proposed Rules

Federal Register
Vol. 65, No. 173
Wednesday, September 6, 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.

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2640

RIN 3209–AA09

Proposed Exemption Amendments Under 18 U.S.C. 208(b)(2) for Financial Interests in Sector Mutual Funds, De Minimis Securities, and Securities of Affected Nonparty Entities in Litigation

AGENCY: Office of Government Ethics (OGE).

ACTION: Proposed rule amendments.

SUMMARY: The Office of Government Ethics is proposing to amend the regulation that describes financial interests that are exempt from the prohibition in 18 U.S.C. 208(a) by revising some existing exemptions as well as adding new exemptions. Section 208(a) generally prohibits employees of the executive branch from participating in an official capacity in particular matters in which they or certain others specified in the statute have a financial interest. Section 208(b)(2) of title 18 permits the Office of Government Ethics to promulgate regulations describing financial interests that are too remote or inconsequential to warrant disqualification pursuant to section 208(a). This proposed regulation would raise the de minimis exemption for matters affecting interests in securities to $15,000 and would identify additional financial interests that would be exempt from the prohibition in section 208(a), including, in limited circumstances, the holdings of sector mutual funds, and securities issued by a nonparty affected by a matter in litigation.

DATES: Comments are invited and must be received on or before December 5, 2000.

ADDRESSES: Send comments to the Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005–3917. Attention: Judy H. Mann.

FOR FURTHER INFORMATION CONTACT: Judy H. Mann, Attorney-Advisor, or Richard M. Thomas, Associate General Counsel, Office of Government Ethics; telephone: 202–208–8000; TDD: 202–208–8025; FAX: 202–208–8037; Internet E-mail address: *usoge@oge.gov* (for E-mail messages, the subject line should include the following reference—Proposed Exemptions for Certain Financial Interests Prohibited in 18 U.S.C. 208(a)).

SUPPLEMENTARY INFORMATION:

I. Background

On December 18, 1996, the Office of Government Ethics published a final rule at 61 FR 66830–66851, Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest), which as corrected and amended is now codified at 5 CFR part 2640. The final rule describes a variety of financial interests that OGE has determined are either too remote or too inconsequential to affect an employee's consideration of any particular matter. Employees who have these financial interests are permitted, to the extent described in the final regulation, to participate in matters affecting such interests notwithstanding the general prohibition in section 208(a). The Office of Government Ethics published the final rule after careful consideration of the comments made to the proposed and interim rules, published on September 11, 1995 and August 28, 1995 (at 60 FR 47208–47233 and 60 FR 44706–44709), respectively, concerning the circumstances under which the prohibitions contained in 18 U.S.C. 208(a) would be waived. After reevaluating the final rule to see whether changes to the rule might be needed, OGE has decided to publish this proposed rule that would amend the final rule. (OGE also recently, at 65 FR 16511–16513 (March 29, 2000), published a separate interim rule amendment issuing a new exemption for certain financial interests of non-Federal employers in the decennial census.) This proposed rule is being published after obtaining the concurrence of the Department of Justice pursuant to section 201(c) of Executive Order 12674, as modified by E.O. 12731. Also, as provided in section 402 of the Ethics in Government Act of 1978, as amended, 5 U.S.C. appendix, section 402, OGE has consulted with both the Department of Justice (as additionally required under 18 U.S.C. 208(d)(2)) and the Office of Personnel Management on this proposed rule.

II. Analysis of the Proposed Changes

This proposed regulation would revise the existing regulation as well as establish additional exemptions from the prohibition in section 208(a), permitting employees to participate in certain matters in which they would otherwise have a disqualifying financial interest. The revisions would permit an employee to act in a particular matter where the disqualifying financial interest arises from ownership of no more than $50,000 in one or more mutual funds invested in the same sector. The regulation would also raise the de minimis exemption for financial interests in securities from its current level of $5,000 to $15,000. It would create another new exemption for interests of up to $25,000 in securities issued by entities affected by a matter in litigation, where those entities are not parties to the litigation. To illustrate these new and revised exemptions, several examples would be changed.

A. Sector Mutual Funds

Under proposed § 2640.201(b)(1)(i), an employee would be free to act in a matter affecting the holdings of one or more mutual funds invested in the same sector in which the employee, his spouse or minor child has an interest, where the holdings are invested in the sector in which the fund concentrates, provided that the aggregate value of the family's holdings in all affected funds in the same sector does not exceed $50,000. A sector mutual fund is one that concentrates its investments in an industry, business, single country other than the United States, or bonds of a single State within the United States.

The current rule contains one exemption for diversified mutual funds at 5 CFR 2640.201(a) and another for interests in a sector mutual fund where the affected holding is not in the sector in which the fund concentrates. *See* § 2640.201(b). In addition, because the current rule at 5 CFR 2640.102(r) defines the term ''security'' to include mutual fund, the current de minimis exemptions at 5 CFR 2640.202 apply to interests in sector mutual funds. Since publication of the rule, however, agencies have identified a need for an additional exemption which allows an employee to participate in a particular

matter affecting the holdings of a sector mutual fund where the holdings are invested in the sector in which the fund concentrates.

The Office of Government Ethics has received input from agencies in various forms and contexts, including responses to a survey specifically designed to elicit agency feedback concerning the effectiveness of the existing rule and the need for any modifications. The subject of sector funds has been one of the most commonly raised issues in connection with the exemptions in part 2640. A number of agencies have suggested either that sector funds should be exempted without limitation, as are diversified funds, or that at least they be treated as being less problematic than direct ownership of the securities of a particular company. Some agencies also have noted certain practical difficulties in determining whether a given fund is actually a sector fund or a diversified fund and have argued that such difficulties counsel treating sector funds the same way as diversified funds for purposes of the exemptions.

Although OGE agrees that sector funds warrant an additional, limited exemption, OGE is not persuaded that an unlimited exemption would be justified. Employees whose duties affect companies in a given sector can have an appreciable conflict of interest if they invest heavily in mutual funds that specialize in that very sector. For example, an employee could participate in an important rulemaking proceeding that affects many or all members of a given industry, thus affecting not only certain underlying holdings of a sector fund, but even the overall economic outlook for the sector in which the fund specializes. Interests in sector funds, therefore, pose different and more significant conflict of interest concerns than interests in diversified mutual funds.

Moreover, OGE does not believe that any practical difficulty some agencies may have encountered in distinguishing between sector and diversified funds justifies a complete abandonment of any effort to treat the two differently. The current rule states the test for distinguishing diversified and sector funds as follows: ''A mutual fund is diversified [*i.e.,* not a sector fund] for purposes of this part if it does not have a policy of concentrating its investments in an industry, business, country other than the United States, or single State within the United States. Whether a mutual fund meets this standard may be determined by checking the fund's prospectus or by calling a broker or the manager of the fund.'' 5 CFR 2640.102(a) (Note). As a practical matter, OGE's experience is that the name of a given fund very often is a good indicator of whether there is any serious question as to the diversification of the fund; for example, ''ABC Select Utilities Fund'' would suggest that the fund should be viewed as a sector fund, unless the prospectus indicates otherwise, whereas ''ABC Large Cap Equity Fund'' almost certainly would indicate a diversified fund. Any remaining doubts usually can be resolved by recourse to the fund prospectus, which is often readily available to employees and agency ethics officials through various means, including the Internet.

The Office of Government Ethics does recognize that employees and agency ethics officials sometimes may have questions about whether a fund really concentrates on a given industry, business, etc. Such questions may arise, for example, where the prospectus suggests that the fund may focus on multiple industries, such as a generic ''Science and Technology Fund.'' To date, OGE and agency ethics officials have been able to resolve such questions on a case-by-case basis, usually by examining the degree of relatedness and overlapping interests and operations among the types of companies in which the fund specializes. OGE is not resigned to treating all sector funds the same way as diversified funds because of occasional difficulties in drawing the line between arguably discrete industries. OGE does, however, welcome continuing dialogue with agency ethics officials concerning any practical problems encountered in this area and will provide guidance in the future through oral advice, advisory letters and memoranda, as appropriate.

The proposed rule would now provide one single $50,000 de minimis exemption for interests in sector mutual funds, except for purposes of 5 CFR 2640.202(d) and (e) (which describe exemptions for interests of tax-exempt organizations and an employee's general partner) and § 2640.203(a) (which describes the exemption for interests in hiring decisions). The definition of ''security'' at § 2640.102(r) would be revised to include mutual funds only for purposes of these paragraphs. The Office of Government Ethics believes that when an employee participates in a particular matter affecting a holding or holdings in one or more mutual funds invested in the same sector, where the value of the ownership interests in the sector funds does not exceed $50,000, the interest of the employee can be considered remote and inconsequential. The exemption currently codified at § 2640.201(b), allowing an employee to participate in any particular matter affecting one or more holdings of a sector mutual fund where the affected holding is not invested in the sector in which the fund concentrates, would be retained under the revised rule at § 2640.201(b)(1)(ii). The proposed rule at § 2640.201(b)(2) would clarify that for purposes of calculating the $50,000 de minimis amount in § 2640.201(b)(1)(i), an employee must aggregate the market value of all affected funds in the same sector, in which he, his spouse, or minor children have an interest. Generally, the determination of whether two or more different funds concentrate on the same industry, business, etc., would be made by considering the degree of relatedness and overlapping interests and operations among the types of companies in which the funds specialize, as illustrated in new Example 3 following § 2640.201(b) as proposed for revision.

Example 2 after § 2640.201(a) would be revised to reflect the addition of the exemption involving certain interests of up to $50,000 in sector mutual funds in proposed § 2640.201(b)(1)(i) and the revised definition of ''security'' under § 2640.102(r). In addition, two new examples would be added after § 2640.201(b)(2) to illustrate the proposed exemption under § 2640.201(b)(1)(i). Finally, Example 2 after § 2640.202(b) would be deleted, as the revised definition of ''security'' in proposed § 2640.102(r) makes the example inapplicable.

B. De Minimis Exemption For Matters Involving Parties

Under the existing rule at 5 CFR 2640.202(a), an employee may participate in a particular matter in which the disqualifying financial interest arises from the employee's ownership of securities issued by an entity affected by the matter if the securities are publicly traded, long-term Federal Government, or municipal securities, and the aggregate market value of the employee's interest in the securities of all entities affected by the matter does not exceed $5,000. The proposed rule, at 5 CFR 2634.202(a)(2), would raise the de minimis amount from $5,000 to $15,000.

When OGE published 5 CFR part 2640 in December of 1996, we determined that an interest in securities valued at $5,000 could be considered remote or inconsequential. For several reasons, OGE now believes it would be practical to raise the de minimis amount to $15,000. Since the publication of the final rule, stock prices have risen considerably. Additionally, because the exemption applies to interests in

securities of publicly traded companies listed on the major exchanges, the potential for large gains or losses resulting from an employee's actions remains small. Raising the de minimis amount would also assist ethics officials in their counseling of employees who file the public financial disclosure form (SF 278) because the $15,000 amount would correspond to a reporting category on the SF 278. Both Schedules A and B of the SF 278 require filers to value assets held in various categories of value. One such category is $1,001–$15,000. Finally, many agencies have voiced support for an increase in the de minimis amount.

Examples 2 and 3 after § 2640.202(a)(2) would be revised to reflect the raise in the de minimis amount from $5,000 to $15,000 under proposed § 2640.202(a)(2). In addition, two other examples in the regulation contain a reference to the de minimis amount in § 2640.202(a)(2) and would also be revised to reflect the increased de minimis amount under proposed § 2640.202(a)(2). These examples are Example 1 after § 2640.103(a)(2) and Example 1 after § 2640.204.

C. Litigation

Under proposed § 2640.203(m), an employee would be able, in certain circumstances, to participate in a matter in litigation involving specific parties in which the disqualifying financial interest arises from ownership by the employee, his spouse, or minor children of securities issued by one or more entities that are not parties to the litigation but are nonetheless affected by the litigation. The exemption would apply only if the aggregate value of the interest of the employee, his spouse and minor children in the securities of all affected entities (including securities exempted under § 2640.202(a)) does not exceed $25,000.

When OGE issued proposed 5 CFR part 2640 on September 11, 1995, it included a proposed additional exemption for employee participation in a particular matter in which the employee has an interest in securities issued by entities which are not parties to the matter but are affected by the matter, if the aggregate value of the interest of the employee, his spouse and minor children did not exceed $25,000. The Office of Government Ethics deleted the proposed exemption from the final rule published in December 1996, in response to comments received concerning the complexity of the regulation. OGE believed that eliminating the nonparty exemption would alleviate concerns that employees would have difficulty knowing when the exemption would apply and that agencies would have problems determining when an entity would become a party to a particular matter. After publication of the final rule, some agencies continued to express concern about the need for a de minimis exemption covering participation in litigation matters when the issuer is not a party to the litigation.

After reconsideration of this issue, OGE proposes to amend the rule to include the nonparty exemption specifically for litigation matters. Because of other agencies' concerns about complexity, however, the proposed rule will limit the application of the exemption to particular matters involving litigation.

The Office of Government Ethics believes that if the value of the ownership interest in securities of nonparties affected by the matter does not exceed $25,000, the interest is too remote and inconsequential to affect the integrity of the employee's Government service. In OGE's view, where a particular matter in litigation would also affect the interests of a nonparty, the nonparty's interest in the matter is likely to be less significant than that of a party and is also less likely to be affected directly.

Current Example 2 after § 2640.203(f), relating to interests in mutual insurance companies, would be revised to indicate that the $25,000 exemption in proposed § 2640.203(m) for matters in litigation may apply in the factual situation described in the example.

III. Matters of Regulatory Procedure

Administrative Procedure Act

Interested persons are invited to submit written comments to OGE on this proposed regulation, to be received on or before December 5, 2000. The Office of Government Ethics will review all comments received and consider any modifications to this rule as proposed which appear warranted before adopting the final rule on this matter.

Executive Order 12866

In promulgating this proposed rule, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These proposed amendments have also been reviewed by the Office of Management and Budget under that Executive order.

Executive Order 12988

As Director of the Office of Government Ethics, I have reviewed this final amendatory regulation in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this proposed amendatory rule will not have a significant economic impact on a substantial number of small entities because it primarily affects Federal executive branch employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this proposed amendment because it does not contain information collection requirements that require approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 2640

Conflict of interests, Government employees.

Approved: June 29, 2000.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics proposes to amend 5 CFR part 2640 as follows:

PART 2640—INTERPRETATION, EXEMPTIONS AND WAIVER GUIDANCE CONCERNING 18 U.S.C. 208 (ACTS AFFECTING A PERSONAL FINANCIAL INTEREST)

1. The authority citation for part 2640 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 18 U.S.C. 208; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart A—General Provisions

2. Section 2640.102 is amended by revising paragraph (r) to read as follows:

§ 2640.102 Definitions.

* * * * *

(r) *Security* means common stock, preferred stock, corporate bond, municipal security, long-term Federal Government security, and limited partnership interest. The term also includes ''mutual fund'' for purposes of §§ 2640.202(d) and (e) and 2640.203(a).

* * * * *

3. Section 2640.103 is amended by revising Example 1 following paragraph (a)(2) to read as follows:

§ 2640.103 Prohibition.

(a) * * *

(2) * * *

Example 1 to paragraph (a)(2): An agency's Office of Enforcement is investigating the allegedly fraudulent marketing practices of a major corporation. One of the agency's personnel specialists is asked to provide information to the Office of Enforcement about the agency's personnel ceiling so that the Office can determine whether new employees can be hired to work on the investigation. The employee personnel specialist owns $20,000 worth of stock in the corporation that is the target of the investigation. She does not have a disqualifying financial interest in the matter (the investigation and possible subsequent enforcement proceedings) because her involvement is on a peripheral personnel issue and her participation cannot be considered ''substantial'' as defined in the statute.

* * * * *

Subpart B—Exemptions Pursuant to 18 U.S.C. 208(b)(2)

4. Section 2640.201 is amended by:

a. Revising the heading of Example 1 and revising Example 2 following paragraph (a);

b. Revising paragraph (b); and

c. Revising the heading of Example 1 and adding new Examples 2 and 3 following new paragraph (b)(2)(ii).

The revisions and additions read as follows:

§ 2640.201 Exemptions for interests in mutual funds, unit investment trusts, and employee benefit plans.

(a) * * *

Example 1 to paragraph (a): * * *

Example 2 to paragraph (a): A nonsupervisory employee of the Department of Energy owns shares valued at $75,000 in a mutual fund that expressly concentrates its holdings in the stock of utility companies. The employee may not rely on the exemption in paragraph (a) of this section to act in matters affecting a utility company whose stock is part of the mutual fund's portfolio because the fund is not a diversified fund as defined in § 2640.102(a). The employee may, however, seek an individual waiver under 18 U.S.C. 208(b)(1) permitting him to act.

(b) *Sector mutual funds.* (1) An employee may participate in a particular matter affecting one or more holdings of a sector mutual fund where the disqualifying financial interest arises from the ownership by the employee, his spouse or minor children of an interest in the fund and:

(i) The aggregate market value of their interests in any fund or funds does not exceed $50,000; or

(ii) The affected holding is not invested in the sector in which the fund concentrates.

(2) For purposes of calculating the $50,000 de minimis amount in paragraph (b)(1)(i) of this section, an employee must aggregate the market value of all sector mutual funds in which he, his spouse or minor children have an interest, which:

(i) Concentrate their investments in the same industry, business, single country other than the United States, or bonds of a single State within the United States; and

(ii) Have one or more holdings that may be affected by the particular matter.

Example 1 to paragraph (b): * * *

Example 2 to paragraph (b): A health scientist administrator employed in the Public Health Service at the Department of Health and Human Services is assigned to serve on a Departmentwide task force that will recommend changes in how Medicare reimbursements will be made to health care providers. The employee owns $35,000 worth of shares in the XYZ Health Sciences Fund, a sector mutual fund invested primarily in health-related companies such as pharmaceuticals, developers of medical instruments and devices, managed care health organizations, and acute care hospitals. The health scientist administrator may participate in the recommendations.

Example 3 to paragraph (b): The spouse of the employee in the previous Example owns $40,000 worth of shares in ABC Specialized Portfolios: Healthcare, a sector mutual fund that also concentrates its investments in health-related companies. The two funds focus on the same sector and both contain holdings that may be affected by the particular matter. Because the aggregated value of the two funds exceeds $50,000, the employee may not rely on the exemption.

* * * * *

5. Section 2640.202 is amended by:

a. Revising paragraph (a)(2);

b. Revising the heading of Example 1 and revising Examples 2 and 3 following paragraph (a)(2); and

c. Revising the heading of Example 1 and removing Example 2 following paragraph (b)(2).

The revisions read as follows:

§ 2640.202 Exemptions for interests in securities.

(a) * * *

(2) The aggregate market value of the holdings of the employee, his spouse, and his minor children in the securities of all entities does not exceed $15,000.

Example 1 to paragraph (a): * * *

Example 2 to paragraph (a): In the preceding example, the employee and his spouse each own 100 shares of stock in XYZ Corporation, resulting in ownership of $16,000 worth of stock by the employee and his spouse. The exemption in paragraph (a) of this section would not permit the employee to participate in the evaluation of bids because the aggregate market value of the holdings of the employee, spouse and minor children in XYZ Corporation exceeds $15,000. The employee could, however, seek an individual waiver under 18 U.S.C. 208(b)(1) in order to participate in the evaluation of bids.

Example 3 to paragraph (a): An employee is assigned to monitor XYZ Corporation's performance of a contract to provide computer maintenance services at the employee's agency. At the time the employee is first assigned these duties, he owns publicly traded stock in XYZ Corporation valued at less than $15,000. During the time the contract is being performed, however, the value of the employee's stock increases to $17,500. When the employee knows that the value of his stock exceeds $15,000, he must disqualify himself from any further participation in matters affecting XYZ Corporation or seek an individual waiver under 18 U.S.C. 208(b)(1). Alternatively, the employee may divest the portion of his XYZ stock that exceeds $15,000. This can be accomplished through a standing order with his broker to sell when the value of the stock exceeds $15,000.

(b) * * *

Example 1 to paragraph (b): * * *

* * * * *

6. Section 2640.203 is amended by:

a. Revising the heading of Example 1 and revising Example 2 following paragraph (f); and

b. Adding a new paragraph (m).

The revisions and addition read as follows:

§ 2640.203 Miscellaneous exemptions.

* * * * *

(f) * * *

Example 1 to paragraph (f): * * *

Example 2 to paragraph (f): An employee of the Department of Justice is assigned to prosecute a case involving the fraudulent practices of an issuer of junk bonds. While developing the facts pertinent to the case, the employee learns that the mutual life insurance company from which he holds a life insurance policy has invested heavily in these junk bonds. If the Government succeeds in its case, the bonds will be worthless and the corresponding decline in the insurance company's investments will impair the company's ability to pay claims under the policies it has issued. The employee may not continue assisting in the prosecution of the case unless another exemption applies or he obtains an individual waiver pursuant to section 208(b)(1).

* * * * *

(m) *Litigation.* An employee may participate in a matter in litigation involving specific parties in which the disqualifying financial interest arises from ownership by the employee, his spouse, or minor children of securities

issued by one or more entities that are not parties to the litigation but are affected by the litigation, if:

(1) The securities are publicly traded or are municipal securities; and

(2) The aggregate market value of the holdings of the employee, his spouse, and his minor children in the securities of all affected entities (including securities exempted under § 2640.202(a)) does not exceed $25,000.

7. Section 2640.204 is amended by revising Example 1 which follows the section to read as follows:

§ 2640.204 Prohibited financial interests.

* * * * *

Example 1 to § 2640.204: The Office of the Comptroller of the Currency (OCC), in a regulation that supplements part 2635 of this chapter, prohibits certain employees from owning stock in commercial banks. If an OCC employee purchases stock valued at $2,000 in contravention of the regulation, the exemption at § 2640.202(a) for interests arising from the ownership of no more than $15,000 worth of publicly traded stock will not apply to the employee's participation in matters affecting the bank.

[FR Doc. 00–22750 Filed 9–5–00; 8:45 am]

BILLING CODE 6345–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Invitation to Comment on Requested Exemption from Trade Regulation Rule.

SUMMARY: The Commission is requesting public comment with respect to a request from Daewoo Motor America, Inc., for an exemption from the requirements of the Franchise Rule.

DATES: Written comments with be accepted until November 6, 2000.

ADDRESSES: Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Requests for copies of the petition and the Franchise Rule should be directed to the Public Reference Branch, Room 130, (202) 326–2222.

FOR FURTHER INFORMATION CONTACT: Steven Toporoff, Attorney, Room 238, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, DC 20580, (202) 326–3135.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Federal Trade Commission promulgated a trade regulation rule entitled ''Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures'' (''the Rule''). 16 CFR Part 436. In general, the Rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchise business, and the terms of the proposed franchise relationship. A summary of the Rule is available from the FTC Public Reference Branch, upon request.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class or persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

Daewoo Motor America, Inc. (''DMA'' or ''Petitioner'') has filed a petition for an exemption from the Franchise Rule pursuant to Section 18(g) of the Federal Trade Commission Act, 15 U.S.C. 57a(g). DMA's petition asserts that an exemption should be granted because DMA dealers are sophisticated business persons with experience in the industry, and the information-exchange and negotiation process leading to execution of a dealership agreement takes place over a period of several months, ensuring adequate time for review. Petitioner also explains that prospective

> Daewoo dealer[s] are highly unlikely to enter into any dealer agreement without a full disclosure of all material information needed for them to fully understand its terms. DMA will not resist supplying such information because its ability to succeed in the domestic market will ultimately depend on its dealers successfully selling Daewoo products according to the terms set forth in the Dealer Agreement.

Pet. at 10. Petitioner asserts that the experience and sophistication of prospective dealers and the company's selection process leading to the execution of dealership agreements make the abuses identified by the Commission as the basis for the Franchise Rule unlikely and render application of the Rule to DMA unnecessary and burdensome.

For a complete presentation of the arguments submitted by Petitioner, please refer to the full text of the petition, which may be obtained from the FTC Public Reference Branch, on request.

In assessing the present exemption request, the Commission solicits comments on all relevant issues germane to the proceeding, including the following: (1) Is there evidence indicating that Petitioner may engage in unfair or deceptive acts or practices in the offer and sale of automobile franchises? (2) Are there other reasons that might militate against granting Petitioner an exemption from the Franchise Rule?

The Commission has considered the arguments made by Petitioner and concludes that further inquiry is warranted before a decision regarding the petition may be made. The Commission, therefore, seeks comment on the exemption requested by Petitioner.

All interested parties are hereby notified that they may submit written data, views, or arguments on any issues of fact, law, or policy that may have some bearing on the requested exemption, whether or not such issues have been raised by the petition or in this notice. Such submissions may be made for sixty days to the Secretary of the Commission.

Comments should be identified as ''Daewoo Franchise Rule Exemption Comment,'' and three copies should be submitted.

List of Subjects in 16 CFR Part 436

Franchising, Trade Practices.

Authority: 15 U.S.C. 41—58.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 00–22824 Filed 9–5–00; 8:45 am]

BILLING CODE 6750–01–p

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Futures and Options Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Rule; Interpretative Statement.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is proposing to clarify its interpretation of the foreign futures or foreign options secured amount requirement set forth in Commission Rule 30.7 (''secured amount requirement'').[1] The Commission previously interpreted Rule 30.7 to require futures commission merchants

[1] Commission rules referred to herein are found at 17 CFR Ch. I (2000).

(''FCMs'') and certain firms exempt from such registration to perform an inquiry with respect to the treatment of the foreign futures or foreign options secured amount by any depository handling those funds. Under that interpretation, if a firm determines that any depository, including those beyond the initial depository, would not hold the funds set aside to cover the secured amount in a manner consistent with the provisions of the rule, then the firm must set aside funds with an acceptable depository in order to include such funds in the daily computation of the secured amount. As part of the Commission's ongoing program of regulatory reform, the Commission is proposing to revise its interpretation of Rule 30.7 to clarify the obligations of an FCM or a firm exempt from FCM registration in accordance with Rule 30.10 concerning the treatment of funds of foreign futures or foreign options customers under Rule 30.7. The Commission's proposed interpretation set forth herein would become the new Appendix B to Part 30.

DATES: Comments must be received by September 21, 2000.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to *secretary@cftc.gov.* Reference should be made to ''Commission Rule 30.7.''

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel, or Andrew V. Chapin, Staff Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581. Telephone: (202) 418–5430.

SUPPLEMENTARY INFORMATION: The current Appendix B to Part 30 sets forth option contracts permitted to be offered or sold in the U.S. pursuant to Rule 30.3(a). The Commission previously amended Rule 30.3(a) to eliminate the requirement that the Commission authorize the offer and sale of a particular foreign exchange-traded commodity option before it can be offered or sold in the U.S., except for those involving stock indices or foreign government debt futures.[2] That action rendered existing Appendix B to Part 30 generally irrelevant. Accordingly, the Commission proposes to remove the current Appendix B and replace it with the Interpretative Statement to Rule 30.7 contained herein. Persons concerned with what options on foreign stock index or government debt futures can be lawfully offered or sold to customers located in the U.S. may consult the foreign instruments approval backgrounder on the Commission's website at http://www.cftc.gov/opa/backgrounder/part30.htm.

[2] 61 FR 10891 (March 1996).

List of Subjects in 17 CFR Part 30

Consumer Protection, Definitions, Foreign futures, Foreign options, Treatment of foreign futures or foreign options secured amount.

Accordingly, the Commission proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 30—FOREIGN FUTURES AND FOREIGN OPTIONS TRANSACTIONS

1. The authority citation for Part 30 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 4, 6, 6c and 12a, unless otherwise noted.

2. Appendix B is proposed to be revised to read as follows:

Appendix B—Interpretative Statement With Respect to the Secured Amount Requirement Set Forth in § 30.7.

1. Rule 30.7 requires FCMs who accept money, securities or property from foreign futures and foreign options customers to maintain in a separate account or accounts such money, securities and property in an amount at least sufficient to cover or satisfy all of its current obligations to those customers.[1] This amount is denominated as the ''foreign futures or foreign options secured amount'' and that term is defined in Rule 1.3(rr). The separate accounts must be maintained under an account name that clearly identifies the funds as belonging to foreign futures and foreign options customers at a depository that meets the requirements of Rule 30.7(c). Further, each FCM must obtain and retain in its files for the period provided in Rule 1.31 an acknowledgment from the depository that the depository was informed that such money, securities or property are held for or on behalf of foreign futures and foreign options customers and are being held in accordance with the provisions of these regulations.

2. In a series of orders issued to pursuant to Rule 30.10, the Commission required that certain foreign firms exempt from registration as FCMs essentially comply with the standards of Rule 30.7.[2] Specifically, the Commission stated that ''[the secured amount] requirement is intended to ensure that funds provided by U.S. customers for foreign futures and options transactions, whether held at a U.S. FCM under Rule 30.7(c) or a firm exempted from registration as an FCM under CFTC Rule 30.10, will receive equivalent protection at *all* intermediaries and exchange clearing organizations.'' [3] The Commission further interpreted Rule 30.7 to require each FCM and Rule 30.10 firm to take appropriate action (i.e., set aside funds in a ''mirror'' account) in the event that it becomes aware of facts leading it to conclude that foreign futures and foreign options customer funds are not being handled consistent with the requirements of Commission rules or relevant order for relief by any subsequent intermediary or exchange clearing organization.

3. Upon further analysis and reconsideration of this matter, the Commission has determined to revise its prior interpretation of the Rule 30.7 secured amount requirement. The Commission notes that the initial depository's ability to identify customer funds affords foreign futures and foreign options customers a measure of

[1] ''Foreign futures or foreign options customer'' means ''any person located in the United States, its territories or possessions who trades in foreign futures or foreign options: *Provided,* That an owner or holder of a proprietary account as defined in paragraph (y) of [Rule 1.3] shall not be deemed to be a foreign futures or foreign options customer within the meaning of [Rules 30.6 and 30.7].'' Rule 30.1(c). ''Foreign futures'' means ''any contract for the purchase or sale of any commodity for future delivery delivery made, or to be made, on or subject to the rules of any foreign board of trade.'' Rule 30.1(a). ''Foreign option'' means ''any transaction or agreement which is or is held out to be of the character of, or is commonly known to the trade as, an 'option,', 'privilege', 'indeminity', 'bid', 'offer', 'put', 'call,' 'advance guaranty', or 'decline guaranty', made or to be made on or subject to the rules of any foreign board of trade.''

[2] Under Rule 30.10, the Commission may exempt a foreign firm acting in the capacity of an FCM from registration under the Commodity Exchange Act (''Act'') and compliance with certain Commission rules based upon the firm's compliance with comparable regulatory requirements imposed by the firm's home-country regulator or self-regulatory organization (''SRO''). Once the Commission determines that the foreign jurisdiction's regulatory structure offers comparable regulatory oversight, the Commission may issue an Order granting general relief subject to certain conditions. Firms seeking confirmation of relief (referred to herein as ''Rule 30.10 firms'') must make certain representations set forth in the Rule 30.10 order issued to the regulator or SRO from the firm's home country. For a list of those foreign regulators and SROs that have been issued a Rule 30.10 order, see Appendix C to Part 30.

In certain cases, where a foreign regulator or SRO has requested that firms subject to its jurisdiction be granted broader relief to engage in transactions on exchanges other than in its home jurisdiction (referred to herein as ''expanded relief''), the relief has been granted where the relevant authority has represented that it will monitor its firms for compliance with the terms of the order in connection with such offshore transactions. Although Rule 30.10 orders generally exempt foreign intermediaries from compliance with the secured amount requirement under Rule 30.7, firms seeking confirmation of the expanded relief must represent that, with respect to transactions entered into on behalf of U.S. customers on any non-U.S. exchange located outside their home country, they will treat U.S. customer funds in a manner consistent with the provisions of Rule 30.7. For the most recent order granting expanded relief, see 64 FR 50248 (September 16, 1999) (Singapore Exchange Derivatives Trading Limited).

[3] 64 FR 50248, 50251, n.19 (emphasis added).

protection in the event that the intermediating FCM or foreign firm becomes insolvent. Moreover, Rule 30.6(a) requires that foreign futures and foreign options customers receive a Rule 1.55 written disclosure explaining that the treatment of customer funds outside the U.S. may not afford the same level of protection offered in the U.S. These protections exist whether the intermediating firm is a U.S. FCM or a firm exempt from such registration under Rule 30.10.[4]

4. The Commission further notes, however, that, in February 1998, Rule 30.6 was amended to permit an FCM to open a commodity account for a foreign futures or foreign options customer without providing the Rule 1.55 risk disclosure statement or obtaining an acknowledgment of receipt of such statement, provided that the customer is, at the time at which the account is opened, one of several types of sophisticated customers enumerated in Rule 1.55(f) (''Rule 1.55(f) customers'').[5] While the amendment to Rule 30.6(a) extinguished the obligation to provide a standardized risk disclosure statement to Rule 1.55(f) customers at the time of the account opening, the Commission stated that FCMs have obligations to these customers independent of such a duty that would be material in the circumstances of a given transaction.[6]

5. After careful consideration of the issue, the Commission has determined that intermediaries should advise all customers (regardless of their level of sophistication) to consider making appropriate inquiries relating to the treatment of customer funds by depositories located outside the jurisdiction of the intermediating firm. Accordingly, the Commission has determined that an FCM, at a minimum, must provide each foreign futures or foreign option customer with a written disclosure tracking the language in either: (1) Rule 1.55(b)(7);[7] or (2) Paragraphs 6 and 8 of Appendix A to Rule 1.55(c).[8] Rule 30.10 firms must provide each foreign futures or foreign options customer with a written disclosure tracking the language in either Rule 1.55(b)(7) or paragraphs 6 and 8 of Appendix A to Rule 1.55(c), or a comparable disclosure statement prescribed by the firm's home country regulator. The Commission further encourages all firms, whether domestic or foreign, to provide a Rule 1.55 written risk disclosure to all customers, regardless of each customer's respective level of experience. The Commission notes that, in any instance where a firm provides a Rule 1.55(f) customer with a written disclosure, it is not necessary for the firm to obtain an acknowledgment of receipt. In addition, those FCMs that already have provided customers with a disclosure tracking either Rule 1.55(b)(7) or paragraphs 6 and 8 of Appendix A to Rule 1.55(c) (or in the case of Rule 30.10 firm, a comparable disclosure statement prescribed by its home country regulator) need not provide those same customers with an additional written disclosure.

6. For the reasons set forth above, the Commission is revising its interpretation of the secured amount requirement set forth in Rule 30.7. The Commission believes that the Rule 30.7 acknowledgment required of FCMs, or other appropriate acknowledgment required by Rule 30.10 firms, only applies to the maintenance of the account or accounts containing foreign futures and foreign options customer funds by the initial depository, and not to the manner in which any subsequent depository holds or subsequently transmits those funds. If an FCM receives from the initial depository the acknowledgment described in Rule 30.7, furnishes to each foreign futures or foreign options customer a written disclosure statement tracking the language set forth in Rule 1.55(b)(7) or paragraphs 6 and 8 of Appendix A to Rule 1.55(c) and otherwise complies with the provisions of Rule 30.7, then it may include all funds maintained in the separate account or accounts in calculating its secured amount requirement. A Rule 30.10 firm must satisfy the same requirements, except that it may provide each foreign futures or foreign options customer with a comparable disclosure statement prescribed by its home regulator.

7. If an FCM or Rule 30.10 firm fails to receive the required acknowledgment from the initial depository or provide the above written disclosure statement (and in certain circumstances, receive from customers an acknowledgment of receipt), then it must set aside funds with an acceptable depository and receive from such depository the required acknowledgment.

8. The Commission's interpretation of the Rule 30.7 secured amount requirement will apply to all regulated activities with all new and existing foreign futures and foreign options customers as of the effective date of this interpretation. The Commission's interpretation does not alter any other requirement set forth in Rule 30.7 or any other section of Part 30.

Issued in Washington, D.C. on August 29, 2000.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–22775 Filed 9–5–00; 8:45 am]

BILLING CODE 6351–01–P

[4] Although orders for expanded relief exempt foreign firms from compliance with Rule 1.55, sales practice standards and the treatment of customer funds constitute two of the specific elements examined in evaluating whether the particular foreign regulatory program provides a basis for permitting substituted compliance for purposes of exemptive relief pursuant to Rule 30.10. Appendix A to Part 30 .

[5] 63 FR 8566 (February 20, 1998). The list of sophisticated customers referenced in Rule 1.55(f) closely tracks, with one exception, the list of ''eligible swap participants'' in Rule 35.1.

[6] *Id. at 8569.*

[7] Rule 1.55(b)(7) reads as follows:

Foreign futures transactions involve executing and clearing trades on a foreign exchange. This is the case even if the foreign exchange is formally ''linked'' to a domestic exchange whereby a trade executed on one exchange liquidates or establishes a position on the other exchange. No domestic organization regulates the activities of a foreign exchange, including the execution, delivery and clearing of transactions on such an exchange, and no domestic regulator has the power to compel enforcement of the rules of the foreign exchange or the laws of the foreign country. Moreover, such laws or regulations will vary depending on the foreign country in which the transaction occurs. For these reasons, customers who trade on foreign exchanges may not be afforded certain of the protections which apply to domestic transactions, including the right to use domestic alternative dispute resolution procedures. In particular, funds received from customers to margin foreign futures transactions may not be provided the same protections as funds received to margin futures transactions on domestic exchanges. Before you trade, you should familiarize yourself with the foreign rules which will apply to your particular transaction.

[8] Appendix A to Rule 1.55(c) is the Generic Risk Disclosure Statement, which FCMs may use as an alternative to the Risk Disclosure Statement prescribed in Rule 1.55(b). The Commission understands that most FCMs, in particular those that are most active in international markets, use the Generic Risk Disclosure Statement.

Paragraphs 6 and 8 of Appendix A to Rule 1.55(c) read as follows:

6. Deposited cash and property.

You should familiarize yourself with the protections accorded money or other property you deposit for domestic and foreign transactions, particularly in the event of a firm insolvency or bankruptcy. The extent to which you may recover your money or property may be governed by specific legislation or local rules. In some jurisdictions, property which has been specifically identifiable as your own will be pro-rated in the same manner as cash for purposes of distribution in the event of a shortfall.

8. Transactions in other jurisdictions.

Transactions on markets in other jurisdictions, including markets formally linked to a domestic market, may expose you to additional risk. Such markets may be subject to regulation which may offer different or diminished investor protection. Before you trade you should enquire about any rules relevant to your particular transactions. Your local regulatory authority will be unable to compel the enforcement of the rules of regulatory authorities or markets in other jurisdictions where your transactions have been effected. You should ask the firm with which you deal for details about the types of redress available in both your home jurisdiction and other relevant jurisdictions before you start to trade.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 103

RIN 1076–AD73

Loan Guaranty, Insurance, and Interest Subsidy

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of the Interior (DOI), Bureau of Indian Affairs (BIA) proposes to revise the regulations that implement the Loan Guaranty, Insurance, and Interest Subsidy Program. This Program authorizes the Secretary of DOI to guaranty or insure loans made by private lenders to individual Indians and to organizations of Indians, and to assist qualified borrowers with a portion of their

interest payments. These revised regulations will clarify and shorten existing regulatory language, reflect evolved BIA policies, address issues that have emerged over the years, and enhance some features of the Program.

DATES: Comments must be received on or before November 6, 2000.

ADDRESSES: Mail comments to George Gover, Acting Director, Office of Economic Development, Bureau of Indian Affairs, Department of the Interior, 1849 C St., NW, Mail Stop 4640–MIB, Washington, DC 20240; or hand deliver them to Room 4640 at the above address. Mail comments to the attention of the Desk Officer for Department of the Interior, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503.

You also may supply comments via electronic mail by sending them to *loanregs@bia.gov*. Comments will be available for inspection at the above mailing address from 9 a.m. to 4 p.m., Monday through Friday beginning approximately 2 weeks after publication of this document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: David B. Johnson, Division of Indian Affairs, Office of the Solicitor, 202–208–3401.

SUPPLEMENTARY INFORMATION: The Loan Guaranty, Insurance, and Interest Subsidy Program (Program) was established in the Act of April 12, 1974, as amended, 88 Stat. 79, 25 U.S.C. 1481 *et seq.* and 25 U.S.C. 1511 *et seq.* The Program has existed since 1974, and the regulations implementing it have existed since 1975. There has never been any extensive or significant revision of these regulations, and in fact most of the regulations remain as they were originally drafted. BIA believes that revising these regulations in the manner proposed below will clarify and shorten part 103, reflect evolved BIA policies, address issues that have emerged over the years, and enhance some features of the Program.

The new regulations are drafted in plain language, to encourage understanding. BIA also has made some substantive changes in the regulations, in response to the history of the Program. For example, BIA hopes these new regulations will encourage lenders to take a fresh look at the insurance feature of the program, which has never been used.

Publication of the proposed rule by DOI provides the public with an opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding the proposed rule to the location identified in the **ADDRESSES** section of this document.

The following table shows how the proposed new regulations relate to the regulations currently in effect:

Old regulatory section	Now at section	Is there any intended substantive change in the rule?
103.1	103.44	Very little. BIA has changed definitions predominantly to clarify the program. Some old definitions have been deleted, and some new ones have been added.
103.2	103.1, 103.2, 103.20	No.
103.3	103.4, 103.15(*l*)	Yes. Regulations no longer permit loans for the borrower's housing. Also, BIA has deleted some unnecessary provisions.
103.4	103.12(c), 103.26(d), 103.27	No.
103.5	103.12(h), 103.26(*l*), 103.30(h)	No.
103.6	103.12(h), 103.26(*l*), 103.30(h)	No.
103.7	103.25, 103.26	No.
103.8	103.25	No.
103.9	103.10, 103.11	Yes. Regulations expand on how BIA qualifies lenders under the program, and now provide for up to three levels of lender approval.
103.10	103.4, 103.7, 103.10, 103.15(c)	No.
103.11.		
103.16, 103.18	No..	
103.12	103.13, 103.16, 103.18	No.
103.13	103.5, 103.6	Yes. Regulations no longer limit loans to partnerships or other non-tribal organizations to $500,000. Also, regulations now clearly allow a single borrower to have up to 2 separately guaranteed loans or one loan guarantee and any number of insured loans at a time.
103.14	103.5, 103.6	Yes. Regulations no longer mention housing as an appropriate use of insured loan funds. Regulations no longer require tribal lenders to have specific prior approval to make insured loans to other tribes or Indian organizations. Lenders can now make insured loans of up to $100,000 without specific prior approval. Upon obtaining specific prior approval, lenders may make insured loans to an individual of up to $500,000, or more for a tribe or business entity. The limit on the number of insured loans a lender may make to a borrower has been deleted. BIA also has deleted other provisions as unnecessary.
103.15	103.9, 103.12, 103.13	Yes. BIA has revised the application procedure to eliminate redundancy and to capture more information concerning the borrower.
103.16	103.4(d)	No.
103.17	103.4(c), 103.12(k)	Yes. Regulations now require the borrower to be current on any debt that the guaranteed or insured loan is to refinance.
103.18	103.14	No.
103.19	103.16, 103.18	No.
103.20	103.16, 103.18	No.
103.21	103.34	No.
103.22	103.36(b) and (c)	Yes. Regulatory language has been revised to curtail certain abuses.
103.23	103.34(a)	No.
103.24	103.15(c)	No.
103.25	103.15(d) and (e)	No.
103.26	103.15(f)	Yes. Regulations no longer allow prepayment penalties. BIA has deleted other provisions as unnecessary or confusing.

Old regulatory section	Now at section	Is there any intended substantive change in the rule?
103.27	103.12(a) and (f), 103.13(b), 103.16(a), 103.26(i).	No.
103.28	103.30(e), (f) and (g), 103.39(c)	No.
103.29	103.12(j), 103.13(b), 103.30(d) and (i).	No.
103.30	Not applicable	No. BIA has deleted former regulatory language because it is unnecessary or redundant of other legal provisions.
103.31	Not applicable	No. BIA has deleted former regulatory language because it is unnecessary or redundant of other legal provisions.
103.32	Not applicable	No. BIA has deleted former regulatory language because it is unnecessary or redundant of other legal provisions.
103.33	103.15(m)	No. BIA has deleted some regulatory language because it is unnecessary or redundant of other legal provisions.
103.34	103.12(c) and (e), 103.13(b), 103.30(m).	No.
103.35	103.34(a), 103.43	No.
103.36	103.35, 103.36, 103.37, 103.38, 103.39.	Yes. BIA has extended the deadlines by which the lender must notify BIA and take action in response to a default. BIA also has specified some conditions under which it might waive a failure to adhere to strict regulatory deadlines. Also, regulations now fix the date through which BIA is liable to pay the lender for interest accruing on the loan.
103.37	103.35, 103.36, 103.37, 103.38, 103.39.	Yes. BIA has extended the deadlines by which the lender must notify BIA and take action in response to a default. BIA also has specified some conditions under which it might waive a failure to adhere to strict regulatory deadlines. Also, regulations now fix the date through which BIA is liable to pay the lender for interest accruing on the loan.
103.38	103.38	Yes. BIA has deleted a provision that is obsolete.
103.39	Not applicable	No. BIA has deleted former regulatory language because it is unnecessary or redundant of other legal provisions.
103.40	103.37, 103.39(d)	Yes. Regulations now fix the date through which BIA is liable to pay the lender for interest accruing on the loan.
103.41	103.15, 103.18	No.
103.42	103.20, 103.21, 103.22, 103.23, 103.24.	Yes. Regulations no longer require the rate of interest subsidy to be established at the same time as the corresponding loan guaranty or insurance coverage. Also, interest subsidy will no longer be withdrawn before 3 years merely because the borrower's cash flow begins to equal or exceed industry norms.
103.43	103.8,	Yes. The date the premium is due now is 103.18, 103.19 tied to the date the loan closes, not the date BIA approves the loan guaranty application. Also, BIA now has fixed the amount of the premium on insured loans, which was inadvertently omitted in prior regulations.
103.44	103.15(a)	Yes. BIA now permits charges for reasonable and customary broker commissions.
103.45	103.15(j)	Yes. BIA now will guaranty or insure the amount of any late fees the lender assesses, subject to certain limitations.
103.46	103.30, 103.32	No.
103.47	103.15(k)	No.
103.48	103.15(l), 103.30(d)	No.
103.49	103.30, 103.39, 103.40	No.
103.50	Not applicable.	Yes. There is no longer a separate loan guaranty and insurance fund. See, the Federal Credit Reform Act of 1990, Pub. L. 101–508, Title XIII, § 13201(a).
103.51	103.28, 103.29	Yes. Regulations now address loan participation agreements.
103.52	103.14, 103.32, 103.33	No.
103.53	103.41	No.
103.54	Not applicable.	No. BIA has deleted former regulatory language because it was confusing and redundant of other legal provisions.
103.55.		
103.45		Yes. BIA has updated this provision.

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866.

This rule will not have an effect of $100 million or more on the economy. Current and foreseeable funding levels for the Program will permit at most $82 million in new loans per annum. The rule will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The Program is designed to enhance, not hinder, productivity, competition, jobs, and the overall economy, and there is nothing inherent about the Program or the rule that will lead to adverse effects on the environment, public health or safety, or State, local, or tribal governments or communities.

This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. There is nothing in the rule to limit other efforts to encourage Indian economic development.

This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. The Program does not create or limit any entitlement, has nothing to do with other grant or loan programs, and establishes no user fees.

This rule does not raise novel legal or policy issues. Part 103 has caused minimal legal review since 1975, and the new rule is in substance very similar to the existing rule.

Regulatory Flexibility Act

DOI certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The number of lenders who might be impacted by the changes in this document is limited by the relatively modest number of individual Indians and organizations of Indians whose loans can be guaranteed or insured under the Program.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of $100 million or more. Current and foreseeable funding levels for the Program will permit at most $82 million in new loans per annum.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The rule is designed to clarify the roles and duties of the persons it may impact, and should in fact result in administrative savings. Any additional requirements imposed by the rule are either very limited in scope, or else in the nature of assembling information that lenders typically gather anyway.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. To the contrary, the rule implements the Program in order to encourage investment in new Indian businesses, and thereby increase U.S.-based competition, employment, productivity, and innovation.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. It does not impose any mandates at all. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Only a small segment of the private sector—the lending community—is directly affected by the rule, and the rule (1) is functionally very similar to existing law, and (2) relates to a Program that will permit at most $82 million in new loans per annum, based on current and foreseeable funding levels. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531, *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. The Program enhances the security available to lenders, and does not inherently involve any action that could deprive anyone of property without just compensation. A takings implication assessment is not required.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State governments. The rule is directed at the relationship between lenders and the Federal Government, and does not impact States at all. This rule does not impose costs on States or localities, for the same reason.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This regulation requires information collection from 10 or more parties and a submission under the Paperwork Reduction Act is required. An OMB form 83-I has been reviewed by DOI and sent to OMB for approval. You are invited to submit comments on the information collection request. You can receive copies of the OMB submission by contacting the person listed in the FOR FURTHER INFORMATION CONTACT section or by requesting the information from the Bureau of Indian Affairs Information Collection Control Officer, 1849 C Street, NW, Mail Stop 4613 MIB, Washington, DC 20240. Please note that comments are available for public inspection during regular business hours. If you wish to have your name and address withheld, you must state this prominently at the beginning of your comments. We will honor that request to the extent allowable by law.

The purpose of the Loan Guaranty, Insurance, and Interest Subsidy Program, 25 U.S.C. 1481 *et seq.* and 25 U.S.C. 1511 *et seq.*, is to encourage private lending to individual Indians and organizations of Indians, by providing lenders with loan guaranties or loan insurance to reduce their potential risk. Lenders, borrowers, and the loan purpose all must qualify under Program terms. In addition, the Secretary of the Interior must be satisfied that there is a reasonable prospect that the loan will be repaid. BIA collects information under the proposed regulations to ensure compliance with Program requirements.

BIA must approve of a lender before it can make loans that are guaranteed or insured under the Program. Pre-approval is a one-time process that we estimate imposes on lenders an average burden of 2 hours, including time for reviewing instructions and preparing and submitting a BIA Loan Guaranty Agreement or Loan Insurance Agreement, as appropriate. After a lender is qualified as a BIA lender, the burden associated with individual loan guaranty or loan insurance applications is in large part one of gathering and submitting to BIA information the lender would ordinarily collect from its borrowers anyway, irrespective of the Program. The average burden of submitting a loan guaranty or insurance application is 2 hours, including time for reviewing instructions, searching data sources, and assembling the information needed. If BIA issues a guaranty certificate or approves an insurance agreement, the average burden to close the loan in accordance with this part is 1 hour. The average annual burden to maintain data and to prepare and submit reports is approximately 75 minutes, assuming an average of four reports each year. Interest subsidy calculations, where these are applicable, would increase the average annual burden to maintain data and submit reports to approximately 3.25 hours. Should the lender and borrower need to change material terms of the loan, there will be an additional reporting burden of approximately 1 hour. Finally, if the lender experiences a default, the burden associated with following the procedures in this part ranges from 30 minutes to 4.5 hours.

Based upon historical records, each year BIA anticipates approximately 64 applications for loan guaranties. Although there have never been any loan insurance applications, apparent need suggests that BIA will receive approximately 20 additional loan

insurance applications or notices of loan insurance per year. Of the combined 84 applications/notices, BIA expects that it will guarantee or insure approximately 64 new loans each year, of which approximately 45 will receive interest subsidy.

In all, BIA estimates the total annual Program compliance burden to range from approximately 4.75 to 12.75 hours per loan, with the average loan causing a burden of approximately 6.18 hours. Most compliance burdens fall below this average. For purposes of the following table, BIA assumes the average hourly wage per respondent to be $20.00:

CFR Sections	BIA form(s)?	Number of respondents	Frequency of responses	Total annual responses	Annual burden hours	Cost per hour	Cost to respondents
103.11	Yes	12	1	12	24	$20	$480
103.12, 103.13, 103.14, 103.21	Yes	84	1	84	168	20	3,360
103.17	No	64	1	64	32	20	640
103.18	Yes	64	1	64	32	20	640
103.23	Yes	45	4	180	90	20	1,800
103.26	No	64	1	64	32	20	640
103.32	No	64	1	64	16	20	320
103.33	No	64	4	256	64	20	1,280
103.34	No	10	1	10	10	20	200
103.35	Yes	20	1	20	10	20	200
103.36	No	20	1	20	20	20	400
103.37	Yes	7	1	7	14	20	280
103.38	Yes	7	1	7	7	20	140
				852	519		10,380

The foregoing estimates cover labor only; they do not include the costs of postage, energy, supplies, or other fixed costs that lenders may allocate toward Program compliance, which is expected to be minimal.

Organizations and individuals are invited to comment on (a) the necessity of the information for proper performance of the functions of the bureau and its practical utility, (b) the accuracy of the bureau's estimate of the burden of the collection, the validity of the methodology and assumptions used, (c) the quality, utility, and clarity of the information to be collected, (d) whether the burden can be minimized on the respondents by any means such as electronic, mechanical, automation. Organizations and individuals who desire to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for the U.S. Department of the Interior.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best ensured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to BIA on the proposed regulations.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

Clarity of this regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A ''section'' appears in bold type and is preceded by the symbol ''§''and a numbered heading; for example, § 103.13 How does a lender apply for loan insurance coverage?) (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240. You may also e-mail the comments to this address: *Exsec@ios.doi.gov.*

Public Comments

If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to the Office of Economic Development, Bureau of Indian Affairs, Department of the Interior, 1849 C St., NW, Mail Stop 4640–MIB, Washington, DC 20240. You also may comment via the Internet to *loanregs@bia.gov.* Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: [1076–AD73]'' and your home and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at 202–208–4499. Finally, you may hand-deliver comments to Room 4640 at the above address. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowed by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of

organizations or businesses, available for public inspection in their entirety.

Drafting Information: The primary author of this document is David B. Johnson, Division of Indian Affairs, Office of the Solicitor, Department of the Interior.

List of Subjects in 25 CFR Part 103

Indians—Insurance, Interest subsidy, and Loan guaranty.

For the reasons given in the preamble, BIA proposes to revise part 103 in chapter I of title 25 of the Code of Federal Regulations as set forth below.

25 CFR PART 103—LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Subpart A—General Provisions

Sec.
103.1 What does this part do?
103.2 Who does the Program help?
103.3 Who administers the Program?
103.4 What kinds of loans will BIA guarantee or insure?
103.5 What size loan will BIA guarantee or insure?
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103.7 Must the borrower have equity in the business being financed?
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Subpart B—How a Lender Obtains a Loan Guaranty or Insurance Coverage

103.9 Who applies to BIA under the Program?
103.10 What lenders are eligible under the Program?
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103.12 How does a lender apply for a loan guaranty?
103.13 How does a lender apply for loan insurance coverage?
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103.15 Are there any prohibited loan terms?
103.16 How does BIA approve or reject a loan guaranty or insurance application?
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Subpart C—Interest Subsidy

103.20 What is interest subsidy?
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103.22 How does BIA determine the amount of interest subsidy?
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103.24 How long will BIA make interest subsidy payments?

Subpart D—Provisions Relating to Borrowers

103.25 What kind of borrower is eligible under the Program?
103.26 What must the borrower supply the lender in its loan application?
103.27 Can the borrower get help preparing its loan application or putting its loan funds to use?

Subpart E—Loan Transfers

103.28 What if the lender transfers part of the loan to another person?
103.29 What if the lender transfers the entire loan?

Subpart F—Loan Servicing Requirements

103.30 What standard of care must a lender meet?
103.31 What loan servicing requirements apply to BIA?
103.32 What sort of loan documentation does BIA expect the lender to maintain?
103.33 Are there reporting requirements?
103.34 What if the lender and borrower decide to change the terms of the loan?

Subpart G—Default and Payment by BIA

103.35 What must the lender do if the borrower defaults on the loan?
103.36 What options and remedies does the lender have if the borrower defaults on the loan?
103.37 What must the lender do to collect payment under its loan guaranty certificate or loan insurance coverage?
103.38 Is there anything else for BIA or the lender to do after BIA makes payment?
103.39 When will BIA refuse to pay all or part of a lender's claim?
103.40 Will BIA make exceptions to its criteria for denying payment?
103.41 What happens if a lender violates provisions of this part?
103.42 How long must a lender comply with Program requirements?
103.43 What must the lender do after repayment in full?

Subpart H—Definitions and Miscellaneous Provisions

103.44 What certain terms mean in this part.
103.45 Information collection.

Authority: 25 U.S.C. 1498, 1511.

Subpart A—General Provisions

§ 103.1 What does this part do?

This part explains how to obtain and use a BIA loan guaranty or loan insurance agreement under the Program, and who may do so. It also describes how to obtain and use interest subsidy payments under the Program, and who may do so.

§ 103.2 Who does the Program help?

The purpose of the Program is to encourage eligible borrowers to develop viable Indian businesses through conventional lender financing. The Program benefits different parties in different ways. The direct function of the Program is to help lenders reduce excessive risks on loans they make. That function in turn helps borrowers secure conventional financing that might otherwise be unavailable.

§ 103.3 Who administers the Program?

Authority for administering the Program ultimately rests with the Secretary, who may exercise that authority directly at any time. Absent a direct exercise of authority, however, the Secretary delegates Program authority to BIA officials through the U.S. Department of Interior Departmental Manual. A lender should submit all applications and correspondence to the BIA regional office serving the borrower's location. In some cases, the regional office may refer the lender either to the BIA field office or agency serving the borrower's specific location, or else to BIA's central office in Washington, D.C.

§ 103.4 What kinds of loans will BIA guarantee or insure?

In general, BIA may guarantee or insure any loan made by an eligible lender to an eligible borrower to conduct a lawful business organized for profit. There are several important exceptions:

(a) The business must contribute to the economy of an Indian tribe or its members, and be located on or near an Indian reservation;

(b) The borrower may not use the loan for relending purposes;

(c) If any portion of the loan is used to refinance an existing loan, the borrower must be current on the existing loan; and

(d) BIA may not guarantee or insure a loan if it believes the lender would be willing to extend the requested financing without a BIA guaranty or insurance coverage.

§ 103.5 What size loan will BIA guarantee or insure?

BIA can guarantee or insure a loan of up to $500,000 for an individual Indian, or more for an acceptable Indian business entity, Tribe, or tribal enterprise involving two or more persons. BIA can limit the size of loans it will guarantee or insure, depending on the resources BIA has available.

§ 103.6 To what extent will BIA guarantee or insure a loan?

(a) BIA can guarantee up to 90 percent of the unpaid principal and accrued interest due on a loan.

(b) BIA can insure up to the lesser of:

(1) Ninety percent of the unpaid principal and accrued interest due on a loan; or

(2) Fifteen percent of the aggregate outstanding principal amount of all loans the lender has insured under the Program as of the date the lender makes a claim under its insurance coverage.

(c) BIA's guaranty certificate or loan insurance agreement should reflect the

lowest guaranty or insurance percentage rate that satisfies the lender's risk management requirements.

(d) Absent exceptional circumstances, BIA will allow no more than:

(1) Two simultaneous guarantees under the Program covering outstanding loans from the same lender to the same borrower; or

(2) One loan guaranty under the Program when the lender simultaneously has one or more outstanding loans insured under the Program to the same borrower.

§ 103.7 Must the borrower have equity in the business being financed?

The borrower must be projected to have at least 20 percent equity in the business being financed, immediately after the loan is funded. If a substantial portion of the loan is for construction or renovation, the borrower's equity may be calculated based upon the reasonable estimated value of the borrower's assets after completion of the construction or renovation.

§ 103.8 Is there any cost for a BIA guaranty or insurance coverage?

BIA charges the lender a premium for a guaranty or insurance coverage.

(a) The premium is:

(1) Two percent of the portion of the original loan principal amount that BIA guarantees; or

(2) One percent of the portion of the original loan principal amount that BIA insures, without considering the 15 percent aggregate outstanding principal limitation on the lender's insured loans.

(b) Lenders may pass the cost of the premium on to the borrower, either by charging a one-time fee or by adding the cost to the principal amount of the borrower's loan. Adding the premium to the principal amount of the loan will not make any further premium due. BIA will guarantee or insure the additional principal to the same extent as the original approved principal amount.

Subpart B—How a Lender Obtains a Loan Guaranty or Insurance Coverage

§ 103.9 Who applies to BIA under the Program?

The lender is responsible for determining whether it will require a BIA guaranty or insurance coverage, based upon the loan application it receives from an eligible borrower. If the lender requires a BIA guaranty or insurance coverage, the lender is responsible for completing and submitting a guaranty application or complying with a loan insurance agreement under the Program. Borrowers should not apply to BIA for a guaranty or insurance coverage, and should refrain from direct contact with BIA personnel with respect to a lender's application.

§ 103.10 What lenders are eligible under the Program?

(a) Except as specified in paragraph (c) of this section, a lender is eligible under the Program, and may be considered for BIA approval, if the lender is:

(1) Regularly engaged in the business of making loans;

(2) Capable of evaluating and servicing loans in accordance with reasonable and prudent industry standards; and

(3) Otherwise reasonably acceptable to BIA.

(b) Eligible lenders may include tribes making loans from their own funds.

(c) The following lenders are not qualified to issue loans under the Program:

(1) An agency or instrumentality of the Federal Government;

(2) A lender that borrows money from any Federal Government source, other than the Federal Reserve Bank System, for purposes of relending;

(3) A lender that does not include the interest on loans it makes in gross income, for purposes of chapter 1, title 26 of the United States Code; and

(4) A lender that does not keep any ownership interest in loans it originates.

§ 103.11 How does BIA approve lenders for the Program?

(a) BIA approves each lender by entering into a loan guaranty agreement and/or a loan insurance agreement with it. BIA may provide up to three different levels of approval for a lender making guaranteed loans, depending on factors such as:

(1) The number of loans the lender makes under the Program;

(2) The total principal balance of the lender's Program loans;

(3) The number of years the lender has been involved with the Program;

(4) The relative benefits and opportunities the lender has given to Indian business efforts through the Program; and

(5) The lender's historical compliance with Program requirements.

(b) BIA will consider a lender's loan agreement and/or loan insurance agreement suspended as of:

(1) The effective date of a change in the lender's corporate structure;

(2) The effective date of a merger between the lender and any other entity; or

(3) The start of any legal proceeding in which substantially all of the lender's assets may be subject to disposition through laws governing bankruptcy, insolvency, or receivership.

(c) If a lender's loan agreement and/or loan insurance agreement is suspended under paragraph (b) of this section, the lender, or its successor in interest, must enter into a new loan guaranty agreement and/or loan insurance agreement with BIA in order to secure any new BIA loan guarantees or insurance coverage.

§ 103.12 How does a lender apply for a loan guaranty?

To apply for a loan guaranty, a BIA-approved lender must submit to BIA a loan guaranty application request form, together with each of the following:

(a) A copy of the borrower's complete loan application;

(b) A description of the borrower's equity in the business being financed;

(c) A copy of the lender's independent credit analysis of the borrower's business, repayment ability, and loan collateral (including insurance), plus the lender's evaluation of the extent to which the borrower will need technical assistance that the lender will be unable to provide;

(d) An original report from a nationally-recognized credit bureau, dated within 90 days of the date of the lender's loan guaranty application package, outlining the credit history of the borrower and each co-maker or guarantor of the loan (if any);

(e) Appropriate title and/or lien searches for each asset to be used as loan collateral;

(f) A copy of the lender's loan commitment letter to the borrower, showing at a minimum the proposed loan amount, purpose, interest rate, schedule of payments, and security (including insurance requirements), and the lender's material terms and conditions for funding;

(g) The lender's good faith estimate of any loan-related fees and costs it will charge the borrower, as authorized under this part;

(h) Evidence that the lender has complied with, and caused the borrower to comply with, all applicable Federal, State, local, and tribal laws implicated by financing the borrower's business, including (for example):

(1) Copies of all permits and licenses required to operate the borrower's business;

(2) Environmental studies required for construction and/or business operations under NEPA and other environmental laws;

(3) Archeological or historical studies required by law; and

(4) A plat map and/or certification by a registered surveyor indicating that the

proposed business will not be located in a special flood hazard area, as defined by applicable law;

(i) A written explanation from the lender indicating why it needs a BIA guaranty for the loan, and the minimum loan guarantee percentage it will accept;

(j) If any significant portion of the loan will be used to finance construction, renovation, or demolition work, the lender's:

(1) Insurance and bonding requirements for the work;

(2) Proposed draw requirements; and

(3)Proposed work inspection procedures;

(k) If any significant portion of the loan will be used to refinance or otherwise retire existing indebtedness:

(1) A clear description of all loans being paid off, including the names of all makers, cosigners and guarantors, maturity dates, payment schedules, uncured delinquencies, collateral, and payoff amounts as of a specific date; and

(2) A comparison of the terms of the loan or loans being paid off and the terms of the new loan, identifying the advantages of the new loan over the loan being paid off.

§ 103.13 How does a lender apply for loan insurance coverage?

BIA-approved lenders can make loans insured under the Program in two ways, depending on the size of the loan:

(a) For loans in an original principal amount of up to $100,000 per borrower, the lender can make each loan in accordance with the lender's loan insurance agreement, without specific prior approval from BIA.

(b) For loans in an original principal amount of over $100,000, the lender must seek BIA's specific prior approval in each case. The lender must submit a loan insurance coverage application request form, together with the same information required for a loan guaranty under § 103.12, except for the information required by § 103.12(i).

(c) The lender must submit a loan insurance application package even for a loan of less than $100,000 if:

(1) The total outstanding balance of all insured loans the lender is extending to the borrower under the Program exceeds $100,000; or

(2) the lender makes a request for interest subsidy, pursuant to § 103.21.

§ 103.14 Can BIA request additional information?

BIA may require the lender to provide additional information, whenever BIA believes it needs the information to properly evaluate a new lender, guaranty application, or insurance application. After BIA issues a loan guaranty or insurance coverage, the lender must let BIA inspect the lender's records at any reasonable time for information concerning the Program.

§ 103.15 Are there any prohibited loan terms?

A loan agreement guaranteed or insured under the Program may not contain:

(a) Charges by the lender styled as ''points,'' loan origination fees, or any similar fees (however named), except that if authorized in the loan agreement, the lender may charge the borrower a reasonable annual loan servicing fee that:

(1) Is not included as part of the loan principal; and

(2) Does not bear interest;

(b) Charges of any kind by the lender or by any third party except for the reasonable and customary cost of legal and architectural services, broker commissions, surveys, compliance inspections, title inspection and/or insurance, lien searches, appraisals, recording costs, premiums for required hazard, liability, key man life, and other kinds of insurance, and such other charges as BIA may approve in writing;

(c) A loan repayment term of over 30 years;

(d) Payments scheduled less frequently than annually;

(e) A balloon repayment schedule;

(f) A prepayment penalty;

(g) An interest rate greater than what BIA considers reasonable, taking into account the range of rates prevailing in the private market for similar loans;

(h) A variable interest rate, unless the rate is tied to a specific prime rate published from time to time by a nationally recognized financial institution or news source;

(i) An increased rate of interest based on default;

(j) A fee imposed for the late repayment of any installment due, except for a late fee that:

(1) Is imposed only after the borrower is at least 30 days late with payment;

(2) Does not bear interest; and

(3) Equals no more than the lesser of 5 percent of the late installment or $100;

(k) An ''insecurity'' clause, or any similar provision permitting the lender to declare a loan default solely on the basis of its subjective view of the borrower's changed repayment prospects;

(l) A requirement that the borrower take title to any real or personal property purchased with loan proceeds by a title instrument containing restrictions on alienation, control or use of the property, unless otherwise required by applicable law; or

(m) A requirement that a borrower which is a tribe provide as security a general assignment of the tribe's trust income. If otherwise lawful, a tribe may provide as loan security an assignment of trust income from a specific source.

§ 103.16 How does BIA approve or reject a loan guaranty or insurance application?

(a) BIA reviews each guaranty or insurance application, and may evaluate each loan application independently from the lender. BIA bases its loan guaranty or insurance decisions on many factors, including compliance with this part, and whether there is a reasonable prospect of loan repayment from business cash flow, or if necessary, from liquidating loan collateral. Lenders are expected to obtain a first lien security interest in enough collateral to reasonably secure repayment of each loan guaranteed or insured under the Program, to the extent that collateral is available.

(b) BIA approves applications by issuing an approval letter, followed by the procedures in § 103.18. If the guaranty or insurance application is incomplete, BIA may return the application to the lender, or hold the application while the lender submits the missing information. If BIA denies the application, it will provide the lender with a written explanation, with a copy to the borrower.

§ 103.17 Must the lender follow any special procedures to close the loan?

(a) BIA officials or their representatives may attend the closing of any loan or loan modification that BIA agrees to guarantee or insure. For guaranteed loans, and insured loans that BIA must individually review under this part, the lender must give BIA notice of the date of closing at least 5 business days before closing occurs.

(b) The lender must supply BIA with copies of all final, signed loan closing documents within 30 days following closing. To the extent applicable, loan closing documents must include the following:

(1) Promissory notes;

(2) Security agreements, including pledge and similar agreements, and related financing statements (together with BIA's written approval of any assignment of specific tribal trust assets under § 103.15(m), or of any security interest in an individual Indian money account);

(3) Mortgage instruments or deeds of trust (together with BIA's written approval, if required by 25 U.S.C. 483a, or if the mortgage is of a leasehold interest in tribal trust property);

(4) Guarantees (other than from BIA);

(5) Construction contracts, and plans and specifications;

(6) Leases related to the business (together with BIA's written approval, if required under 25 CFR part 162);

(7) Attorney opinion letters;

(8) Resolutions made by a Tribe or business entity;

(9) Waivers or partial waivers of sovereign immunity; and

(10) Similar instruments designed to document the loan, establish the basis for a security interest in loan collateral, and comply with applicable law.

(c) Unless BIA indicates otherwise in writing, the Lender must close a guaranteed or insured loan within 60 days of any approval provided under § 103.16.

§ 103.18 How does BIA issue a loan guaranty or confirm loan insurance?

(a) A loan is guaranteed under the Program when all of the following occur:

(1) BIA issues a signed loan guaranty certificate bearing a series number, an authorized signature, a guaranty percentage rate, the lender's name, the borrower's name, the original principal amount of the loan, and such other terms and conditions as BIA may require;

(2) The loan closes and funds;

(3) The lender pays BIA the applicable loan guaranty premium; and

(4) The lender meets all of the conditions listed in the loan guaranty certificate.

(b) A loan is insured under the Program when all of the following occur:

(1) The loan's purpose and terms meet the requirements of the Program and the lender's loan insurance agreement with BIA;

(2) The loan closes and funds;

(3) The lender notifies BIA of the borrower's identity and organizational structure, the amount of the loan, the interest rate, the payment schedule, and the date on which the loan closing and funding occurred;

(4) The lender pays BIA the applicable loan insurance premium;

(5) If over $100,000 or if the loan requires interest subsidy, BIA approves the loan in writing; and

(6) If over $100,000 or if the loan requires interest subsidy, the lender meets all of the conditions listed in BIA's written loan approval.

§ 103.19 When must the lender pay BIA the loan guaranty or insurance premium?

The premium is due within 30 calendar days of the loan closing. If not paid on time, BIA will send the lender written notice by certified mail, return receipt requested, that the premium is due immediately. If the lender fails to make the premium payment within 30 calendar days of the date of BIA's notice, BIA's guaranty certificate or insurance coverage with respect to that particular loan is void, without further action.

Subpart C—Interest Subsidy

§ 103.20 What is interest subsidy?

Interest subsidy is a payment BIA makes for the benefit of the borrower, to reimburse part of the interest payments the borrower has made on a loan guaranteed or insured under the Program. It is available to borrowers whose projected or historical earnings before interest and taxes, after adjustment for extraordinary items, is less than the industry norm.

§ 103.21 Who applies for interest subsidy payments, and what is the application procedure?

(a) An eligible lender must apply for interest subsidy payments on behalf of an eligible borrower, after determining that the borrower qualifies. Typically, the lender should include an application for interest subsidy at the time it applies for a guaranty or insurance coverage under the Program. A request for interest subsidy must be supported by the information required in §§ 103.12 and 103.13 (relating to loan guaranty and insurance coverage applications). BIA approves, returns, or rejects interest subsidy applications in the same manner indicated in § 103.16, based on the factors in § 103.20 and BIA's available resources.

(b) BIA's approval of interest subsidy for an insured loan may provide for specific limitations on the manner in which the lender and borrower can modify the loan.

§ 103.22 How does BIA determine the amount of interest subsidy?

Interest subsidy payments should equal the difference between the lender's rate of interest and the rate determined by the Secretary of the Treasury in accordance with 25 U.S.C. 1464. BIA may fix the amount of interest subsidy as of any date between the date of the borrower's application and the date BIA approves interest subsidy.

§ 103.23 How does BIA make interest subsidy payments?

The lender must send BIA reports at least quarterly on the borrower's loan payment history, together with a calculation of the interest subsidy then due. The lender's reports and calculation do not have to be in any specific format, but the reports must contain at least the information required by § 103.33. Based on the lender's reports and calculation, BIA will send interest subsidy payments to the borrower in care of the lender. The payments belong to the borrower, but the borrower and lender may agree in advance on how the borrower will use interest subsidy payments. BIA may verify and correct interest subsidy calculations and payments at any time.

§ 103.24 How long will BIA make interest subsidy payments?

(a) BIA will issue interest subsidy payments for the term of the loan, up to 3 years. If interest subsidy payments still are justified, the lender may apply for up to two 1-year extensions of this initial term. BIA will make interest subsidy payments on a single loan for no more than 5 years.

(b) BIA will choose the date from which it calculates interest subsidy years, usually the date the lender first extends the loan funds. Interest subsidy payments will apply to all loan payments made in the calendar years following that date.

(c) Interest subsidy payments will not apply to any loan payment made after the corresponding loan guaranty or insurance coverage stops under the Program, regardless of the circumstances.

Subpart D—Provisions Relating to Borrowers

§ 103.25 What kind of borrower is eligible under the Program?

(a) A borrower is eligible for a BIA-guaranteed or insured loan if the borrower is:

(1) An Indian individual;

(2) An Indian-owned business entity organized under Federal, State, or tribal law, with an organizational structure reasonably acceptable to BIA;

(3) A tribe; or

(4) A business enterprise established and recognized by a tribe.

(b) To be eligible for a BIA-guaranteed or insured loan, a business entity or tribal enterprise must be at least 51 percent owned by Indians. If at any time a business entity or tribal enterprise becomes less than 51 percent Indian owned, the lender either may declare a default as of the date the borrower stopped being at least 51 percent Indian owned and exercise its remedies under this part, or else continue to extend the loan to the borrower and allow BIA's guaranty or insurance coverage to become invalid.

§ 103.26 What must the borrower supply the lender in its loan application?

The lender may use any form of loan application it chooses. However, the borrower must supply the lender the information listed in this section in order for BIA to process a guaranty or insurance coverage application:

(a) The borrower's precise legal name, address, and tax identification number or social security number;

(b) Proof of the borrower's eligibility under the Program;

(c) A statement signed by the borrower, indicating that it is not delinquent on any Federal tax or other debt obligation;

(d) The borrower's business plan, including resumes of all principals and a detailed discussion of the product or service to be offered, market factors, the borrower's marketing strategy, and any technical assistance the borrower may require;

(e) A detailed description of the borrower's equity in the business being financed, including the method(s) of valuation;

(f) The borrower's balance sheets and operating statements for the preceding 2 years, or so much of that period that the borrower has been in business;

(g) The borrower's current financial statement, and the financial statements of all co-makers and guarantors of the loan (other than BIA);

(h) At least 2 years of financial projections for the borrower's business, consisting of pro-forma balance sheets, operating statements, and cash flow statements;

(i) A detailed list of all proposed collateral for the loan, including asset values and the method(s) of valuation;

(j) Recent appraisals for all real property and improvements to be used as collateral for the loan, to the extent required by law;

(k) A detailed list of all proposed hazard, liability, key man life, and other kinds of insurance the borrower will maintain on its business assets and operations;

(l) Evidence that the borrower's business will be conducted in compliance with all applicable Federal, State, local, and tribal laws, including (for example):

(1) Copies of all permits and licenses required to operate the borrower's business;

(2) Environmental studies required for construction and/or business operations under NEPA and other environmental laws;

(3) Archeological or historical studies required by law; and

(4) A plat map and/or certification by a registered surveyor indicating that the proposed business will not be located in a special flood hazard area, as defined by applicable law;

(m) If any significant portion of the loan will be used to finance construction, renovation, or demolition work:

(1) Written quotes for the work from established and reputable contractors; and

(2) To the extent possible, copies of all construction and architectural contracts for the work, plans and specifications, and applicable building permits;

(n) If the borrower is a tribe or a tribal enterprise, resolutions by the tribe and proof of authority under tribal law permitting the borrower to borrow the loan amount and offer the proposed loan collateral; and

(o) If the borrower is a business entity, resolutions by the appropriate governing officials and proof of authority under its organizing documents permitting the borrower to borrow the loan amount and offer the proposed loan collateral.

§ 103.27 Can the borrower get help preparing its loan application or putting its loan funds to use?

A borrower may seek BIA's assistance when preparing a loan application or when planning business operations, including assistance identifying and complying with applicable laws as indicated by § 103.26(l). The borrower should contact the BIA field or agency office serving the area in which the borrower's business is to be located, or if there is no separate field or agency office serving the area, then the borrower should contact the BIA regional office serving the area. BIA will either assist the borrower directly, or help the borrower locate the requested assistance free of charge or at a below market rate.

Subpart E—Loan Transfers

§ 103.28 What if the lender transfers part of the loan to another person?

(a) A lender may transfer one or more interests in a guaranteed loan to another person or persons, as long as the parties have in place an agreement that designates one person to perform all of the duties required of the lender under the Program and the loan guaranty certificate. Starting on the date of the transfer, only the person designated to perform the duties of the lender will be entitled to exercise the rights conferred by BIA's loan guaranty certificate, and will from that point forward be considered the lender for purposes of the Program. A lender under the Program must both own an interest in and service the guaranteed loan. BIA will not consider more than one person at any given time to be the lender with respect to any loan guaranty certificate. If the person designated to perform the duties of the lender in an agreement among loan participants is not the original lender, then the provisions of § 103.29 will apply (relating to sale or assignment of guaranteed loans), and the person designated to perform the duties of the lender must give BIA notice of its interest in the loan.

(b) Transferring any interest in an insured loan to another person will void the insurance coverage for that loan, except where the transfer is effected by a merger in which the lender is not the surviving entity. If a merger results in a change in the lender's identity, the lender's successor must notify BIA in writing of the change within 30 calendar days of the merger, and must re-apply to become an approved lender under the Program, as indicated in § 103.11.

§ 103.29 What if the lender transfers the entire loan?

(a) A lender may transfer all of its rights in a guaranteed loan to any other person. To keep the BIA loan guaranty in effect, the acquiring person must send BIA written notice of the transfer, describing the borrower, the loan, BIA's loan guaranty certificate number, and the acquiring person's name and address. Starting on the date of the transfer, only the acquiring person will be entitled to exercise the rights conferred by BIA's loan guaranty certificate, and will from that point forward be considered the lender for purposes of the Program. The acquiring person must service the guaranteed loan and otherwise perform all of the duties required of the lender under the Program and the loan guaranty certificate. If the acquiring person fails to send BIA proper notice within 30 calendar days of the date of the transfer, BIA's loan guaranty certificate will be void, without further action.

(b) Transferring an insured loan to another person will void the insurance coverage for that loan, except where the transfer is effected by a merger in which the lender is not the surviving entity. In the event a merger results in a change in the lender's identity, the lender's successor must notify BIA in writing of the change within 30 calendar days of the merger, and must re-apply to become an approved lender under the Program, as indicated in § 103.11.

Subpart F—Loan Servicing Requirements

§ 103.30 What standard of care must a lender meet?

Lenders must service all loans guaranteed or insured under the Program in a commercially reasonable manner, in accordance with standards and procedures adopted by prudent lenders in the BIA region in which the borrower's business is located, and in accordance with this part. If the lender fails to follow any of these standards, BIA may reduce or eliminate entirely the amount payable under its guaranty or insurance coverage to the extent BIA can reasonably attribute the loss to the lender's failure. BIA also may deny payment completely if the lender gets a loan guaranty or insurance coverage through fraud, or negligently allows a borrower's fraudulent loan application or use of loan funds to go undetected. In particular, and without limitation, lenders must:

(a) Check and verify information contained in the borrower's loan application, such as the borrower's eligibility, the authority of persons acting on behalf of the borrower, and the title status of any proposed collateral;

(b) Take reasonable precautions to assure that loan proceeds are used as specified in BIA's guaranty certificate or written insurance approval, or if not so specified, then in descending order of importance:

(1) BIA's written loan guaranty approval;

(2) The loan documents;

(3) The terms of the lender's final loan commitment to the borrower; or

(4) The borrower's loan application;

(c) Whenever feasible, require the borrower to use automatic bank account debiting to make loan payments;

(d) Require the borrower to take title to real and personal property purchased with loan proceeds in the borrower's own name, except for real property to be held in trust by the United States for the benefit of a borrower that is a tribe;

(e) Promptly record all security interests and subsequently keep them in effect. Lenders must record all mortgages and other security interests in accordance with State and local law, including the laws of any tribe that may have jurisdiction. Lenders also must record any:

(1) Leasehold mortgages or assignments of income involving individual Indian or tribal trust land with the BIA office having responsibility for maintaining records on that trust land; and

(2) Assignments of individual Indian money accounts with the Office of Trust Funds Management within the United States Department of the Interior;

(f) Assure, to the extent reasonably practicable, that the borrower and any guarantor of the loan (other than BIA) keep current on all taxes levied on real and personal property used in the borrower's business or as collateral for the loan, and on all applicable payroll taxes;

(g) Assure, to the extent reasonably practicable, that all required insurance policies remain in effect, including hazard, liability, key man life, and other kinds of insurance, in amounts reasonably necessary to protect the interests of the borrower, the borrower's business, and the lender;

(h) Assure, to the extent reasonably practicable, that the borrower remains in compliance with all applicable Federal, State, local and tribal laws, including environmental laws and laws concerning the preservation of historical and archeological sites and data;

(i) Assure, to the extent reasonably practicable, that the borrower causes any construction, renovation, or demolition work funded by the loan to proceed in accordance with approved construction contracts and plans and specifications, which must be sufficient in scope and detail to adequately govern the work;

(j) Reserve for itself and BIA the right to inspect the borrower's business records and all loan collateral at any reasonable time;

(k) Promptly notify the borrower in writing of any material breach by the borrower of the terms of its loan, with specific instructions on how to cure the breach and a deadline for doing so;

(l) Participate in any probate, receivership, bankruptcy, or similar proceeding involving the borrower and any guarantor or co-maker of the borrower's debt, to the extent necessary to maintain the greatest possible rights to repayment; and

(m) Otherwise seek to avoid and mitigate any potential loss arising from the loan, using at least that level of care the lender would use if it did not have a BIA loan guaranty or insurance coverage.

§ 103.31 What loan servicing requirements apply to BIA?

(a) Once a lender extends a loan that is guaranteed or insured under the Program, BIA has no responsibility for decisions concerning it, except for:

(1) Any approvals required under this part;

(2) Any decisions reserved to BIA under conditions of BIA's guaranty certificate or insurance coverage; and

(3) Decisions concerning a loan that the lender has assigned to BIA or to which BIA is subrogated by virtue of paying a claim based on a guaranty certificate or insurance coverage.

(b) Lenders should not ask BIA personnel for advice or concurrence concerning any loan servicing decisions the lender alone is expected to make.

§ 103.32 What sort of loan documentation does BIA expect the lender to maintain?

For every loan guaranteed or insured under the Program, the lender must maintain:

(a) BIA's original loan guaranty certificate or insurance coverage approval letter, if applicable;

(b) Original signed and/or certified counterparts of all final loan documents, including those listed in § 103.17 (concerning loan documents the lender is to supply BIA), all renewals, modifications, and additions to those documents, and signed settlement statements;

(c) Originals or copies, as appropriate, of all documents gathered by the lender under §§ 103.12, 103.13 and 103.26 (concerning information submitted by the borrower in its loan application, and information supplied to BIA in the lender's loan guaranty or insurance coverage application);

(d) originals or copies, as appropriate, of all applicable insurance binders or certificates, including without limitation hazard, liability, key man life, and title insurance;

(e) a complete and current history of all loan transactions, including dated disbursements, payments, adjustments, and notes describing all contacts with the borrower;

(f) originals or copies, as appropriate, of all correspondence with the borrower, including default notices and evidence of receipt;

(g) originals or copies, as appropriate, of all correspondence, notices, news items or other information concerning the borrower, whether gathered by the lender or furnished to it, containing material information about the borrower and its business operations;

(h) originals or copies, as appropriate, of all advertisements, notices, title instruments, accountings, and other documentation of efforts to liquidate loan collateral; and

(i) originals or copies, as appropriate, of all notices, pleadings, motions, orders, and other documents associated with any legal proceeding involving the lender and the borrower or its assets, including without limitation judicial or non-judicial foreclosure proceedings, suits to collect payment, bankruptcy proceedings, probate proceedings, and any settlement associated with threatened or actual litigation.

§ 103.33 Are there reporting requirements?

(a) The lender must periodically report the borrower's loan payment history so that BIA can recalculate the government's contingent liability. Loan payment history reports must be quarterly unless BIA provides otherwise for a particular loan. These reports can be in any format the lender desires, as long as they contain:

(1) The lender's name;

(2) The borrower's name;

(3) A reference to BIA's Loan Guaranty Certificate or Loan Insurance Agreement number;

(4) The lender's internal loan number; and

(5) The date and amount of all loan balance activity for the reporting period.

(b) If applicable, the lender also must supply a calculation of any interest subsidy payments that are due, as indicated in § 103.23.

(c) If there is a transfer of any or all of the lender's ownership interest in the loan, the party receiving the ownership interest may be required to notify BIA, as indicated in §§ 103.28 and 103.29.

(d) If there is a default on the loan, the lender is required to notify BIA, as indicated in §§ 103.35 and 103.36.

(e) If the loan is prepaid in full, the lender must promptly notify BIA in writing so that BIA can eliminate the guaranty or insurance coverage from its active recordkeeping system.

§ 103.34 What if the lender and borrower decide to change the terms of the loan?

(a) The lender must obtain written BIA approval before modifying a loan guaranteed or insured under the Program, if the change will:

(1) Increase the borrower's outstanding principal amount (if a term loan), or maximum available credit (if a revolving loan).

(i) BIA will approve or disapprove a loan increase based upon the lender's explanation of the borrower's need for additional funding, and updated information of the sort required under §§ 103.12, 103.13, and 103.26, as applicable.

(ii) Upon approval by BIA and payment of an additional guaranty or insurance premium in accordance with §§ 103.8 and 103.19 and this section, the entire outstanding loan amount, as modified, will be guaranteed or insured (as the case may be) to the extent BIA specifies. The lender must pay the additional premium only on the increase in the outstanding principal amount of the loan (if a term loan) or the increase in the credit limit available to the borrower (if a revolving loan).

(iii) Lenders may not increase the outstanding principal amount of a loan guaranteed or insured under the Program if a significant effect of doing so would be to allow the borrower to pay accrued loan interest.

(2) Permanently adjust the loan repayment schedule.

(3) Increase a fixed interest rate, convert a fixed interest rate to an adjustable interest rate, or convert an adjustable interest rate to a fixed interest rate.

(4) Allow any changes in the identity or organizational structure of the borrower.

(5) Allow any material change in the use of loan proceeds or the nature of the borrower's business.

(6) Release any collateral taken as security for the loan, except items sold in the ordinary course of business and promptly replaced by similar items of collateral, such as inventory.

(7) Allow the borrower to move any significant portion of its business operations to a location that is not on or near an Indian reservation.

(8) Be likely to materially increase the risk of a claim on BIA's guaranty or insurance coverage, or materially reduce the aggregate value of the collateral securing the loan.

(9) Cure a default for which BIA is to receive notice under § 103.35(b).

(b) In the case of an insured loan, the amount of which will not exceed $100,000 when combined with all other loans from the lender to the borrower, the lender need not obtain BIA's prior approval to make any of the loan modifications indicated in § 103.34(a), except as provided in § 103.21(b). However, all loan modifications must remain consistent with the lender's loan insurance agreement with BIA, and in the event of an increase in the borrower's outstanding principal amount (if a term loan), or maximum available credit (if a revolving loan), the lender must send BIA an additional premium payment in accordance with §§ 103.8, 103.19 and this section. The lender must pay the additional premium only on the increase in the outstanding principal amount of the loan (if a term loan) or the increase in the credit limit available to the borrower (if a revolving loan). To the extent a loan modification changes any of the information supplied to BIA under § 103.18(b)(3), the lender also must promptly notify BIA of the new information.

(c) Subject to any applicable BIA loan guaranty or insurance coverage conditions, a lender may extend additional loans to a borrower without BIA approval, if the additional loans are not to be guaranteed or insured under the Program.

Subpart G—Default and Payment by BIA

§ 103.35 What must the lender do if the borrower defaults on the loan?

(a) The lender must send written notice of the default to the borrower, and otherwise meet the standard of care established for the lender in this part. The lender's notice to the borrower should be sent as soon as possible after the default, but in any event before the lender's notice to BIA under paragraph (b) of this section. For purposes of the Program, ''default'' will mean a default as defined in this part.

(b) The lender also must send written notice of the default to BIA by certified mail, return receipt requested, within 60 calendar days of the default unless the default is fully cured before that deadline. This notice is required even if the lender grants the borrower a forbearance under § 103.36(a). One purpose of the notice is to give BIA the opportunity to intervene and seek assistance for the borrower, even though BIA has no duty, either to the lender or the borrower, to do so. Another purpose of the notice is to permit BIA to plan for a possible loss claim from the lender, under § 103.36(d). The lender's notice should clearly indicate:

(1) The identity of the borrower;

(2) The applicable Program guaranty certificate or insurance agreement number;

(3) The date and nature of all bases for default;

(4) If a monetary default, the amount of past due principal and interest, the date through which interest has been calculated, and the amount of any late fees, precautionary advances, or other amounts the lender claims;

(5) The nature and outcome of any correspondence or other contacts with the borrower concerning the default; and

(6) The precise nature of any action the borrower could take to cure the default.

§ 103.36 What options and remedies does the lender have if the borrower defaults on the loan?

(a) The lender may grant the borrower a temporary forbearance, even beyond any default cure periods specified in the loan documents, if doing so is likely to result in the borrower curing the default. However, BIA must approve in writing any forbearance or other agreement that:

(1) Permanently modifies the terms of the loan in any manner indicated by § 103.34(a);

(2) Would allow the borrower's default to extend beyond the deadline

established in § 103.36(d) for the lender to elect a remedy; or

(3) Is not likely to result in the borrower curing the default.

(b) The lender may make precautionary advances on the borrower's behalf during the default, if doing so is reasonably necessary to ensure that loan recovery prospects do not significantly deteriorate. Items for which the lender may make precautionary advances include, for example:

(1) Hazard, liability, or key man life insurance premiums;

(2) Security measures to safeguard abandoned business assets;

(3) Real or personal property taxes;

(4) Corrective actions required by court or administrative orders; or

(5) Essential maintenance.

(c) BIA will guaranty or insure the amount of precautionary advances from the date of each advance to the same extent as other amounts due under the loan, if:

(1) The borrower has demonstrated its inability or unwillingness to make the payment or perform the duty that jeopardizes loan recovery, including by undue delay in making the payment or performing the duty;

(2) The total expense of all precautionary advances by the lender does not at the time of the advance exceed 10 percent of the outstanding principal balance of the loan;

(3) Where loan document provisions do not require the borrower to repay precautionary advances (however termed) when made by the lender, or where the total expense of all precautionary advances by the lender will exceed 10 percent of the outstanding principal balance of the loan when made, the lender secures BIA's prior written approval; and

(4) The lender properly claims and documents all precautionary advances, if and when it submits a claim for loss under § 103.37.

(d) If the default remains uncured, the lender must send BIA a written notice by certified mail, return receipt requested, within 90 calendar days of the default to select one of the following remedies:

(1) In the case of a guaranteed loan, the lender may submit a claim to BIA for its loss;

(2) In the case of either a guaranteed or insured loan, the lender may liquidate all collateral securing the loan, and upon completion, if it has a residual loss on the loan, it may submit a claim to BIA for that loss; or

(3) The lender may negotiate a loan modification agreement with the borrower to permanently change the terms of the loan in a manner that will cure the default. If the lender chooses this remedy, it may take no longer than 45 calendar days from the date BIA receives the notice of remedy selection to finalize a loan modification agreement and secure BIA's written approval of it. However, the lender may at any time before the expiration of the 45-day period change its choice of remedy by sending BIA a notice otherwise complying with § 103.36(d)(1) or (2). If the lender fails to send BIA a notice changing its choice of remedy and does not finalize an approved loan modification agreement within the 45-day period, the lender's only permissible remedy under the Program will be to pursue the procedure specified in § 103.36(d)(2).

(e) Failure by the lender to provide BIA with notice of the lender's election of remedy within 90 calendar days of the default, as indicated in § 103.36(d), will invalidate BIA's loan guaranty certificate or insurance coverage for that particular loan, absent an express waiver of this provision by BIA. BIA may preserve the validity of a loan guaranty certificate or insurance coverage through waiver of this provision only when BIA determines, in its discretion, that:

(1) The lender consistently has acted in good faith, and

(2) The lender's failure to provide timely notice either:

(i) Has not caused any actual or potential prejudice to BIA; or

(ii) Was the result of the lender relying upon specific written advice from a BIA agent.

§ 103.37 What must the lender do to collect payment under its loan guaranty certificate or loan insurance coverage?

(a) For guaranteed loans, the lender must submit a claim for its loss on a form approved by BIA.

(1) If the lender makes an immediate claim under § 103.36(d)(1), it must send BIA the claim for loss within 90 calendar days of the default, by certified mail, return receipt requested. The lender's claim for loss may include interest that has accrued on the outstanding principal amount of the loan only through the date it submits the claim.

(2) If the lender elects first to liquidate the collateral securing the loan under § 103.36(d)(2), and has a residual loss after doing so, it must send BIA the claim for loss within 30 calendar days of completing all liquidation efforts. The lender must perform collateral liquidation as expeditiously and thoroughly as is reasonably possible, within the standards established by this part. The lender's claim for loss may include interest that has accrued on the outstanding principal amount of the loan only through the earlier of:

(i) The date it submits the claim;

(ii) The date the lender gets a judgment of foreclosure or sale (or the non-judicial equivalent) on the principal collateral securing the loan; or

(iii) 180 calendar days after the date of the default.

(b) For insured loans, after liquidating all loan collateral, the lender must submit a claim for its loss (if any) on a form approved by BIA. The lender must send BIA the claim for loss by certified mail, return receipt requested, within 30 calendar days of completing all liquidation efforts. The lender must perform collateral liquidation as expeditiously and thoroughly as is reasonably possible, within the standards established by this part. The lender's claim for loss may include interest that has accrued on the outstanding principal amount of the loan through the earlier of:

(1) The date it submits the claim;

(2) The date the lender gets a judgment of foreclosure or sale (or the non-judicial equivalent) on the principal collateral securing the loan; or

(3) 180 calendar days after the date of the default.

(c) Whenever the lender liquidates loan collateral under § 103.36(d)(2), it must vigorously pursue all reasonable methods of collection concerning the loan collateral before submitting a claim for its residual loss (if any) to BIA. Without limiting the generality of the preceding sentence, the lender must:

(1) Foreclose, either judicially or non-judicially, all rights of redemption the borrower or any co-maker or guarantor of the loan (other than BIA) may have in collateral under any mortgage securing the loan;

(2) Gather and dispose of all personal property pledged as collateral under the loan, in accordance with applicable law;

(3) Exercise all set-off rights the lender may have under contract or applicable law;

(4) Make demand for payment on the borrower, all co-makers, and all guarantors of the loan (other than BIA); and

(5) Participate fully in all bankruptcy proceedings that may arise involving the borrower and any co-maker or guarantor. Full participation might include, for example, filing a proof of claim in the case, attending creditors' meetings, and seeking a court order releasing the automatic stay of collection efforts so that the lender can liquidate affected loan collateral.

(d) BIA may require further information, including without limitation copies of any documents the lender is to maintain under § 103.32 and all documentation of liquidation efforts, to help BIA evaluate the lender's claim for loss.

(e) BIA will pay the lender the guaranteed or insured portion of the lender's claim for loss, to the extent the claim is based upon reasonably sufficient evidence of the loss and compliance with the requirements of this part.

§ 103.38 Is there anything else for BIA or the lender to do after BIA makes payment?

When BIA pays the lender on its claim for loss, the lender must sign and deliver to BIA an assignment of rights to its loan agreement with the borrower, in a document acceptable to BIA. Immediately upon payment, BIA is subrogated to all rights of the lender under the loan agreement with the borrower, and must pursue collection efforts against the borrower and any co-maker and guarantor, as required by law.

§ 103.39 When will BIA refuse to pay all or part of a lender's claim?

BIA may deny all or part of a lender's claim for loss when:

(a) The loan is not guaranteed or insured as indicated in § 103.18;

(b) The guarantee or insurance coverage has become invalid under §§ 103.28, 103.29, or 103.36(e);

(c) The lender has not met the standard of care indicated in § 103.30;

(d) The lender presents a claim for a residual loss after attempting to liquidate loan collateral, and:

(1) The lender has not made a reasonable effort to liquidate all security for the loan;

(2) The lender has taken an unreasonable amount of time to complete its liquidation efforts, the probable consequence of which has been to reduce overall prospects of loss recovery; or

(3) The lender's loss claim is inflated by unreasonable liquidation expenses or unjustifiable deductions from collateral liquidation proceeds applied to the loan balance; or

(e) The lender has otherwise failed in any material respect to follow the requirements of this part, and BIA can reasonably attribute some or all of the lender's loss to that failure.

§ 103.40 Will BIA make exceptions to its criteria for denying payment?

(a) BIA will not reduce or deny payment solely on the basis of §§ 103.39(c) or (e) when the lender making the claim for loss:

(1) Is a person to whom a previous lender transferred the loan under §§ 103.28 or 103.29 before maturity for value;

(2) Notified BIA of his acquisition of the loan interest as required by §§ 103.28 or 103.29;

(3) Had no involvement in or knowledge of the actions or circumstances that would have allowed BIA to reduce or deny payment to a previous lender; and

(4) Has not itself violated the standards set forth §§ 103.39(c) or (e).

(b) If BIA makes payment to a lender under this section, it may seek reimbursement from the previous lender or lenders who contributed to the loss by violating §§ 103.39(c) or (e).

§ 103.41 What happens if a lender violates provisions of this part?

In addition to reducing or eliminating payment on a specific claim for loss, BIA may either temporarily suspend, or permanently bar, a lender from making or acquiring loans under the Program if the lender repeatedly fails to abide by the requirements of this part, or if the lender significantly violates the requirements of this part on any single occasion.

§ 103.42 How long must a lender comply with Program requirements?

(a) A lender must comply in general with Program requirements during:

(1) The effective period of its loan guaranty agreement or loan insurance agreement; and

(2) Whatever additional period is necessary to resolve any outstanding loan guaranty or insurance claims or coverage the lender may have.

(b) Except as otherwise required by law, a lender must maintain records with respect to particular loans for no more than 6 years after either:

(1) The loan is repaid in full; or

(2) The lender accepts payment from BIA pursuant to a guaranty certificate or an insurance agreement.

(c) This section does not restrict any claims BIA may have against the lender or any other party arising from the Lender's participation in the Program.

§ 103.43 What must the lender do after repayment in full?

The lender must completely and promptly release of record all remaining collateral for a guaranteed or insured loan after the loan has been paid in full.

The release must be at the lender's sole cost. In addition, if the loan is prepaid the lender must notify BIA in accordance with § 103.33(e).

Subpart H—Definitions and Miscellaneous Provisions

§ 103.44 What certain terms mean in this part.

BIA means the Bureau of Indian Affairs within the United States Department of the Interior.

Default means:

(1) The borrower's failure to make a scheduled loan payment when it is due;

(2) The borrower's failure to meet a material condition of the loan agreement;

(3) The borrower's failure to comply with any other condition, covenant or obligation under the terms of the loan agreement within applicable grace or cure periods;

(4) The borrower's failure to remain at least 51 percent Indian owned, as provided in § 103.25(b);

(5) The filing of a voluntary or involuntary petition in bankruptcy listing the borrower as debtor;

(6) The imposition of a Federal, State, local, or tribal government lien on any assets of the borrower or assets otherwise used as collateral for the loan, except real property tax liens imposed by law to secure payments that are not yet due; and

(7) Any default defined in the loan agreement, to the extent the definition is not inconsistent with this part.

Equity means the value, after deducting all debt, of the borrower's tangible assets in the business being financed, on which a lender can perfect a first lien security interest. It can include cash, securities, or other cash equivalent instruments, but cannot include the value of contractual options, the right to pay below market rental rates, or similar rights if those rights:

(1) Are unassignable; or

(2) Can expire before maturity of the loan.

Indian means a person who is a member of a tribe as defined in this part.

Loan agreement means the collective terms and conditions under which the lender extends a loan to a borrower, as reflected by the documents that evidence the loan.

Mortgage, when used as a noun, means a consensual lien on real or personal property in favor of the lender, given by the borrower or a co-maker or guarantor of the loan (other than BIA), to secure loan repayment. The term ''mortgage'' includes ''deed of trust.''

NEPA means the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*

Person means any individual or distinct legal entity.

Program means the BIA's Loan Guaranty, Insurance, and Interest

Subsidy Program, established under 25 U.S.C. 1481 *et seq.*, 25 U.S.C. 1511 *et seq.*, and this part 103.

Reservation means any land that is an Indian reservation, California rancheria, public domain Indian allotment, pueblo, Indian colony, former Indian reservation in Oklahoma, or land held by an Alaska Native corporation under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688), as amended.

Secretary means the Secretary of the United States Department of the Interior, or his authorized representative.

Tribe means any Indian or Alaska Native tribe, band, nation, pueblo, rancheria, village, community or corporation that the Secretary acknowledges to exist as an Indian tribe.

§ 103.45 Information collection.

(a) The information collection requirements of §§ 103.11, 103.12, 103.13, 103.14, 103.17, 103.21, 103.23, 103.26, 103.32, 103.33, 103.34, 103.35, 103.36, 103.37, and 103.38 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned approval number 1076–0XXX. The information will be used to approve and make payments on Federal loan guarantees, insurance agreements, and interest subsidy awards. Response is required to obtain a benefit.

(b) The burden on the public to report this information is estimated to average from 15 minutes to 2 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information collection. Direct comments regarding the burden estimate or any other aspect of this information collection to the Information Collection Control Officer, Bureau of Indian Affairs, MS 4613, 1849 C Street, NW., Washington, DC 20240.

Dated: August 14, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–22745 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF DEFENSE

National Reconnaissance Office

32 CFR Part 326

NRO Privacy Act Program

AGENCY: National Reconnaissance Office, DOD.

ACTION: Proposed rule.

SUMMARY: The National Reconnaissance Office (NRO) is proposing to add a new responsibility for NRO employees under the NRO Privacy Act Program. NRO employees are now required to participate in specialized Privacy Act training should their duties require dealing with special investigators, the news media, or the public.

This amendment is triggered by a change made to the Department of Defense Privacy Program (32 CFR part 310) on August 7, 2000, at 65 FR 48169.

DATES: Comments must be received by November 6, 2000 to be considered by the agency.

ADDRESSES: National Reconnaissance Office, Information Access and Release Center, 14675 Lee Road, Chantilly, VA 20151–1715.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Freimann at (703) 808–5029.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, 'Regulatory Planning and Review'

It has been determined that 32 CFR part 321 is not a significant regulatory action. The rule does not:

(1) Have an annual effect to the economy of $100 million or more; or adversely affect in a material way the economy; a section 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;

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Public Law 96–354, 'Regulatory Flexibility Act' (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

Public Law 96–511, 'Paperwork Reduction Act' (44 U.S.C. Chapter 35)

It has been certified that this part does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 32 CFR Part 326

Privacy.

1. The authority citation for 32 CFR part 326 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat 1896 (5 U.S.C. 552a).

2. Section 326.5, is to be amended by adding paragraph (j)(11) to read follows:

§ 326.5 Responsibilities.

* * * * *

(j) Employees, NRO:

* * * * *

(11) Will participate in specialized Privacy Act training should their duties require dealing with special investigators, the news media, or the public.

* * * * *

Dated: August 30, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–22699 Filed 9–5–00; 8:45 am]

BILLING CODE 5001–10–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 063–0026(b); FRL–6864–7]

Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: EPA is reopening the comment period for action proposed to the Arizona State Implementation Plan on July 14, 2000 (65 FR 43727).

DATE: Any comments on this proposal must arrive by October 6, 2000.

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

FOR FURTHER INFORMATION CONTACT: Yvonne Fong, Rulemaking Office (Air-4), U.S. Environmental Protection Agency, Region IX, (415) 744–1199.

SUPPLEMENTARY INFORMATION: On July 14, 2000, EPA proposed the following revisions to the Arizona State Implementation Plan (SIP).

Local agency	Rule No.	Proposed action
Pinal County AQCD	5–9–278	Disapproval.
Pinal County AQCD	5–9–280	Disapproval.
Pinal County AQCD	5–10–330	Disapproval.
Pinal County AQCD	5–11–350	Disapproval.
Pinal County AQCD	5–12–370	Disapproval.
Pinal County AQCD	5–13–390	Disapproval.
Pinal County AQCD	5–15–622	Disapproval.
Pinal County AQCD	7–3–3.4	Disapproval.

The proposed action provided a 30-day public comment period.

In response to a request from San Juan Fiberglass Pools, EPA is reopening the comment period for an additional 30 days.

Dated: August 22, 2000.

Nora McGee,

Acting Regional Administrator, Region IX.

[FR Doc. 00–22812 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–6003–N]

RIN 0938–AI49

Medicare Program; Appeals of Carrier Determinations That a Physician or Other Supplier Fails To Meet the Requirements for Medicare Billing Privileges; Reopening of Comment Period

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of reopening of comment period for proposed rule.

SUMMARY: We published a proposed rule in the **Federal Register** on October 25, 1999 (64 FR 57431). That proposed rule would affect appeal rights for suppliers whose enrollment applications for Medicare billing privileges are disallowed by a carrier, or whose Medicare billing privileges are revoked. This document reopens and extends the comment period for that proposed rule until January 4, 2001.

DATES: The comment period is reopened to 5 p.m. on January 4, 2001.

ADDRESSES: Mail written comments (one original and three copies) to the following address ONLY: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–6003–P, P.O. Box 8013, Baltimore, MD 21207–8013.

Since comments must be received by the date specified above, please allow sufficient time for mailed comments to be timely received in the event of delivery delays. If you prefer, you may deliver your written comments by courier, (one original and three copies) to one of the following addresses: Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–14–03, Central Building, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Comments mailed to the two above addresses may be delayed and considered late. Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–6003–P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

For comments that relate to information collection requirements, mail a copy of comments to the following: Health Care Financing Administration, Office of Information Services, Information Technology Investment Management Group, Attn.: John Burke, Room N2–14,26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydt, HCFA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Charles Waldhauser, (410) 786–6140.

SUPPLEMENTARY INFORMATION: On October 25, 1999, we published a proposed rule in the **Federal Register** (64 FR 57431) that would extend appeal rights to all physicians and other suppliers whose enrollment applications for Medicare billing privileges are disallowed by a carrier or whose Medicare billing privileges are revoked. That rule would be applicable to all suppliers except for those covered under other existing appeals provisions of our regulations. In addition, we proposed to revise certain appeal provisions to correspond with the existing appeal provisions in those other sections of our regulations. We also proposed to extend appeal rights to all suppliers not covered by existing regulations to ensure they have a full and fair opportunity to be heard. Although we were not required by the Administrative Procedure Act to publish that rule as a proposed rule (see 5 U.S.C. section 553(b)(3)(A)), we did so in order to allow interested parties the opportunity for prior notice and comment.

Because of the complexity and scope of the proposed rule and because representatives of several industry and professional associations and organizations requested additional time to analyze the potential consequences of the rule, we are reopening and extending the comment period until January 4, 2001.

We are also taking this opportunity to make a minor change to the title of the proposed rule. Specifically, we are clarifying that this rule would apply to all suppliers, including physicians and other practitioners. Although physicians are defined as suppliers at 42 CFR 400.202, the American Medical Association voiced concern that physicians may not be aware that the proposed rule applies to them. In an effort to avoid any confusion, we are adding the term ''physicians'' to the title of the proposed rule.

Authority: Secs. 1102, 1842(b)(3)(c), and 1869(b) of the Social Security Act (42 U.S.C. 1302, 1395u(b)(3)(c), and 1395ff(b)).

(Catalog of Federal Domestic Assistance No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 14, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: March 27, 2000.

Donna E. Shalala,

Secretary.

[FR Doc. 00–22702 Filed 9–5–00; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–D–7500]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
Connecticut	Middletown (City) Middlesex County.	Longhill Brook	Approximately 130 feet downstream of South Main Street.	*53	*52
			Just upstream of Wesleyan Road	*188	*187
		Longhill Brook Diversion Channel.	At the downstream confluence with Longhill Brook.	*80	*82
			At the upstream confluence with Longhill Brook.	*91	*98
		Roundhill Brook	At the confluence with Longhill Brook	*85	*88
Maps available for inspection at the Middletown City Hall, 45 DeKoven Drive, Middletown, Connecticut.					
Send comments to The Honorable Domenique S. Thornton, Mayor of the City of Middletown, P.O. Box 1300, Middletown, Connecticut 06457.					
Connecticut	South Windsor (Town), Hartford County.	Avery Brook	Approximately 1,475 feet downstream of Benedict Drive.	*175	*176
			Approximately 340 feet downstream of Beelzebub Road.	None	*226

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut.					
Send comments to Mr. Matthew Galligan, South Windsor Town Manager, South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut 06074.					
Florida	Gulf County (Unincorporated Areas).	Gulf of Mexico	Approximately 500 feet south of intersection of Americus Avenue and Pine Street.	None	*8
			Approximately 250 feet southwest of intersection of U.S. Route 98 and Helmet Street.	*10	*16
		St. Joseph Bay	Approximately 1,000 feet east along Airport Road from its intersection with State Route 30.	*7	*8
			Approximately 1,500 feet northwest, of Chickenhouse Branch crossing of U.S. Route 98.	*10	*16
			At intersection of Jackson and Madison Streets.	None	*8
Maps available for inspection at the Gulf County Courthouse, 1000 Cecil G. Costin, Sr., Boulevard, Room 147, Port St. Joe, Florida.					
Send comments to Mr. Billy Traylor, Chairman of the Gulf County Board of Commissioners, 1000 Cecil G. Costin, Sr., Boulevard, Port St. Joe, Florida 32456.					
Florida	Port St. Joe (City) Gulf County.	St. Joseph Bay	Intersection of 11th Street and Palmer Boulevard.	None	*8
			Approximately 250 feet west of intersection of Constitution Drive and 14th Street.	*10	*12
			At intersection of 16th Street and Long Avenue.	*7	*8
		Shallow Flooding	Approximately 425 feet southeast of intersection of Fourth Street and Woodward Avenue.	*10	*8
Maps available for inspection at the City of Port St. Joe Chamber of Commerce Office, 105 West 4th Street, Port St. Joe, Florida.					
Send comments to The Honorable Frank Pate, Jr., Mayor of the City of Port St. Joe, 305 Cecil G. Costin, Sr., Boulevard, Port St. Joe, Florida 32456.					
Illinois	LaSalle County (Unincorporated Areas).	Goose Creek	At downstream corporate limits	None	*509
			At upstream corporate limits	None	*516
		Illinois River	Approximately 2.5 miles downstream of State Route 251.	None	*462
			Approximately 1.1 miles upstream of South Main Street (State Route 170).	None	*497
		Fox River	At the confluence with the Illinois River	None	*472
			Approximately 850 feet downstream of confluence of Clear Creek.	None	*554
		Prairie Creek	At the confluence with the Vermilion River.	None	*573
			A point approximately 2,850 feet upstream of Otter Creek Road.	None	*628
		Vermilion River	Upstream of Oakley Road	None	*567
			Approximately 0.77 mile upstream of Bridge Street.	None	*580
		Clark Run Creek	At confluence with Illinois River	None	*466
			Approximately 625 feet upstream of abandoned Illinois and Michigan Canal.	None	*473
		Coal Run Creek	Approximately 50 feet upstream of South Otter Creek Road.	None	*614
			Approximately 585 feet upstream of South Otter Creek Road.	None	*615
		Rat Run	At the confluence with the Illinois River	None	*494
			At the Missouri, Kansas, Texas Railroad	None	*501
		Lake Holiday	Entire shoreline within community	None	*644
		First Creek	Approximately 970 feet upstream of confluence with Little Vermilion River.	None	*715
			Approximately 250 feet upstream of 6th Street.	None	*719

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
		First Creek Tributary	Approximately 350 feet upstream of 17th Street.	None	*740
			At 17th Street	None	*740
		South Branch Coal Run Creek.	Downstream side of South Otter Creek Street.	None	*614
			Approximately 425 feet upstream of South Otter Creek Street.	None	*615
		Ponding Area	Approximately 1,800 feet northwest of intersection of West Church Street and Johnson Street.	None	#1
Maps available for inspection at the LaSalle County Courthouse, County Clerk's Office, 707 Etna Road, Ottawa, Illinois.					
Send comments to Mr. Joseph Hettel, Chairman of the LaSalle County Board of Commissioners, 707 Etna Road, Ottawa, Illinois 61350.					
Maine	Andrews Island, Knox County.	Atlantic Ocean	Approximately 2,000 feet northeast of Nash Point.		*20
			At the island of The Neck, west side of Andrews Island.		*10
Maps available for inspection at the Land Use Regulation Commission, AMHI Complex, Harlow Building, Hospita Street, Augusta, Maine.					
Send comments to Mr. Fred Todd, Manager, Land Use and Regulation Commission, 22 State House Station, Augusta, Maine 04333–0022.					
Minnesota	Houston County (Unincorporated Areas).	Root River	Approximately 2.8 miles downstream of State Route 76.	*677	*676
			Approximately 2.2 miles upstream of State Route 76.	None	*690
Maps available for inspection at the Houston County Courthouse, Zoning Office, 304 South Marshall, Caledonia, Minnesota.					
Send comments to Mr. Wendell Wild, Chairman of the Houston County Board of Commissioners, 304 South Marshall, Caledonia, Minnesota 55921.					
New Hampshire	Holderness (Town), Grafton County.	Pemigewasset River	At downstream corporate limits	*485	*483
			At upstream corporate limits	*490	*489
Maps available for inspection at the Holderness Town Office, Route 3, Holderness, New Hampshire.					
Send comments to Mr. Steve Huff, Chairman of the Town of Holderness Board of Selectmen, P.O. Box 203, Holderness, New Hampshire 03245.					
New Hampshire	Plymouth (Town), Grafton County.	Pemigewasset River	Approximately 1.2 miles downstream of the confluence with Glove Hollow Brook.	*483	*481
			Approximately 1.3 miles upstream of Interstate 95.	*490	*489
Maps available for inspection at the Plymouth Town Hall, 6 Post Office Square, Plymouth, New Hampshire.					
Send comments to Mr. Steve Panagoulis, Chairman of the Town of Plymouth Board of Selectmen, Plymouth Town Hall, 6 Post Office Square, Plymouth, New Hampshire 03264.					
New Hampshire	Walpole (Town), Cheshire County.	Connecticut River	At a point approximately 200 feet upstream of Bellows Falls Dam.	*295	*296
			At a point approximately 1.8 miles upstream of Bellows Falls Dam.	*297	*302
Maps available for inspection at the Walpole Town Hall, Selectman's Office, Elm Street, Walpole, New Hampshire.					
Send comments to Mr. Charles Miller, Chairman of the Town of Walpole Board of Selectmen, P.O. Box 729, Walpole, New Hampshire 03608.					
New Jersey	Alexandria (Township), Hunterdon County.	Delaware River	At downstream corporate limits	*129	*127
			At a point approximately 1,000 feet downstream of the upstream corporate limits.	*136	*135
		Harihokake Creek	At confluence with Delaware River	*133	*131
			At a point approximately 0.6 mile upstream of confluence with Delaware River.	*133	*132
Maps available for inspection at the Alexandria Township Hall, 21 Hog Hollow Road, Pittstown, New Jersey.					
Send comments to The Honorable Harry Fuerstenburger, Mayor of the Township of Alexandria, 21 Hog Hollow Road, Pittstown, New Jersey 08867.					
New Jersey	Chatham (Borough), Morris County.	Passaic River	Approximately 175 feet downstream of Main Street.	*181	*180

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 300 feet upstream of Stanley Avenue.	*204	*205
Maps available for inspection at the Chatham Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.					
Send comments to Mr. Henry M. Underhill, Chatham Borough Administrator, 54 Fairmount Avenue, Chatham, New Jersey 07928.					
New Jersey	Chatham (Township), Morris County.	Passaic River	Approximately 0.38 mile downstream of Mount Vernon Avenue.	*204	*205
			Approximately 1,520 feet upstream of Snyder Avenue.	*214	*212
Maps available for inspection at the Chatham Township Hall, 58 Meyersville Road, Chatham, New Jersey.					
Send comments to The Honorable Tom Patterson, Mayor of the Township of Chatham, 58 Meyersville Road, Chatham, New Jersey 07928.					
New Jersey	Ewing (Township), Mercer County.	Delaware River	At downstream corporate limits	*36	*40
			Approximately 1,300 feet downstream of confluence of Jacobs Creek.	*48	*47
Maps available for inspection at the Clerk's Office, 2 Jake Garzio Drive, Ewing, New Jersey.					
Send comments to The Honorable Alfred W. Bridges, Mayor of the Township of Ewing, 2 Jake Garzio Drive, Ewing, New Jersey 08628.					
New Jersey	Harmony (Township), Warren County.	Delaware River	At downstream corporate limits	*202	*201
			A point approximately 260 feet upstream of the upstream corporate limits.	*230	*232
		Buckhorn Creek	At confluence with Delaware River	*221	*225
			A point approximately 1,800 feet upstream of confluence with Delaware River.	*224	*225
Maps available for inspection at the Harmony Township Hall, 3003 Belvidere Road, Phillipsburg, New Jersey.					
Send comments to The Honorable Henry Skirbst, Mayor of the Township of Harmony, 3003 Belvidere Road, Phillipsburg, New Jersey 08865.					
New Jersey	Holland (Township), Hunterdon County.	Delaware River	A point approximately 1,800 feet upstream of downstream corporate limit.	*142	*141
			Approximately 1.2 miles downstream of upstream corporate limit.	*156	*155
		Tributary No. 1 to Delaware River.	At confluence with Delaware River	*148	*147
			Approximately 1,500 feet upstream of confluence with Delaware River.	*148	*147
Maps available for inspection at the .					
Send comments to The Honorable John B. DiSarro, Mayor of the Township of Holland, 61 Church Road, Milford, New Jersey 08848.					
New Jersey	Oswego (Town), Oswego County.	Lake Ontario	Entire shoreline within community	*249	*250
Maps available for inspection at the Oswego Town Hall, 2320 County Route 7, Oswego, New York.					
Send comments to Mr. Jack Tyrie, Jr., Oswego Town Supervisor, 2320 County Route 7, Oswego, New York 13216.					
New Jersey	Stockton (Borough), Hunterdon County.	Brookville Creek	At the confluence with Delaware and Raritan Canal.	*78	*82
			Approximately 305 feet upstream of State Route 29.	*81	*82
		Delaware River	At downstream corporate limits	*78	*82
			Approximately 0.59 mile upstream of Bridge Street.	*84	*87
		Wickecheoke Creek	At the confluence with Delaware and Raritan Canal.	*84	*87
			Approximately 845 feet upstream of State Route 29.	*86	*87
Maps available for inspection at the Stockton Borough Hall, 2 Main Street, Stockton, New Jersey.					
Send comments to The Honorable Gigi Celli, Mayor of the Borough of Stockton, Municipal Building, P.O. Box M, Stockton, New Jersey 08559.					
New York	Frankfort (Village), Herkimer County.	Mohawk River	Approximately 0.38 mile downstream of Railroad Street.	*396	*395

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.31 mile downstream of upstream corporate limits.	*396	*397
Maps available for inspection at the Frankfort Village Hall, Clerk's Office, 126 East Orchard Street, Frankfort, New York.					
Send comments to The Honorable Fred Pumilio, Mayor of the Village of Frankfort, 126 East Orchard Street, Frankfort, New York 13340.					
New York	Holland Patent (Village), Oneida County.	Diversion Channel	Approximately 100 feet upstream of the confluence with Willow Creek.	None	*653
			Approximately 590 feet upstream of Steuben Street.	None	*671
		Ninemile Creek	Approximately 830 feet downstream of the confluence of Thompson's Creek.	None	*573
			Approximately 420 feet upstream of the confluence of Thompson's Creek.	None	*580
		Thompson's Creek	Approximately 350 feet upstream of the confluence with Ninemile Creek.	None	*585
			Approximately 980 feet upstream of East Main Street.	None	*669
Maps available for inspection at the Holland Patent Village Hall, 9531 Center Street, Holland Patent, New York.					
Send comments to The Honorable Michael Bennison, Mayor of the Village of Holland Patent, P.O. Box 302, Holland Patent, New York 13354.					
New York	Italy (Town), Yates County.	Lake Canandaigua	Entire shoreline within community	None	*692
Maps available for inspection at the Italy Town Clerk's Office, 6085 Italy Valley Road, Naples, New York.					
Send comments to Mr. Thomas M. Moriarty, Italy Town Supervisor, 6085 Italy Valley Road, Naples, New York 14512.					
New York	Lancaster (Town), Erie County.	Little Buffalo Creek	At confluence with Cayuga Creek	None	*679
			At a point approximately 1,200 feet upstream of Schwartz Road.	None	*723
		Scajaquada Creek	At Service Place	*696	*697
			At a point approximately 600 feet upstream of Stoneledge Drive.	None	*711
		Plum Bottom Creek	Upstream side of Steinfeldt Road	*685	*686
			At a point approximately 720 feet upstream of Cemetery Road.	*700	*702
		Ellicott Creek	Approximately 1,700 feet upstream of Transit Road.	*701	*702
			Approximately 100 feet upstream of Pavement Road.	None	*729
Maps available for inspection at the Town of Lancaster Building Inspector's Office, 11 West Main Street, Lancaster, New York.					
Send comments to Mr. Robert Giza, Lancaster Town Supervisor, 21 Central Avenue, Lancaster, New York 14086.					
New York	Monroe (Town), Orange County.	Palm Brook	Approximately 72 feet upstream of State Route 17.	None	*657
			Approximately 0.3 mile upstream of Raywood Drive.	None	*760
Maps available for inspection at the Town of Monroe Building Department, 11 Stage Road, Monroe, New York.					
Send comments to Mr. Mike Frerichs, Monroe Town Supervisor, 11 Stage Road, Monroe, New York 10950.					
New York	Oneida (City), Madison County.	Higinbotham Brook	At abandoned railroad	*429	*428
			Approximately 460 feet upstream of State Route 5.	None	*479
Maps available for inspection at the City of Oneida Municipal Building, 109 Main Street, Oneida, New York.					
Send comments to The Honorable James Chappell, Mayor of the City of Oneida, 109 North Main Street, Oneida, New York 13421.					
New York	Scriba (Town), Oswego County.	Lake Ontario	Entire shoreline within community	*249	*250
		Wine Creek	At downstream corporate limits	*343	*329
			Approximately 600 feet upstream of downstream corporate limits.	*343	*334
Maps available for inspection at the Scriba Town Clerk's Office, 42 Creamery Road, Oswego, New York.					
Send comments to Mr. Steve Baxter, Scriba Town Supervisor, Scriba Town Hall, 42 Creamery Road, Oswego, New York 13216.					
North Carolina	Burke County (Unincorporated Areas).	Drowning Creek	A point approximately 500 feet downstream of Cape Hickory Road.	*970	*969

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
			A point approximately 0.86 mile upstream of the confluence of Drowning Creek Tributary 2.	None	*1,002
		Drowning Creek Tributary 1.	At the confluence with Drowning Creek ...	None	*980
			A point approximately 950 feet upstream of Wilson Road.	None	*1,028
		Drowning Creek Tributary 2.	At the confluence with Drowning Creek ...	None	*989
			A point approximately 1.11 miles upstream of the confluence of Drowning Creek Tributary 3.	None	*1,045
		Drowning Creek Tributary 3.	At the confluence with Drowning Creek Tributary 2.	None	*1,006
			A point approximately 1,450 feet upstream of Tex's Fish Camp Road.	None	*1,024
		Henry Fork	A point approximately 1.27 miles downstream of Henry River Road.	None	*927
			A point approximately 1.02 miles downstream of Henry River Road.	None	*928
Maps available for inspection at the Burke County Community Development Department, Avery Avenue Government Building, 200 Avery Avenue, Morganton, North Carolina.					
Send comments to Mr. Ron George, Burke County Manager, P.O. Box 219, Morganton, North Carolina 28680.					
Pennsylvania	Buffalo (Township), Butler County.	Buffalo Creek	Approximately 300 feet downstream of CONRAIL.	None	*768
			Approximately 770 feet downstream of CONRAIL.	None	*768
Maps available for inspection at the Buffalo Township Hall, 109 Bear Creek Road, Sarver, Pennsylvania.					
Send comments to Mr. Albert Roenigk, Chairman of the Township of Buffalo Board of Supervisors, 109 Bear Creek Road, Sarver, Pennsylvania 16055.					
Pennsylvania	Collegeville (Borough), Montgomery County.	Perkiomen Creek	At a point approximately 0.85 mile downstream of Ridge Pike.	*116	*114
			At a point approximately 0.57 mile downstream of State Route 113.	*123	*122
Maps available for inspection at the Collegeville Borough Hall, 491 East Main Street, Collegeville, Pennsylvania.					
Send comments to The Honorable Dennis D. Parker, Mayor of the Borough of Collegeville, 491 East Main Street, Collegeville, Pennsylvania 19426.					
Pennsylvania	East Rockhill (Township), Bucks County.	East Branch Perkiomen Creek.	A point approximately 50 feet upstream of East Callowhill Road.	*316	*315
			Approximately 620 feet upstream of East Callowhill Road.	*318	*317
Maps available for inspection at the East Rockhill Township Office, 1622 Ridge Road, Perkasie, Pennsylvania.					
Send comments to Mr. John Cressman, Chairman of the Township of East Rockhill Board of Supervisors, 1622 Ridge Road, Perkasie, Pennsylvania 18944.					
Pennsylvania	Franconia (Township), Montgomery County.	East Branch Perkiomen Creek.	Approximately 500 feet downstream of Moyer Road.	*219	*222
			At a point approximately 400 feet downstream of County Line Road.	*275	*276
Maps available for inspection at the Franconia Municipal Building, 671 Allentown Road, Franconia, Pennsylvania.					
Send comments to J. Delton Plank, Township Manager, P.O. Box 128, Franconia, Pennsylvania 18924.					
Pennsylvania	Green Lane (Borough), Montgomery County.	Perkiomen Creek	Approximately 1,050 feet downstream of confluence of Macoby Creek.	*219	*221
			Approximately 50 feet downstream of Park Road.	*225	*229

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Green Lane Borough Hall, 201 Main Street, Green Lane, Pennsylvania.					
Send comments to Ms. Jeanny Ruth, President of the Borough Council, P.O. Box 514, Green Lane, Pennsylvania 18054.					
Pennsylvania	Heidelberg (Township), Berks County.	Tulpehocken Creek	From a point approximately 60 feet downstream of Water Street.	*345	*336
			At a point approximately 400 feet downstream of U.S. Route 422.	*359	*357
Maps available for inspection at the Heidelberg Municipal Building, 11 Tulpehocken Forge, Robesonia, Pennsylvania.					
Send comments to Mr. Russell Rogers, Township of Heidelberg Administrator, P.O. Box 241, Robesonia, Pennsylvania 19551.					
Pennsylvania	Lower Frederick (Township), Montgomery County.	Perkiomen Creek	At a point approximately 250 feet upstream of Park Avenue.	*146	*147
			Approximately 0.65 mile downstream of confluence with Unami Creek.	*185	*187
		Swamp Creek	At the confluence with Perkiomen Creek	*148	*150
			At a point approximately 1,140 feet upstream of Spring Mount Road.	*150	*151
Maps available for inspection at the Lower Frederick Township Building, 53 Spring Mount Road, Spring Mount, Pennsylvania 19492.					
Send comments to Mr. Bill McGovern, Chairman of the Board of Supervisors, P.O. Box 253, Zieglersville, Pennsylvania 19492.					
Pennsylvania	Lower Providence (Township), Montgomery County.	Perkiomen Creek	At a point approximately 100 feet upstream of the confluence with the Schuylkill River.	*95	*94
			Approximately 0.65 mile downstream of State Route 113.	*123	*122
		Skippack Creek	At the confluence with Perkiomen Creek	*104	*99
			Approximately 0.6 mile upstream of Arcola Road.	*105	*102
Maps available for inspection at the Lower Providence Administration Building, 100 Parklane Drive, Eagleville, Pennsylvania.					
Send comments to Mr. Thomas A. Borai, Chairman of the Township of Lower Providence, 100 Parklane Drive, Eagleville, Pennsylvania 19403.					
Pennsylvania	Lower Salford (Township), Montgomery County.	East Branch Perkiomen Creek.	At a point approximately 200 feet upstream of Garges Road.	*154	*157
			Approximately 0.40 mile upstream of the confluence of Indian Creek.	*198	*200
Maps available for inspection at the Lower Salford Township Hall, 474 Main Street, Harleysville, Pennsylvania.					
Send comments to Mr. Richard Prescott, Chairman of the Township of Lower Salford, 474 Main Street, Harleysville, Pennsylvania 19438.					
Pennsylvania	Marlborough (Township), Montgomery County.	Perkiomen Creek	Approximately 0.5 mile downstream of confluence with Unami Creek.	*186	*189
			At downstream side of Green Lane Dam	*232	*235
		Unami Creek	From the confluence with Perkiomen Creek.	*191	*192
			Approximately 800 feet above confluence with Perkiomen Creek.	*191	*192
Maps available for inspection at the Marlborough Municipal Building, 6040 Upper Ridge Road, Green Lane, Pennsylvania.					
Send comments to Mr. Carl Stuart, Township of Marlborough Code Enforcement Officer, 6040 Upper Ridge Road, Green Lane, Pennsylvania 18054.					
Pennsylvania	Marion (Township), Berks County.	Tulpehocken Creek	Approximately 60 feet downstream of Winter Street.	*345	*336
			A point approximately 275 feet downstream of Main Street.	*374	*373

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Marion Township Building, 20 South Water Street, Stouchsburg, Pennsylvania.					
Send comments to Mr. Charles M. Zechman, Jr., Chairman of the Board of Supervisors, 20 South Water Street, Stouchsburg, Pennsylvania 19567.					
Pennsylvania	Muhlenberg (Township), Berks County.	Bernhart Creek	At the intersection of Raymond Street and Park Avenue.	*293	*290
			Approximately 260 feet west of the intersection of Jefferson Street and Park Avenue.	*295	*290
Maps available for inspection at the Muhlenberg Township Hall, 555 Raymond Street, Reading, Pennsylvania.					
Send comments to Mr. Stephen J. Geras, Chairman of the Township of Muhlenberg Board of Commissioners, 555 Raymond Street, Reading, Pennsylvania 19605.					
Pennsylvania	Perkiomen (Township), Montgomery County.	Perkiomen Creek	At a point approximately 0.65 mile downstream of State Route 113.	*123	*122
			Approximately 550 feet upstream of Park Avenue.	*146	*147
		East Branch Perkiomen Creek.	At the confluence with Perkiomen Creek	*138	*136
			Approximately 250 feet upstream of Garges Road.	*154	*157
Maps available for inspection at the Perkiomen Township Hall, 1 Trappe Road, Collegeville, Pennsylvania.					
Send comments to Mr. William Patterson, Chairman of the Township of Perkiomen Board of Supervisors, 1 Trappe Road, Collegeville, Pennsylvania 19426.					
Pennsylvania	Salford (Township), Montgomery County.	East Branch Perkiomen Creek.	At the downstream side of Moyer Road	*220	*224
			At a point approximately 400 feet downstream of County Line Road.	*275	*276
Maps available for inspection at the Salford Township Hall, 159 Ridge Road, Tylersport, Pennsylvania.					
Send comments to Mr. Donald R. Lodge, Jr., Chairman of the Township of Salford Board of Supervisors, P.O. Box 54, Tylersport, Pennsylvania 18971.					
Pennsylvania	Schwenksville (Borough), Montgomery County.	Perkiomen County	Approximately 50 feet downstream of Garges Road.	*140	*137
			Approximately 500 feet upstream of Park Avenue.	*146	*147
Maps available for inspection at the Schwenksville Borough Hall, 140 Main Street, Schwenksville, Pennsylvania.					
Send comments to Mr. Bernard McCollum, President of the Borough of Schwenksville, 140 Main Street, Schwenksville, Pennsylvania 19473.					
Pennsylvania	Skippack (Township), Montgomery County.	Perkiomen Creek	Approximately 0.7 mile downstream of State Route 113.	*122	*121
			At confluence of East Branch Perkiomen Creek.	*138	*136
		East Branch Perkiomen Creek.	At the confluence with Perkiomen Creek	*138	*136
			At a point approximately 350 feet upstream of Garges Road.	*154	*157
Maps available for inspection at the Skippack Township Building, 1246 Bridge Road, Skippack, Pennsylvania.					
Send comments to Mr. Samuel DiNenna, Chairman of the Township of Skippack Board of Supervisors, 1246 Bridge Road, Skippack, Pennsylvania 19474.					
Pennsylvania	Upper Frederick (Township), Montgomery County.	Perkiomen Creek	At a point approximately 0.65 mile downstream of confluence with Unami Creekl.	*185	*187
			At the downstream side of Green Lane Dam.	*232	*235

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Upper Frederick Township Hall, 3205 Big Road, Obelisk, Pennsylvania.					
Send comments to Mr. Mark A. Butkowski, Chairman of the Township of Upper Frederick Board of Supervisors, P.O. Box 597, Frederick, Pennsylvania 19435.					
Pennsylvania	Upper Providence (Township), Montgomery County.	Perkiomen Creek	Approximately 100 feet upstream of the confluence with the Schuylkill River.	*95	*94
			At a point approximately 0.85 mile downstream of Ridge Pike.	*116	*114
Maps available for inspection at the Upper Providence Township Building, 1286 Black Rock Road, Oaks, Pennsylvania.					
Send comments to Mr. George W. Waterman, III, Upper Providence Township Manager, P.O. Box 406, Oaks, Pennsylvania 19456.					
Pennsylvania	Upper Salford (Township), Montgomery County.	East Branch Perkiomen Creek.	At a point approximately 1,900 feet upstream of the confluence of Indian Creek.	*198	*200
			At downstream side of Moyer Road	*220	*224
		Perkiomen Creek	Approximately 500 feet upstream of Park Avenue.	*146	*147
			Approximately 0.5 mile downstream of confluence with Unami Creek.	*186	*189
		Vaughn Run	At the confluence with East Branch Perkiomen Creek.	*213	*215
			Approximately 380 feet upstream of the confluence with East Branch Perkiomen Creek.	*214	*215
Maps available for inspection at the Upper Salford Township Hall, 1441 Salford Station Road, Salford, Pennsylvania.					
Send comments to Mr. Kenneth S. Hagey, Chairman of the Township of Upper Salford Board of Supervisors, P.O. Box 100, Salfordville, Pennsylvania 18958.					
Pennsylvania	Womelsdorf (Borough), Berks County.	Tulpehocken Creek	Approximately 400 feet downstream of U.S. Route 422.	*359	*357
			At a point approximately 1,550 feet upstream of U.S. Route 422.	*361	*360
Maps available for inspection at the Womelsdorf Borough Hall, 101 West High Street, Womelsdorf, Pennsylvania.					
Send comments to Mr. Vincent Balistrieri, President of the Borough Council, 101 West High Street, Womelsdorf, Pennsylvania 19567.					
Rhode Island	Coventry (Town), Kent County.	Tributary A1	Approximately 400 feet upstream of the confluence with South Branch Pawtuxet River.	*241	*239
			Approximately 55 feet upstream of Flat River Road.	*254	*246
		Tributary A2	A point approximately 37 feet upstream of Bike Path.	*254	*241
			A point approximately 85 feet upstream of Bike Path.	*254	*241
Maps available for inspection at the Coventry Town Hall, 1670 Flat River Road, Coventry, Rhode Island.					
Send comments to Mr. Francis Frobel, Coventry Town Manager, Coventry Town Hall, 1670 Flat River Road, Coventry, Rhode Island 02816.					
Tennessee	Henry County (Unincorporated Areas).	Tennessee River (Kentucky Lake).	Entire shoreline within Henry County	None	*370
		Smallwood Branch	At the confluence with Bailey Fork Creek	*390	*389
			Approximately 0.38 mile upstream of India Road.	None	*405
		Bailey Fork Creek	Approximately 45 feet upstream of County Home Road.	*388	*389
			Approximately 1,375 feet upstream of County Home Road.	*389	*390
Maps available for inspection at the Henry County Courthouse, 101 West Washington Street, Paris, Tennessee.					
Send comments to Mr. Brent Greer, Henry County Executive, Henry County Courthouse, P.O. Box 7, Paris, Tennessee 38242–0007.					
Tennessee	Paris (City), Henry County.	Smallwood Branch	At the confluence with Bailey Fork Creek	*390	*389
			Approximately 1,250 feet upstream of U.S. Highway 79.	*401	*398

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
		Bailey Fork Creek	Approximately 45 feet upstream of County Home Road.	*388	*389
			Approximately 1,375 feet upstream of County Home Road.	*389	*390
Maps available for inspection at the Paris City Hall, 100 North Caldwell Avenue, Paris, Tennessee.					
Send comments to Mr. Carl Holder, Jr., Paris City Manager, P.O. Box 970, Paris, Tennessee 38242.					
Virginia	Pittsylvania County (Unincorporated Areas).	Dan River	At State boundary	*395	*396
			Approximately 3.0 miles downstream of Southern Railway.	*457	*458
Maps available for inspection at the Pittsylvania County Zoning Office, 53 North Main Street, Chatham, Virginia.					
Send comments to Mr. William D. Sleeper, Pittsylvania County Administrator, P.O. Box 426, Chatham, Virginia 24531.					

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: August 25, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–22806 Filed 9–5–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1959, MM Docket No. 00–151, RM–9942]

Radio Broadcasting Services; Grapeland, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Grapeland Broadcasting Company proposing the allotment of Channel 232C3 at Grapeland, Texas. The channel can be allotted to Grapeland in compliance with the Commission's spacing requirements at coordinates 31–29–30 NL and 95–28–41 WL.

DATES: Comments must be filed on or before October 16, 2000, and reply comments on or before October 31, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Mark N. Lipp, Scott C. Cinnamon, Shook Hardy & Bacon, L.L.P., 600 14th Street, NW., Suite 800, Washington, DC 20005.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–151, adopted August 16, 2000, and released August 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–22749 Filed 9–5–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1959, MM Docket No. 00–152, RM–9943]

Radio Broadcasting Services; Elkhart, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Elkhart Broadcasting Company proposing the allotment of Channel 265A at Elkhart, Texas. The channel can be allotted to Elkhart in compliance with the Commission's spacing requirements at coordinates 31–34–07 NL and 95–41–52 WL. There is a site restriction 12.8 kilometers (8.0 miles) southwest of the community.

DATES: Comments must be filed on or before October 16, 2000, and reply comments on or before October 31, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Mark N. Lipp, Scott C. Cinnamon, Shook Hardy & Bacon, L.L.P., 600 14th Street, NW., Suite 800, Washington, DC 20005.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–152, adopted August 16, 2000, and released August 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the

Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–22748 Filed 9–5–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1958, MM Docket No. 00–150, RM–9944]

Radio Broadcasting Services; Lewistown, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Lewistown Radio proposing the allotment of Channel 300C1 to Lewistown, Montana, as that community's second FM broadcast service. The channel can be allotted to Lewistown without a site restriction at coordinates 47–03–45 and 109–25–39. Canadian concurrence will be requested for this allotment.

DATES: Comments must be filed on or before October 16, 2000, and reply comments on or before October 31, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: James S. Bumpous, Partner, Lewistown Radio, 13915 Lakeview Drive, Austin, Texas 78732.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–150, adopted August 16, 2000, and released August 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–22747 Filed 9–5–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF45

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Public Hearing on the Clarification of Take Prohibitions for Coastal Cutthroat Trout Related to the Proposed Rule To List the Southwestern Washington/Columbia River Coastal Cutthroat Trout in Washington and Oregon as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of public hearing.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of a public hearing on the clarification of take prohibitions for the coastal cutthroat trout related to the proposed rule to list the southwestern Washington/Columbia River coastal cutthroat trout in Washington and Oregon. In addition, the comment period which originally closed on August 14, 2000 (65 FR 43730), will be reopened. The new comment period and hearing will allow all interested parties to submit oral or written comments on the proposal.

DATES: The comment period for this proposal now closes on September 29, 2000. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing will be held from 1 p.m. until 3 p.m. and from 6 p.m. until 8 p.m. on September 21, 2000, in Aberdeen, Washington.

ADDRESSES: The public hearing will be held in Building 800 at Grays Harbor College, 1620 Edward P. Smith Drive, Aberdeen, Washington.

Written comments and materials can be sent to Kemper McMaster, State Supervisor, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE 98th Avenue, Suite 100, Portland, Oregon 97266.

You may also send comments by e-mail to: coastal_cutthroat@fws.gov. Please submit e-mail comments as an ASCII file and avoid the use of special characters and any form of encryption. Please also include ''Attn: [RIN number]'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Oregon Office at phone number 503–231–6179.

All comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Kemper McMaster, at the above Portland, Oregon address, phone 503–231–6179, facsimile 503–231–6195.

SUPPLEMENTARY INFORMATION:

Background

On April 5, 1999, the National Marine Fisheries Service (NMFS) and the Service published a notice in the **Federal Register** (64 FR 16397) proposing to list the coastal cutthroat trout (*Oncorhynchus clarki clarki*) population in southwestern Washington

and the Columbia River, excluding the Willamette River above Willamette Falls, as threatened pursuant to the Endangered Species Act of 1973, as amended (Act). The Service published a notice in the **Federal Register** (65 FR 20123) on April 14, 2000, to extend the deadline from April 5, 2000, to October 5, 2000 for the final action on the proposed rule to list this population in Washington and Oregon, and to provide a 30-day comment period. The 6-month extension was necessary to obtain and review new information needed to resolve substantial scientific disagreement about the status of this population. On July 14, 2000, the Service published a notice in the **Federal Register** (65 FR 43730) to clarify the take prohibitions for coastal cutthroat trout and provided for a 30-day public comment period. This notice was necessary to answer questions we had received regarding the application of the take prohibitions of section 9 of the Act to the potential listing of the coastal cutthroat trout as threatened.

In response to a request for a public hearing during the public comment period for the clarification of the take prohibitions for coastal cutthroat trout, we will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the hearing will be published in newspapers concurrently with the Federal Register notice.

Comments from the public are sought regarding the list of activities in the clarification of the take prohibitions for coastal cutthroat trout (65 FR 43730). We are also interested in comments regarding the accuracy of the listing proposal, especially regarding: (1) Biological or other relevant data concerning any threat to cutthroat trout; (2) The range, distribution, and population size of coastal cutthroat trout in southwestern Washington and the Columbia River; (3) Current or planned activities in the subject area and their possible impacts on the species; (4) Cutthroat trout escapement, particularly escapement data partitioned into natural and hatchery components; (5) The proportion of naturally reproducing fish that were reared as juveniles in a hatchery; (6) Homing and straying of natural and hatchery fish; (7) The reproductive success of naturally reproducing hatchery fish and their relationship to southwestern Washington and the Columbia River coastal cutthroat trout populations; and (8) Efforts being made to protect native, naturally reproducing populations of coastal cutthroat trout. Reopening of the comment period will enable us to respond to the request for a public hearing on the proposed action.

The comment period on this proposal closes on September 29, 2000. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Author: The primary author of this notice is Scott Craig, U.S. Fish and Wildlife Service, Western Washington Office, 510 Desmond Dr. SE, Lacey, Washington, 98503.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1544).

Dated: August 30, 2000.

Don Weathers,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 00–22887 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 65, No. 173

Wednesday, September 6, 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

Animal and Plant Health Inspection Service

[Docket No. 00–070–1]

Mycogen c/o Dow and Pioneer; Receipt of Petition for Determination of Nonregulated Status for Corn Genetically Engineered for Insect Resistance and Glufosinate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Mycogen Seeds c/o Dow AgroSciences LLC and Pioneer Hi-Bred International, Inc., seeking a determination of nonregulated status for corn designated as line 1507, which has been genetically engineered for insect resistance and tolerance to the herbicide glufosinate. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting public comments on whether this corn line presents a plant pest risk.

DATES: Written comments must be received on or before November 6, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–070–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–070–1.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Susan Koehler, Biotechnology Assessments Section, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–4886. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734–4885; e-mail: kay.peterson@usda.gov.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

On May 15, 2000, APHIS received a petition (APHIS Petition No. (00–136–01p) from Mycogen Seeds c/o Dow AgroSciences LLC (Mycogen c/o Dow) of Indianapolis, IN, and Pioneer Hi-Bred International, Inc. (Pioneer) of Johnston, IA, requesting a determination of nonregulated status under 7 CFR part 340 for corn designated as *Zea mays* L. cultivar line 1507 (line 1507), which has been genetically engineered for resistance to certain lepitopteran insect species and tolerance to the herbicide glufosinate. The Mycogen c/o Dow and Pioneer petition states that the subject corn line should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, corn line 1507 has been genetically engineered to express a Cry1F insecticidal protein derived from the common soil bacterium, *Bacillus thuringiensis* subsp. *aizawai (Bt aizawai)*. The petitioners state that the Cry1F protein is effective in controlling the larvae of such common pests of corn as European corn borer, southwestern corn borer, black cutworm, and fall armyworm. The subject corn line also contains the *pat* gene derived from the bacterium *Streptomyces viridochromogenes.* The *pat* gene encodes the phosphinothricin acetyltransferase (PAT) protein, which confers tolerance to the herbicide glufosinate. Expression of these added genes is controlled in part by gene sequences from the plant pathogens cauliflower mosaic virus and *Agrobacterium tumefaciens.* Microprojectile bombardment was used to transfer the added genes into the recipient inbred corn line Hi-II.

Corn line 1507 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from plant pathogens. This corn has been field tested since 1997 in the United States under APHIS notifications. In the process of reviewing the notifications for field trials of the subject corn, APHIS determined that the vectors and other elements were disarmed and that the trials, which were conducted under conditions of reproductive and physical containment or isolation, would not present a risk of plant pest introduction or dissemination.

In § 403 of the Plant Protection Act (Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772), plant pest is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing. APHIS views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to

plants in general, for example, native species, as well as to organisms that may be beneficial to plants, for example, honeybees, rhizobia, etc.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, EPA must approve the new or different use. When the use of the herbicide on the genetically modified plant would result in an increase in the residues of the herbicide in a food or feed crop for which the herbicide is currently registered, or in new residues in a crop for which the herbicide is not currently registered, establishment of a new tolerance or a revision of the existing tolerance would be required. Residue tolerances for pesticides are established by EPA under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended (21 U.S.C. 301 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by EPA under the FFDCA. Pesticide petitions have been filed with EPA to establish a regulation for an exemption from the requirement of a tolerance for residues of *Bt aizawai* Cry1F and the genetic material necessary for its production in or on all raw agricultural commodities.

FDA published a statement of policy on foods derived from new plant varieties in the **Federal Register** on May 29, 1992 (57 FR 22984–23005). The FDA statement of policy includes a discussion of FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering. The petitioner has begun consultation with FDA on the subject corn line.

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the Petition for Determination of Nonregulated Status from any interested person for a period of 60 days from the date of this notice. The petition and any comments received are available for public review, and copies of the petition may be ordered (see the **FOR FURTHER INFORMATION CONTACT** section of this notice).

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. After analyzing the available information, including comments received from the public, APHIS will prepare an environmental assessment to examine any potential environmental impacts associated with a determination of nonregulated status for the subject corn line. The environmental assessment will be made available for public comment for a period of 30 days. After reviewing and evaluating the comments on the environmental assessment and other data and information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of the Mycogen c/o Dow and Pioneer insect-resistant and glufosinate-tolerant corn line 1507 and the availability of APHIS' written decision.

Authority: Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772; 7 U.S.C. 166 and 1622n; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 30th day of August 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–22807 Filed 9–5–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Foreign Donation Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: Commodity Credit Corporation (CCC) will consider, on an expedited basis, proposals from Cooperating Sponsors to carry out activities under the Global Food for Education Initiative (GFFEI). CCC will conduct the CFFEI through section 416(b) of the Agricultural Act of 1949.

EFFECTIVE DATE: CCC must receive all proposals by 5 p.m. EST, September 15, 2000.

FOR FURTHER INFORMATION CONTACT: Contact Dee A. Linse, Office of the Deputy Administrator, U.S. Department of Agriculture, Foreign Agriculture Service, Stop 1031, 1400 Independence Ave., SW, Washington, DC 20250–1031 or telephone (202) 720–9847. Or contact Lorie Jacobs, Program Planning, Development and Evaluation Division, U.S. Department of Agriculture, Foreign Agricultural Service, Stop 1034, 1400 Independence Ave., SW, Washington, DC 20250–1034 or Telephone (202) 720–2637.

SUPPLEMENTARY INFORMATION: On July 23, 2000, President Clinton announced new initiatives to expand access to basic education and improve childhood development in poor countries. These initiatives included a $300 million U.S. Department of Agriculture international school feeding program to improve student enrollment, attendance, and performance in poor countries. The U.S. Department of Agriculture intends to use the authority of section 416(b) of the Agricultural Act of 1949 (section 416(b)) to provide surplus agricultural commodities in support of this endeavor. Under section 416(b), the Secretary of Agriculture donates surplus agricultural commodities from CCC inventory to the United Nations' World Food Program (WFP) or to Cooperating Sponsors to support their humanitarian and developmental projects overseas. These entities may distribute the donated commodities to needy people or sell some of the commodities within the recipient country to provide local currency resources for in-country expenses including, but not limited to, administrative, storage, transportation, and handling expenses as well as direct project costs. Also, CCC funds may be available to cover expenses related to implementing activities supported with commodities acquired under section 5(d) of the CCC Charter Act.

Regulations governing commodity donations under section 416(b) appear at 7 CFR part 1499. Generally, the regulations require the Cooperating Sponsors seeking a donation of agricultural commodities must submit a proposal that includes the information specified in the regulations. If the proposal is approved, CCC and the successful Cooperating Sponsor will enter into a grant agreement incorporating the proposal and setting forth mutual obligations of the parties.

CCC intends to commit section 416(b) resources totaling $300 million representing commodity costs, packaging, processing, transportation, and other allowable program costs to the first year of the GFFEI. The $300 million will be available to both the WFP and Cooperating Sponsors. CCC will give priority consideration under section 416(b) to proposals that seek to institute school feeding activities and encourages interested Cooperating Sponsors to submit such proposals for consideration

under the expedited procedures described below. CCC will consider multi-year proposals subject to an annual review of commodity availability and program performance.

Currently, CCC requires a Cooperating Sponsor to submit all information specified in 7 CFR 1499.5 before CCC will consider its proposal. This process may involve considerable effort and expense on the part of Cooperating Sponsors to prepare a proposal and considerable time by CCC staff to review and analyze the submitted proposals. Therefore, CCC will institute a two-step process for consideration of activities under the GFFEI until the $300 million of section 416(b) resources is fully committed.

Under step one, interested Cooperating Sponsors may present an initial submission that only contains information intended to demonstrate the organizations' administrative capabilities. This would encompass the type of information required by 7 CFR 1499.5(a)(3) to be included in paragraph 5(c) of the Plan of Operation, *i.e.*, organizational experience and resources available to implement and manage the type of program proposed (direct school feeding and/or monetization of commodities for school feeding programs), and staff experience and knowledge in implementing and managing school feeding programs. A comprehensive submission would include information on staff experience and knowledge in implementing and managing school feeding programs, demonstrate their ability to implement large scale programs, provide evidence of establishing successful relationships with indigenous groups and government representatives in country, and demonstrate their familiarity with laws and regulations in countries which affect food aid/development programs and organizations. If a Cooperating Sponsor is interested in monetization, evidence should be provided to demonstrate their ability to successfully implement sales and disbursements of proceeds. Additional statements might include a description of automated record-keeping or accounting systems in place within the organization, knowledge of standard accounting and financial reporting practices, and a statement covering the Cooperating Sponsor's experience in the closure of agreements and projects with USDA and other private and governmental funding sources.

If Cooperating Sponsors are interested in utilizing or collaborating with other entities in implementing a program, the Cooperating Sponsor should also submit the information required by the regulations to be included in paragraph (5)(e) and (f) of the Plan of Operation dealing with ''recipient agencies'' or other governmental and non-governmental entities that would be involved in the activities.

In addition to the above information, organizations may wish to provide one or two brief success stories (paragraph each).

CCC will then review this submission to decide which Cooperating Sponsors are most capable of successfully implementing school feeding activities. Under step two, CCC will invite those Cooperating Sponsors determined to have the capability to participate to provide a supplemental submission containing the remainder of the information required by 7 CFR 1499.5(a)(3) addressing specific proposed activities. The information should be submitted not later than September 29, 2000.

The supplemental submission for the GFFEI activity should contain information which supports the goal of establishing a pre-school or school feeding program to draw children into the school environment and improve access to basic education especially for females. Priority consideration will be given to countries that have a commitment to universal free education, but need assistance in the short-run, where pre-school or school feeding programs will promote significant improvements in nutrition, school enrollment and attendance levels, with existing food for education programs and where the likelihood of support from other donors is high.

Cooperating Sponsors should provide, to the extent possible, information on literacy rates for the target population, percentage of school age children attending schools (with special emphasis on school age girls attending school), public expenditure on primary education, whether the country currently operates a school feeding initiative (either through USAID, with assistance from the World Bank, or with internal resources), program impact on areas such as teacher training, community infrastructure (Parent-Teacher Associations (PTAs) and community groups), health and nutrition, and other potential donors.

Agreements with successful Cooperating sponsors will require special reporting for programs operated under the GFFEI. The Cooperating Sponsor will be required to report periodically the number of meals served, enrollment levels, and total attendance numbers, including female attendance levels. Such reports should include information on the establishment of infrastructure relevant to sustaining the feeding program such as establishment of PTAs and community groups.

CCC will not make a final decision on which proposals to accept until Cooperating Sponsors furnish all the required information. A Cooperating Sponsor should not take an invitation to complete the process as any indication of acceptance. CCC will not reimburse a Cooperating Sponsor for any proposal preparation costs. The above described procedure is intended to efficiently allocate a portion of the $300 million of section 416(b) resources set aside for the first year of the President's GFFEI. Cooperating Sponsors that do not participate in this expedited review procedure may still have projects (including school feeding activities) considered during the normal course of CCC's section 416(b) project review.

Signed at Washington, DC on August 30, 2000.

Timothy J. Galvin,

Administrator, Foreign Agricultural Service.

[FR Doc. 00–22784 Filed 9–5–00; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Opal Creek Scenic Recreation Area (SRA) Advisory Council; Notice of Meeting

SUMMARY: An Opal Creek Scenic Recreation Area Advisory Council meeting will convene in Stayton, Oregon on Monday, September 18, 2000. The meeting is scheduled to begin at 6 p.m., and will conclude at approximately 8:30 p.m. The meeting will be held in the South Room of the Stayton Community Center; 400 West Virginia Street; Stayton, Oregon.

The Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996 (Opal Creek Act) (Pub. L. 104–208) directed the Secretary of Agriculture to establish the Opal Creek Scenic Recreation Area Advisory Council. The Advisory Council is comprised of thirteen members representing state, county and city governments, and representatives of various organizations, which include mining industry, environmental organizations, inholders in Opal Creek Scenic Recreation Area, economic development, Indian tribes, adjacent landowners and recreation interests. The council provides advice to the Secretary of Agriculture on preparation of a comprehensive Opal Creek Management Plan for the SRA, and consults on a periodic and regular

basis on the management of the area. The tentative agenda includes:

(1) Discussion on City of Salem's proposal to install a water quality monitoring gauging station (2) subcommittee report on abandoned mine closures; and (3) begin developing issue statements.

The public comment period in tentatively scheduled to begin at 8 p.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits of the comment period. Written comments may be submitted prior to the September 18 meeting by sending them to Designated Federal Official Stephanie Phillips at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Stephanie Phillips; Willamette National Forest, Detroit Ranger District, HC 73 Box 320, Mill City, OR 97360; (503) 854–3366.

Dated: August 29, 2000.

Darrel L. Kenops,

Forest Supervisor.

[FR Doc. 00–22739 Filed 9–5–00; 8:45 am]

BILLING CODE 3410–11–M

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

The United States Chemical Safety and Hazard Investigation Board announces that it will convene a Public Meeting beginning at 9:30 a.m. local time on September 15, 2000, at 2175 K Street, Second floor (Conference rooms of the Medical Society of the District of Columbia) Washington, D.C. Topics will include:

1. Presentation of findings for the CSB investigation into the March 4, 1998, incident at a Sonat Incorporated crude oil and natural gas production and separation facility near Pitkin, Louisiana.

2. Update on the CSB investigation into the February 23, 1999, fire that occurred at the fractionator tower in the 50 crude oil processing unit at the Tosco ''Avon'' refinery in Martinez, California.

3. Discussion of recommendations resulting from the Board investigation into an incident at the Morton International, Inc. Plant in Paterson, New Jersey on April 8, 1998.

4. Presentation and discussion of final draft of the CSB report detailing the process for selecting accidents for CSB investigations.

5. Update on revisions to the CSB investigation protocol.

6. Review of the CSB five-year Strategic Plan due to Congress on September 29, 2000.

7. Update on the CSB Hiring Plan Initiative.

8. Review of draft Memoranda of Understanding with the National Transportation Safety Board and the Agency for Toxic Substances and Disease Registry.

9. Presentation of CSB directives and voting record of the Board.

10. Discussion of CSB legal initiatives for the end of the calendar year.

11. Update on the GAO report concerning CSB actions in FY 1999 and 2000.

12. Update on Board Member activities.

The meeting will be open to the public. For more information, please contact the Chemical Safety and Hazard Investigation Board's Office of External Relations, (202)–261–7600, or visit our website at: *www.csb.gov.*

Christopher W. Warner,

General Counsel.

[FR Doc. 00–22914 Filed 9–1–00; 11:49 am]

BILLING CODE 6350–01–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2001 Annual Demographic Survey—Supplement to the Current Population Survey.

Form Number(s): CPS–580, CPS–580(SP), CPS–676, CPS–676(SP).

Agency Approval Number: 0607–0354.

Type of Request: Revision of a currently approved collection.

Burden: 33,563 hours.

Number of Respondents: 80,550.

Avg Hours Per Response: 25 minutes.

Needs and Uses: The Census Bureau conducts the Annual Demographic Survey (ADS) every year in March in conjunction with the Current Population Survey (CPS). The Census Bureau, the Bureau of Labor Statistics, and the Department of Health and Human Services sponsor this supplement. In the ADS, we collect information on work experience, personal income and noncash benefits, household noncash benefits, health insurance coverage, participation in welfare reform benefits, race, and migration. ADS data are used by social planners, economists, Government officials, and market researchers to gauge the social and economic well-being of the Nation as a whole, and selected population groups of interest.

The 2001 ADS questionnaire contains the same items that were in the 2000 ADS, with the addition of two questions and revisions to certain items. These changes are the result of recently completed Census Bureau research into the effectiveness of the welfare-related questions and questions on cash assistance and health insurance.

We also plan to increase the sample size for the ADS by approximately 30,550 respondents. Congressional passage of the State Children's Health Insurance Program (SCHIP), also known as Title XXI, as part of the Balanced Budget Act of 1997, instructs the U.S. Census Bureau to provide more reliable estimates of those individuals participating in SCHIP. In response, the Census Bureau selected the CPS to be the vehicle for measuring the estimates and to increase the sample size so that more reliable estimates can be obtained.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182; Title 29 U.S.C., Sections 1–9.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, DOC Forms Clearance Officer, (202) 482–3129, Department of Commerce, room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: August 31,2000.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–22826 Filed 9–5–00; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews and requests for revocation in part.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with July anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received requests to revoke two antidumping duty orders in part.

EFFECTIVE DATE: September 6, 2000.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2000), for administrative reviews of various antidumping and countervailing duty orders and findings with July anniversary dates. The Department also received timely requests to revoke in part the antidumping duty orders on Silicon Metal from Brazil and Certain Pasta from Italy.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than July 31, 2001.

	Period to be reviewed
Antidumping Duty Proceedings	
Brazil: Silicon Metal	7/1/99–6/30/00
A–351–806:	
Companhia Brasileira Carbureto De Calcio	
Companhia Ferroligas Minas Gerais-Minasligas	
Ligas de Aluminia S.A.	
Rima Industrial S.A.	
Chile: Fresh Atlantic Salmon	7/1/99–6/30/00
A–337–803:	
Acuicultura de Aquas Australes	
Agromar Ltda.	
Aguas Claras S.A.	
Antarfish S.A.	
Aquachile S.A.	
Aquasur Fisheries Ltda.	
Asesoria Acuicola S.A.	
Australis S.A.	
Best Salmon	
Cenculmavique	
Centro de Cultivo de Moluscos	
Cerro Farrellon Ltda.	
Chisal S.A.	
Comercializadora Smoltech Ltda.	
Complejo Piscicola Coyhaique	
Cultivadora de Salmones Linao Ltda.	
Cultivos Marinos Chiloe Ltda.	
Cultivos San Juan	
Cultivos Yardan S.A.	
Empresa Nichiro Chile Ltda.	
Fiordo Blanco S.A.	
Fisher Farms	
Fitz Roy S.A.	
Friosur S.A.	
Ganadera Del Mar	
G.M. Tornagaleones S.A.	
Hiuto Salmones S.A.	
Huitosal Mares Australes Salmo Pac.	
Instituto Tecnologico Del Salmon S.A.	
Inversiones Pacific Star Ltda.	
Invertec Pesquera Mar de Chiloe Ltda.	
Manao Bay Fishery S.A.	
Mardim Ltda.	
Ocean Horizons Chile S.A.	
Pacific Mariculture	
Patagonia Fish Farming S.A.	
Patagonia Salmon Farming S.A.	
Pesca Chile S.A.	
Pesquera Antares S.A.	
Pesquera Chiloe S.A.	
Pesquera Eicosal Ltda.	
Pesquera Friosur S.A.	
Pesquera Los Fiordos Ltda.	
Pesquera Mares Australes Ltda.	
Pesquera Mares de Chile S.A.	
Pesquera Pacific Star	

	Period to be reviewed
Pesquera Quellon Ltda.	
Pesquera Y Comercial Rio Peulla S.A.	
Piscicola Entre Rios S.A.	
Piscicultura Iculpe	
Piscicultura La Cascada	
Piscultura Santa Margarita	
Prosmolt S.A.	
Quetro S.A.	
River Salmon S.A.	
Robinson Crusoe Y Cia. Ltda.	
Salmoamerica	
Salmones Andes S.A.	
Salmones Antarctica S.A.	
Salmones Aucar Ltda.	
Salmones Caicaen S.A.	
Salmones Calbuco S.A.	
Salmones Chiloe S.A.	
Salmones Friosur S.A.	
Salmones Huillinco S.A.	
Salmones Ice Val Ltda.	
Salmones Llanquihue	
Salmones Mainstream S.A.	
Salmones Multiexport Ltda.	
Salmones Pacific Star Ltda.	
Salmones Pacifico Sur S.A.	
Salmones Quellon	
Salmones Ranco Sur Ltda.	
Salmones Tecmar S.A.	
Salmones Tierra Del Fuego Ltda.	
Salmones Unimarc S.A.	
Salmosan	
Seafine Salmon S.A.	
Soc. Alimentos Maritimos Avalon Ltda.	
Soc. Aquacultivos Ltda.	
Truchas Aguas Blancas Ltda.	
Trusal S.A.	
Ventisqueros S.A.	
France: Stainless Steel Sheet and Strip in Coils	1/4/99–6/30/00
A–427–814: Ugine S.A.	
Germany: Stainless Steel Sheet and Strip in Coils	1/4/99–6/30/00
A–427–825: Krupp Thyssen Nirosta GmbH	
Iran: In-Shell Pistachios	7/1/99–6/30/00
A–507–502: Rafsanjan Pistachios Producers Cooperative	
Italy: Certain Pasta	7/1/99–6/30/00
A–475–818:	
Agritalia, S.r.l.	
Arrighi S.p.A. Industrie Alimentari	
Audisio Industrie Alimentari de Capitanata, S.p.A.	
Barilla G.e.R.F.lli S.p.A.	
Commercio-Rappresentanze-Export S.r.l	
Delverde, SrL	
Di Martino Gaetano E. F.lli s.r.l..	
F.lli De Cecco di Filippo Fara S. Martino S.p.A.	
Gruppo Agricoltura Sana S.r.l.	
Industria Alimentare Colavita, S.p.A.	
Indalco	
Isola del Grano S.r.l.	
Italpast S.p.A.	
Italpasta S.r.l.	
Industrie Alimentari Molisane S.r.l.	
Labor S.r.l.	
La Molisana Industrie Alimentari S.p.A.	
Liguori	
Molino e Pastificio	
N. Puglisi & F. Industria Paste Alimentari S.p.A.	
Pastificio Antonio Pallante S.r.l.	
Pastificio Campano, S.p.A.	
Pastificio Guido Ferrara	
Pastificio Fabianelli, S.p.A.	
Pastificio F.LLI Pagani S.p.A.	
Pastificio Maltagliati S.p.A.	
Pastificio Riscossa F.lli Mastromauro S.r.l.	
P.A.M., S.r.l.—Prodotti Alimentari Meridionali.	
Rummo S.p.A. Pastificio e Molino	
Tamma Industrie Alinmentari di Capitanata, SrL	
Japan: Clad Steel Plate	7/1/99–6/30/00
A–588–838: Daido Metal Corp.	
Japan: Stainless Steel Sheet and Strip in Coils	1/4/99–6/30/00
A–588–845: Kawasaki Steel Corporation	
Mexico: Stainless Steel Sheet and Strip in Coils	1/4/99–6/30/00
A–201–822: Mexinox S.A. de C.V.	
Republic of Korea: Stainless Steel Sheet and Strip in Coils	1/4/99–6/30/00

	Period to be reviewed
A–580–834:	
Dai Yang Metal Co., Ltd	
Pohang Iron & Steel Co., Ltd.	
Sammi Steel co.	
Samwon Precision Metals Co., Ltd.	
Taiwan: Stainless Steel Sheet and Strip in Coils	1/4/99–6/30/00
A–583–831:	
Ta Chen Stainless Pipe Co., Ltd.	
Tung Mung Development Co., Ltd.	
Yieh United Steel Corporation	
THAILAND: Canned Pineapple	7/1/99–6/30/00
A–549–813	
Dole Food Co.	
Kuiburi Fruit Canning Company Limited	
Malee Sampran Factory Public Company, Ltd.	
The Prachuab Fruit Canning Company	
Siam Fruit Canning (1988) Co., Ltd.	
Siam Food Products Company Ltd.	
Siam Agro Industry Pineapple and Others Co., Ltd.	
Thai Pineapple Canning Co., Ltd..	
The Thai Pineapple Public Co., Ltd.	
Vita Food Factory	
The People's Republic of China: Persulfates*	7/1/99–6/30/00
A–570–847:	
Sinochem Jiangsu Wuxi Import & Export Corp.	
Shanghai Ai Jian Import & Export Corp.	
(*If one of the above named companies does not qualify for a separate rate, all other exporters of persulfates from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.)	
The People's Republic of China: Sebacic Acid*	7/1/99–6/30/00
A–570–825:	
Guangdong Chemicals Import & Export Corporation	
Sinochem Tianjin Impor & Export Corporation*	
(*If one of the above named companies does not qualify for a separate rate, all other exporters of sebacic acid from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.)	
Turkey: Certain Pasta	7/1/99–6/30/00
A–489–805:	
Filiz Gida Sanayi ve Ticaret A.S.	
Beslen Makarna Gida Sanayi ve Ticaret A.S.	
Beslen Pazariarma Gida Sanayi ve Ticaret A.S.	
Maktas Makarnacilik ve Ticaret A.S.	
Pastavilla Makarnacilik Sanayi ve Ticaret A.S.	
The United Kingdom: Industrial Nitrocellulose	7/1/99–6/30/00
A–412–803:	
Imperial Chemical Industries PLC	
Nobel's Explosives Industries PLC	
ICI Americas Inc.	
Countervailing Duty Proceedings	
Italy: Certain Pasta	1/1/99–12/31/99
C–475–819:	
Agritalia, S.r.l.	
Arrighi S.p.A. Industrie Alimentari	
Audisio Industrie Alimentari de Capitanata, S.p.A.	
Commercio-Rappresentanze-Export S.r.l	
Delverde, SrL	
De Matteis Aroalimetare S.p.A.	
Di Martino Gaetano E. F.lli s.r.l..	
F.lli De Cecco di Filippo Fara S. Martino S.p.A.	
Indalco	
Industria Alimentare Colavita, S.p.A.	
Isola del Grano S.r.l.	
Italpast S.p.A.	
Italpasta S.r.l.	
Industrie Alimentari Molisane S.r.l.	
Labor S.r.l.	
La Molisana Industrie Alimentari S.p.A.	
Liguori	
Molino e Pastificio	
N. Puglisi & F. Industria Paste Alimentari S.p.A.	
Pastificio Antonio Pallante S.r.l.	
Pastificio Campano, S.p.A.	
Pastificio Guido Ferrara	
Pastificio Fabianelli, S.p.A.	
Pastificio F.LLI Pagani S.p.A.	
Pastificio Maltagliati S.p.A.	
Pastificio Riscossa F.lli Mastromauro S.r.l.	
P.A.M., S.r.l.—Prodotti Alimentari Meridionali.	
Rummo S.p.A. Pastificio e Molino	
Tamma Industrie Alinmentari di Capitanata, SrL	
Turkey: Certain Pasta	1/1/99–12/31/99
C–489–806:	
Filiz Gida Sanayi ve Ticaret A.S.	

	Period to be reviewed
Beslen Makarna Gida Sanayi ve Ticaret A.S. Beslen Pazariarma Gida Sanayi ve Ticaret A.S. Maktas Makarnacilik ve Ticaret A.S. Pastavilla Makarnacilik Sanayi ve Ticaret A.S.	
Suspension Agreements	
Brazil: Hot-Rolled Flat-Rolled Carbon-Quality Steel Products ..... A–351–828: Companhia Siderurgica Paulista Usinas Siderurgica de Minas Gerais Companhia Siderurgica Nacional	1/1/99–12/31/99

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 USC 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: August 25, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II, for Import Administration.

[FR Doc. 00–22834 Filed 9–5–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–824]

Certain Corrosion-Resistant Carbon Steel Flat Products From Japan: Final Results of Changed Circumstances Review, and Revocation in Part of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Changed Circumstances Review, and Revocation in Part of Antidumping Duty Order.

SUMMARY: On July 12, 2000, the Department of Commerce (''the Department'') published a notice of initiation of a changed circumstances review and preliminary results of review with intent to revoke, in part, the antidumping duty order on certain corrosion-resistant carbon steel flat products from Japan. *See Certain Corrosion-Resistant Carbon Steel Flat Products From Japan: Notice of Initiation of Changed Circumstances Review of the Antidumping Order and Intent To Revoke Order in Part* (''*Preliminary Results*''), 65 FR 42986 (July 12, 2000). In our *Preliminary Results*, we gave interested parties an opportunity to comment; however, we did not receive any comments. Therefore, we are now revoking this order in part, with respect to doctor blades, which are described below, based on the fact that domestic parties have expressed no interest in the continuation of the order with respect to doctor blades.

EFFECTIVE DATE: September 6, 2000.

FOR FURTHER INFORMATION CONTACT: Brandon Farlander or Laurel LaCivita, Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at (202) 482–0182, or (202) 482–4243, respectively.

Applicable Statute and Regulations: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''Act''), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''Department'') regulations are to the regulations codified at 19 CFR Part 351 (April 1, 1999).

SUPPLEMENTARY INFORMATION:

Background

On May 23, 2000, Toyo Ink America, Inc. (''TIA'') requested that the Department revoke in part the antidumping duty order on certain corrosion-resistant carbon steel flat products from Japan. Specifically, TIA requested that the Department revoke the order with respect to imports of doctor blades meeting the following specifications: carbon steel coil or strip, plated with nickel phosphorous, having a thickness of 0.1524 millimeters (0.006 inches), a width between 31.75 millimeters (1.25 inches) and 50.80 millimeters (2.00 inches), a core hardness between 580 to 630 HV, a surface hardness between 900—990 HV; the carbon steel coil or strip consists of the following elements identified in percentage by weight: 0.90% to 1.05% carbon; 0.15% to 0.35% silicon; 0.30% to 0.50% manganese; less than or equal to 0.03% of phosphorous; less than or equal to 0.006% of sulfur; other elements representing 0.24%; and the remainder of iron. TIA is an importer of the products in question. Also, on May 23, 2000, domestic producers of the like product, Bethlehem Steel Corporation; Ispat Inland Steel; LTV Steel Company, Inc.; National Steel Corporation; and U.S. Steel Group, a unit of USX Corporation, stated that they have no interest in the importation or sale of steel from Japan with these specialized characteristics. As noted above, we gave interested parties an opportunity to comment on the *Preliminary Results.* We received no comments from interested parties.

Scope of Changed Circumstances Review

The merchandise covered by this changed circumstances review is certain corrosion-resistant carbon steel flat products from Japan. This changed circumstances administrative review covers all manufacturers/exporters of doctor blades meeting the following specifications: Carbon steel coil or strip, plated with nickel phosphorous, having a thickness of 0.1524 millimeters (0.006 inches), a width between 31.75

millimeters (1.25 inches) and 50.80 millimeters (2.00 inches), a core hardness between 580 to 630 HV, a surface hardness between 900–990 HV; the carbon steel coil or strip consists of the following elements identified in percentage by weight: 0.90% to 1.05% carbon; 0.15% to 0.35% silicon; 0.30% to 0.50% manganese; less than or equal to 0.03% of phosphorous; less than or equal to 0.006% of sulfur; other elements representing 0.24%; and the remainder of iron.

Final Results of Review; Partial Revocation of Antidumping Duty Order

The affirmative statement of no interest by petitioners concerning doctor blades, as described herein, constitutes changed circumstances sufficient to warrant partial revocation of this order. Also, petitioners did not comment on the *Preliminary Results*. Therefore, the Department is partially revoking the order on certain corrosion-resistant carbon steel flat products from Japan with regard to products which meet the specifications detailed above, in accordance with sections 751(b) and (d) and 782(h) of the Act and 19 CFR 351.216(d)(1). This partial revocation applies to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of this publication of final results.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This changed circumstances administrative review, partial revocation of the antidumping duty order and notice are in accordance with sections 751(b) and (d) and 782(h) of the Act and sections 351.216 and 351.222(g) of the Department's regulations.

Dated: August 28, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–22836 Filed 9–5–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–508–605]

Industrial Phosphoric Acid From Israel: Preliminary Results and Final Partial Rescission of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results and final partial rescission of countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on industrial phosphoric acid from Israel for the period January 1, 1998 through December 31, 1998. For information on the net subsidy for each reviewed company, as well as for all non-reviewed companies, please see the *Preliminary Results of Review* section of this notice. If the final results remain the same as these preliminary results, we will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Preliminary Results of Review.* In addition, we are rescinding the review with respect to Haifa Chemicals Ltd. (Haifa) because Haifa did not export the subject merchandise to the United States during the period of review (POR). Interested parties are invited to comment on these preliminary results. *See Public Comment* section of this notice.

EFFECTIVE DATE: September 6, 2000.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Jonathan Lyons, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–3964 or (202) 482–0374, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 1987, the Department published in the **Federal Register** (52 FR 31057) the countervailing duty order on industrial phosphoric acid from Israel. On August 11, 1999, the Department published a notice of ''Opportunity to Request Administrative Review'' (64 FR 43649, 43650) of this countervailing duty order. We received a timely request for review, and we initiated the review, covering the period January 1, 1998 through December 31, 1998, on October 1, 1999 (64 FR 53318). In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. Accordingly, this review covers Rotem-Amfert Negev Ltd. (Rotem) and Haifa. Haifa did not export the subject merchandise during the POR. Therefore, we are finally rescinding the review with respect to Haifa.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA) effective January 1, 1995 (the Act). The Department is conducting this administrative review in accordance with section 751(a) of the Act. All citations to the Department's regulations reference 19 CFR part 351 (April 1, 2000).

Scope of the Review

Imports covered by this review are shipments of industrial phosphoric acid (IPA) from Israel. Such merchandise is classifiable under item number 2809.20.00 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and U.S. Customs Service purposes. The written description of the scope remains dispositive.

Subsidies Valuation Information

Period of Review

The period for which we are measuring subsidies is calendar year 1998.

Allocation Period

In *British Steel plc.* v. *United States*, 879 F.Supp. 1254 (CIT 1995) (*British Steel I*), the U.S. Court of International Trade (the Court) ruled against the allocation period methodology for non-recurring subsidies that the Department had employed for the past decade, as it was articulated in the *General Issues Appendix* appended to the *Final Countervailing Duty Determination; Certain Steel Products from Austria*, 58 FR 37225 (July 9, 1993) (GIA). In accordance with the Court's decision on remand, the Department determined that the most reasonable method of deriving the allocation period for nonrecurring subsides is a company-specific average useful life (AUL). This remand determination was affirmed by the Court on June 4, 1996. *See, British Steel plc.* v. *United States,* 929 F.Supp. 426, 439 (CIT 1996) (*British Steel II*).

However, in administrative reviews where the Department examines non-recurring subsidies received prior to the POR which have been countervailed based on an allocation period established in an earlier segment of the proceeding, it is not practicable to reallocate those subsidies over a different period of time. Where a countervailing duty rate in earlier segments of a proceeding was calculated based on a certain allocation period and resulted in a certain benefit stream, redefining the allocation period in later segments of the proceeding would entail taking the original grant amount and creating an entirely new benefit stream for that grant. (*See e.g., Certain Carbon Steel Products from Sweden; Final Results of Countervailing Duty Administrative Review*, 62 FR 16549 (April 7, 1997)).

In this administrative review, the Department is considering non-recurring subsidies previously allocated in earlier administrative reviews under the old practice, non-recurring subsidies also previously allocated in recent administrative reviews under the new practice, and non-recurring subsidies received during the POR to which the countervailing duty regulations mentioned above apply. Therefore, for purposes of these preliminary results, the Department is using the original allocation period of 10 years which was assigned to non-recurring subsidies received prior to the 1995 administrative review (the first review for which the Department implemented the *British Steel I* decision). For non-recurring subsidies received since 1995, Rotem has submitted in each administrative review, including this one, AUL calculations based on depreciation and values of productive assets reported in its financial statements. In accordance with the Department's practice, we derived Rotem's company-specific AUL by dividing the aggregate of the annual average gross book values of the firm's depreciable productive fixed assets by the firm's aggregated annual charge to depreciation for a 10-year period. In the current review, this methodology has resulted in an AUL of 22 years. Pursuant to section 351.524(d)(2) of the Final Countervailing Duty Regulations, this company-specific AUL rebuts the presumptive use of the IRS tables. Therefore, for the purposes of these preliminary results, non-recurring subsidies received during the POR will be allocated over 22 years.

Privatization

Israel Chemicals Limited (ICL), the parent company which owns 100 percent of Rotem's shares, was partially privatized in 1992, 1993, 1994, 1995 and 1997. In this administrative review, the Government of Israel (GOI) and Rotem reported that additional shares of ICL were sold in 1998. We have previously determined that the partial privatization of ICL represents a partial privatization of each of the companies in which ICL holds an ownership interest. *See Final Results of Countervailing Duty Administrative Review; Industrial Phosphoric Acid from Israel*, 61 FR 53351, 53352 (October 11, 1996) (*1994 Final Results*). In this review and prior reviews of this order, the Department found that Rotem and/or its predecessor, Negev Phosphates Ltd., received non-recurring countervailable subsidies prior to these partial privatizations. Further, the Department found that a portion of the price paid by a private party for all or part of a government-owned company represents partial repayment of prior subsidies. *See GIA*, 58 FR at 37262. Therefore, in the 1992, 1993, 1995 and 1997 reviews, we calculated the portion of the purchase price paid for ICL's shares that is attributable to repayment of prior subsidies. In the 1994 privatization, less than 0.5 percent of ICL shares were privatized. We determined that the percentage of subsidies potentially repaid through this privatization could have no measurable impact on Rotem's overall net subsidy rate. Thus, we did not apply our repayment methodology to the 1994 partial privatization. *See 1994 Final Results*, 61 FR at 53352.

We are now applying the privatization methodology to the 1998 partial privatization in which 29.32 percent of ICL's shares were sold. This approach is consistent with our findings in the *GIA* and Department precedent under the URAA. *See, e.g., GIA*, 58 FR at 37259; *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom; Final Results of Countervailing Duty Administrative Review*, 61 FR 58377 (November 14, 1996); *Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy*, 61 FR 30288 (June 14, 1996) (*Pasta Investigation*).

After the Department's final determination in *Pasta Investigation*, one of the companies investigated, Delverde, challenged the Department's determination in the Court of International Trade (CIT). Delverde argued that the Department's methodology regarding change in ownership was erroneous and inconsistent with the Act. Initially, the CIT agreed with Delverde and remanded the case to the Department. *See Delverde I*, 989 F.Supp. at 234. However, after the Department explained its methodology in more detail and further argued its reasonableness on remand, the CIT affirmed the Department's methodology. *See Delverde II*, 24 F.Supp.2d at 315 (*Delverde II*). Delverde appealed the CIT's decision to the Court of Appeals for the Federal Circuit (CAFC). On February 2, 2000, the CAFC held that the Department may not presume that non-recurring subsidies survive a transfer in a subsidized company's ownership. Accordingly, the CAFC vacated the CIT's decision in *Delverde II* and indicated that it would instruct the CIT to remand the case to the Department. *See Delverde* v. *United States*, 202 F.3rd 1360, 1369 (Fed. Cir. 2000). On June 20, 2000, the CAFC denied the Department's petition for rehearing and suggestion for rehearing *en banc. See Delverde, S.r.L.* v. *United States*, Court No. 99–1186 (Fed. Cir. 2000).

The Department has not received a remand from the CIT on *Delverde II* and has, thus, not yet addressed what revisions to our change-in-ownership methodology may be necessary. We are examining the relevance of the change in ownership issue decided in *Delverde II* to this administrative review of IPA from Israel. If necessary, we will collect additional information about ICL's privatization by issuing a questionnaire as soon as possible. For these preliminary results, we have continued to use the repayment methodology described in the GIA in the same way as it was used in *Pasta Investigation* and five prior administrative reviews of this countervailing duty order. We invite comments from interested parties on revisions to our change of ownership methodology.

Grant Benefit Calculations

To calculate the benefit for the POR, we followed the same methodology used in the final results of prior administrative reviews. We converted Rotem's shekel-denominated grants into U.S. dollars, using the exchange rate in effect on the date the grant was received. We then applied the grant methodology to determine the benefit for the POR. *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Review*, 63 FR 13626, 13633 (March 20, 1998) (*1995 Final Results*).

Discount Rates

We considered Rotem's cost of long-term borrowing in U.S. dollars as reported in the company's financial statements for use as the discount rate

used to allocate the countervailable benefit over time. However, this information includes Rotem's borrowing from its parent company, ICL, and thus does not provide an appropriate discount rate. Therefore, we have turned to ICL's cost of long-term borrowing in U.S. dollars in each year from 1984 through 1997 as the most appropriate discount rate. ICL's interest rates are shown in the notes to the company's financial statements, public documents which are in the record of this review. *See Comment 9* in the *1995 Final Results.*

Analysis of Programs

I. Programs Conferring Subsidies

A. Encouragement of Capital Investments Law (ECIL)

The ECIL program is designed to encourage the distribution of the population throughout Israel, to create new sources of employment, to aid the absorption of immigrants, and to develop the economy's production capacity. To be eligible for benefits under the ECIL, including investment grants, capital grants, accelerated depreciation, reduced tax rates, and certain loans, applicants must obtain approved enterprise status. Investment grants cover a percentage of the cost of the approved investment, and the amount of the grant depends on the geographic location of eligible enterprises. For purposes of the ECIL program, Israel is divided into three zones; Development Zones A and B, and the Central Zone. Under the ECIL program the Central Zone was not eligible for benefits. In *Final Affirmative Countervailing Duty Determination: Industrial Phosphoric Acid From Israel*, 52 FR 25447 (July 7, 1987) (*IPA Investigation*), the Department found the ECIL grant program to be *de jure* specific because the program limits the availability of grants to enterprises located in specific regions. In this review, no new information or evidence of changed circumstances has been submitted to warrant reconsideration of this determination.

Rotem is located in Development Zone A, and received ECIL investment and capital grants in disbursements over a period of years for several projects. In past reviews, we have treated these grants as non-recurring. The guidelines set forth in section 351.524 of Department's countervailing duty regulations support finding these grants to be non-recurring. As explained in the ''Allocation Period'' section above, for grants that have been allocated in prior administrative reviews, we are continuing to use the allocation period assigned to these grants. For grants received during the POR, we have used the AUL calculated by Rotem in this review, which is 22 years. To calculate the benefit for the POR, we followed the same methodology used in the final results of the 1995 administrative review, as indicated in the ''Grant Benefit Calculations'' section above.

In prior reviews of this order, we applied the methodology described in our proposed countervailing duty regulations when determining whether to allocate non-recurring grants over time or expense them in the year of receipt (''the 0.5 percent test''). Accordingly, grant disbursements exceeding 0.5 percent of a company's sales in the year of receipt were allocated over time while grants below or equal to 0.5 percent of sales were countervailed in full (''expensed'') in the year of receipt (*see* Countervailing Duties (Proposed Rules), 54 FR 23366, 23384 (section 355.49(a)(3)) (May 31, 1989)). However, section 351.524(b)(2) of our new countervailing duty regulations directs us to conduct the 0.5 percent test based on the company's sales in the year of authorization rather than the year of receipt. Where possible, we applied this new regulation, however, we did not redo the 0.5 percent test for disbursements received prior to the POR because we had already calculated a benefit stream for those disbursements in a prior administrative reviews.

Pursuant to section 351.504(c) of our regulations, we used our standard grant methodology as noted above in the ''Grant Benefit Calculations'' section to calculate the countervailable subsidy from ECIL grants. We allocated some of these grants over time because they met the 0.5 percent test, as described above, and expensed others in the POR that did not pass this test.

To calculate the total subsidy in the POR, we first summed the grant amounts allocated to and received in 1998, after taking into account the partial privatizations in 1992, 1993, 1995, 1997 and 1998. To derive the subsidy rates, as discussed in the *1995 Final Results*, we attributed ECIL grants that were tied to a particular facility over the sales of the product produced by that facility plus sales of all products into which that product may be incorporated. Accordingly, we attributed ECIL grants to Rotem's phosphate rock mines to total sales; we attributed grants to Rotem's green acid facility to total sales minus direct sales of phosphate rock; and, finally, we attributed grants to Rotem's IPA facilities to sales of IPA, MKP, fertilizers, and ''IPA-Akonomika'' and MKP–HCL (by-products of IPA production which contribute to Rotem's sales revenue). We summed the rates obtained on this basis, and preliminarily determine the net countervailable subsidy from ECIL grants to be 4.19 percent *ad valorem* for the POR.

B. Infrastructure Grant Program

During the 1998 review period, Rotem received an Infrastructure grant to initiate and establish industrial areas in a certain geographical zone. In the 1996 administrative review, the Department determined that Infrastructure grants were specifically provided to Rotem, and that they conferred a benefit. *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Review*, 63 FR 13626, 13633 (March 20, 1998). No new information or evidence of changed circumstances has been submitted to warrant reconsideration.

In past reviews, we determined these grants to be ''non-recurring. The guidelines set forth in section 351.524 of the Department's countervailing duty regulations support finding these grants to be non-recurring. Therefore, we calculated the benefit under this program using the methodology for non-recurring grants noted above in the ''Grant Benefit Calculations'' section. On this basis, we preliminarily determine the net subsidy from this program to be 0.07 percent *ad valorem* for the POR.

II. Programs Preliminarily Determined To Be Not Used

We examined the following programs and preliminarily determine that the producer and/or exporter of the subject merchandise did not apply for or receive benefits under these programs during the POR:

A. Environmental Grant Program.
B. Reduced Tax Rates under ECIL.
C. ECIL Section 24 loans.
D. Dividends and Interest Tax Benefits under Section 46 of the ECIL.
E. ECIL Preferential Accelerated Depreciation.
F. Encouragement of Industrial Research and Development Grants (EIRD).

During the 1998 review period, Rotem did not receive any new EIRD grants but did receive two small disbursements for prior projects (payment was withheld until the research was completed). In the *1995 Final Results*, we determined that EIRD grants were specifically provided to Rotem, and that they conferred a benefit. In this review, we preliminarily determine that the two grants received by Rotem were tied to research relating to downstream

products for which IPA is an input. *See*, section 351.525(b)(5) of the Department's countervailing duty regulations concerning the attribution of subsidies. Therefore, we preliminarily determine that the grants provide no benefit to the production of IPA.

III. Other Program Examined

Labor Training Grant

In its questionnaire response, Rotem reported that it had received a very small labor training grant as payment for hiring and training conducted in a prior period. In previous administrative reviews, we have found that this program was not used (*see, e.g., 1994 Final Results* and *1996 Final Results*). Under section 351.524 of the countervailing duty regulations, grants for worker training are normally considered recurring and are expensed in the year of receipt. For purposes of this administrative review, we expensed this labor training grant and have found that any subsidy which could be calculated for this program would be so small (well under 0.005 percent *ad valorem*) that there would be no impact on the overall subsidy rate. Accordingly, because there would be no impact on the overall subsidy rate in the instant review, we do not consider it necessary to address the issue of specificity for purposes of this administrative review. *See e.g., Final Affirmative Countervailing Duty Determination: Steel Wire Rod from Germany*, 62 FR 54990, 54995 (October 22, 1997), *Certain Carbon Steel Products from Sweden: Final Results of Countervailing Duty Administrative Review*, 62 FR 16549 (April 7, 1997), and *Final Results of Countervailing Duty Administrative Review: Live Swine from Canada*, 63 FR 2204 (January 14, 1998).

Preliminary Results of Review

In accordance with 19 CFR 351.213(b), we calculated an individual subsidy rate for the producer/exporter subject to this administrative review. For the period January 1, 1998 through December 31, 1998, we preliminarily determine the net subsidy for Rotem to be 4.26 percent *ad valorem.* If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service (Customs) to assess countervailing duties as indicated above.

As a result of the International Trade Commission's determination that revocation of this countervailing duty order would not likely lead to continuation or recurrence of material injury to an industry in the United States in the reasonably foreseeable future, the Department, pursuant to section 751(d)(2) of the Act, revoked the countervailing duty order on IPA from Israel. *See Revocation Countervailing Duty Order: Industrial Phosphoric Acid from Israel*, 65 FR 114 (June 13, 2000). Pursuant to section 751(c)(6)(A)(iv) of the Act and 19 CFR 351.222(i)(2)(ii), the effective date of revocation was January 1, 2000. Accordingly, the Department has instructed Customs to discontinue suspension of liquidation and collection of cash deposits on entries of the subject merchandise entered or withdrawn from warehouse on or after January 1, 2000. The Department, however, will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Normally, case briefs are to be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, are to be submitted no later than five days after the time limit for filing case briefs. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issues, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal. Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than ten days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date case briefs, under 19 CFR 351.309(c)(ii), are due. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing. These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677f(i)(1)).

Dated: August 25, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–22835 Filed 9–5–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Closed Meeting of the U.S. Automotive Parts Advisory Committee (APAC)

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The APAC will have a closed meeting on September 19,2000, at the U.S. Department of Commerce to discuss U.S.-made automotive parts sales in Japanese and other Asian markets.

DATES: September 19, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Reck, U.S. Department of Commerce, Room 4036, Washington, D.C. 20230, telephone: 202–482–1418.

SUPPLEMENTARY INFORMATION: The U.S. Automotive Parts Advisory Committee (the ''Committee'') advises U.S. Government officials on matters relating to the implementation of the Fair Trade in Automotive Parts Act of 1998 (Public Law 105–261). The Committee: (1) Reports to the Secretary of Commerce on barriers to sales of U.S.-made automotive parts and accessories in Japanese and other Asian markets; (2) reviews and considers data collected on sales of U.S.-made auto parts and accessories in Japanese and other Asian markets; (3) advises the Secretary of Commerce during consultations with other Governments on issues concerning sales of U.S.-made automotive parts in Japanese and other Asian markets; and (4) assists in establishing priorities for the initiative to increase sales of U.S.-made auto parts and accessories to Japanese markets, and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of that section; and (5) assists the Secretary of Commerce in reporting to Congress by submitting an annual written report to the Secretary on the sale of U.S.-made automotive parts in Japanese and other Asian markets, as well as any other issues with respect to which the Committee provides advice

pursuant to its authorizing legislation. At the meeting, committee members will discuss specific trade and sales expansion programs related to automotive parts trade policy between the United States and Japan and other Asian markets.

The Assistant Secretary for Administration, with the concurrence of the General Counsel formally determined on August 31, 2000, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the September 19 meeting of the Committee and of any subcommittee thereof, dealing with privileged or confidential commercial information may be exempt from the provisions of the Act relating to open meeting and public participation therein because these items are concerned with matters that are within the purview of 5 U.S.C. 552b(c)(4) and (9)(B). A copy of the Notice of Determination is available for public inspection and copying in the Department of Commerce Records Inspection Facility, Room 6020, Main Commerce.

Dated: August 31, 2000.

Henry P. Misisco,

Director, Office of Automotive Affairs.

[FR Doc. 00–22766 Filed 9–5–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 083000F]

Marine Mammals; File No. 984–1587

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Terrie M. Williams, Ph.D., Department of Biology, University of California at Santa Cruz, Santa Cruz, CA 95064 has applied in due form for a permit to take Atlantic bottlenose dolphins (*Tursiops truncatus*) and California sea lions (*Zalophus californianus*) for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before October 6, 2000.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4001).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Simona Roberts, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant proposes to examine the physiological response of dolphins and sea lions during swimming and diving. Testing will involve measuring locomotor, thermal and maintenance costs in animals. Data from these animals will be compared to similar results reported for a wide variety of mammals differeing in aquatic specialization from terrestrial to semi-aquatic and finally to other species of marine mammal.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 30, 2000.

Eugene Nitta,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–22827 Filed 9–5–00; 8:45 am]

BILLING CODE: 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Advisory Panel To Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the next meeting of the Panel to Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction. Notice of this meeting is required under the Federal Advisory Committee Act. (Pub. L. 92–463).

DATES: September 28 & 29, 2000.

ADDRESSES: Executive Conference Center, Library of Virginia, 800 East Broad Street, Richmond, Virginia 23219–8000.

Proposed Schedule and Agenda: Panel to Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction will meet from 8:30 a.m. until 5:30 p.m. on September 28, 2000, and from 8:30 a.m. until 3:30 p.m. on September 29, 2000. Time will be allocated for public comments by individuals or organizations.

FOR FURTHER INFORMATION CONTACT: RAND provides information about this Panel on its web site at http://www.rand.org/organization/nsrd/terrpanel; it can also be reached at (703) 413–1100 extension 5282. Public comment presentations will be limited to two minutes each and must be provided in writing prior to the meeting. Mail written presentations and requests to register to attend the open public session to: Priscilla Schlegel, RAND, 1200 South Hayes Street, Arlington, VA 22202–5050. Public seating for this meeting is limited, and is available on a first-come, first-served basis.

Dated: August 30, 2000.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–22694 Filed 9–5–00; 8:45 am]

BILLING CODE 5001–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the DoD Healthcare Quality Initiative Review Panel

AGENCY: Department of Defense.

ACTION: An executive/administration meeting for DoD Healthcare Quality Initiatives Review Panel has been scheduled for September 14 & 15, 2000.

SUMMARY: This notice set forth the meeting of the DoD Healthcare Quality Initiatives Review Panel. Notice of meeting is required under The Federal Advisory Committee Act.

DATES: September 14 & 15, 2000.

ADDRESSES: Hilton Crystal City, 2399 Jefferson Davis Hwy, Arlington, VA 22202.

Time: September 14th, 5 pm to 8 pm; September 15th, 8 am to 5:30 pm.

FOR FURTHER INFORMATION: Contact Gia Edmonds at (703) 933–8325.

Dated: August 30, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–22696 Filed 9–5–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the United States Commission on National Security/21st Century

AGENCY: Department of Defense, Office of the Undersecretary of Defense (Policy).

ACTION: Notice of closed meetings.

SUMMARY: The United States Commission on National Security/21st Century will meet in closed session on September 18 and 19 and October 18, 2000. The Commission was originally chartered by the Secretary of Defense on 1 July 1998 (charter revised on 18 August 1999) to conduct a comprehensive review of the early twenty-first century global security environment; develop appropriate national security objectives and a strategy to attain these objectives; and recommend concomitant changes to the national security apparatus as necessary.

The Commission will meet in closed session on September 18 and 19 and October 18, 2000, to review draft sessions of its Phase Three report. By Charter, the Phase Three report is to be delivered to the Secretary of Defense no later than February 16, 2001.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended [5 U.S.C., Appendix II], it is anticipated that matters affecting national security, as covered by 5 U.S.C. 551b(c)(1)(1988), will be presented throughout the meetings, and that, accordingly, the meetings will be closed to the public.

DATES: Monday and Tuesday September 18 and 19, 2000, and Wednesday October 18, 2000, 8:30 a.m.–5 p.m.

ADDRESSES: Hyatt-Arlington, 1325 Wilson Boulevard, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Contact Keith A. Dunn, National Security Study Group, Suite 532, Crystal Mall 3, 1931 Jefferson Davis Highway, Arlington, VA 22202–3805. Telephone 703–602–4175.

Dated: August 30, 2000.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–22695 Filed 9–5–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force, DoD.

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD

ACTION: Notice to delete records systems.

SUMMARY: The Department of the Air Force proposes to delete three systems of records notices from its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The action will be effective on October 6, 2000, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 20330–1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 588–6187.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's records systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed deletions are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system.

Dated: August 30, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F044 AFSG H

System name:

Dental Personnel Actions *(June 11, 1997, 62 FR 31793).*

Reason: These records are now being maintained under the Air Force system of records notice F036 AF PC C, Military Personnel Records System.

F052 AFHC A

System name:

Chaplain Information Sheet *(June 11, 1997, 62 FR 31793).*

Reason: These records are now being maintained under the Air Force system of records notice F036 AF PC Q, Personnel Data System (PDS).

F052 AFHC B

System name:

Chaplain Personnel Record *(June 11, 1997, 62 FR 31793).*

Reason: These records are now being maintained under the Air Force system of records notice F036 AF PC Q, Personnel Data System (PDS).

[FR Doc. 00–22698 Filed 9–5–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend system of records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on October 6, 2000 unless comments are received which result in a contrary determination.

ADDRESSES: Privacy Act System Notice Manager, Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC-PDD-RP, Stop 5603, Ft. Belvoir, VA 22060-5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806-4390 or DSN 656-4390.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: August 30, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0095-1a TRADOC

SYSTEM NAME:

Individual Flight Records Folder *(February 1, 1996, 61 FR 3687).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'The original record folder is maintained at the individual's unit of assignment. Upon transfer, the record folder is given to the individual to turn in at his/her new unit, except for personnel assigned to Fort Rucker.

Individual flight records of personnel assigned to Fort Rucker are located at the Directorate of Plans, Training, Mobilization, and Security, Resident Training Management Division, Student Support Branch, Flight Records Section, Building 5700, Room 210, Fort Rucker, AL 36362-5000. Upon leaving the service, the folder is turned in with all other official military records (personnel, finance, medical, dental, etc.) at the Adjutant General transfer point.

Individual flight records for contractor personnel are maintained by the designated Government Flight Representative at the contractor facility.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; and Army Regulation 95-20, Contractor Flight Operations; and E.O. 9397 (SSN).'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'By name, Social Security Number or Army Serial Number.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Active paper records are retained by the Flight Operations Facility until individual is transferred or separated. The records are transferred with the military personnel records jacket or civilian personnel folders, as appropriate. Upon separation or retirement of individual, the records are retired to the National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118 and U.S. Army Personnel Center (Military Personnel Records), and U.S. Army Reserve Components Personnel and Administration Center (Reserve Personnel), 9700 Page Street, St. Louis, MO 63132-5200; retained for 20 years after date earliest document in the folder.

Flight orders and Flight examinations are maintained until the end of the current calendar year for which they were conducted then destroyed 2 years and 1 year after the cutoff period of one year, respectively. Flight regulation violations are maintained until the case is closed then destroyed one year from the date of closure. Automated management information at system locations is retained until no longer needed for current operations.'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Commander, U.S. Army Aviation Center, Privacy Act Officer, Fort Rucker, AL 36362-5000.'

* * * * *

A0095-1a TRADOC

SYSTEM NAME:

Individual Flight Records Folder.

SYSTEM LOCATION:

The original record folder is maintained at the individual's unit of assignment. Upon transfer, the record folder is given to the individual to turn in at his/her new unit, except for personnel assigned to Fort Rucker.

Individual flight records of personnel assigned to Fort Rucker are located at the Directorate of Plans, Training, Mobilization, and Security, Resident Training Management Division, Student Support Branch, Flight Records Section, Building 5700, Room 210, Fort Rucker, AL 36362-5000. Upon leaving the service, the folder is turned in with all other official military records (personnel, finance, medical, dental, etc.) at the Adjutant General transfer point.

Individual flight records for contractor personnel are maintained by the designated Government Flight Representative at the contractor facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army aviators who are members of the Active and Reserve Components and qualified and current in the aircraft to be flown; civilian employees of Government agencies and Government contractors who have appropriate certifications or ratings, flight surgeons or aeromedical physicians' assistants in aviation service, enlisted crew chief/crew members, aerial observers, personnel in non-operational aviation positions, and those restricted or prohibited by statute from taking part in aerial flights.

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Forms 759 and 759-1 (Individual Flight and Flight Certificate Army (Sections I, II, and III)); DA Form 4186 (Medical Recommendations for Flying Duty), DD Form 1821 (Contractor Crewmember Record); Name, Social Security Number, home address, date of birth, security clearance data, education, waivers, qualifications, disqualifications, re-qualifications, training, proficiency, and experience data, medical and physiological data, approvals to operate Government aircraft, requests for approval or contractor flight crewmember and contractor qualification training, and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 95-20, Contractor Flight Operations; and E.O. 9397 (SSN).

PURPOSE(S):

To record the flying experience and qualifications data of each aviator, crew member, and flight surgeon in aviation service; and to monitor and manage individual contractor flight and ground personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to the Federal Aviation Agency and/or the National Transportation Safety Board.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's

compilation of system of record notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, notebooks, and selected data automated on computer tapes and discs for management purposes.

RETRIEVABILITY:

By name, Social Security Number or Army Serial Number.

SAFEGUARDS:

Records are maintained in secure areas available only to designated persons having official need for the record.

Automated systems employ computer hardware/software safeguard features and controls which meet the administrative, physical, and technical safeguards of Army Regulation 380-19, Information Systems Security.

RETENTION AND DISPOSAL:

Active paper records are retained by the Flight Operations Facility until individual is transferred or separated. The records are transferred with the military personnel records jacket or civilian personnel folders, as appropriate. Upon separation or retirement of individual, the records are retired to the National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118 and U.S. Army Personnel Center (Military Personnel Records), and U.S. Army Reserve Components Personnel and Administration Center (Reserve Personnel), 9700 Page Street, St. Louis, MO 63132-5200; retained for 20 years after date earliest document in the folder.

Flight orders and Flight examinations are maintained until the end of the current calendar year for which they were conducted then destroyed 2 years and 1 year after the cutoff period of one year, respectively. Flight regulation violations are maintained until the case is closed then destroyed one year from the date of closure. Automated management information at system locations is retained until no longer needed for current operations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Aviation Center, Privacy Act Officer, Fort Rucker, AL 36362-5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Flight Operations Section of their current unit or contractor facility. If assigned to Fort Rucker and not on active duty, send written inquiries to addresses listed under *System location:* or to the system manager.

Individual should provide the full name, Social Security Number, details which will help locate the records, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system may visit or address written inquiries to the Flight Operations Section of their current unit or contractor facility. If assigned to Fort Rucker and not on active duty, send written inquiries to addresses listed under *System location:* or to the system manager.

Individual should provide the full name, Social Security Number, details which will help locate the records, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Federal Aviation Administration, flight surgeons, evaluation reports, proficiency and readiness tests, and other relevant records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–22697 Filed 9–5–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the schedule and a proposed agenda of a forthcoming meeting of the Ad hoc Committee on State Participation of the National Assessment Governing Board. 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.

DATES: September 11, 2000.

Time: 8:30 A.M.–3:30 P.M.

Location: Washington Court Hotel, 525 New Jersey Avenue, NW., Washington, DC, 20001, Telephone (202) 628–2100.

FOR FURTHER INFORMATION CONTACT: Sharif Shakrani, Deputy Executive Director, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW., Washington, DC, 20002–4233. Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103–382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interest and national comparisons. Under P.L. 105–78, the National Assessment Governing Board is also granted exclusive authority over developing the Voluntary National Tests pursuant to contract number RJ97153001.

On September 11, 2000 the Ad hoc Committee for State Participation will hold a closed meeting from 8:30 a.m. to 3:30 p.m. to discuss the development of independent cost estimates to the proposed activities related to enhanced participation in NAEP testing. Some proposals or policy changes for enhanced NAEP participation may require contract modifications. Cost estimates for contract modifications will be discussed at this meeting. This meeting must be conducted in closed session because public disclosure of this information would likely have an adverse financial effect on the NAEP program. The discussion of this information would like to significantly frustrate implementation of a proposed agency action if conducted in an open session. Such matters are protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

A summary of the activities of this closed meeting and other related matters which are informative to the public and consistent with the policy of the section 5 U.S.C. 552b(c), will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North

Capitol Street, NW, DC from 8:30 a.m. to 5 p.m.

Dated: August 31, 2000.

Roy Truby,

Executive Director.

[FR Doc. 00–22801 Filed 9–5–00; 8:45 am]

BILLING CODE 4001–01–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the schedule and a proposed agenda of a forthcoming meeting of the Executive Committee of the National Assessment Governing Board. 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.

DATES: September 27, 2000.

Time: 4:00 p.m. to 5 p.m.

Location: National Assessment Governing Board, 800 North Capitol Street, NW, Suite 825, Washington, DC 20002–4233 Telephone: 202–357–6938.

FOR FURTHER INFORMATION CONTACT: Sharif Shakrani, Deputy Executive Director, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW, Washington, DC 20002–4233. Telephone: (202) 357–6938

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103–382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons. Under Pub. L. 105–78, the National Assessment Governing Board is also granted exclusive authority over developing the Voluntary National Tests pursuant to contract number RJ97153001.

On September 27, 2000 the Executive Committee will hold a closed teleconference meeting from 4 p.m. to 5 p.m. to review the proposal from the Ad hoc Committee on State Participation and the cost estimates for the proposed activities related to enhanced participation in NAEP testing. This meeting must be conducted in closed session because public disclosure of this information would likely have an adverse financial effect on the NAEP program. The discussion of this information would like to significantly frustrate implementation of a proposed agency action if conducted in an open session. Such matters are protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

A summary of the activities of this closed meeting and other related matters which are informative to the public and consistent with the policy of the section 5 U.S.C. 552b(c), will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW, Washington, DC from 8:30 a.m. to 5 p.m.

Dated: August 31, 2000.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 00–22802 Filed 9–5–00; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

[Docket No. EA–189–A]

Application to Export Electric Energy; PanCanadian Energy Services Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: PanCanadian Energy Services Inc. (PCES) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before October 6, 2000.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: On September 15, 1998, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA–189 authorizing PCES to transmit electric energy from the United States to Canada as a power marketer using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Co., Inc., Minnkota Power, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That two-year authorization will expire on September 15, 2000.

On August 11, 2000, PCES filed an application with FE for renewal of the export authority contained in Order No. EA–189 for a term of five years. In that application, PCES also requested that the international transmission facility of Long Sault Inc., be added to the list of authorized export points.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the PCES request to export to Canada should be clearly marked with Docket EA–189–A. Additional copies are to be filed directly with Lee Alexander and Stefan Krantz, Dickstein Shapiro Morin & Oshinsky, LLP, 2101 L Street, NW, Washington, D.C. 20037–1526 and Alan Reid and Paul Kahler, PanCanadian Petroleum Limited, 125 9th Avenue, SW, Calgary, Alberta T2P 2S5.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order No. EA–189. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA–189 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the

Fossil Energy Home page, select ''Electricity,'' from the Regulatory Info menu, and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on August 31, 2000.

Ellen Russell,

Acting Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00–22791 Filed 9–5–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River. Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, September 25, 2000: 3:30 p.m–9:00 p.m.; Tuesday, September 26, 2000—8:30 a.m.–4:00 p.m.

ADDRESS: The meeting on Monday will be held at: The First Baptist Church, 1803 Allen Street, Barnwell, SC 29812

The meeting on Tuesday will be held at: Barnwell State Park, Route 2, Blackville, SC 29812.

FOR FURTHER INFORMATION CONTACT: Tom Treger, Office of Environmental Quality, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802, Phone (803) 725–1958, e-mail: thomas.treger@srs.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

Monday, September 25, 2000:

3:30 p.m. Executive Committee Meeting
6:30 p.m. Public Comment Session
7:00 p.m. Committee Meetings
9:00 p.m. Adjourn

Tuesday, September 26, 2000:

8:30 a.m.
Approval of Minutes, Agency Updates
Public Comment Session
Facilitator Update
SRS Annual Report
Waste Management Committee Report
Public Comments
12:00 p.m. Lunch Break
1:00 p.m.
Environmental Remediation Committee
Strategic and Long-Term Issues
Nuclear Materials Committee Report
Administrative Committee Report
Public Comments
4:00 p.m. Adjourn

If needed, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting on Monday.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Treger's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday except Federal holidays. Minutes will also be available by writing to Tom Treger, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC 29802, or by calling (803)-725–1958.

Issued at Washington, DC on August 31, 2000.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–22792 Filed 9–5–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Sandia

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces the final meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Kirtland Area Office-Sandia National Lab. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, September 20, 2000; 6:00 p.m.–9:00 p.m. (MST).

ADDRESSES: Sheraton Albuquerque Uptown Hotel, 2600 Louisiana Boulevard, NE., Albuquerque, NM 87110, (505) 881–0000.

FOR FURTHER INFORMATION CONTACT: Mike Zamorski, Acting Manager, Department of Energy, Kirtland Area Office, P.O. Box 5400, MS–0184, Albuquerque, NM 87185, Phone (505) 845–4094, Fax (505) 845–6867.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

6:00 pm Check in/Minutes/Agenda/Meeting Manager Report—Bob Long Process Announcements (i.e., survey sheets, etc.)
6:15 Public Comment Period
6:30 Consensus Process: Mixed Waste Landfill Recommendations
7:30 Break
7:45 Stewardship—JoAnne Ramponi
8:15 Science & Technology—Ted Truske
8:30 CAB Reflections—Mike Zamorski
8:45 CAB Reflection/Thank you—Task Group Leaders
8:55 Pack it and Wrap it up
9:00 End of meeting

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Mike Zamorski at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meetng in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing or calling Mike Zamorski, Acting Manager, Department of Energy, Kirtland Area Office, P.O. Box 5400, MS–0184, Albuquerque, NM 87185, or by calling (505) 845–4094.

Issued at Washington, DC on August 30, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–22793 Filed 9–5–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental

Management Site-Specific Advisory Board (EM SSAB) Paducah, Kentucky. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, September 21, 2000 5:30 p.m.–9:00 p.m.

ADDRESSES: Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: John D. Sheppard, Deputy Designated Federal Officer, Department of Energy, Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6804; fax (270) 441–6801 or e-mail: sheppardjd@ornl.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities. Copies of the final agenda will be available at the meeting.

Tentative Agenda:

5:30 p.m. Informal Discussion
6:00 p.m. Call to Order
6:10 p.m. Approve Minutes
6:20 p.m. Presentations with Board Response and Public Comment
8:00 p.m. Subcommittee Reports with Board Response and Public Comment
8:30 p.m. Administrative Issues
9:00 p.m. Adjourn

Public Participation: The meeting is open to the public.

Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact John D. Sheppard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments consistent with the agenda.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday thru Friday or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001 or by calling him at (270) 441–6804.

Issued at Washington, DC on August 30, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–22794 Filed 9–5–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. PP–230]

Application to Rescind Presidential Permit; Joint Application for Presidential Permit; Detroit Edison Company and International Transmission Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of joint application.

SUMMARY: Detroit Edison and International Transmission jointly applied to rescind Presidential Permit PP–221 held by Detroit Edison and to issue a Presidential permit to International Transmission covering these same international transmission facilities. In addition, the Applicants are requesting expedited approval of their joint application.

DATES: Comments, protests, or requests to intervene must be submitted on or before September 21, 2000.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, 20585–0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038. Existing Presidential permits are not transferable or assignable. However, in the event of a proposed voluntary transfer of facilities, in accordance with the regulations at 10 CFR 205.323, the existing permit holder and the transferee are required to file a joint application with DOE that includes a statement of reasons for the transfer.

On August 21, 2000, The Detroit Edison Company (Detroit Edison) and International Transmission Company (International Transmission) (collectively the ''Applicants'') jointly filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a transfer from Detroit Edison to International Transmission of the facilities authorized by Presidential Permit PP–221. These facilities include:

(a) One 230,000-volt (230-kV) transmission line connecting Detroit Edison's Bunce Creek Station, located in Marysville, Michigan, with Ontario Hydro's Scott Transformer Station located in Sarnia, Ontario (previously identified by Detroit Edison as the B3N facility).

(b) One 230-kV transmission line connecting Detroit Edison's Waterman Station, located in Detroit, Michigan, with Ontario Hydro's J. Clark Keith Generating Station, located in Windsor, Ontario (previously identified by Detroit Edison as the J5D facility).

(c) One 345-kV transmission line connecting Detroit Edison's St. Clair Generating Station, located in East China Township, Michigan, with Ontario Hydro's Lambton Generating Station, located in Moore Township, Ontario (previously identified by Detroit Edison as the L4D facility).

(d) One 230-kV transmission line connecting Detroit Edison's St. Clair Generating Station, located in East China Township, Michigan, with Ontario Hydro's Lambton Generating Station, located in Moore Township, Ontario (previously identified by Detroit Edison as the L51D facility).

The proposed transfer of these facilities is occasioned by a planned corporate restructuring by DTE Energy Company (DTE Energy); the Applicants are each wholly owned subsidiaries of DTE Energy. On June 29, 2000, in an Order issued by the Federal Energy Regulatory Commission (FERC) in Docket No. EC00–86–000, DTE Energy and the Applicants were authorized to engage in a series of intra-corporate transactions. One result of these transactions is the transfer from Detroit Edison to International Transmission of ownership, operation, and control of its integrated high-voltage transmission facilities, including international transmission lines previously authorized to Detroit Edison by DOE in Presidential Permit PP–221. The PP–221 facilities connect the Detroit Edison system with the system of Hydro One Networks, Inc. (Hydro One, formerly Ontario Hydro).

On December 8, 1998, Detroit Edison applied to DOE to amend certain existing Presidential permits by changing the manner in which the international facilities are operated. In that related proceeding (FE Docket PP–221) Detroit Edison proposed installing a voltage-regulating autotransformer on the L51D facility and a phase-shifting transformer on the B3N facility. On April 27, 2000, in Order PP–221, DOE authorized Detroit Edison to place in service the autotransformer on the L51D facility, but put off authorizing the requested change to the B3N facility until after submission and evaluation by DOE of additional regional coordination studies. These studies have not yet been submitted to DOE for review. Therefore, if DOE authorizes the transfer of Detroit Edison's international facilities to International Transmission, any subsequent changes to the B3N facilities that DOE may authorize would occur in Docket PP–230. DOE will consider interveners or parties in the PP–221 proceeding to be interveners or parties in the continuation of this proceeding.

Since restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order No. 888 (Promotion Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public utilities; FERC Stats. & Regs. ¶31,036 (1996)), as amended. In furtherance of this policy, on July 27, 1999, (64 FR 40586) DOE initiated a proceeding in which it noticed its intention to condition existing and future Presidential permits, appropriate for third party transmission, on compliance with a requirement to provide non-discriminatory open access transmission service. That proceeding is not yet complete. However, in this docket DOE specifically requests comment on the appropriateness of applying the open access requirement on facilities proposed to be transferred to International Transmission.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: Raymond O. Sturdy, Jr., The Detroit Edison Company, 2000 Second Avenue—688 WCB, Detroit, Michigan 48226–1279 and Messrs. John D. McGrane and Michael C. Griffen, Morgan, Lewis & Bochius LLP, 1800 M Street, NW, Washington, DC 20036.

Before a Presidential permit or electricity export authorization may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed actions pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of these applications will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Electricity'' from the options menu, and then ''Pending Proceedings.''

Issued in Washington, D.C., on August 31, 2000.

Ellen Russell,

Acting Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Fossil Energy.

[FR Doc. 00–22790 Filed 9–5–00; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–374–000]

Columbia Gas Transmission Corporation; Notice of Technical Conference

August 30, 2000.

In the Commission's order issued on August 23, 2000,[1] the Commission directed that a technical conference be held to address issues raised by the filing.

Take notice that the technical conference will be held on Thursday, September 14, 2000, at 10 am, in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

All interested parties and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22711 Filed 9–5–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–493–000]

Midcoast Interstate Transmission, Inc.; Notice of Tariff Filing

August 30, 2000.

Take notice that on August 16, 2000, Midcoast Interstate Transmission, Inc. filed revised tariff sheets to eliminate tariff provisions that are inconsistent with the Commission's decision in Order Nos. 637 and 637–A to remove the rate ceiling for short term capacity release transactions. As mandated by such orders, the revised tariff sheets are to be effective as of March 26, 2000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protest 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.

[1] 92 FERC 61,173 (2000).

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. 00–22709 Filed 9–5–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–444–000]

Midwestern Gas Transmission Company; Notice of Request Under Blanket Authorization

August 30, 2000.

Take notice that on August 21, 2000, Midwestern Gas Transmission Company (Midwestern), Post Office Box 2511, Houston, Texas 77251, filed in Docket No. CP00–444–000 a request pursuant to Sections 157.205, 157.208(b)(2), and 157.211(b)(2) of the Commission's Regulations (18 CFR Sections 157.205, 157.208 and 157.211) under the Natural Gas Act (NGA) for authorization to construct, own and operate a lateral line and delivery point to facilitate deliveries of natural gas to PSI Energy, Inc.'s (PSI) Wabash Power Plant (the Cinergy Power Plant) in Vigo County, Indiana under Midwestern's blanket certificate issued in Docket No. CP82–414–000, pursuant to Section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/htm (call 202–208–2222 for assistance).

Midwestern requests authorization to construct a delivery point and a lateral line consisting of 9.2 miles of 20-inch diameter pipe originating from a side valve designated as 2114B–101 at Midwestern's Compressor Station 2115 in Edgar County, Illinois and terminating at the Cinergy Power Plant located in Vigo County, Indiana. Midwestern states that the delivery point facilities will include a 2-inch turbine meter, a 10-inch ultrasonic meter, electronic gas measurement equipment, flow control equipment and a chromatograph. Midwestern states that the meter station will be located entirely within PSI's plant site. It is also stated that Indiana Gas and Electric Company currently serves the Cinergy plant. Midwestern estimates the cost of the facilities at $8,050,000.00 with a reimbursement of $6,250,000 from PSI.

Any questions regarding the application may be directed to Wendell B. Hunt, Attorney (713) 420–5628 or Thomas G. Joyce, Certificates Manager (713) 420–2459.

Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to Section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest if filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22710 Filed 9–5–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–446–000]

The Montana Power Company; Notice of Application to Amend Presidential Permit

August 30, 2000.

Take notice that on August 24, 2000, Montana Power Company (MPC) filed an application in Docket No. CP00–446–000, pursuant to Part 153 of the Commission's Regulations and Executive Order No. 10485, as amended by Executive Order 12038, for an amended Presidential Permit (Docket No. G–17370) to allow use of its Carway, Montana border facilities for both the importation and exportation of natural gas to Canada, all as more fully set forth in the application which is on file with the Commission and which is open to the public for inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Any questions regarding the application should be directed to William A. Pascoe, Vice President of Gas Operations, 40 East Broadway, Butte, Montana, 59703, (402) 497–4212.

The border facilities covered by the existing Presidential Permit consist of that portion of the 16-inch pipeline, extending approximately 51 miles from near Cut Bank, Montana, to the border, where it connects with a 16-inch pipeline extending northerly into the Province of Alberta, Canada. MPC's border facilities interconnect with the 16-inch pipeline owned by MPC's subsidiary, Canadian-Montana Pipe Line Company.

MPC states that due to changing market conditions and modifications to its Cobb natural gas storage facility in Montana, the Carway meter station in Alberta, Canada, owned by Nova Gas Transmission Ltd. (Nova) will be modified by Nova to provide bi-directional metering capability. MPC also states that there will be no construction or facility modification to or at the connections with the border facilities. Therefore, MPC requests amendment to Permit Article 3 to allow such use.

MPC requests that expeditious approval to permit bi-directional service be granted by the Commission no later than November 1, 2000.

Any person desiring to be heard or to make protest with reference to said application should on or before September 20, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or a participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filings it makes with the Commission to every other intervenor in the proceeding, as well as an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have

environmental comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for MPC to appear on be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22713 Filed 9–5–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–504–000]

Union Gas Limited; Notice of Request for Limited Waiver

August 30, 2000.

Take notice that on August 23, 2000, Union Gas Limited (Union Gas), tendered for filing pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, a Request for Limited Waiver of certain Commission regulations, policies, and pipeline tariff provisions related to transportation services provided to Union Gas by interstate pipelines. Union Gas requests that the Commission act on the Request no later than October 25, 2000, in order to promote the orderly implementation of unbundled retail natural gas services on Union Gas' system in Ontario, Canada.

Union Gas requests that the Commission approve this Request expeditiously, thus enabling Union Gas to unbundle its rates and services in the manner and timeframe contemplated by the OEB. An OEB decision on Union Gas' unbundling application is expected by the end of October, with the new rates and services to be effective immediately thereafter.

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, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 6, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22708 Filed 9–5–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–14–000]

Buccaneer Gas Pipeline Company, L.L.C.; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Buccaneer Gas Pipeline Project

August 30, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) and the Minerals Management Service (MMS) has prepared a Draft Environmental Impact Statement (DEIS) on the natural gas pipeline facilities proposed by Buccaneer Gas Pipeline Company, L.L.C. (Buccaneer) in the above-referenced docket.

The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with the appropriate mitigating measures as recommended, would have limited adverse environmental impact. The DEIS also evaluates alternatives to the proposal, including system alternatives.

The DEIS addresses the potential environmental effects of the construction and operation of the following facilities:

- 4.0 miles of 36-inch-diameter pipeline in Mobile County, Alabama;
- 406.9 miles of 36-inch-diameter pipeline from the shoreline of Mobile County, Alabama, across the Gulf of Mexico, to the shoreline of Pasco County, Florida;
- 125.1 miles of 36-inch-diameter pipeline in Pasco, Polk, Osceola, and Orange Counties, Florida;
- 142.3 miles of 16- to 30-inch-diameter lateral pipeline in Pasco, Polk, Hardee, Lake, Osceola, Orange, and Brevard Counties, Florida;
- 1 mainline meter station in Mobile County, Alabama and 13 meter and regulating stations in Pasco, Polk, Hardee, Lake, Osceola, Orange, and Brevard Counties, Florida; and
- a new 75,000 horsepower compressor station in Mobile County, Alabama and a new liquids separation facility in Pasco County, Florida.

The purpose of the Buccaneer Pipeline Project is to provide natural gas transportation service for up to 900 million cubic feet per day (MMcf/d) of natural gas from supply areas in Alabama, across the Gulf of Mexico, for delivery to new markets in central and eastern Florida. The primary market is for natural gas-fueled electric generation plants that are needed to meet the forecasted substantial increases in consumption in Florida driven by projected population growth over the next 10 to 20 years.

Comment Procedures and Public Meetings

Any person wishing to comment on the DEIS may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;

• Label one copy of the comments for the attention of the Gas 2, PJ–11.2;

• Reference Docket No. CP00–14–000; and

• Mail your comments so that they will be received in Washington, DC on or before October 24, 2000.

In addition to written comments, we will hold public meetings in the project area to receive comments on the DEIS. All meetings will begin at 7:00 p.m., and are scheduled as follows:

Date and Location

September 26, 2000—Bayou La Batre Community Center, 12745 Padgett Switch Road, Bayou La Batre, Alabama, (334) 824–7918.

September 27, 2000—Community Center, U.S. Highway 41, Land O' Lakes, Florida, (813) 929–1229.

October 3, 2000—Florida Department of Agriculture and Consumer Services, 500 3rd Street, NW., Winter Haven, Florida, (863) 291–5820.

October 4, 2000—Holiday Inn, Bayhill Ballroom, 2145 E. Irlo Bronson Memorial Hwy., Kissimmee, Florida, (407) 846–4646.

October 5, 2000—City of Titusville, Council Chambers, 55 South Washington Ave., Titusville, Florida, (321) 383–5774.

Interested groups and individuals are encouraged to attend and present oral comments on environmental impact described in the DEIS. Transcripts of the meetings will be prepared.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a Final Environmental Impact Statement (FEIS) will be published and distributed by the staff. The FEIS will contain the staff's responses to timely comments filed on the DEIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person may file a motion to intervene on the basis of the Commission Staff's DEIS (see Title 18 Code of Federal Regulations, Part 385.214). You do not need intervenor status to have your comments considered.

All intervenors, agencies, elected officials, local governments, special interest groups, libraries, media, and anyone providing written comments on the DEIS will receive a copy of the FEIS. If you do not wish to comment on the DEIS but wish to receive a copy of the FEIS, you must write to the Secretary of the Commission indicating this request.

The DEIS has been placed in the public files of the FERC and is available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208–1371.

A limited number of copies are available from the Public Reference and Files Maintenance Branch identified above. In addition, copies of the DEIS have been mailed to Federal, State and local agencies, public interest groups, individuals who have requested the DEIS, newspapers, and parties to this proceeding.

Additional information about the proposed project is available from Paul McKee in 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 the docket numbers. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222. Access to the texts of formal documents issued by the Commission with regard to these dockets, such as orders and notices, is also available on the FERC website using the ''CIPS'' link. for assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–22712 Filed 9–5–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–6–000]

Gulfstream Natural Gas System, L.L.C.; Notice of Availability of the Draft Enrivonmental Impact Statement for the Proposed Gulfstream Pipeline Project

August 30, 2000.

The staff of the Federal Energy Regulatory Commission (FERC of Commission) has prepared a draft environmental impact statement (DEIS) on natural gas pipeline facilities proposed by Gulfstream Natural Gas System, L.L.C. (Gulfstream) in the above-referenced docket. The application and other supplemental filings in this docket are available for viewing on the FERC Internet website (www.ferc.fed.us). Click on the ''RIMS'' link, select ''Docket #'' from the RIMS menu, and following the instructions.

The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA). The staff concludes that approval of the Gulfstream Pipeline Project, with appropriate mitigating measures as recommended, would have limited adverse environmental impact. The DEIS evaluates alternatives to the proposal, including system alternatives, route alternatives, and route variations.

The DEIS assesses the potential environmental effects of the construction and operation of the proposed facilities in Mississippi, Alabama, and Florida and State and Federal waters in the Gulf of Mexico. Gulfstream proposes to construct about 744 miles of various diameter pipeline, 128,000 horsepower (hp) of compression, 1 pressure regulating station, 20 meter stations, 4 manifold stations, 12 tie-ins, 26 mainline valve sites, and 26 pig launchers or receivers.

The purpose of the Gulfstream Pipeline Project is to provide natural gas transportation service for up to 1.13 billion cubic feet per day (bcf/d) of natural gas from supply areas in Alabama and Mississippi, across the Gulf of Mexico, for delivery to new markets in central and eastern Florida. The primary market is for natural gas-fueled electric generation plants that are needed to meet the forecasted substantial increases in consumption in Florida driven by projected population growth over the next 10 to 20 years.

Comment Procedures and Public Meetings

Any person wishing to comment on the DEIS may do so. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send two copies of your comments: Davis Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

• Reference Docket No. CP00–6–000; and

• Mail your comments so that they will be received in Washington, DC on or before October 24, 2000.

In addition to accepting written comments, five public meetings to receive comments on this draft EIS will be held at the following times and locations.

Date and Location

September 26, 2000; 7:00 PM.—Bayou La Batre Community Center, 12745 Padgett Switch Road, Bayou La Batre, AL 36509, (334) 824–7918, (Joint meeting with Buccaneer).

September 27, 2000; 7:00 PM.—Manatee High School, 1 Hurricane Lane, Bradenton, FL 34205, (941) 714–7300.

October 3, 2000; 7:00 PM—FLorida Department of Agriculture and Consumer Services, 500 3rd Street, N.W., Winterhaven, FL 33881, (863) 291–5820, (Joint meeting with Buccaneer).

October 4, 2000; 7:00 PM—Avon Park High School, 700 East Main Street, Avon Park, FL 33825, (863) 452–4311.

October 5, 2000; 7:00 PM—Okeechobee High School, 2800 Hwy 441 North, Okeechobee, FL 34972, (863) 462–5025.

Interested groups and individuals are encouraged to attend and present oral comments on the environmental impacts described in the DEIS. Transcripts of the meetings will be prepared.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a final environmental impact statement (FEIS) will be published and distributed by the staff. The FEIS will contain the staff's responses to timely comments received on the DEIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person may file a motion to intervene on the basis of the Commission staff's DEIS (see Title 18 Code of Federal Regulations, Part 385.214). You do not need intervenor status to have your comments considered.

All intervenors, agencies, elected officials, local governments, special interest groups, libraries, media, and anyone providing written comments on the DEIS will receive a copy of the FEIS. If you do not wish to comment on the DEIS but wish to receive a copy of the FEIS, you must write to the Secretary of the Commission indicating this request.

The DEIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, N.E., Room 2A, Washington, DC 20426, (202) 208–1371.

A limited number of copies are available from the Public Reference and Files Maintenance Branch identified above. In addition, the DEIS has been mailed to Federal, state, and local agencies; public interest groups; individuals, and affected landowners who requested a copy of the DEIS; libraries; newspapers; and parties to this proceeding. The document is also available for viewing on the FERC website at www.ferc.fed.us, using the ''RIMS'' link to information in this docket number. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Additional information about the proposed project is available from Paul McKee in the Commission's Office of External Affairs, at (202) 208–1088 or on the FERC website described in the preceding paragraph. Access to the texts of formal documents issued by the Commission with regard to this docket, such as orders and notices, is also available on the FERC website using the ''CIPS'' link. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 00–22714 Filed 9–5–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6864–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Protection of Stratospheric Ozone—Phaseout Regulation

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 renewal of the Information Collection Request (ICR) to the Office of Management and Budget (OMB): Record Keeping and Periodic Reporting of the Production, Import, Recycling, Destruction, Transshipment and Feedstock Use of Ozone-Depleting Substances, EPA Number 1432.17; OMB Number 2060–0170; with an extended expiration date of 1/31/01. 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 November 6, 2000.

ADDRESSES: Copies of the material supporting this ICR renewal notice are available free of charge from The Stratospheric Ozone Protection Hotline at 1–800–269–1996 between the hours of 10am and 4pm Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Tom Land, U.S. Environmental Protection Agency, Stratospheric Protection Division (6205J), 1200 Pennsylvania Ave., NW, Washington, D.C., 20460, telephone (202)–564–9185, facsimile (202)–565–2093, e-mail: land.tom@epa.gov.

SUPPLEMENTARY INFORMATION: *Affected Entities:* Entities potentially affected by this action are those which produce, import, export, destroy, transform as a feedstock, and distribute controlled ozone-depleting substances.

Title: Record Keeping and Periodic Reporting of the Production, Import, Recycling, Destruction, Transshipment and Feedstock Use of Ozone-Depleting Substances, EPA Number 1432.17; OMB Number 2060–0170; with an extended expiration date of 1/31/01.

Abstract: The international treaty The Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) and Title VI of the Clean Air Act (CAA) establish limits on total U.S. production, import and export of class I and class II controlled ozone-depleting substances. The U.S. is obligated under the Protocol to cease production and import of class I controlled substances with exemptions for essential-uses, previously used material, and material that will be transformed, destroyed or exported to developing countries. The Protocol also establishes limits and reduction schedules leading to the eventual phaseout of class II controlled substances and methyl bromide with similar exemptions beyond the phaseout. The CAA has its own limits on production and consumption of controlled substances that EPA must enforce using the information submitted.

To ensure U.S. compliance with the limits and restrictions established by the Protocol and the CAA, the regulation establishes control measures for individual companies. The limits and restrictions for individual U.S. companies are monitored by EPA through the reporting requirements established in the regulation under 40 CFR Part 82, Subpart A. The information submitted to EPA is entered into the Stratospheric Protection Tracking System. The Tracking System allows EPA to conduct compliance monitoring of individual companies, as well as compliance monitoring for the U.S. with respect to Protocol obligations and statutory requirements under the CAA.

EPA uses the information to direct special attention to illegal activities associated with the import of both newly produced and previously used controlled substances. Illegal imports and the avoidance of the tax on these

chemicals reduce the incentive to shift to alternatives substances that do not deplete the ozone layer and penalize companies who are complying with U.S. laws. EPA is active in the Federal inter-agency taskforce conducting nation-wide enforcement actions against illegal imports. The information provided to EPA in response to the accelerated phaseout regulations often form the basis and support for these enforcement cases.

The regulation outlines both record keeping and reporting requirements. These reporting requirements are designed: (1) To satisfy U.S. obligations under the international treaty, the Montreal Protocol on Substances that Deplete the Ozone Layer, in particular the requirements under Article 7 of the Protocol; (2) to fulfill statutory obligations under Section 603(b) of Title VI of the CAA; (3) to report to Congress on the production, use and consumption of class I and class II controlled substances as statutorily required in Section 603(d) of the CAA; and (4) to address Federal and industry concerns regarding illegal imports of newly produced and previously used controlled substances that are undercutting the U.S. markets for alternatives.

The information submitted to EPA is maintained in a Tracking System that allows the Agency: (1) To maintain control over total production and consumption of controlled substances to satisfy conditions of the CAA and fulfill U.S. obligations under the Protocol; (2) to monitor compliance with limits and restrictions on production, imports, exports and specific exemptions to the phaseout for individual U.S. companies; and (3) to enforce against illegal importers and other violations related to the control of class I and class II controlled substances. Reporting on the exemptions permits a person to retain the benefit of being able to produce or import a controlled class I ozone-depleting substance beyond the date of complete phaseout.

Pursuant to regulations 40 CFR part 2, subpart B, you are entitled to assert a business confidentiality claim covering any part of the submitted business information as defined in 40 CFR 2.201(c).

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 hours shown below represent the hours for the renewal of the information collection request (ICR). EPA is concurrently working on many rules that will revise the record keeping and reporting under the regulations in 40 CFR Part 82, Subpart A. These future revisions to the record keeping and reporting requirements will be accompanied by future revisions to the ICR that will be published along with the separate rulemakings. In addition, EPA is in the process of reflecting these many revisions in a changed Guidance Document on reporting (including reporting forms). EPA is also working toward making the reporting forms available electronically as well as creating a secure system for the direct submission of electronic reporting.

TABLE I—RESPONDENT BURDEN HOURS PER YEAR

Collection activity	No. of responses	Responses/Respondent	Total responses	Hours per response	Total hours
Producer's Report	8	4	32	16	512
Importer's Report	6	4	24	16	384
Notification of Trade	2	1	2	2	4
Export Report	10	1	10	80	800
Lab Certification	1000	1	1000	1	1000
Class II Report	14	4	56	16	896
Transformation & Destruction	15	1	15	80	1200
Essential Use Allowance Holders	12	4	48	24	1152
Lab Suppliers	4	4	16	24	384
Lab Suppliers—Reference Standards	10	1	10	16	160
Total Burden Hours	1081	25	1213	283	6492

Burden mean 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.

The accelerated phaseout rule for ozone-depleting substances requires respondents to submit reports to the Agency and maintain records. Operating and maintenance (O&M) costs include file storage, photocopying, and postage. Operating and maintenance costs also include the general upkeep of start-up capital equipment, as well as any purchase of services such as contractor

or auditing services. The O&M costs are estimated at $3,032 for the accelerated phase out rule for ozone-depleting substances.

Summary Bottom Line Burden Hours and Costs: (a) Respondent's annual burden hours, $6,876; (b) Respondent's annual labor costs, $536,328; (c) Respondent's capital/start-up costs (ICR renewal notice), $0; (d) Respondent's O & M costs, $3,032; (e) Agency's annual burden hours, $2,159; (f) Agency's annual labor costs, $102,125.

Send comments regarding these matters, or any other aspects of the information collection, including suggestions for reducing the burden, to the address listed in the **ADDRESSES** section of this Notice.

Dated: August 23, 2000.

Avis C. Robinson,

Acting Director, Office of Atmospheric Programs.

[FR Doc. 00–22811 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00678; FRL–6743–3]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: There will be a 3–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) to review a set of issues being considered by the Agency pertaining to the *Bt* plant pesticides risk and benefit assessments. The meeting is open to the public. Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access, should contact Paul Lewis at the address listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the meeting so that appropriate arrangements can be made.

DATES: The meeting will be held on October 18, 19 and 20 from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Marriott Crystal Gateway Hotel, 1700 Jefferson Davis Highway, Arlington, VA, 22202. The telephone number for the Marriott Crystal Gateway Hotel is (703) 271–5212.

Requests to participate may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your request must identify docket control number OPP–00678 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Paul Lewis, Designated Federal Official, Office of Science Coordination and Policy, (7101C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5369; fax number: (703) 605–0656; e-mail address: lewis.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Food Quality Protection Act (FQPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically.* A meeting agenda is currently available; copies of EPA primary background documents for this meeting will be available by late September. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the FIFRA SAP Internet Home Page at http://www.epa.gov/scipoly/sap. To access this document on the Home Page select **Federal Register** notice announcing this meeting. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an administrative record for this meeting under docket control number OPP–00678. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the *Bt* plant pesticides risk and benefit assessments, including any information claimed as Confidential Business Information (CBI). This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting through the mail, in person, or electronically. Do not submit any information in your request that is considered CBI. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00678 in the subject line on the first page of your request. Interested persons are permitted to file written statements before the meting. To the extent that time permits, and upon advance written request to the persons listed under **FOR FURTHER INFORMATION CONTACT**, interested persons may be permitted by the Chair of the FIFRA Scientific Advisory Panel to present oral statements at the meeting. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard, etc.). There is no limit on the extent of written comments for consideration by the Panel, but oral statements before the panel are limited to approximately 5 minutes. The Agency also urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral and/or written statements at the meeting should contact the persons listed under **FOR FURTHER INFORMATION CONTACT** and submit 30 copies of their presentation and/or remarks to the Panel. The Agency encourages that written statements be submitted before the meeting to provide Panel Members the time necessary to consider and review the comments.

1. *By mail.* You may submit a request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs

(OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2.*In person or by courier.* Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3.*Electronically.* You may submit your request electronically by e-mail to: ''opp-docket@epa.gov.'' Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPP–00678. You may also file a request online at many Federal Depository Libraries.

II. Background

A. Purpose of the Meeting

The registrations for *Bt* corn and *Bt* cotton expire in 2001. This 3–day meeting concerns a reassessment of the risks and benefits for all *Bt* plant-pesticides (corn, cotton, and potatoes). Topics to be presented are: insect resistance management, non-target organism effects, gene flow/outcrossing, environmental fate in soil, benefits/economic analysis, human health effects and product characterization.

B. Panel Report

Copies of the Panel's report of their recommendations will be available approximately 45 working days after the meeting, and will be posted on the FIFRA SAP web site or may be obtained by contacting the Public Information and Records Integrity Branch at the address or telephone number listed in Unit I. of this document.

List of Subjects

Environmental protection.

Dated: August 29, 2000.

Steven K. Galson,

Director, Office of Science Coordination and Policy.

[FR Doc. 00–22818 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34234; FRL–6739–6]

Organophosphate Pesticides; Availability of Interim Risk Management Decision Documents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of the interim risk management decision documents for three organophosphate pesticides, bensulide, cadusafos, and chlorethoxyfos. These decision documents have been developed as part of the public participation process that EPA and the United States Department of Agriculture (USDA) are now using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

DATES: The interim risk management decision documents are available in the OPP Docket under docket control OPP–34234, OPP–34132C for bensulide, OPP–34142B for cadusafos, and OPP–34170B for chlorethoxyfos.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the interim risk management decision documents for bensulide, cadusafos, and chlorethoxyfos, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. Since other entities also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'','' 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/. In addition, copies of the pesticide interim risk management decision documents released to the public may also be accessed at http: www.epa.gov/REDs.

2. *In person.* The Agency has established an official record for this action under docket control OPP–34234, OPP–34132C for bensulide, OPP–34142B for cadusafos, and OPP–34170B for chlorethoxyfos. 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

What Action is the Agency Taking?

EPA has assessed the risks of bensulide and reached an Interim Reregistration Eligibility Decision (IRED) for this organophosphate pesticide. With the risk mitigation measures required, bensulide fits into its own risk cup — its individual, aggregate risks are within acceptable levels. Bensulide also is eligible for reregistration, pending a full reassessment of the cumulative risk from all organophosphate pesticides. Bensulide residues in food and drinking water do not pose risk concerns. With mitigation limiting homeowners' and

children's exposure via home lawns and other turf, bensulide fits into its own risk cup. With other mitigation measures, bensulide's worker and ecological risks also will be below levels of concern for reregistration.

EPA has assessed the dietary risks of cadusafos and chlorethoxyfos and prepared for each of these organophosphate pesticides a ''Report on FQPA Tolerance Reassessment Progress and Interim Risk Management Decision.'' Cadusafos and chlorethoxyfos fit into their own risk cups and their individual risks are within acceptable levels. Cadusafos has no U.S. registrations and only one import tolerance on bananas. Cadusafos–treated bananas do not pose risk concerns, and no risk mitigation is necessary at this time. Chlorethoxyfos was initially registered after 1984, therefore it is not subject to reregistration. The use of chlorethoxyfos on corn does not pose risk concerns and risk mitigation is not necessary at this time.

The interim risk management decision documents on bensulide, cadusafos, and chlorethoxyfos were made through the organophosphate pilot public participation process, which increases transparency and maximizes stakeholder involvement in EPA's development of risk assessments and risk management decisions. The pilot public participation process was developed as part of the EPA–USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate pesticide risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation.

EPA worked extensively with affected parties to reach the decisions presented in the interim risk management decision documents, which concludes the pilot public participation process for bensulide, cadusafos, and chlorethoxyfos. As part of the pilot public participation process, numerous opportunities for public comment were offered as these interim risk management decisions were being developed. The bensulide, cadusafos, and chlorethoxyfos interim risk management decision documents therefore are issued in final, without a formal public comment period. The docket remains open, however, and any comments submitted in the future will be placed in the public docket.

The risk assessments for bensulide, cadusafos, and chlorethoxyfos were released to the public through notices in the **Federal Register** on June 16, 1999, 64 FR 32229 (FRL–6087–9) and August 12, 1998, 63 FR 43175 (FRL–6024–3) for bensulide; September 9, 1998, 63 FR 48213 (FRL–6030–2) and July 7, 1999, 64 FR 36683 (FRL–6091–2) for cadusafos; and January 15, 1999, 64 FR 2644 (FRL–6056–9) and August 18, 1999 64 FR 44921 (FRL–6095–3) for chlorethoxyfos.

EPA's next step under the FQPA is to complete a cumulative risk assessment and risk management decision encompassing all the organophosphate pesticides, which share a common mechanism of toxicity. The interim risk management decision documents on bensulide, cadusafos, and chlorethoxyfos cannot be considered final until this cumulative assessment is complete. Further risk mitigation may be required at that time.

To effect risk mitigation as quickly as possible, time frames for making the changes required by the interim risk management decision documents are shorter than those in a usual Reregistration Eligibility Decision. The Agency is requiring that all labels must be amended to include the above mitigation and submitted to the Agency within 90 days after issuance of the interim risk management decision documents. When the cumulative risk assessment for all organophosphate pesticides has been completed, EPA will issue its final tolerance reassessment decision for bensulide, cadusafos, and chlorethoxyfos and may require further risk mitigation measures.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: August 23, 2000.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 00–22823 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–66279; FRL–6740–6]

NOTICE OF RECEIPT OF REQUESTS TO VOLUNTARILY CANCEL CERTAIN PESTICIDE REGISTRATIONS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by, March 5, 2001, unless indicated otherwise, orders will be issued canceling all of these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. Office location for commercial courier delivery, telephone number and e-mail: Rm. 224, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5761; e-mail: hollins.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this apply to me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How can I get additional information or copies of support 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** listing at http://www.epa.gov/fedrgstr/.

2. *In person.* Contact James A. Hollins at 1921 Jefferson Davis Highway, Crystal

Mall 2, Rm. 224, Arlington, VA, telephone number (703) 305–5761. Available from 7:30 a.m. to 4:45 p.m., Monday thru Friday, excluding legal holidays.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel some 38 pesticide products registered under section 3 or 24 of FIFRA. These registrations are listed in sequence by registration number (or company number and 24 number) in the following Table 1.

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
000016–00155	Dragon Methoxychlor Insect Spray	Methoxychlor (2,2-bis(p-methoxyphenyl)-1,1,1-trichloroethane)
000052–00080	Wescodyne General Purpose Detergent Germicide	Nonylphenoxypolyethoxyethanol–iodine complex
		Polyethoxypolypropoxyethanol–iodine complex
000192–00187	Dexol No-Show Weed and Grass Preventer	*S*-Ethyl dipropylthiocarbamate
000264 OR–84–0010	Mocap Nematacide-Insecticide 10% Granular	*O*-Ethyl *S,S*-dipropyl phosphorodithioate
000400–00423	Terrazole 4 Flowable Fungicide	5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
000400–00455	Terraclor Super X Flowable	Pentachloronitrobenzene
		5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
000400 WA–76–0037	Vitavax Flowable Fungicide	5,6-Dihydro-2-methyl-1,4-oxathiin-3-carboxanalide
000400 WA–76–0038	Vitavax-200 Flowable Fungicide	Tetramethyl thiuramdisulfide
		5,6-Dihydro-2-methyl-1,4-oxathiin-3-carboxanalide
000769–00872	Pratt Stops-Weeds Twenty-Three	*S*-Ethyl dipropylthiocarbamate
002724–00450	Zoecon 9001 EW	2-Butenoic acid, 3-(((ethylamino)methoxyphosphinothioyl)oxy)-, 1-methylethyl
003125 MS–00–0004	Baythroid 2 Emulsifiable Pyrethroid Insecticide	Cyano(4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-
003125 MS–84–0012	Guthion 2 L	*O,O*-Dimethyl *S*-((4-oxo-1,2,3-benzotriazin-3(4*H*)-yl)methyl) phosphorodithioate
004822–00205	Formula 6099 #1 Insect Repellent	*N,N*-Diethyl-meta-toluamide and other isomers
004822–00207	Formula 6099 #3 Insect Repellent	*N,N*-Diethyl-meta-toluamide and other isomers
004822–00254	Formula 6099 #11 Insect Repellent	*N,N*-Diethyl-meta-toluamide and other isomers
005887–00176	Lawn and Garden Fungicide	Tetrachloroisophthalonitrile
007401–00330	Hi-Yield Disease Control for Flower and Vegetable Gardens	Tetrachloroisophthalonitrile
007401–00331	Ferti-Lome Disease Control for Flower and Vegetable Gardens	Tetrachloroisophthalonitrile
007401–00339	Ferti-Lome Liquid Lawn Disease Control	Tetrachloroisophthalonitrile
007401–00340	Ferti-Loam Vegetation Disease Control	Tetrachloroisophthalonitrile
007501–00027	Gustafson Captan 400–D	cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
007969 OR–90–0011	Banvel SGF Herbicide	Sodium 3,6-dichloro-*o*-anisate
007969 OR–90–0013	Banvel Herbicide	Dimethylamine 3,6-dichloro-*o*-anisate
010182 AZ–91–0008	Stauffer Eptam 7–E Granules	*S*-Ethyl dipropylthiocarbamate
		S-Ethyl dipropylthiocarbamate
		S-Ethyl dipropylthiocarbamate
010807–00079	Misty Residual Contact Spray	2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl *d*-trans-2,2-dimethyl-
		N-Octyl bicycloheptene dicarboximide
		O,O-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
010807–00080	Misty Aqueous Residual Spray	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
		(Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20%
		Pyrethrins
010807–00082	Misty Control	2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl *d*-trans-2,2-dimethyl-
		N-Octyl bicycloheptene dicarboximide
		O,O-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
		(Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20%
010807–00118	Misty Jet Stream Residual Insecticide with Dursban	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
		(5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
010807–00119	Misty Resmethrin/Dursban Transparent Emulsion Concentra	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
		(5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate
010807–00126	Misty Crack and Crevice Residual Spray with Dursban	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
		(Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
010807–00181	Misty 5015	2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl *d*-trans-2,2-dimethyl- *N*-Octyl bicycloheptene dicarboximide
		O,O-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate
019713–00206	Chapman Weed-Free 58 CBB – 2.5P	Boron sodium oxide (B4Na2O7), pentahydrate
		5-Bromo-3-sec-butyl-6-methyluracil
		Sodium chlorate
028293–00273	Unicorn Propoxur Commercial Insect Spray	*o*-Isopropoxyphenyl methylcarbamate
028293–00274	Unicorn Propoxur 0.5% Aqueous Insecticide	*o*-Isopropoxyphenyl methylcarbamate
037855 NV–80–0010	Niagara Methoxychlor 2 EC Code 2002	Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane)
055146–00070	Gibgro 4l	Gibberellic acid
062876–00001	Crypt-Tox	Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane)
067751 OR–95–0036	Selected Herbicide	2-Cyclohexen-1-one, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)

Note: There is a 30–day comment period for EPA Registration Numbers 00052–00080 and 055146–00070.

Unless a request is withdrawn by the registrant within 180 days (30 days when requested by registrant) of publication of this notice, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant during this comment period.

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2. — REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000016	Dragon Chemical Corp., 7033 Walrond Drive NW, Box 7311, Roanoke, VA 24019.
000052	W. Chemical Products, Inc., W. Penetone Corp., 74 Hudson Ave., Tenafly, NJ 07670.
000192	Dexol, A Division of Verbdant Brands, Inc., Agent For: Dexol, 213 S.W. Columbia St., Bend, OR 97702.
000264	Aventis Cropscience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709.
000400	Uniroyal Chemical Co Inc., 74 Amity Rd, Bethany, CT 06524.
000769	Verdant Brands, Inc., Agent For: Verdant Brands, Inc., 213 S.W. Columbia St., Bend, OR 97702.
002724	Wellmark International, 1000 Tower Lane, Suite 245, Bensenville, IL 60106.
003125	Bayer Corp., Agriculture Division, 8400 Hawthorn Rd, Box 4913, Kansas City, MO 64120.
004822	S.C. Johnson & Son Inc., 1525 Howe Street, Racine, WI 53403.
005887	Verdant Brands, Inc., Agent For: Verdant Brands, Inc., 213 S.W. Columbia St., Bend, OR 97702.
007401	Brazos Associates, Inc., Agent For: Voluntary Purchasing Group Inc, c/o Voluntary Purchasing Groups, Inc., Box 460, Bonham, TX 75418.
007501	Gustafson LLC, 1400 Preston Rd., Suite 400, Planos, TX 75093.
007969	BASF Corp., Agricultural Products, Box 13528, Research Triangle Park, NC 27709.
010182	Zeneca Ag Products, Inc., 1800 Concord Pike, Wilmington, DE 19850.
010807	Amrep, Inc., 990 Industrial Dr, Marietta, GA 30062.
019713	Drexel Chemical Co, 1700 Channel Ave.Box 13327, Memphis, TN 38113.
028293	Unicorn Laboratories, 12385 Automobile Blvd., Clearwater, FL 33762.
037855	Nevada Division of Agriculture, SLA 350 Capitol Hill Ave, Reno, NV 89502.
055146	Agtrol International, 7322 Southwest Freeway, Suite 1400, Houston, TX 77074.
062876	William Q. Arrison, Agent For: Pepcis Corp., 135 Old River Rd., Milford, NJ 08848.
067751	OMG Meadowfoam Oil Seed Growers, Box 4306, Salem, OR 97302.

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before March 5, 2001, unless indicated otherwise. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received by the Agency. This policy is in accordance with the Agency's statement of policy as prescribed in **Federal Register** (56 FR 29362) June 26, 1991; [FRL 3846–4]. Exception to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: August 24, 2000.

Richard D. Schmitt,

Associate Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 00–22817 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–966; FRL–6738–6]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–966, must be received on or before October 6, 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.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–966 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6224; e-mail address: miller.joanne@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 codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing 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 PF–966. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any

electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–966 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: ''opp-docket@epa.gov'', or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–966. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 23, 2000.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Valent U.S.A. Company

PP 7F4841 and PP 0F6171

EPA has received the pesticide petitions (PP 7F4841 and OF6171) from Valent U.S.A Company, 1333 North California Boulevard, Suite 600, Walnut Creek, California 94596-8025 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2*H*-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1*H*-isoindole-1,3(2*H*)-dione in or on the raw agricultural commodities soybean seed and peanut nutmeat at 0.01 parts per million (ppm) and on sugarcane cane at 0.2 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

Summary. Radiocarbon plant and animal metabolism studies have demonstrated that the residue of concern is adequately understood for the purposes of these tolerances and is best defined as parent, flumioxazin. Practical, validated residue methodology is available to analyze all appropriate matrices for flumioxazin residue with a limit of quantification (LOQ) of 0.01 ppm, adequate to enforce all proposed tolerances. The potential magnitude of residues of flumioxazin has been evaluated in peanuts, soybeans, and sugarcane and in appropriate processed products and animals. These studies are adequate to

support appropriate tolerances and dietary risk analyses.

1. *Plant metabolism*. Metabolism of ^{14}C-flumioxazin labelled in the phenyl- or tetrahydrophthalimido-rings has been studied in soybeans and peanuts. Flumioxazin was rapidly and extensively metabolized to many metabolites in both plants. Even with exaggerated treatment, individual metabolites and parent were only found at very low concentrations. Comparisons of metabolites detected and quantified from plants and animals show that there are no significant aglycones in plants which are not also present in the excreta or tissues of animals. The residue of concern is best defined as the parent.

2. *Ruminant and poultry metabolism*. Metabolism studies in goats and hens treated at very exaggerated doses (approximately 1,000X) demonstrated that transfer of administered ^{14}C-flumioxazin residues to tissues was low (<0.05 ppm in goats, <0.7 ppm in eggs).

3. *Analytical method*. Practical analytical methods for detecting and measuring levels of flumioxazin have been developed and validated in/on all appropriate agricultural commodities and respective processing fractions. The extraction methodology has been validated using aged radiochemical residue samples from ^{14}C-metabolism studies. The enforcement method has been validated in soybean at an independent laboratory and by EPA. The LOQ of flumioxazin in the methods is 0.01 ppm which will allow monitoring of food with residues at the levels proposed for the tolerances.

4.*Magnitude of residues*— i. *Soybean*. Forty-two field trials in soybeans were conducted in 1989 through 1993 in EPA Regions II (2 trials), IV (9 trials, and V (31 trials), representing approximately 99% of the U.S. soybean growing region. Treatments ranged from 0.09 to 0.47 pounds active ingredient per acre, 1- to 5–times the proposed application rate. No residues of flumioxazin were detected in soybean seed from any of the trials, even when application rates were five times the proposed label rate. Analysis for the major plant metabolite, 1-OH-HPA, was conducted on seed samples from 13 residue trials. In all cases no residues of the degradate were found, including two trials conducted at a 5X treatment rate.

No residues of flumioxazin were found in any of the processed commodities in two processing studies of soybeans treated at 5–times the proposed label rate. In one of the processing studies, no residue of 1-OH-HPA was found in any processed fraction.

All these data support a proposed tolerance for flumioxazin in/on soybean seed at 0.01 ppm, the LOQ of the enforcement method. No separate tolerances are needed for soybean processed commodities.

ii.*Peanut*. Sixteen field trials in peanuts were conducted in 1992, 1993, and 1996 in EPA Regions II (eight trials), III (three trials), IV (three trials), and VIII (two trials), representing virtually all of the U.S. peanut growing region. Treatments ranged from 0.09 to 0.47 pounds active per acre, 1- to 5-times the proposed application rate. No residues of flumioxazin were detected in any peanut seed sample from any of the trials, even when application rates were five times the proposed label rate. Analysis for the major plant metabolite, 1-OH-HPA, was conducted on seed samples from one 5X processing trial. No residues of the degradate were found.

No residues of flumioxazin were found in any of the processed commodities in two processing studies of peanuts treated at 5–times the proposed label rate. One of the processing studies was analyzed for degradate, no residue of 1-OH-HPA was found in any processed fraction.

All these data support a proposed tolerance for flumioxazin in/on peanut seed at 0.01 ppm, the LOQ of the enforcement method. No separate tolerances are needed for peanut processed commodities.

iii.*Sugarcane*. Nine field trials in sugarcane were conducted in 1998 in EPA Regions III (4 trials), IV (3 trials), VI (1 trial), and XIII (1 trial), representative of all of the U.S. sugarcane growing regions. Treatments ranged from 0.37 to 1.12 pounds active per acre, 1- to 3–times the proposed application rate for high organic soils. Finite residues of flumioxazin were detected in 14 of 18 duplicate samples. Residues of flumioxazin averaged 0.039 ppm (standard deviation = 0.033 ppm) from the trials conducted at the proposed maximum application rate. Analysis for the major plant metabolite, 1-OH-HPA, was conducted on all cane samples including those from the two 3X processing trials. No residues of the degradate were found in any cane sample.

No residues of flumioxazin or its degradate were found in the processed commodity refined sugar. In molasses, produced from cane treated at 3–times the proposed label rate, flumioxazin was detected (0.055 ppm) at approximately half of the concentration in the starting sugarcane. The degradate, 1-OH-HPA, was also detected in molasses (0.036 ppm). Because these detections were in a processed sample from cane treated at 3X, and are still less than the proposed RAC tolerance, no separate processed product tolerances are necessary.

All these data support a proposed tolerance for flumioxazin in/on sugarcane at 0.2 ppm. No separate tolerances for parent or degradate are needed for processed commodities.

iv. *Secondary residues*. Using proposed tolerances to calculate the maximum feed exposure to fed animals, and using the very low potential for residue transfer demonstrated in the goat and hen metabolism studies, detectable secondary residues in animal tissues, milk, and eggs are not expected. Therefore, no cow or hen residue feeding studies were performed, and tolerances are not proposed for these commodities.

v.*Rotational crops*. The results of a confined rotational crops accumulation study indicate that no rotational crop planting restrictions or rotational crop tolerances are required.

B. Toxicological Profile

Summary. A full battery of toxicology testing has been performed on flumioxazin including acute, chronic, oncogenicity, developmental, mutagenicity, and reproductive effects. Flumioxazin has low toxicity via oral and dermal routes and is not carcinogenic. Overall, it does not present a genetic hazard. Although developmental and reproductive effects were observed in rats, acute and chronic dietary assessments and worker exposure assessments demonstrate large margins of safety when worst case exposures are compared to the proposed toxic endpoints, along with appropriate uncertainty factors. Valent proposes a chronic population adjusted dose (cPAD) of 0.018 milligrams/kilograms/day (mg/kg/day) for adults and 0.0018 mg/kg/day for women of child bearing age and infants and children based on the no observed adverse effect level (NOAEL) of 1.8 mg/kg/day for males in the rat 2-year chronic toxicity oncogenicity study. Valent also proposes 3.0 mg/kg/day as the acute oral endpoint based on the developmental toxicity NOAEL from the rat oral developmental toxicity study.

1. *Acute toxicity*. The acute toxicity of technical grade flumioxazin is low by all routes. The battery of acute toxicity studies place flumioxazin in Toxicity Category III.

i. No abnormal clinical signs, body weight changes, or gross pathological findings were observed and no rats died following administration of an oral dose of 5 gram/kilogram (g/kg) of flumioxazin

technical. The LD_{50} was greater than 5 g/kg.

ii. No deaths, abnormal clinical signs, body weight changes, or gross pathological findings were observed in rats exposed to a 2.0 g/kg dermal dose of flumioxazin technical. The LD_{50} was greater than 2.0 g/kg.

iii. Rats were exposed to a dust aerosol of flumioxazin technical for four hours at measured concentrations of 1.55 or 3.93 milligram per liter (mg/l), the maximum attainable concentration. Irregular respiration, bradypnea and a decrease in spontaneous activity were observed in many of the rats, but these effects disappeared within two hours after termination of the exposure. No deaths, body weight changes, gross pathological findings or histopathological changes in the respiratory organs were observed. The LC_{50} for flumioxazin technical was determined to be greater than 3.93 mg/l.

iv. Flumioxazin technical produced minimal eye irritation in rabbits which cleared within 48 hours.

v. Flumioxazin technical did not produce any signs of skin irritation in abraded or intact skin of rabbits.

vi. Flumioxazin technical was not a skin sensitizer when tested in guinea pigs using the Magnussen and Kligman maximization test methodology.

2. *Genotoxicity*. Flumioxazin does not present a genetic hazard. Flumioxazin was evaluated in the following tests for mutagenicity:

i. A reverse gene mutation assay in *Salmonella typhimurium* and *Escherichia coli* was negative with or without metabolic activation.

ii. An*in vitro* chromosome aberration assay using Chinese hamster ovary (CHO) cells was negative in the absence of metabolic activation. However, an increase in cells with aberrations was observed at doses of 1×10^{-4} M and higher in the presence of S9.

iii. An *in vivo* chromosomal aberration study in the rat was negative. No significant increase in the incidence of chromosomal aberrations in bone marrow cells was observed following treatments as high as 5,000 mg/kg.

iv. An *in vitro* unscheduled DNA synthesis (UDS) assay with rat hepatocytes was negative.

v. A mouse micronucleus assay was negative following intraperitoneal injection of 5,000 mg/kg.

3.*Reproductive and developmental toxicity*. Flumioxazin shows developmental toxicity in the absence of maternal toxicity in rats. Mechanistic studies demonstrate that the effect is specifically related to the inhibition of heme synthesis, that the effect shows considerable species specificity, and that the rat is a conservative surrogate species for the potential for developmental toxicity in man. No developmental toxicity was observed in rabbits. Developmental toxicity to the pups was seen in the rat reproduction study at doses that were not toxic to the parental animals.

i. *Rat—Developmental toxicity*. A pilot dose range-finding study was conducted to determine appropriate doses for the definitive oral developmental toxicity study. Flumioxazin technical was administered by oral gavage at dosages of 0, 30, 100, 200 and 500 mg/kg/day to pregnant rats on days 6 through 15 of gestation. No animals died during the course of this study and maternal toxicity was limited to decreased weight gain associated with high embryolethality observed in all dose groups. Fetuses obtained from the 30 mg/kg/day dams had significantly reduced body weights and were found to have both skeletal and visceral abnormalities primarily wavy ribs and ventricular septal defects (VSD). Because of the high degree of embryolethality at doses of 100 mg/kg/day and greater, the highest dose selected for the definitive study was 30 mg/kg/day.

In the definitive study, pregnant rats were administered oral doses of 0, 1, 3, 10 or 30 mg/kg/day of flumioxazin technical on days 6 through 15 of gestation. No maternal deaths were observed at any dosage and no treatment-related effects on clinical signs or food consumption were noted. A decrease in maternal body weight gain was found at 30 mg/kg/day. The number of live fetuses and fetal body weights were decreased in the 30 mg/kg/day group and the incidence of embryo mortality tended to be higher but was not statistically significant. No effects on the number of implantations, sex ratios, or external abnormalities were found. The incidence of fetuses with cardiovascular abnormalities, primarily VSD, was increased in the 30 mg/kg/day group. Other developmental effects observed at 30 mg/kg/day included an increase in the incidence of wavy ribs and curvature of the scapula, and a decrease in the number of ossified sacrococcygeal vertebral bodies. Based on these findings, a maternal NOAEL of 30 mg/kg/day and a developmental NOAEL of 3 mg/kg/day are proposed.

In a range-finding dermal developmental toxicity study flumioxazin technical was administered dermally at levels of 100, 200, 400 and 800 mg/kg/day in corn oil. No adverse effects on the dams were observed at doses up to 800 mg/kg/day. Because of the high degree of embryolethality at doses of 400 mg/kg/day and greater, the highest dose selected for the definitive study was 300 mg/kg/day.

On days 6–15 of gestation, pregnant rats were exposed dermally to dose levels of 30, 100, or 300 mg/kg/day of flumioxazin technical in corn oil. No adverse effects were observed in the dams throughout the study. Increased fetal mortality was accompanied by decreases in the number of live fetuses and fetal body weights at doses of 300 mg/kg/day. No external abnormalities were observed at any dose level. An increase in cardiovascular abnormalities, primarily VSD, an increase in wavy ribs and a decrease in the number of ossified sacrococcygeal vertebral bodies was observed at 300 mg/kg/day. Based on these results, a maternal NOAEL of 300 mg/kg/day and a developmental NOAEL of 30 mg/kg/day are proposed.

To measure the dermal penetration of flumioxazin under the conditions of the dermal teratology study, 13–day pregnant rats were dermally exposed to phenyl-^{14}C-flumioxazin. The systemic absorption ranged from 3.8% at 2 hours to 6.9% of the recovered ^{14}C at 48 hours.

ii. *Mechanistic Studies*. A series of scientific studies were conducted to examine the mechanism and species differences in the production of developmental toxicity by flumioxazin. This research demonstrates clear species differences between rats, rabbits, mice, and (in vitro) humans and indicates a high degree of correlation between the interruption of heme synthesis and the production of developmental toxicity in rats. The data support that the rat is a conservative model for use in the risk assessment for humans. Specifically the studies demonstrate that:

- Flumioxazin interferes with normal heme biosynthesis resulting in sidroblastic anemia and porphyria in adult rats.
- ^{14}C-Flumioxazin administered to pregnant rats on day 12 of gestation crosses the placenta and reaches the rat fetus at maximum levels of radiocarbon (and flumioxazin), 4 hours later.
- No clear pattern of adsorption, distribution, metabolism, or excretion was evident which could account for the species-specific development toxicity in rats.
- The critical period of sensitivity to the developmental effects of flumioxazin in rats is day 12 of gestation. This correlates with the peak period of protoporphyrin IX (PPIX) accumulation in maternal rat liver and the rat fetus.

• A histological examination of rat fetus indicated signs of fetal anemia within 6 hours after dosing, but no histological changes in the fetal rat heart were observed until 36 or 48 hour after treatment. No effects were observed in rabbit fetus treated in the same manner as the rats.

• Other observations in the pathogenesis of the developmental effects of flumioxazin in rat fetuses included: enlarged heart, edema, anemia (decreased red blood cell count and hemoglobin), delayed closure of the interventricular foramen, reduced serum protein and incomplete/delayed ossification of the ribs.

• The observation of enlarged heart, edema and anemia preceding the occurrence of fetal mortality suggest these effects may be instrumental in the cause of fetal deaths.

• The occurrence of an enlarged heart preceding the failure of interventricular foramen closure could be related to the pathogenesis rather than a direct toxic effect of flumioxazin on cardiac tissue.

• A strong correlation exists between PPIX accumulation, an indicator of disrupted heme synthesis, and developmental toxicity. Evidence of this correlation exists on the basis of species differences between rats and rabbits; the critical period of sensitivity in the rat; and compound-specific differences with two chemicals structurally related to flumioxazin, one which produces developmental effects in rats and one which does not.

iii. *Rabbits*. In a pilot dose range-finding study in rabbits, flumioxazin technical was administered to rabbits on days 7 through 19 of gestation via oral intubation at dosages of 0, 300, 500, 1,000 and 1,500 mg/kg/day. Clinical observations were recorded and on day 29 of gestation, all does were sacrificed, caesarean sectioned, and examined for gross lesions, number of corpora lutea, and number and placement of implantation sites, early and late resorptions and live and dead fetuses. No deaths, abortions or premature deliveries occurred during this study. Dosages of flumioxazin technical as high as 1,500 mg/kg/day did not result in significant clinical or necropsy observations nor affect maternal body weight gains or feed consumption values. Similarly, there were no adverse effects of dosages of flumioxazin technical up to 1,500 mg/kg/day on embryo-fetal viability, sex ratios, body weights or external morphology.

Based on these results, pregnant rabbits were administered 0, 300, 1,000, or 3,000 mg/kg/day of flumioxazin technical on days 7—19 of gestation by oral gavage. The highest dose was well in excess of the 1,000 mg/kg/day limit dose for developmental toxicity studies. The 3,000 mg/kg/day dosage tended to reduce maternal body weight gains and relative and absolute feed consumption values. No gross lesions were produced at any dose level. The 3,000 mg/kg/day dosage group litters tended to have reduced fetal body weights but these differences were not statistically different. No fetal external, soft tissue, or skeletal malformations or variants were attributable to the test substance. Based on these data, the maternal NOAEL was 1,000 mg/kg/day and the developmental NOAEL was 3,000 mg/kg/day.

iv. *Reproduction*. Two pilot range-finding rat reproduction studies were conducted with flumioxazin technical at dosages from 100 to 5,000 ppm in the diet. In the definitive 2–generation reproduction study in the rat dietary levels of 0, 50, 100, 200 and 300 ppm established a systemic NOAEL of 200 ppm based on increased clinical signs (both sexes and generations); mortality, gross and histopathology findings in the liver (F_1 females); decreased body weight/weight gain (F_0 and F_1 females during gestation, F_1 males during premating) and decreased food consumption (F_0 and F_1 females during lactation). The reproductive NOAEL of 100 ppm was mainly based on developmental toxicity at 200 ppm. Observed at 200 ppm were a decreased number of liveborn pups and reduced pup body weights. At 300 ppm the following effects were observed: decreased pup body weight (both generations); decreased number of live pups/litter and viability index (both generations); increased incidence of abnormalities of the reproductive organs (predominately atrophied or hypoplastic testes and/or epididymides in F_1 males); decreased gestation index (F_0 females); decreased mating and fertility indices (F_1 males) and increased clinical signs (F_1 pups).

4. *Subchronic toxicity*. Subchronic toxicity studies conducted with flumioxazin technical in the rat (oral and dermal), mouse and dog indicate a low level of toxicity. Effects observed at high dose levels consisted primarily of anemia and histological changes in the spleen, liver and bone marrow related to the anemia.

i. *Rats*. A 90–day subchronic toxicity study was conducted in rats, with dietary intake levels of 0, 30, 300, 1,000 and 3,000 ppm flumioxazin technical (98.4% purity). The NOAEL of 300 ppm was based on decreased body weights; anemia; increases in absolute and/or relative liver, kidney, brain heart and thyroid weights; and histological changes in the spleen, liver and bone marrow related to the anemia.

A second 90–day subchronic toxicity study was conducted with a sample of Flumioxazin Technical of typical purity (94.8%) at dietary concentrations of 0, 30, 300, 1,000 and 3,000 ppm. The NOAEL was 30 ppm based on anemia and related hematological changes; increases in liver, heart, kidney and thyroid weights; and histological changes in the spleen, liver and bone marrow related to the anemia.

ii. *Mice*. Dose levels for the mouse oncogenicity study were selected on the basis of results from a 4–week study of flumioxazin in the diets of mice at levels of 0, 1,000, 3,000 and 10,000 ppm. In this range-finding study, increases in absolute and/or relative liver weights were noted for males at 10,000 ppm and at 3,000 and 10,000 ppm for females.

iii.*Dogs*. A 90–day study was conducted in dogs given gelatin capsules containing 0, 10, 100 or 1,000 mg/kg/day. The NOAEL of 10 mg/kg/day for this study was based on a slight prolongation of activated partial thromboplastin time; increased total cholesterol and phospholipid and elevated alkaline phosphatase activity; increased absolute and relative liver weights; and histological changes in the liver.

iv. A 21–day dermal toxicity study was conducted in rats at dose levels of 0, 100, 200 or 1,000 mg/kg/day. The NOAEL was determined to be 300 mg/kg/day based on significantly decreased hemoglobin and hematocrit values for females.

5. *Chronic toxicity*. Flumioxazin technical has been tested in chronic studies with dogs, rats and mice. Valent proposes a chronic oral endpoint of 1.8 mg/kg bw/day, based on the NOAEL for male rats in the 2–year chronic toxicity oncogenicity feeding study.

i. *Rats*. In a 2–year study in rats, flumioxazin technical administered in the diet at levels of 0, 50, 500, and 1,000 ppm produced anemia and chronic nephropathy in rats of the 500 and 1,000 ppm groups. The anemia lasted throughout the treatment period, however, it was not progressive nor aplastic in nature. No evidence of an oncogenic effect was observed in rats and the NOAEL for this study was 50 ppm (1.8 mg/kg/day for males and 2.2 mg/kg/day for females).

ii. *Mice*. Flumioxazin technical was administered to mice at doses of 0, 300, 3,000, and 7,000 ppm in diet for 78 weeks. An increased incidence of hypertrophy of centrilobular hepatocytes was observed in males of the 3,000 and 7,000 ppm groups.

Increases in the incidence of diffuse hypertrophy and single cell necrosis of hepatocytes were observed in females of the 3,000 and 7,000 ppm groups. There was no evidence of any treatment-related effect on the incidence of tumors. Flumioxazin technical was not carcinogenic to mice, and the NOAEL for this study was 300 ppm (31.1 mg/kg/day for males and 36.6 mg/kg/day for females).

iii. *Dogs*. Flumioxazin technical was administered to dogs in capsules at daily doses of 0, 10, 100, and 1,000 mg/kg bw/day for 1–year. Treatment-related changes in blood biochemistry included increased total cholesterol and phospholipid values, elevated alpha-2-globulin ratio at 1,000 mg/kg/day and increased alkaline phosphatase activity in the 100 and 1,000 mg/kg/day groups. The absolute and/or relative liver weights were elevated in one animal in the 100 mg/kg/day group and four animals of the 1,000 mg/kg/day group. Minimal treatment-related histological changes were noted in the livers of animals at the 1,000 mg/kg/day group. Based on these data the NOAEL was determined to be 10 mg/kg/day.

iv. *Carcinogenicity*. Flumioxazin is not a carcinogen. Adequately designed studies with both rats and mice have shown that repeated high dose exposures produced anemia, liver effects and nephropathy, but did not produce cancer in test animals. No oncogenic response was observed in a rat two-year chronic feeding/oncogenicity study or in a 78 week study on mice. Valent anticipates that the oncogenicity classification of flumioxazin will be ''E'' (no evidence of carcinogenicity for humans).

6. *Animal metabolism*. The absorption, tissue distribution, metabolism and excretion of phenyl-^{14}C-labeled flumioxazin were studied in rats after single oral doses of 1 or 100 mg/kg, and after a single oral dose of 1 mg/kg following 14 daily oral doses at 1 mg/kg of unlabelled material. For all dose groups, most (97.9-102.3%) of the administered radiolabel was excreted in the urine and feces within seven days after radiolabeled test material dosing. Radiocarbon tissue residue levels were generally low on the seventh day post-dosing. Radiocarbon residues were higher in blood cells than tissues. Tissue ^{14}C-residue levels, including those for fat, were lower than blood levels which suggests little potential for bioaccumulation. Urinary radiocarbon excretion was greater in females than males in all dose groups.

Flumioxazin was extensively metabolized by rats and 35 metabolites were detected and quantitated. The main metabolic reactions in rats were (1) hydroxylation of the tetrahydrophthalimide moiety; (2) incorporation of the sulfonic acid group into the tetrahydrophthalimide moiety; (3) cleavage of the imide linkage; (4) cleavage of the benzoxazinoneamide and; (5) acetylation of the aniline nitrogen group.

7.*Metabolite toxicology*. Metabolism studies of flumioxazin in rats, goats, hens, soybeans, and peanuts, as well as the fish bioaccumulation study demonstrate that the parent is very rapidly metabolized and, in animals, eliminated. The metabolites detected and quantified from plants and animals show that there are no significant aglycones in plants which are not also present in the excreta or tissues of animals. Because parent and metabolites are not retained in the body, the potential for acute toxicity from in situ formed metabolites is low. The potential for chronic toxicity is adequately tested by chronic exposure to the parent at the MTD and consequent chronic exposure to the internally formed metabolites.

8. *Endocrine disruption*. No special studies to investigate the potential for estrogenic or other endocrine effects of flumioxazin have been performed. However, as summarized above, a large and detailed toxicology data base exists for the compound including studies in all required categories. These studies include acute, sub-chronic, chronic, developmental, and reproductive toxicology studies including detailed histology and histopathology of numerous tissues, including endocrine organs, following repeated or long term exposures. These studies are considered capable of revealing endocrine effects. The results of all of these studies show no evidence of any endocrine-mediated effects and no pathology of the endocrine organs. Consequently, it is concluded that flumioxazin does not possess estrogenic or endocrine disrupting properties.

C. Aggregate Exposure

1.*Dietary exposure*. A full battery of toxicology testing including studies of acute, chronic, oncogenicity, developmental, mutagenicity, and reproductive effects is available for flumioxazin. EPA has not had the opportunity to review all of the toxicity studies on flumioxazin and has not established toxic endpoints. Thus, in these risk assessments Valent proposes as chronic oral toxic endpoint the NOAEL for males from the rat chronic/oncogenicity feeding study, 1.8 mg/kg/day; and as the acute oral toxic endpoint the NOAEL (proposed by EPA) from the rat oral developmental toxicity study of 3.0 mg/kg/day. Because the acute oral endpoint is for fetal toxicity to rats, Valent has chosen to use the full, extra 10X uncertainty factor for appropriate sub-groups of the population as mandated by FQPA.

i. *Food*. Acute dietary exposure to flumioxazin residues was calculated for the U.S. population, Women 13 years and older, and five children subgroups. The calculated exposure values are very conservative because tolerance-level residues and 100% of the crop treated are assumed. The calculated exposures and margins of exposure (MOE) for the higher exposed proportions of the subgroups are listed in table 1 below. In all cases, margins of exposure relative to the acute endpoint from the rat oral developmental toxicity study exceed 1,000.

TABLE 1.—TIER I CALCULATED ACUTE DIETARY EXPOSURES TO THE TOTAL U.S. POPULATION AND SELECTED SUB-POPULATIONS TO FLUMIOXAZIN RESIDUES IN FOOD

Population Subgroup	95th percentile		99.9th percentile	
	Exposure (mg/kg/day)	MOE	Exposure (mg/kg/day)	MOE
Total U.S. Population	0.000226	13,260	0.000791	3,791
Women 13 Years and Older	0.000146	20,592	0.000379	7,916
Children 7 to 12 Years	0.000295	10,165	0.000758	3,956
Children 1 to 6 Years	0.000397	7,559	0.000937	3.202

TABLE 1.—TIER I CALCULATED ACUTE DIETARY EXPOSURES TO THE TOTAL U.S. POPULATION AND SELECTED SUB-POPULATIONS TO FLUMIOXAZIN RESIDUES IN FOOD—Continued

Population Subgroup	95th percentile		99.9th percentile	
	Exposure (mg/kg/day)	MOE	Exposure (mg/kg/day)	MOE
All Infants	0.000801	3,744	0.001414	2,121
Non-Nursing Infants (Less than 1 yr old)	0.000861	3,483	0.001417	2,117
Nursing Infants (Less than 1 yr old)	0.000338	8,877	0.001244	2,411

ii. Chronic dietary exposures to flumioxazin residues was calculated for the U.S. population and 25 population subgroups. This Tier I analysis assumes tolerance-level residues and 100% of the crops treated. The results from several representative subgroups are listed in table 2 below. All calculated chronic dietary exposures were below 13% of the c-PAD. The c-PAD was defined as the NOAEL from the rat oral 2–year combined chronic toxicity oncogenicity study (1.8 mg/kg/day for males) divided by the 100X uncertainty factor for the adult exposures (0.018 mg/kg/day), or divided by 1,000 to include the extra 10X uncertainty factor for adult females of child-bearing age and infant and children population subgroups (0.0018 mg/kg/day). Generally speaking, the Agency has no cause for concern if total residue contribution for published and proposed tolerances is less than 100% of the c-PAD.

TABLE 2.—TIER I CALCULATED CHRONIC DIETARY EXPOSURES TO THE TOTAL U.S. POPULATION AND SELECTED SUB-POPULATIONS TO FLUMIOXAZIN RESIDUES IN FOOD

Population Subgroup	Exposure (mg/kg/day)	Percent of cPAD
Total U.S. Population (total) (0.018)*	0.000075	0.42
Females 13+ (nursing) (0.0018)*	0.000053	2.94
Females 13+ (pregnant/not nursing) (0.0018)*	0.000070	3.89
Children 7-12 yrs (0.018)*	0.000132	0.73
Children 1-6 yrs (0.0018)*	0.000163	9.06

TABLE 2.—TIER I CALCULATED CHRONIC DIETARY EXPOSURES TO THE TOTAL U.S. POPULATION AND SELECTED SUB-POPULATIONS TO FLUMIOXAZIN RESIDUES IN FOOD—Continued

Population Subgroup	Exposure (mg/kg/day)	Percent of cPAD
All Infants (Less than 1 Year) (0.0018)*	0.000190	10.56
Non-Nursing Infants (0.0018)*	0.000229	12.72
Nursing Infants (0.0018)*	0.000058	3.22

* cPAD value used to calculate percent of occupancy.

iii. *Drinking water*. Since flumioxazin is applied outdoors to growing agricultural crops, the potential exists for the parent or its metabolites to reach ground or surface water that may be used for drinking water. Because of the physical properties of flumioxazin, it is unlikely that flumioxazin or its metabolites can leach to potable groundwater. To quantify potential exposure from drinking water, surface water concentrations for flumioxazin were estimated using generic expected environmental concentration (GENEEC) 1.2. Because K_{OC} could not be measured directly in adsorption-desorption studies because of chemical stability, GENEEC values representative of a range of K_{OC} values were modeled. The simulation that was selected for these exposure estimates used a K_{OC} of 150, indicating high mobility. The peak GEEC concentration predicted in the simulated pond water was 12.59 ppb. Using standard assumptions about body weight and water consumption, the acute exposure from this drinking water would be 0.00036 and 0.0013 mg/kg/day for adults and children, respectively. The 56-day GEEC concentration predicted in the simulated pond water was 0.45 ppb. Chronic exposure from this drinking water would be 0.0000129 and 0.000045 mg/kg/day for adults and children, respectively; 2.5% of the c-PAD of 0.0018 mg/kg/day for children. Based on this worse case analysis, the contribution of drinking water to the dietary exposure is comparable to that from food, but the risk is still negligible.

2. *Non-dietary exposure*. Flumioxazin is proposed only for agricultural uses and no homeowner, turf, or industrial uses. Thus, no non-dietary risk assessment is needed.

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that the Agency must consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' Available information in this context include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way.

There are other pesticidal compounds that are structurally related to flumioxazin and have similar effects on animals. In consideration of potential cumulative effects of flumioxazin and other substances that may have a common mechanism of toxicity, there are currently no available data or other reliable information indicating that any toxic effects produced by flumioxazin would be cumulative with those of other chemical compounds. Thus, only the potential risks of flumioxazin have been considered in this assessment of aggregate exposure and effects.

Valent will submit information for EPA to consider concerning potential cumulative effects of flumioxazin consistent with the schedule established by EPA in the **Federal Register** (August 4, 1997) (62 FR 42020) (FRL–5734–4) and other subsequent EPA publications pursuant to the Food Quality Protection Act (FQPA).

E. Safety Determination

The FQPA of 1996 introduced a new standard of safety, a reasonable certainty of no harm. To make this determination, at this time the Agency should consider only the incremental risk of flumioxazin in its exposure assessment. Since the potential chronic and acute exposures to flumioxazin are small (much less than 100% of c-PAD, MOE much more greater than 1,000) the provisions of the FQPA of 1996 will not be violated.

1. *U.S. population*— i.*Acute risk*. The potential acute exposure from food to the U.S. population and various non-child/infant population subgroups (shown above) provide MOE values exceeding 1,000. Addition of the worse case, but small ''background'' dietary exposure from water reduces the MOE value at the 99.9 percentile from 3,791 to 2,606. In a conservative policy, the Agency has no cause for concern if total acute exposure to adults calculated for the 99.9th percentile yields a MOE of 100 or larger. For Women of child bearing age where an MOE of 1,000 or larger is appropriate, the addition of water to the diet of women, 13 years and older, reduces the MOE (99.9 percentile) from 20,592 to 7,916. It can be concluded that there is a reasonable certainty that no harm will result to the overall U.S. Population and many non-child/infant subgroups from aggregate, acute exposure to flumioxazin residues.

ii. *Chronic risk*. Using the dietary exposure assessment procedures described above for flumioxazin, calculated chronic dietary exposure resulting from residue exposure from proposed uses of flumioxazin is minimal. The estimated chronic dietary exposure from food for the overall U.S. Population and many non-child/infant subgroups is 0.42 to 3.89% of the appropriate c-PAD. Addition of the small but worse case potential exposure from drinking water (calculated above) increases exposure by 0.000013 mg/kg /day and the maximum occupancy of the c-PAD from 3.89% to 5.22% (women 13 +). Generally, the Agency has no cause for concern if total residue contribution is less than 100% of the appropriate c-PAD. It can be concluded that there is a reasonable certainty that no harm will result to the overall U.S. Population and many non-child/infant subgroups from aggregate, chronic exposure to flumioxazin residues.

2. *Infants and children— Safety factor for infants and children*. In assessing the potential for additional sensitivity of infants and children to residues of flumioxazin, FFDCA section 408 provides that EPA shall apply an additional margin of safety, up to ten-fold, for added protection for infants and children in the case of threshold effects unless EPA determines that a different margin of safety will be safe for infants and children.

i. *Children*. The toxicological data base for evaluating prenatal and postnatal toxicity for flumioxazin is complete with respect to current data requirements. Developmental toxicity was observed by both oral and dermal routes in rats. Therefore, reliable data support use of the standard 100-fold uncertainty factor and an additional uncertainty factor of 10X for flumioxazin to be further protective of infants and children.

ii. *Developmental toxicity studies*. Flumioxazin shows developmental toxicity in the absence of maternal toxicity in rats. Mechanistic studies demonstrate that the effect is specifically related to the inhibition of heme synthesis, that the effect shows considerable species specificity, and that the rat is a conservative surrogate species for the potential for developmental toxicity in man. No developmental toxicity was observed in rabbits. Developmental toxicity to the pups was seen in the rat reproduction study at doses that were not toxic to the parental animals.

a. *Rats*. In the definitive rat oral developmental toxicity study, pregnant rats were administered oral doses of 0, 1, 3, 10 or 30 mg/kg/day of flumioxazin technical on days 6 through 15 of gestation. No maternal deaths were observed at any dosage and no treatment-related effects on clinical signs or food consumption were noted. A decrease in maternal body weight gain was found at 30 mg/kg/day. The number of live fetuses and fetal body weights were decreased in the 30 mg/kg/day group and the incidence of embryo mortality tended to be higher but was not statistically significant. No effects on the number of implantations, sex ratios, or external abnormalities were found. The incidence of fetuses with cardiovascular abnormalities, primarily VSD, was increased in the 30 mg/kg/day group. Other developmental effects observed at 30 mg/kg/day included an increase in the incidence of wavy ribs and curvature of the scapula, and a decrease in the number of ossified sacrococcygeal vertebral bodies. Based on these findings, a maternal NOAEL of 30 mg/kg/day and a developmental NOAEL of 3 mg/kg/day are proposed.

On days 6–15 of gestation, pregnant rats were exposed dermally to dose levels of 30, 100, or 300 mg/kg/day of flumioxazin technical in corn oil. No adverse effects were observed in the dams throughout the study. Increased fetal mortality was accompanied by decreases in the number of live fetuses and fetal body weights at doses of 300 mg/kg/day. No external abnormalities were observed at any dose level. An increase in cardiovascular abnormalities, primarily VSD, an increase in wavy ribs and a decrease in the number of ossified sacrococcygeal vertebral bodies was observed at 300 mg/kg/day. Based on these results, a maternal NOAEL of 300 mg/kg/day and a developmental NOAEL of 30 mg/kg/day are proposed.

To measure the dermal penetration of flumioxazin under the conditions of the dermal teratology study, 13–day pregnant rats were dermally exposed to phenyl-^{14}C-flumioxazin. The systemic absorption ranged from 3.8% at 2 hours to 6.9% of the recovered ^{14}C at 48 hours.

b. *Mechanistic Studies*. A series of scientific studies were conducted to examine the mechanism and species differences in the production of developmental toxicity by flumioxazin. This research demonstrates clear species differences between rats, rabbits, mice, and (*in vitro*) humans and indicates a high degree of correlation between the interruption of heme synthesis and the production of developmental toxicity in rats. The data support that the rat is a conservative model for use in the risk assessment for humans. Specifically the studies demonstrate that:

- Flumioxazin interferes with normal heme biosynthesis resulting in sidroblastic anemia and porphyria in adult rats.
- ^{14}C-Flumioxazin administered to pregnant rats on day 12 of gestation crosses the placenta and reaches the rat fetus at maximum levels of radiocarbon (and flumioxazin), 4 hours later.
- No clear pattern of adsorption, distribution, metabolism, or excretion was evident which could account for the species-specific development toxicity in rats.
- The critical period of sensitivity to the developmental effects of flumioxazin in rats is day 12 of gestation. This correlates with the peak period of protoporphyrin IX (PPIX) accumulation in maternal rat liver and the rat fetus.
- A histological examination of rat fetus indicated signs of fetal anemia within 6 hours after dosing, but no

histological changes in the fetal rat heart were observed until 36 or 48 hour after treatment. No effects were observed in rabbit fetus treated in the same manner as the rats.

• Other observations in the pathogenesis of the developmental effects of flumioxazin in rat fetuses included: enlarged heart, edema, anemia (decreased red blood cell count and hemoglobin), delayed closure of the interventricular foramen, reduced serum protein and incomplete/delayed ossification of the ribs.

• The observation of enlarged heart, edema and anemia preceding the occurrence of fetal mortality suggest these effects may be instrumental in the cause of fetal deaths.

• The occurrence of an enlarged heart preceding the failure of interventricular foramen closure could be related to the pathogenesis rather than a direct toxic effect of flumioxazin on cardiac tissue.

• A strong correlation exists between PPIX accumulation, an indicator of disrupted heme synthesis, and developmental toxicity. Evidence of this correlation exists on the basis of species differences between rats and rabbits; the critical period of sensitivity in the rat; and compound-specific differences with two chemicals structurally related to flumioxazin, one which produces developmental effects in rats and one which does not.

c. *Rabbits.* Pregnant rabbits were administered 0, 300, 1,000, or 3,000 mg/kg/day of flumioxazin technical on days 7—19 of gestation by oral gavage. The highest dose was well in excess of the 1,000 mg/kg/day limit dose for developmental toxicity studies. The 3,000 mg/kg/day dosage tended to reduce maternal body weight gains and relative and absolute feed consumption values. No gross lesions were produced at any dose level. The 3,000 mg/kg/day dosage group litters tended to have reduced fetal body weights but these differences were not statistically different. No fetal external, soft tissue, or skeletal malformations or variants were attributable to the test substance. Based on these data, the maternal NOAEL was 1,000 mg/kg/day and the developmental NOAEL was 3,000 mg/kg/day.

iii. *Reproductive toxicity study.* In the 2–generation reproduction study in the rat dietary levels of 0, 50, 100, 200 and 300 ppm established a systemic NOAEL of 200 ppm based on increased clinical signs (both sexes and generations); mortality, gross and histopathology findings in the liver (F_1 females); decreased body weight/weight gain (F_0 and F_1 females during gestation, F_1 males during premating) and decreased food consumption (F_0 and F_1 females during lactation). The reproductive NOAEL of 100 ppm was mainly based on developmental toxicity at 200 ppm. Observed at 200 ppm were a decreased number of liveborn pups and reduced pup body weights. At 300 ppm the following effects were observed: decreased pup body weight (both generations); decreased number of live pups/litter and viability index (both generations); increased incidence of abnormalities of the reproductive organs (predominately atrophied or hypoplastic testes and/or epididymides in F_1 males); decreased gestation index (F_0 females); decreased mating and fertility indices (F_1 males) and increased clinical signs (F_1 pups).

iv. *Prenatal and postnatal sensitivity.* Flumioxazin interferes with normal heme biosynthesis resulting in sidroblastic anemia and porphyria in adult rats. Clear species differences between rats, rabbits, mice, and (*in vitro*) humans were demonstrated. There is a high degree of correlation between the interruption of heme synthesis, consequent PPIX accumulation, and the production of developmental toxicity in rats. The data support that the rat is a conservative model for use in the risk assessment for humans.

v.*Acute exposure and risk.* The potential acute exposure from food to the various child and infant population subgroups (shown above) all provide MOE values exceeding 1,000. Addition of the worse case, but small ''background'' dietary exposure from water (0.00126 mg/kg/day) to the 99.9 percentile food exposure for infants reduces the MOE value from 2,117 to 1,121. In a conservative policy with the addition of the FQPA extra 10X uncertainty factor, the Agency has no cause for concern if total acute exposure to infants and children calculated for the 99.9th percentile yields a MOE of 1,000 or larger. It can be concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate, acute exposure to flumioxazin residues.

vi.*Chronic exposure and risk.* Using the conservative exposure assumptions described above, the percentage of the c-PAD that will be utilized by dietary (food only) exposure to residues of flumioxazin ranges from 0.73% for children 7-12 years, to 12.72% for Non-Nursing Infants. Adding the worse case potential incremental exposure to infants and children from flumioxazin in drinking water (0.000045 mg/kg/day) increases the aggregate, chronic dietary exposure by 2.5%. The addition of the exposure attributable to drinking water increases the occupancy of the c-PAD for Non-Nursing Infants to 15.22%. EPA generally has no concern for exposures below 100% of the c-PAD because the C-PAD, in this case including the extra 10X FQPA uncertainty factor, represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. It can be concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate, chronic exposure to flumioxazin residues.

vii. *Determination of safety— Safety determination summary.* Aggregate acute or chronic dietary exposure to various sub-populations of children and adults demonstrate acceptable risk. Chronic dietary exposures to flumioxazin occupy considerably less than 100% of the appropriate c-PAD, and all acute dietary MOE values exceed 1,000. Chronic and acute dietary risk to children from flumioxazin should not be of concern. Further, flumioxazin has only agricultural uses and no other uses, such as indoor pest control, homeowner or turf, that could lead to unique, enhanced exposures to vulnerable sub-groups of the population. It can be concluded that there is a reasonable certainty that no harm will result to the U.S. Population or to any sub-group of the U.S. population, including infants and children, from aggregate chronic or aggregate acute exposures to flumioxazin residues resulting from proposed uses.

F. International Tolerances

Flumioxazin has not been evaluated by the JMPR and there are no Codex Maximum Residue Limits (MRL) for flumioxazin. MRL values shown in the following table 3 have been established to allow the uses of flumioxazin in the following countries.

TABLE 3.—FLUMIOXZIN USES IN OTHER COUNTRIES

Country	Crop	Maximum residue limits (ppm)
Brazil	Soybean	0.05
Argentina	Soybean Sunflower	0.015 0.02
Paraguay	Soybean	0.02
South Africa	Soybean Groundnut	0.02 0.02

[FR Doc. 00–22816 Filed 9–5–00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PF–969; FRL–6738–4]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–969, must be received on or before October 6, 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.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–969 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Indira Gairola, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6379; e-mail address: gairola.indira@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 codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing 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 PF–969. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–969 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–969. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 23, 2000.

Peter Caulkins, Acting

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Eden Bioscience Corporation

PP OE6177

EPA has received a pesticide petition (PP OE6177) from Eden Bioscience Corporation, 11816 North Creek Parkway N., Bothell WA 98011-8205] proposing, pursuant to section 408(d) of the (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for the inert ingredient sodium thiosulfate when used as a dechlorinator in pesticide formulations for protein based products when applied to growing crops or to raw agricultural commodities after harvest. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* Due to the breakdown of sodium thiosulfate in chlorinated water to sodium chloride, water, sulfur, and sulfate prior to application to plants, there is no plant metabolism of the parent compound. All of the breakdown products are considered to be plant nutrients. Sodium thiosulfate pentahydrate (CAS 10102–17–7) is an odorless crystalline substance with a molecular weight of 248.18. The molecular formula is $Na_2S_2O_3$ (Na 29.08%, O 30.36%, S 40.56%). It has a pKa of 1.6, is soluble in water (42%; by weight at 0° C) and insoluble in alcohol. The aqueous solution is practically neutral with a pH range of 6.5–8.0. In aqueous solution sodium thiosulfate slowly decomposes to its molecular constituents. Sodium thiosulfate pentahydrate has a melting point of 48° C when heated rapidly. It loses all its water at 100° C and decomposes at higher temperatures. When sodium thiosulfate is used to remove chlorine from an aqueous solution it follows the equations: $Na_2S_2O_3 + 4Cl_2 + 5H_2O = 2NaHSO_4 + 8HCl$ and $Na_2S_2O_3 + 2HCl = 2NaCl + H_2O + S + SO_2$.

2. *Analytical method.* Analysis of sodium thiosulfate can be accomplished through a variety of methods. Some researchers have employed a gas chromatographic (GC) analytical method using a C18 column and 420–E fluorescence detector for determining elution of thiosulfate in plasma and urine. Other researchers have reported using a high performance liquid chromatographic (HPLC) method used to determine thiosulfate plasma and urine. Medical researchers have also described the use of a clinical nephelometer to determine sulfate and thiosulfate concentrations in plasma and urine.

3. *Magnitude of residues.* Due to the breakdown of sodium thiosulfate in water to sodium chloride, water, sulfur and sulfate, there are no residues of sodium thiosulfate applied to the plants.

B. Toxicological Profile

Sodium thiosulfate is considered to have low toxicity and has been safely used for over 100 years as a therapeutic agent. Medical uses of sodium thiosulfate have been well documented since 1895. In humans it is employed as an antidote for acute cyanide poisoning; as a chemoprotectant against carboplatin and cisplatin induced ototoxicity; to prevent cyanide poisoning from treatment with sodium nitroprusside, nitrile compounds and laetrile; to reduce calcinosis; and is used topically to treat acne and pityriasis versicolor (tinea versicolor, a type of ringworm). Recent studies have shown that sodium thiosulfate may be effective in reducing some chemically induced cancers. In veterinary medicine it is used: to treat or prevent cyanide poisoning; as a ''general detoxifier'' to treat bloat; and when applied dermally to treat ringworm and mange. Sodium thiosulfate is also being used experimentally to increase food utilization in livestock.

Sodium thiosulfate is used to treat drinking water where there is concern with high levels of chlorine, chloroform or other reactive species, especially in drinking water produced by desalination plants. It is also used as a dechlorinator in aquariums and aquaculture, and in a number of manufacturing processes that require the removal of chlorine or other reactive species.

Sodium thiosulfate is classified in the Code of Federal Regulations, U.S. Food and Drug Administration, title 21, part 184, as a Direct Food Substance Affirmed As Generally Recognized As Safe (Section 184.1807) and title 21, part 582 as a Substance Generally Recognized As Safe, (Section 582.6807). According to section 184.1807, sodium thiosulfate is used as a formulation aid and a reducing agent. It is used in alcoholic beverages and table salt at levels not to exceed good manufacturing practice, currently 0.00005 percent in alcoholic beverages and 0.1% in table salt. Section 582.6807 authorizes the use of sodium thiosulfate as a sequestrant in salt with a tolerance of 0.1%.

1. *Acute toxicity*. Sodium thiosulfate is not well absorbed through the intestinal tract at high doses. Sodium thiosulfate is low in acute toxicity but may cause irritation of the gastrointestinal tract and purging if large quantities are ingested. Doses of 8 g/kg in rats are reported to be non-toxic upon ingestion.

Sodium thiosulfate has been used as a topical treatment for a variety of ailments for numerous years. Sodium thiosulfate is available in various lotion formulations such as Komed™, an acne medication containing 8% sodium thiosulfate together with 2% salicylic acid, 25% isopropyl alcohol and other ingredients. Tinver™ and Versiclear™, are lotions used for tinea versicolor (ringworm). Both lotions contain 25% sodium thiosulfate, 1% salicylic acid and 10% isopropyl alcohol. It is recommended that the lotions be applied twice daily to affected and susceptible skin for at least a week to many months until complete control of tinea versicolor is achieved. Sodium thiosulfate (12%) is also mixed with a sterile solution of 0.5% potassium ferricyanide to treat silver nitrate burns. No adverse effects are expected when sodium thiosulfate is used topically.

There is little information available on inhalation toxicity of sodium thiosulfate, but as with all dust or crystalline compounds, breathing product dust or mist may irritate the respiratory tract. However, sodium thiosulfate will be compressed into tablets for ease of use, thus eliminating the hazard of dust inhalation. Product labeling calls for mixers to wear a dust mask, thus precluding inhalation of dust when sodium thiosulfate is present as part of the product formulation.

The use of sodium thiosulfate as an adjuvant is not expected to pose an inhalation hazard since it will be in tablet form or is already incorporated into the formulation at low concentrations (one to six%). Once the sodium thiosulfate either in tablet form or in the formulated end product-is mixed with water, it breaks down into sodium chloride, water, sulfur and sulfate, which eliminates further possibility of inhalation exposure from the parent compound.

Although intravenous (IV) exposure to sodium thiosulfate is irrelevant to concerns with its use as an adjuvant, information from IV studies and therapeutic uses provides further data on the safety of sodium thiosulfate.

Sodium thiosulfate is considered to be essentially a nontoxic drug, although nausea and vomiting have been described with rapid IV administration of antidotal doses to normal adult human volunteers. The standard dose of sodium thiosulfate for treatment of cyanide poisoning in humans is an IV administration of 50 mL of a 250 milligrams/mL (mg/mL) (25%) solution. Patients also have been administered 50 mL of a 50% sodium thiosulfate solution without adverse effects. Sodium thiosulfate administered IV at 150–200 milligrams/kilograms (mg/kg) over a period of 15 minutes, is part of the therapy to treat suspected cyanide toxicity from administration of sodium nitroprusside.

The lethal dose of sodium thiosulfate when given at intravenous doses to rats is greater than 2.5 g/kg. The IV LD_{50} in mice is 1.19 g/kg, while the median lethal dose in dogs is 3 g/kg. The lethal dose injected into the flank of rabbits was estimated to be 4 g/kg. The main toxic effects from IV administration of sodium thiosulfate appear to be osmotic, which result from the rapid sodium load together with acid-base disturbances. Osmotic and acid-base disturbances have not been observed at lower doses or from dermal or oral administration of sodium thiosulfate.

Information from intraperitoneal (IP) studies provide further support that sodium thiosulfate has relatively low acute toxicity. Sodium thiosulfate protects the auditory system from the major ototoxic effects of cisplatin and reduces other overt signs of systemic toxicity.

Hamsters receiving IP injections of sodium thiosulfate at 1,600 mg/kg every other day until five injections were completed showed no ill effects from sodium thiosulfate. When sodium thiosulfate was injected in hamsters in combination with cisplatin (a chemotherapeutic agent that has been shown to cause ototoxicity), sodium thiosulfate provided amelioration over a broad hearing range, as well as providing protection from cisplatin induced gastrointestinal necrosis and nephrotoxicity. Similarly, in a study where guinea pigs treated with cisplatin, cisplatin and sodium thiosulfate, saline or sodium thiosulfate only (1,600 mg/kg/day for eight days), there were no signs of toxicity in any of the guinea pigs treated with sodium thiosulfate only. There were no effects on body weight (bwt) or auditory brainstem response and animals treated with cisplatin and sodium thiosulfate, had improved hearing and lost less weight than animals treated with cisplatin only.

Sodium thiosulfate has been shown to be an effective antidote in mice exposed to acrylonitrile. Mice were given IP injections of sodium thiosulfate at 400 mg/kg from 10 to 30 minutes prior to acrylonitrile administration at the LD_{50} dose level of 60 mg/kg. All mice appeared normal after prophylactic treatment with sodium thiosulfate and showed no ill effects from subsequent acrylonitrile exposure. Animals treated with sodium thiosulfate only, showed no evidence of toxicity.

Aquated cisplatin has a higher uptake by tumors than that of cisplatin, but aquated cisplatin is also more nephrotoxic. Subcutaneous injection of sodium thiosulfate (1,000 mg/kg) five minutes before IP administration of aquated cisplatin to B6D2F1 mice resulted in reduced aquated cisplatin-induced nephrotoxicity.

2. *Genotoxicty*. Sodium thiosulfate is not genotoxic and is regularly used in cell culture mediums as a source of sulfur. Sodium thiosulfate does not cause cell death or reduce the rate of growth in a wide variety of bacteria. Sodium thiosulfate is non-mutagenic to *Salmonella typhimurium* and can reduce the mutagenic effects induced by other chemicals. Sodium thiosulfate does not increase the rate of sister chromatid exchanges (SCEs) or chromosomal aberrations in human lymphocytes. Sodium thiosulfate has been shown to reduce the number of SCEs in human lymphocytes and Chinese hamster (CH) lung cells when administered simultaneously with known SCE inducers. When sodium thiosulfate at concentrations up to 5 X 10^2 M was added to untreated human cells, there was no effect at all on the cells. *In vitro* studies with sodium thiosulfate and LX-1 small-cell lung carcinoma cells found that sodium thiosulfate concentrations of 10 mg/kg and above were toxic to LX-1 cells, presumably due to high osmolarity, however, lower concentrations of sodium thiosulfate had no effect on cell growth. Sodium thiosulfate has also been shown to inhibit cisplatin-induced mutagenesis in somatic tissue of *Drosophila*.

3. *Reproductive and developmental toxicity*. Sodium thiosulfate is not considered to be a reproductive or developmental toxicant due to its rapid breakdown in the body to normal constituents, (i.e. thiosulfate is a normal constituent of blood and is utilized by mitochondrial enzyme rhodanase, a.k.a. thiosulfate sulfurtransferase, as a sulfur donor). In addition, remaining thiosulfate is rapidly hydrolyzed by water into sodium chloride, water, sulfur and sulfate, which are all compounds readily used by living organisms.

Use of sodium nitroprusside for the treatment of hypertensive emergencies in pregnancy has been hampered by

concern for the possibility of cyanide poisoning in both the mother and fetus. Coinfusion of sodium thiosulfate with nitroprusside in gravid ewes prevented fetal and maternal cyanide toxicity. Physicians are currently treating some pregnant women with IV administration of sodium thiosulfate and sodium nitroprusside.

4. *Subchronic toxicity*. No studies that fall into the usual subchronic category were found. However, data from chronic and acute studies provides adequate information as to the non-toxicity of sodium thiosulfate. However, it should be noted that Versiclear™. Lotion containing 25% sodium thiosulfate and 1% salicylic acid in propylene glycol is recommended for subchronic treatment of tinea versicolor in humans. In a series of studies of various therapeutics for cyanide poisoning in sheep, up to 660 mg/kg of sodium thiosulfate was administered in distilled water via stomach tube directly to the rumen of ewes who had been treated with lethal doses of sodium cyanide (7.6 mg/kg). All ewes treated with 660 mg/kg sodium thiosulfate survived. Ewes receiving 66.7 mg/kg sodium thiosulfate still exhibited severe signs of cyanide poisoning and subsequently died. Based on this study, it is recommended that cyanide toxicity in ruminants should be treated with high doses of sodium thiosulfate (500 mg/kg or more) and repeated as needed, since sodium thiosulfate is rapidly cleared from the body and sustained release of free cyanide from the rumen is possible.

An evaluation of 41 potential chemopreventive agents using the inhibition of carcinogen-induced aberrant crypt foci (ACF) in the rat colon as the measure of efficacy found that sodium thiosulfate was one of 18 agents that significantly reduced the incidence of ACF.

5. *Chronic toxicity* . Long term treatment of patients with a variety of illness have shown that ingestion of low levels of sodium thiosulfate is a non-toxic and safe therapeutic agent. A patient with renal tubular acidosis 1 was treated for nine years with sodium thiosulfate, 15–20 mmol daily (orally), to control nephrocalcinosis. During this time period, there were no treatment-related adverse effects, nephrocalcinosis did not worsen, and renal function improved. Thirty four patients received daily oral doses of sodium thiosulfate (10 mmol twice daily with p=meals) for three to four years in the treatment of recurrent calcium urinary lithiasis. Sodium thiosulfate was well tolerated by all patients for over four years with no apparent toxic or side effects. It was also found that the patients only absorbed 20–25% of the oral dose, excreting four to five mmol as urinary thiosulfate. Higher oral dose levels of sodium thiosulfate resulted in watery stools in some patients so was not used in this clinical trial.

Three patients undergoing maintenance hemodialysis for more than four years developed calcified masses. To reduce the symptoms, each patient was given 20 mmol of sodium thiosulfate IV at the end of each hemodialysis for the next six to 12 months. A considerable regression of calcified masses with concurrent clinical improvement was observed in two of the patients while the third patient showed a softening in the mass but no regression in size due to encapsulation prior to starting sodium thiosulfate treatment. For all patients, there were no new calcified masses observed during sodium thiosulfate treatment, sodium thiosulfate was well tolerated, and no apparent side effects were observed.

6. *Animal metabolism*. Thiosulfate is a normal constituent of mammalian urine. In humans, urinary thiosulfate excretion averages approximately 30μmole per 24 hours, which is less than 1% of the total urinary sulfur load.

Sodium thiosulfate is not well absorbed when administered orally as it is broken down in the acidic gastric juices to form sulfite and sulphur. Research has shown that 20–25% of a chronic low level dose is excreted in the urine as urinary thiosulfate.

When sodium thiosulfate is given intravenously, it is distributed throughout the extracellular fluid and renal excretion occurs by glomerular filtration and secretion. The serum half-life of thiosulfate in humans (after bolus injections) is around 15 to 20 minutes. When sodium thiosulfate is administered during sodium nitroprusside therapy, the plasma half life of thiosulfate is reported to be as short as 15 minutes to as long as three hours. Depending on the dosage, around 10 to 50% of exogenous thiosulfate is eliminated unchanged via the kidneys.

Endogenous levels of plasma and urinary thiosulfate concentrations, determined from healthy volunteers are 1.13 ± 0.11 milligrams/dL (mg/dL) and 0.28± 0.02 mg/dL, respectively. Clearance of endogenous thiosulfate in normal males was 0.26± 0.04 mL/min, with net excretion accounting for only 0.17% of the filtered load. The majority of endogenous thiosulfate is actively reabsorbed and endogenous levels are regulated by the kidney through secretion into and reabsorption out of tubules.

Sodium thiosulfate is known to be a strong diuretic. Following IV administration of sodium thiosulfate, peak thiosulfate concentrations were obtained five minutes after injection. The half life of the distribution phase was 23 minutes while that of the elimination phase was 182 minutes. Urine concentration, clearance and rate of thiosulfate excretion increased markedly after injection. Total excretion was 42.6± 3.5% of the injected dose at 180 min. Total excretion increased to only 47.4± 2.4% at 18 hours after injection. Sodium thiosulfate kinetics were also studied in patients undergoing cancer treatment. Sodium thiosulfate was eliminated from the plasma by first-order kinetics. On the average approximately 28% of the dose was recovered unchanged in the urine. In these patients, 95% of the total recoverable thiosulfate was excreted within four hours after termination of infusion. When sodium thiosulfate is coadministered with cisplatin (a chemotherapeutic agent that often causes nephrotoxicity), inactive mobile metabolites of cisplatin are formed by a direct reaction between cisplatin and sodium thiosulfate in the systemic circulation, which results in a reduction in the amount of cisplatin in the kidney. The strong diuretic action of sodium thiosulfate also increases elimination of both compounds, thus minimizing the time the remaining cisplatin is in the kidneys.

Sodium thiosulfate has been used to estimate extracellular water in cattle and was found to reach equilibrium with extracellular water in five to ten minutes after infusion. Sodium thiosulfate was cleared from venous blood in a two part fashion: first, it was cleared from the plasma into the interstitial fluid, then secondly through renal clearance from the extracellular water. A first-order clearance of the sodium thiosulfate was demonstrated 15 to 20 minutes after infusion. When combined with urea, sodium thiosulfate gave reasonable estimates of empty body water, extracellular water, intracellular water and lean body mass. No adverse effects were noted in any of the steers.

7. *Metabolite toxicology*. None of the metabolites of sodium thiosulfate are considered to be of toxicological significance. Thiosulfate is a normal body constituent as are the other breakdown products from the reaction of sodium thiosulfate in chlorinated water: sodium chloride, water, sulfur and sulfate.

8. *Endocrine disruption*. Sodium thiosulfate does not effect the endocrine system, except as a detoxifying agent of compounds that have been shown to

adversely effect the endocrine system (i.e. chlorine and other reactant species).

C. Aggregate Exposure

1. *Dietary exposure*. The proposed use of sodium thiosulfate as an adjuvant (1 tablet to 100 gallons of water or up to 14 oz. of end product containing 1–6% sodium thiosulfate to 100 gallons of water) to remove chlorine and other reactive species from tank water ensures that there is no dietary exposure to sodium thiosulfate. Due to the breakdown of sodium thiosulfate in water to sodium chloride, water, sulfur and sulfate, there are no residues of sodium thiosulfate applied to the plants and thus there are no residues in food.

i. *Food*. The proposed use will not result in any dietary exposure beyond what is currently present in salt and alcohol.

ii. *Drinking water*. There is no exposure to sodium thiosulfate through drinking water. Any sodium thiosulfate that gets into water is quickly broken down to the following non-toxic compounds: sodium chloride, water, sulfur and sulfate.

2. *Non-dietary exposure*. The only anticipated human exposure to non-dietary sources of sodium thiosulfate would be through medical treatment, occupational exposure, or aquaculture (hobbyists).

D. Cumulative Effects

Studies have shown that excess sodium thiosulfate beyond endogenous levels of thiosulfate is rapidly cleared from the body and there are no cumulative effects. It should also be noted that with the exception of possible occupational exposure of the mixer/loader/applicator, the proposed uses of sodium thiosulfate will not result in exposure to any other person or any non-target organism.

E. Safety Determination

1. *U.S. population*. The use of sodium thiosulfate as an adjuvant added to tank mixes does not pose a safety concern for the U.S. population due to the non-toxic nature of the compound and the absence of exposure.

2. *Infants and children*. Infants and children will not be exposed to sodium thiosulfate from its use as an adjuvant in conjunction with formulated products.

F. International Tolerances

There are no known international tolerances for sodium thiosulfate.

[FR Doc. 00–22390 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–975; FRL–6743–6]

Notice of Filing Pesticide Petitions to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–975, must be received on or before October 6, 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.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–975 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dani Daniel, Registration Support Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5409; e-mail address: daniel.dani@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 codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing 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 PF–975. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–975 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records

Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–975. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 25, 2000.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petitions

The petitioner summary of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summary of the petitions was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summaries announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Novartis Crop Protection, Inc.

PP 9F5046 and PP 9F5051

EPA has received amended pesticide petitions (PP 9F5046 and PP 9F5051) from Novartis Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for the combined residues of thiamethoxam, 3-[(2-chloro-5-thiazolyl) methyl] tetrahydro-5-methyl-*N*-nitro-4H-1, 3, 5-oxadiazin-4-imine and its major metabolite CGA–322704 *N*-(2-chloro-thiazol-5-ylmethyl)-*N'*-methyl-*N''*-nitro-guanidine which will be commonly referred to as thiamethoxam throughout the rest of this document in or on the raw agricultural commodity rapeseed (canola), tuberous and corm vegetables crop subgroup, barley grain, sorghum grain, sorghum forage, sorghum stover, wheat grain, wheat hay, wheat straw, and milk at 0.02 parts per million (ppm); barley straw at 0.03 ppm; barley hay at 0.05 ppm; cotton, undelinted seed at 0.10 ppm; cucurbit vegetables crop group, and pome fruit crop group at 0.20 ppm; fruiting vegetables crop group at 0.25 ppm; wheat forage at 0.50 ppm; tomato paste at 0.80 ppm; head and stem Brassica vegetables crop subgroup at 1.00 ppm; cotton gin byproducts at 1.50 ppm; leafy vegetables crop group, and leafy Brassica greens crop subgroup at 2.00 parts per million (ppm). In addition, meat of cattle, goats, horses, and sheep at 0.02 ppm and meat byproducts of cattle, goats, horses, and sheep at 0.02 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

The residue chemistry profile for thiamethoxam which supports these amended petitions for tolerances was previously published in the **Federal Register** of May 5, 1999 (64 FR 24153) (FRL–6072–7).

B. Toxicological Profile

The toxicological profile for thiamethoxam which supports these amended petitions for tolerances was previously published in the **Federal Register** of May 5, 1999 (64 FR 24153).

C. Aggregate Exposure

1. *Dietary exposure.— Food and drinking water.* Chronic dietary exposure was estimated using a Tier I approach by inputting tolerance level residues into the dietary exposure evaluation model (DEEM™) software. The Tier I assessment was partially refined by adjusting for projected percent crop-treated information, and was made using the United States Department of Agriculture (USDA) national food consumption survey, continuing survey of food intakes by individuals (CSFII) 1994–96. The maximum total exposure to the U.S. population (48 contiguous states, all seasons) was calculated to be 4.1% of the reference dose (RfD) of 0.013 milligrams/kilograms (mg/kg) body weight/day (bwt/day). The maximum exposure to the most sensitive population subgroup, children (1–6 years) was 9.5% of the RfD. The inclusion of the maximum concentration (Cmax) of thiamethoxam in water, taken from the highest estimated concentration observed from the generic expected environmental concentration (GENEEC) and screening concentration in ground water (SCI GROW) models, led to a maximum chronic dietary exposure of 4.5% in the U.S. population and 10.0% in children (1–6 years old).

Acute dietary exposure was calculated using a Tier III, probabilistic assessment. A distribution of residue data points was included for the typically non-blended commodities of vegetables (tuberous, fruiting, cucurbit, Brassica, and leafy), pome fruits, meat and milk, while the average field trial value was used for the typically blended commodities of grains (wheat, sorghum, and barley), seed oil (cotton and canola), apple juice and tomato paste and puree. The acute assessment used adjustment for percent of crop treated, and was made using the DEEM software with the Monte Carlo analysis and the CSFII 1994–96 food consumption survey. The margin of exposure (MOE) no observed adverse effect level ((NOAEL)/exposure) for the U.S. population (all seasons) at the 99.9th percentile of the exposure distribution was 4,995 using the NOAEL value of 15 mg/kg bwt/day. At the 99.9th percentile, the MOE for the most sensitive population subgroup (non-nursing infants <1 year old) was 1,012. Inclusion of the drinking water value to the acute assessment led to an MOE of 4,904 at the 99.9th percentile of the U.S. population, and 1,008 for the population subgroup non-nursing infants <1 year old. The results of these analyses show that there is reasonable certainty that no harm will result from exposure to dietary residues (including drinking water) of thiamethoxam.

2. *Non-dietary exposure.* Novartis also requests registrations for the use of thiamethoxam on dogs, turf and ornamentals. Novartis has identified potential non-dietary exposures to toddlers for these uses. These exposures include the following scenarios: Incidental non-dietary ingestion of residues on lawns from hand-to-mouth transfer, ingestion of thiamethoxam treated grass, and incidental ingestion of pesticide residues on pets from hand-to-mouth transfer.

According to current EPA policy, these exposures are considered to be short-term oral exposures. EPA does not expect incidental ingestion of pesticide residues on pets from hand-to-mouth transfer to occur during the same period as the exposures from the turf uses. Thus, Novartis considered these exposures in separate estimates of risk. According to current EPA policy, if an oral endpoint is needed for short-term risk assessment (for incorporation of food, water, or oral hand-to-mouth type exposures into an aggregate risk assessment), the acute oral endpoint (acute RfD = 15 mg/kg bwt/day) will be used to incorporate the oral component into aggregate risk. Short-term aggregate exposure is defined by EPA to be average food and water exposure (chronic exposure) plus residential exposure. The short-term risk estimates for the population subgroup children, 1 to 6 years old, is summarized below. This population subgroup was chosen because it has the highest chronic food exposure and because toddlers have the highest exposure from the residential uses. From the results below, Novartis concludes there is no concern associated with the aggregate exposure to thiamethoxam: Short-term aggregate exposure and risk including turf for children 1 to 6 years old; dietary exposure estimate including water is 0.001296 mg/kg bwt/day; residential exposure from turf is calculated to be 0.00497 mg/kg bwt/day; total exposure equals 0.0063 mg/kg bwt/day; percent acute RfD consumed is 0.04%; short-term aggregate exposure and risk including pet use for children 1 to 6 years old; dietary exposure estimate including water is 0.001296 mg/kg bwt/day; predicted hand to mouth transfer is 0.0341 mg/kg bwt/day; total exposure equals 0.035 mg/kg bwt/day; and the percent acute RfD consumed is 0.23%

D. Cumulative Effects

The potential for cumulative effects of thiamethoxam and other substances that have a common mechanism of toxicity has also been considered. Thiamethoxam belongs to a new pesticide chemical class known as the neonicotinoids. There is no reliable information to indicate that toxic effects produced by thiamethoxam would be cumulative with those of any other chemical including another pesticide. Therefore, Novartis believes it is appropriate to consider only the potential risks of thiamethoxam in an aggregate risk assessment.

E. Safety Determination

1. *U.S. population.* Using the chronic exposure assumptions and the proposed RfD described above, the aggregate exposure (including drinking water) to thiamethoxam to the U.S. population (48 contiguous states, all seasons) was calculated to be 4.5% of the reference dose of 0.013 mg/kg bwt/day. Therefore, Novartis concludes that there is reasonable certainty that no harm will result from aggregate chronic exposure to thiamethoxam residues.

2. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of thiamethoxam, data from developmental toxicity studies in the rat and rabbit and a 2–generation reproduction study in the rat have been considered.

In teratology studies, delayed fetal development was apparent only at maternally toxic doses of thiamethoxam in rats and rabbits. In rabbits, 150 mg/kg/day was clearly toxic to does, causing death, weight loss, reduced food consumption, and perineal or vaginal discharge. Developmental toxicity occurred secondary to maternal toxicity and consisted of reduced fetal body weights and an increase in minor skeletal anomalies or variations. Maternal toxicity was also noted at 50 mg/kg/day, consisting of reduced body weight and food consumption and total resorptions in one female. There was no indication of developmental toxicity at 50 mg/kg/day.

The NOAEL for maternal toxicity was 15 mg/kg/day and for developmental toxicity was 50 mg/kg/day in rabbits. In rats, 200 and 750 mg/kg/day caused maternal toxicity, but developmental toxicity secondary to maternal toxicity was observed only at 750 mg/kg/day. The NOAEL for maternal toxicity was 30 mg/kg/day and for developmental toxicity was 200 mg/kg/day.

In a rat multi-generation study, parental toxic effects were noted at 2,500 ppm (250 mg/kg/day) and 1,000 ppm (100 mg/kg/day). Offspring body weights were reduced in males and females at 2,500 ppm (250 mg/kg/day) and in females (F1 only) at 1,000 ppm (100 mg/kg/day). The NOAEL for

systemic toxicity in adult males was 30 ppm (approximately 3 mg/kg/day, range = 1.3 – 4.3 mg/kg/day) and in adult females was 1,000 ppm (approximately 100 mg/kg/day, range = 59.3 – 219.6 mg/kg/day). The NOAEL for toxicity to offspring was 30 ppm (approximately 3 mg/kg/day, range = 1.3 – 6.4 mg/kg/day). These studies show no evidence that developing offspring are more sensitive to than adults to the effects of thiamethoxam.

FFDCA section 408 provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base. Based on the current toxicological requirements, the data base for thiamethoxam relative to prenatal and postnatal effects for children is complete. Further, for thiamethoxam, the developmental studies showed no increased sensitivity in fetuses as compared to maternal animals following *in utero* exposures in rats and rabbits, and no increased sensitivity in pups as compared to the adults in the multi-generation reproductive toxicity study. Therefore, it is concluded that an additional uncertainty factor is not warranted to protect the health of infants and children and that an RfD of 0.013 mg/kg/day is appropriate for assessing aggregate risk to infants and children of thiamethoxam.

Assuming tolerance level residues and adjusting for the percent of crops treated, only 7.0% of the thiamethoxam chronic RfD is utilized in the population subgroup all infant (<1 year old). Therefore, based on the completeness and reliability of the toxicity data base, Novartis concludes that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to thiamethoxam residues.

F. International Tolerances

There are no Codex, Canadian, or Mexican maximum residue levels established for the combined residues of thiamethoxam on rapeseed (canola), fruiting vegetables, tomato paste, head and stem Brassica vegetables, leafy Brassica greens, cucurbit vegetables, leafy vegetables, tuberous, and corm vegetables, barley grain, barley hay, barley straw, cotton (undelinted seed), cotton gin byproducts, pome fruit, wheat grain, wheat forage, wheat straw, wheat hay, sorghum grain, sorghum forage, sorghum stover, meat, and meat byproducts of cattle, goats, horses, and sheep, and milk.

[FR Doc. 00–22391 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–968; FRL–6739–7]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–968, must be received on or before October 6, 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.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–968 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Indira Gairola, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6379; e-mail address: gairola.indira@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 codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing 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 PF–968. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is

imperative that you identify docket control number PF–968 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–968. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 23, 2000.

Peter Caulkins, Acting

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Uniqema

0E6197

EPA has received a pesticide petition (PP0E6197) from Uniqema, 900 Uniqema Boulevard, New Castle, DE 19720 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for modified styrene-acrylic polymers. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

Magnitude of residues. Uniqema is petitioning that modified styrene-acrylic polymers be exempt from the requirement of a tolerance based upon their compliance with the low risk polymer criteria per 40 CFR 723.250. Therefore, an analytical method to determine residues in raw agricultural commodities has not been proposed. No residue chemistry data or environmental fate data are presented in the petition as the Agency does not generally require some or all of the listed studies to rule on the exemption from the requirement of a tolerance for a low risk polymer inert ingredient.

B. Toxicological Profile

The Agency has established a set of criteria which identifies categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. Uniqema believes that modified styrene-acrylic polymers conform to the definition of a polymer given in 40 CFR 723.250 and meet the criteria used to identify a low risk polymer. Uniqema also believes that based on this substance's conformance to the above mentioned criteria, no mammalian toxicity is anticipated from dietary, inhalation or dermal exposure to emulsion polymers and that emulsion polymers will present minimal or no risk.

1. This polymer is not a cationic substance.

2. It contains as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. It does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii) .

4. This polymer is not designed or reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. It is not manufactured or imported from monomers and/or other reactants that are not already on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA Section 5 exemption.

6. It is not a water absorbing polymer.

7. The minimum average molecular weight of the above mentioned polymer is greater than 1,000. Substances with molecular weights greater than 400 are generally not readily absorbed through the intact skin, and substances with molecular weights greater than 1,000 are generally not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the GI tract are generally incapable of eliciting a toxic response.

This polymer has an oligomer content less than 10% below MW 500 and less than 25% MW 1,000.

Uniqema believes sufficient information was submitted in the petition to assess the hazards of modified styrene-acrylic polymers. Based on these polymers conforming to the definition of a polymer and meeting the criteria of a low risk polymer under 40 CFR 723.250, Uniqema believes there are no concerns for risks associated with toxicity.

C. Endocrine Disruption

There is no evidence that modified styrene-acrylic polymers are endocrine disrupters. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

EPA is not requiring information on the endocrine effects of this substance at this time; Congress has allowed 3 years after August 3, 1996, for the Agency to implement a screening program with respect to endocrine effects.

D. Aggregate Exposure

1. *Dietary exposure*. Some modified styrene-acrylic polymers may be used in contact with food as components of containers used to manufacture, process, or store food when regulated for such use under the FFDCA. Modified styrene-acrylic polymers with a molecular weight greater than 1,000 daltons are not readily absorbed through the intact gastrointestinal tract and are considered incapable of eliciting a toxic response.

2. *Non-dietary exposure*. Typical uses of modified styrene-acrylic polymers are in the paints and coatings industries as components of coatings. In these uses the primary exposure used is dermal, however, and modified styrene-acrylic polymers with a molecular weight significantly greater than 400 are not readily absorbed through the intact skin and are considered incapable of eliciting a toxic response.

E. Cumulative Effects

There are data to support a conclusion of negligible cumulative risk modified styrene-acrylic polymers. Polymers with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact GI tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response. Therefore, there is no reasonable expectation of increased risk due to cumulative exposure. Based on this polymer conforming to the definition of a polymer and meeting the criteria of a low risk polymer under 40 CFR 723.250, Uniqema believes there are no concerns for risks associated with cumulative effects.

F. Safety Determination

1. *U.S. population*. Uniqema believes sufficient information was submitted in the petition to assess the hazards of modified styrene-acrylic polymers. Based on these polymers conforming to the definition of a polymer and meeting the criteria of a low risk polymer under 40 CFR 723.250, Uniqema believes there are no concerns for risks associated with any potential exposure to adults. There are no known additional pathways of exposure (non-occupational, drinking water, etc.) where there would be additional risk to the general population.

2. *Infants and children*. Uniqema believes sufficient information was submitted in the petition to assess the hazards of modified styrene-acrylic polymers. Based on these polymers conforming to the definition of a polymer and meeting the criteria of a low risk polymer under 40 CFR 723.250, Uniqema believes there are no concerns for risks associated with any potential exposure to infants and children. There are no known pathways of exposure (non-occupational, drinking water, etc.) where infants and children would be at additional risk.

G. International Tolerances

Uniqema is not aware of any country requiring a tolerance for modified styrene-acrylic polymers nor have there been any CODEX maximum residue levels established for these polymers on any food crops at this time.

[FR Doc. 00–22389 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6865–1]

Notice of Proposed Administrative Order on Consent Pursuant to the Resource Conservation and Recovery Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 7003(d) of the Resource Conservation and Recovery Act, 42 U.S.C. 9673(d), notice is hereby given of a proposed administrative agreement (''Administrative Order on Consent'' or ''AOC'') concerning the Charnock methyl tertiary-butyl ether (''MTBE'') Contamination Site (''Site'') located in the State of California with the following parties: Shell Oil Company, Shell Oil Products Company and Equilon Enterprises LLC (''Respondents''). The AOC requires the Respondents to perform the following activities related to the Charnock Sub-Basin MTBE contamination: Conduct an analysis of alternatives and recommend a preferred alternative for interim drinking water replacement; perform an evaluation of interim groundwater restoration measures; and conduct additional regional investigation fieldwork and analysis activities. The Respondents will perform critical data collection and analysis activities over an approximately one year time frame. The AOC provides for stipulated penalties for failure to perform and continuous oversight from the EPA and the California Regional Water Quality Control Board-Los Angeles Region (''the Agencies''), as well as the opportunity for participation by the City of Santa Monica (''the City'') and Southern California Water Company (''SCWC) (collectively ''the Impacted Parties''). These activities will facilitate selection by the Agencies of interim water

replacement and restoration measures. Respondents will then continue to perform groundwater sampling and analysis and related reporting tasks for approximately one additional year.

For thirty (30) days following the date of publication of this notice, EPA will receive written comments on the AOC. EPA will consider all comments received and may modify or withdraw its consent to the AOC, if comments received disclose facts or considerations which indicate that the proposed AOC is inappropriate, improper, or inadequate. The EPA's response to any comments will be available for public inspection at the Los Angeles Regional Water Quality Control Board, 320 W. 4th Street, Suite 200, Los Angeles, CA, 90013 and at the U.S. Environmental Protection Agency Region 9 located at 75 Hawthorne Street, San Francisco, CA 94105. Commenters may request an opportunity for a public meeting in the affected area in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

DATES: Comments must be submitted on or before October 6, 2000.

ADDRESSES: The proposed AOC and additional background information relating to the AOC are available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105, or on the Internet at *www.epa.gov/region09/mtbe/charnock.* A paper copy of the proposed AOC may be obtained from Steven Linder (WST–8), Project Manager, 75 Hawthorne Street, San Francisco, CA, 94105. Comments should reference the Charnock MTBE Contamination Site, Proposed Administrative Order on Consent and EPA Docket No. 7003–09–2000-0003. Comments should be addressed to Lester Kaufman, Chief, Underground Storage Tanks Program Office, 75 Hawthorne St., San Francisco, CA, 94105.

FOR FURTHER INFORMATION CONTACT: Steven Linder (WST–8), Project Manager, 75 Hawthorne Street, San Francisco, CA, 94105, (415) 744–2036.

SUPPLEMENTARY INFORMATION: In August 1995, the City discovered the gasoline additive MTBE in drinking water supply wells at its Charnock Wellfield, located at 11375 Westminster Avenue, Los Angeles, California. In August 1995, the City's Charnock Wellfield had five operating municipal supply wells which, according to the City, provided approximately 45% of the drinking water for the City's 87,000 residents (1990 U.S. Census) and approximately 200,000 daytime customers. By June 13, 1996, all of the supply wells at the City's Charnock Wellfield were shut down due to the presence of MTBE contamination at the wellfield. In October 1996, following the shutdown of the City's Charnock Wellfield, the SCWC, another water purveyor utilizing the Charnock Sub-Basin, shut down its wellfield in the Sub-Basin, in order to avoid drawing contamination toward the SCWC Wellfield. Prior to this shutdown, SCWC had two operating municipal supply groundwater wells, at 11607 and 11615 Charnock Road, Los Angeles, that provided, according to SCWC, a portion of the drinking water for approximately 10,000 residences and businesses in Culver City. Currently, water from the Charnock Sub-Basin is not being served to the public. The affected water supply wells have been shut down and there is no current exposure.

After the discovery of MTBE in the City's Charnock Wellfield and the shutdown of both of the wellfields in the Charnock Sub-Basin, the City and SCWC began purchasing alternative water supplies from the Metropolitan Water District. EPA, in consultation with the State, determined that a joint State and federal response was necessary to effectively protect human health and the environment from the threat created by MTBE contamination in the Charnock Sub-Basin and at the City's Charnock Wellfield. Beginning in June 1997, the Agencies have required investigations of potential source site facilities in order to locate and remediate the contamination.

Respondents have conducted investigations at their potential source sites and have begun remediation at one of their individual facilities. Respondents have also participated, along with other potentially responsible parties, in investigating the regional extent of contamination in the Sub-Basin, evaluating remedial technology alternatives, and providing water replacement and consultant costs for the Impacted Parties.

On September 22, 1999, the EPA and the Regional Board issued parallel administrative orders with identical scopes of work to Shell Oil Company, Shell Products and Equilon Enterprises, LLC (collectively ''the Shell Orders''). (See, EPA Docket No. RCRA 7003–09–99–0007, and Regional Board Cleanup and Abatement Order No. 99–085.) These orders required Respondents to provide the Impacted Parties with Replacement Water beginning January 7, 2000, for a period of 5 years. Respondents are currently providing replacement water pursuant to these orders. On March 9, 2000, the EPA issued a unilateral administrative order for participation and cooperation in water replacement to Chevron U.S.A., Inc., Exxon Mobil Corporation, Atlantic Richfield Corporation (d.b.a. Arco), Conoco, Inc., Kayo Oil Company, Douglas Oil Company of California, Unocal Corporation, Mobil Oil Corporation, Tosco Corporation, Thrifty Oil Company, Best California Gas, Ltd., Kazuho Nishida and HLW Corporation. This order required these parties to participate and cooperate with the parties to the Shell Orders in providing water replacement. (See EPA Docket No. RCRA 7003–09–2000–0002.) The Regional Response activities that are the subject of the proposed AOC are intended to efficiently generate the information and analyses necessary for the Agencies to select appropriate water replacement and regional restoration measures. The AOC is not intended to affect ongoing requirements for investigation and remediation of individual source sites and potential source sites or compliance with any existing administrative order. Nor is the AOC intended to affect any litigation related to the Site or the Charnock Sub-Basin, or to limit any claims or rights under applicable laws that any Impacted Party may have or assert arising from contamination of the Site or the Charnock Sub-Basin.

Keith Takata,

Acting Regional Administrator, Region 9.

[FR Doc. 00–22813 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51949; FRL–6741–5]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from June 26, 2000 to

July 7, 2000, consists of the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51949 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically*. You may obtain copies of this document and certain other available 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/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–51949. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B– 607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51949 and the specific PMN number in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–51949 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from June 26, 2000 to

July 7, 2000, consists of the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 41 PREMANUFACTURE NOTICES RECEIVED FROM: 06/26/00 TO 07/07/00

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–0967	06/27/00	09/25/00	CBI	(S) Resin for coatings	(G) Polyurethane resin
P–00–0968	06/27/00	09/25/00	CBI	(S) Resin for coatings	(G) Polyurethane resin
P–00–0969	06/27/00	09/25/00	CBI	(S) Resin for coatings	(G) Polyurethane resin
P–00–0970	06/27/00	09/25/00	CBI	(S) Resin for coatings	(G) Polyurethane resin
P–00–0971	06/26/00	09/24/00	CIBA Spec.Chem. Corp., Consumer Care Div.	(S) Direct dye for coloring of paper	(G) Benzenesulfonic acid, 3,3′-[[6-[substituted]-1,3,5-triazine-2,4-diyl]bis[imino(3-alkoxy-4,1-phenylene)azo]]bis-, lithium,sodium salt
P–00–0972	06/26/00	09/24/00	CIBA Spec. Chem. Corp., Consumer Care Div.	(S) Direct dye for coloring of paper	(G) Benzenesulfonic acid, 3,3′-[[6-[substituted]-1,3,5-triazine-2,4-diyl]bis[imino(3-alkoxy-4,1-phenylene)azo]]bis-, lithium,sodium salt
P–00–0973	06/26/00	09/24/00	CIBA Spec. Chem. Corp., Consumer Care Div.	(S) Direct dye for coloring of paper	(G) Benzenesulfonic acid, 3,3′-[[6-[substituted]-1,3,5-triazine-2,4-diyl]bis[imino(3-alkoxy-4,1-phenylene)azo]]bis-, lithium,sodium salt
P–00–0974	06/26/00	09/24/00	CBI	(G) Synthetic paper size emulsifier	(G) Modified cationic acrylamide polymer
P–00–0975	06/27/00	09/25/00	CBI	(S) Resin for coatings	(G) Polyester resin
P–00–0976	06/27/00	09/25/00	CBI	(S) Resin for coatings	(G) Polyester resin
P–00–0977	06/27/00	09/25/00	CBI	(S) Resin for coatings	(G) Polyester resin
P–00–0978	06/27/00	09/25/00	CBI	(S) Resin for coatings	(G) Polyester resin
P–00–0979	06/26/00	09/24/00	CBI	(S) Used in ultra-violet and electron-beam radiation curing;coatings for wood, wood-based materials, paper and plastics	(G) Urethane acrylate
P–00–0980	06/26/00	09/24/00	CBI	(S) Used in ultra-violet and electron-beam radiation curing;coatings for wood, wood-based materials, paper and plastics	(G) Urethane acrylate
P–00–0981	06/26/00	09/24/00	H.B. Fuller Company	(S) Film laminating adhesive for packaging and converting;volumes and use pertaining to each substance of pmn separately	(G) Polyether polyurethane polymer
P–00–0982	06/26/00	09/24/00	H.B. Fuller Company	(S) Film laminating adhesive for packaging and converting;volumes and use pertaining to each substance of pmn separately	(G) Polyether polyurethane polymer
P–00–0983	06/26/00	09/24/00	H.B. Fuller Company	(S) Film laminating adhesive for packaging and converting;volumes and use pertaining to each substance of pmn separately	(G) Polyether polyurethane polymer
P–00–0984	06/26/00	09/24/00	H.B. Fuller Company	(S) Film laminating adhesive for packaging and converting; volumes and use pertaining to each substance of pmn separately	(G) Polyether polyurethane polymer
P–00–0986	06/26/00	09/24/00	Mitsui & Co., (U.S.A.) Inc.	(S) Component of a catalyst mixture	(G) Dialkyl diether
P–00–0987	06/27/00	09/25/00	Solutia Inc.	(S) Binder for automotive coating	(G) Acrylic copolymer in water based emulsion
P–00–0988	06/27/00	09/25/00	Solutia Inc.	(S) Paint resin	(G) Polyester, hydroxy functional
P–00–0989	06/27/00	09/25/00	CBI	(G) Open, non-dispersive use.	(G) Hydroxy functional acrylic polymer.
P–00–0990	06/27/00	09/25/00	CBI	(S) Spray applied automotive coatings	(G) Amine salt of polyurethane resin

I. 41 PREMANUFACTURE NOTICES RECEIVED FROM: 06/26/00 TO 07/07/00—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–0991	06/27/00	09/25/00	CBI	(G) Manufacturing of composites	(G) Formaldehyde, (chloromethyl)oxirane/phenol polymer, modified with organophsophorous derivative*
P–00–0992	06/27/00	09/25/00	CBI	(G) Manufacturing of composites	(G) Formaldehyde, (chloromethyl)oxirane/phenol polymer, modified with organophosphorous derivative
P–00–0993	06/28/00	09/26/00	Vantico Inc.	(S) Resin for structural composites;resin for electronic laminates	(G) Substituted 6,6′-(1-methylethylidene)bis[3,4-dihydro-3-phenyl,1,3-benzoxazine]
P–00–0994	06/30/00	09/28/00	Eastman Kodak Company	(G) Chemical intermediate, destructive use	(G) Amino substituted aromatic acid derivative
P–00–0995	06/27/00	09/25/00	CBI	(G) Polyester resin	(G) Polyester resin
P–00–0996	06/27/00	09/25/00	CBI	(G) Polyester resin	(G) Polyester resin
P–00–0997	07/03/00	10/01/00	Dystar L. P.	(S) Coloration of cellulosic fibers	(G) 2-naphthalenesulfonic acid, 6-(substituted)-4-substituted-3-[[4-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-, salt
P–00–0998	07/03/00	10/01/00	CBI	(G) Open,non-dispersive (resin)	(G) Polyvinyl cinnamate naphthoate
P–00–0999	07/05/00	10/03/00	CBI	(S) Paper dye	(G) Triphenylmethane derivative
P–00–1000	06/29/00	09/27/00	Reichhold, Inc.	(G) Hot melt polyurethane adhesive	(G) Isocyanate functional polycaprolactone- polyester-polyether-urethane polymers
P–00–1001	07/05/00	10/03/00	CBI	(G) Additive to security inks dispersive use	(G) Dispersive Use
P–00–1002	07/06/00	10/04/00	Shin-Etsu Silicones of America, Inc	(S) Additive for epoxy resin compounds	(S) Siloxanes and silicones, di-me, me hydrogen, polymers with me silsesquioxanes and vinyl group-terminated di-me siloxanes*
P–00–1003	07/05/00	10/03/00	3M company	(S) Fiber treatment	(G) Aliphatic urethane
P–00–1004	07/06/00	10/04/00	CBI	(G) Resin coating	(G) Polyester resin
P–00–1005	07/06/00	10/04/00	CBI	(G) Resin coating	(G) Polyester resin
P–00–1006	07/06/00	10/04/00	Reichhold, Inc.	(G) Hot melt polyurethane adhesive	(G) Isocyanate functional polycaprolactone - polyester -polyether - urethane polymers
P–00–1007	07/05/00	10/03/00	CBI	(G) Open, non-dispersive use as a constituent in solid, crayon like inks for computer printers	(G) Colored aliphatic urethane
P–00–1008	07/06/00	10/04/00	CBI	(G) Coating component	(G) Multifunctional polycarbodiimide

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 20 NOTICES OF COMMENCEMENT FROM: 06/26/00 TO 07/07/00

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0031	06/26/00	06/01/00	(G) Sulfonyl urea
P–00–0069	07/05/00	06/04/00	(G) Nitrated, sulfonated aromatic acid chloride
P–00–0070	07/05/00	06/12/00	(G) Nitrated, sulfonated aromatic compounds
P–00–0331	07/06/00	06/15/00	(G) Vinylpyrrolidone vinylester copolymer
P–00–0378	07/06/00	06/06/00	(G) Polyester-polyurethane-elastomer dispersion
P–00–0405	06/28/00	06/12/00	(S) Benzenesufonic acid, bis (1-methylethyl)-, sodium salt*
P–00–0433	07/05/00	06/18/00	(G) Amine neutralized phosphated polyester
P–00–0457	06/26/00	06/01/00	(G) Modified polyethercarboxylate
P–00–0458	06/26/00	06/01/00	(G) Modified polyethercarboxylate
P–00–0459	06/26/00	06/01/00	(G) Modified polyethercarboxylate
P–00–0460	06/26/00	06/01/00	(G) Modified polyethercarboxylate
P–00–0461	06/26/00	06/01/00	(G) Modified polyethercarboxylate
P–00–0462	06/26/00	06/01/00	(G) Modified polyethercarboxylate
P–00–0474	06/27/00	06/20/00	(G) 2-propenoic acid, 2-methyl-, 2-(dimethylamino)ethyl ester, polymer with methyl 2-methyl-2-propenoate, acid salt
P–96–0355	06/27/00	06/13/00	(G) 2-butanone oxime blocked isocyanate

II. 20 NOTICES OF COMMENCEMENT FROM: 06/26/00 TO 07/07/00—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P–97–0613	07/05/00	06/25/00	(G) Organofunctional silicone silsesquioxane copolymer
P–98–1221	07/03/00	06/27/00	(G) Sulfonated polyester diol
P–99–0078	07/05/00	06/13/00	(G) Acrylic polymer
P–99–0314	07/05/00	02/23/00	(G) Amino functional polyether functional silicone terpolymer
P–99–0905	07/03/00	06/27/00	(G) Alkylbenzene

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: August 29, 2000.

Edward Gross,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 00–22821 Filed 9–5–00; 8:45 am]

BILLING CODE6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51950; FRL–6741–6]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 10, 2000 to July 21, 2000, consists of the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51950 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain copies of this document and certain other available 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/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–51950. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B– 607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51950 and the specific PMN number in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically.* You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by

docket control number OPPTS–51950 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 10, 2000 to July 21, 2000, consists of the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 44 PREMANUFACTURE NOTICES RECEIVED FROM: 07/10/00 TO 07/21/00

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–1009	07/11/00	10/09/00	CBI	(G) Non-dispersive use	(G) Quarternary ammonium salt polymer
P–00–1010	07/11/00	10/09/00	CBI	(G) Polyester additive	(G) Quaternary aromatic sulfonate
P–00–1011	07/11/00	10/09/00	Ciba specialty chemicals corporation	(S) Stabilizer/emulsifier used in adhesive formulations	(G) Acrylic copolymer
P–00–1012	07/11/00	10/09/00	Ciba specialty chemicals corporation	(S) Wallpaper adhesive component	(G) Acrylic terpolymer
P–00–1013	07/11/00	10/09/00	CBI	(S) Catalyst for adhesive uses	(G) Alkylborane complex
P–00–1014	07/11/00	10/09/00	CBI	(S) Catalyst for adhesive uses	(G) Alkylborane complex
P–00–1015	07/11/00	10/09/00	CBI	(S) Catalyst for adhesive uses	(G) Alkylborane complex
P–00–1016	07/11/00	10/09/00	Eastman chemical company	(S) Component of primer for plastic (primarily automotive exterior)	(S) 2-propenoic acid, 2-methyl-, methyl ester, polymer with 2-methylpropyl 2-methyl-2-propenoate and 1,2-propanediol mono-2-propenoate*
P–00–1017	07/12/00	10/10/00	Basf corporation	(G) Chemical intermediate	(S) Cyclohexane, (ethenyloxy)-*
P–00–1018	07/12/00	10/10/00	Basf corporation	(G) Isolated intermediate/by-product	(G) Methoxy substituted aliphatic amine
P–00–1019	07/13/00	10/11/00	CBI	(G) Used as an industrial laminating adhesive	(G) Aromatic isocyanate-polyester-polyether base urethane prepolymer with excess isocyanate
P–00–1020	07/13/00	10/11/00	CBI	(G) An open non-dispersive use	(G) Alkyd resin
P–00–1021	07/13/00	10/11/00	Cardolite corporation	(S) Epoxy curing agent and accelerator	(G) Amine functional epoxy curing agent and accelerator
P–00–1022	07/13/00	10/11/00	Asians merchandise company	(S) Textile; footwear; interior goods; others	(G) Quaternary ammonium phosphate

I. 44 PREMANUFACTURE NOTICES RECEIVED FROM: 07/10/00 TO 07/21/00—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–00–1023	07/13/00	10/11/00	CBI	(G) Binder resin	(G) Acrylic polyol
P–00–1024	07/14/00	10/12/00	CBI	(S) Curing agent for epoxy resins in adhesives and coating applications	(G) Epoxy polyamine adduct
P–00–1025	07/17/00	10/15/00	CBI	(S) Inks;coatings	(G) Polyester acrylate
P–00–1026	07/14/00	10/12/00	CBI	(G) Destructive use	(G) Triamido iron complex
P–00–1027	07/14/00	10/12/00	CBI	(G) Destructive use	(G) Substituted pyridine
P–00–1028	07/14/00	10/12/00	CBI	(G) Destructive use	(G) Pyridine carboxylic ester
P–00–1029	07/14/00	10/12/00	CBI	(G) Destructive use	(G) Substituted pyridine
P–00–1030	07/14/00	10/12/00	CBI	(G) Acrylic copolymer salt	(G) Acrylic copolymer salt
P–00–1031	07/14/00	10/12/00	3m company	(G) Coating	(G) Silicone polymer
P–00–1032	07/17/00	10/15/00	CBI	(S) A component used in a ultra violet curable coating for industrial use	(G) Acrylated silica
P–00–1033	07/14/00	10/12/00	CBI	(S) Colorant for plastics	(G) Substituted-((4,5-dihydro-3-methyl-5-oxo-(substituted carbomonocyclic)-1h-pyrazol-4-yl)azo)-benzenesulfonic acid, mixed metal salt
P–00–1034	07/17/00	10/15/00	Wacker Silicones Corporation	(S) Silicone topcoat	(G) Polymethacrylate with alkoxysilane(s) group(s)
P–00–1035	07/17/00	10/15/00	Reichhold, Inc.	(G) Coating binder	(G) Triethylamine salt of polyester - aliphatic urethane polymer
P–00–1036	07/17/00	10/15/00	Condea Vista Company	(S) Monomer for eb/uv initiated polymer production	(S) 2-propenoic acid, (5-ethyl-1,3-dioxan-5-yl)methyl ester*
P–00–1037	07/17/00	10/15/00	CBI	(G) Open, non-dispersive use	(G) Acrylic dispersant polymer
P–00–1038	07/17/00	10/15/00	CBI	(G) Lubricant additive	(G) Magnesium phenate
P–00–1039	07/17/00	10/15/00	CBI	(G) Lubricant additive	(G) Lithium phenate
P–00–1040	07/17/00	10/15/00	CBI	(G) Lubricant additive	(G) Sodium phenate
P–00–1041	07/19/00	10/17/00	CBI	(S) Energy (ultraviolet or electron beam) curing resins for coatings applied onto metal, wood, paper and plastics	(G) Polyester acrylate
P–00–1042	07/19/00	10/17/00	CBI	(G) Open, non-dispersive (thickening agent)	(G) Cross linked methyl hydroxypropyl cellulose
P–00–1043	07/19/00	10/17/00	CBI	(G) Resin coating	(G) Modified cycloaliphatic epoxy
P–00–1044	07/19/00	10/17/00	CBI	(G) Catalyst	(G) Organic zirconium complex
P–00–1045	07/19/00	10/17/00	CBI	(G) Catalyst	(G) Organic zirconium complex
P–00–1046	07/19/00	10/17/00	CBI	(G) Chemical intermediate	(G) Organic zirconium compound
P–00–1047	07/19/00	10/17/00	CBI	(G) Chemical intermediate	(G) Alkyl metal silicate
P–00–1048	07/19/00	10/17/00	CBI	(G) Chemical intermediate	(G) Alkyl metal silicate
P–00–1049	07/20/00	10/18/00	CBI	(G) Resin coating	(G) Polyester resin
P–00–1050	07/20/00	10/18/00	Equilon Enterprises, LLC	(S) Automotive and industrial lubrication formulations;carrier oils (dilutenet) for oil additives	(S) Paraffin waxes and hydrocarbon waxes, hydrocracked, solvent-dewaxed*
P–00–1051	07/20/00	10/18/00	Uniqema	(S) Synthetic lubricant base fluid for hydraulic oils	(G) Polyol fatty acid ester
P–00–1052	07/20/00	10/18/00	CBI	(G) Coatings hardener/flexibilizer	(G) Phenolic Silicone

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 26 NOTICES OF COMMENCEMENT FROM: 07/10/00 TO 07/21/00

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0005	07/11/00	06/19/00	(G) Polymeric mdi based polyurethane
P–00–0006	07/11/00	06/14/00	(G) Polymeric mdi based polyurethane
P–00–0267	07/17/00	06/22/00	(G) Acrylic acid, polymer with partial salt of acrylate ester, reaction product with substituted polyglycol
P–00–0403	07/20/00	07/07/00	(S) Poly[oxy(methyl-1,2-ethanediyl)], α-hydro-omega-hydroxy-, ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol*
P–00–0404	07/20/00	07/07/00	(S) Fatty acids, C_{18}-unsatd., dimers, di-me esters, hydrogenated, polymd.
P–00–0407	07/17/00	06/14/00	(G) Calcium fatty acid complex.
P–00–0411	07/17/00	06/14/00	(G) Calcium fatty acid complex.
P–00–0421	07/19/00	06/27/00	(G) High molecular polymer with amino group
P–00–0607	07/17/00	06/23/00	(G) Phenolic copolymer
P–00–0627	07/17/00	06/19/00	(G) Phenolic copolymer

II. 26 NOTICES OF COMMENCEMENT FROM: 07/10/00 TO 07/21/00—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0701	07/10/00	07/06/00	(G) Polymide
P–00–0703	07/13/00	07/10/00	(G) Organosilicic compound
P–98–0911	07/17/00	06/27/00	(G) Epoxyalkyl-functional siloxane
P–99–0181	07/14/00	06/21/00	(G) Aliphatic polyamine, modified
P–99–0336	07/19/00	07/10/00	(G) Phenol-resorcinol-catechol resin sulfonic acid, sodium salt
P–99–0365	07/14/00	06/28/00	(G) Substituted acetate
P–99–0375	07/17/00	07/12/00	(G) Unsaturated alcohol,(tetrahydro-2h-pyran-2-yl)oxy-, acetate
P–99–0415	07/12/00	07/03/00	(S) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with (chloromethyl) oxirane, mixed diesters with propylene glycol acrylate hydrogen succinate and propylene glycol hydrogen succinate methacrylate*
P–99–0453	07/10/00	06/21/00	(G) Amino-formaldehyde-polyol polymer
P–99–0570	07/11/00	06/26/00	(G) Fatty amide amphoteric
P–99–0571	07/11/00	06/26/00	(G) Fatty imidazolium amphoteric
P–99–0724	07/11/00	06/22/00	(G) Polymer of hydroxybenzaldehyde and crezol etc.
P–99–1180	07/19/00	06/27/00	(G) High molecular polymer with amino group
P–99–1191	07/13/00	06/12/00	(G) Rare earth phosphate
P–99–1192	07/13/00	06/12/00	(G) Rare earth phosphate
P–99–1234	07/19/00	07/02/00	(G) Epoxy ester urethane resin

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: August 29, 2000.

Edward Gross,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 00–22822 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6865–2]

Clean Water Act Section 303(d): Availability of Total Maximum Daily Loads (TMDLs) and Final Determination That TMDLs Are Not Needed

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and final determination.

SUMMARY: This notice announces the availability for comment of the administrative record file for six TMDLs prepared by EPA Region 6 for waters listed in Louisiana's Mermentau and Vermilion/Teche river basins, under section 303(d) of the Clean Water Act (CWA). The above TMDLs were completed in response to a Court Order dated October 1, 1999, in the lawsuit *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La. Oct. 1, 1999). Under this court order, EPA is required to establish TMDLs when needed for waters on the Louisiana 1998 section 303(d) list by December 31, 2007. This notice also announces the Agency's final determination that TMDLs are not needed for forty-six waterbody/pollutant combinations in the Mermentau and Vermilion/Teche river basins and two waterbody/pollutant combinations in the Pearl River Basin because the data show that the waterbodies are meeting Louisiana's Water Quality Standards for the pollutants involved.

DATES: Comments on the six completed TMDLs must be submitted to EPA on or before October 6, 2000.

ADDRESSES: Comments on the six TMDLs should be sent to Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202–2733. For further information, contact Ellen Caldwell at (214) 665–7513. Copies of the TMDLs and their respective calculations may be viewed at www.epa.gov/region6/water/tmdl.htm, or obtained by writing or calling Ms. Caldwell at the above address. The administrative record file for these TMDLs is available for public inspection at the above address as well. Please contact Ms. Caldwell to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell at (214) 665–7513.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (Plaintiffs), filed a lawsuit in Federal Court against the United States Environmental Protection Agency (EPA), styled *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La. Oct. 1, 1999). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner.

In an order dated October 1, 1999, the Court disapproved EPA's proposed 12-year schedule for the establishment of Louisiana TMDLs. Among other things, the court ordered the following:

(1) The defendants, EPA, shall prepare total maximum daily loads for Louisiana waters identified as not meeting water quality standards according to the following schedule:

(a) By December 31, 1999, for all of the waters in the Mermentau and Vermilion/Teche basins.

(b) By December 31, 2001, for all of the waters in the Calcasieu and Ouachita basins.

(c) By December 31, 2003, for all of the waters in the Barataria and Terrebonne basins.

(d) By December 31, 2005, for all of the waters in the Red and Sabine basins.

(e) By December 31, 2006, for all of the waters in the Pontchartrain basins.

(f) By December 31, 2007, for all of the waters in the Mississippi, Atchafalaya, and Pearl basins.

(2) The defendants, EPA, shall add or delete waters to the schedule as new data confirms that the waters are or are not meeting water quality standards. If a water is deleted from the identification of waters that do not meet water quality standards, the defendants need not prepare a total maximum daily load for the water. If an additional water is identified as not meeting water quality standards, the defendants shall prepare a total maximum daily load for the water by the applicable deadline in the schedule if the water is identified at least one year prior to the deadline. If the additional water is identified less than one year before the total maximum

load would be due under the schedule, the defendants shall have discretion to prepare the load by the scheduled deadline or to extend the schedule.

EPA Seeks Comments on Six TMDLs

EPA regulations provide for public participation when the Agency establishes TMDLs. By this notice, and pursuant to 40 CFR 130.7(d)(2), EPA is seeking comment on the following six TMDLs for waters located within the Mermentau and Vermilion/Teche basins:

Subsegment	Waterbody name	Pollutant
050102	Bayou Joe Marcel	Fecal Coliform.
050201	Bayou Plaquemine-Brule—Headwaters to Bayou Des Cannes	Total Dissolved Solids.
050501	Bayou Que de Tortue—Headwaters to Mermentau River	Total Dissolved Solids.
060204	Bayou Courtableau—Origin To West Atchafalaya Borrow Pit Canal	Fecal Coliform.
060204	Bayou Courtableau—Origin To West Atchafalaya Borrow Pit Canal	Sulfate.
060208	Bayou Boeuf—Headwaters To Bayou Courtableau	Total Dissolved Solids.

The administrative record file and calculations for these six TMDLs are available for review. EPA requests the public to provide any significant data and information that may impact these TMDLs. EPA will review all data and information submitted during the public comment period and revise the six TMDLs where appropriate. EPA will then forward the TMDLs to the Court and the Louisiana Department of Environmental Quality (LDEQ). LDEQ will incorporate the TMDLs into its current water quality management plan.

Final Notice on Delisting 48 Waterbody/Pollutant Combinations

Through this notice, EPA also is providing final notice of its determination on February 25, 2000, that TMDLs are not needed for forty-six waterbody/pollutant combinations in the Mermentau and Vermilion/Teche river basins and two combinations in the Pearl River Basin.

On October 28, 1999, in response to the court order dated October 1, 1999, EPA disapproved Louisiana's 1998 CWA section 303(d) list. On November 1, 1999, also in response to the October 1 court order, EPA submitted its court-ordered CWA section 303(d) list and administrative record. EPA made this court-ordered 303(d) list available for public comment 64 FR 66635 (November 29, 1999). On February 25, 2000, after review of water quality data and monitoring information and public comments, EPA issued a modified section 303(d) list. Consistent with paragraph three of the October 1 order, quoted above, EPA determined that forty-six waterbody/pollutant combinations in the Mermentau and Vermilion/Teche basins and two combinations in the Pearl River Basin should be removed from the court-ordered 303(d) list because the data and information show that the waterbodies are meeting Louisiana's Water Quality Standards for the pollutants involved. Detailed explanations for these determinations are set out in the Decision Document for the modified section 303(d) list and in Appendix E to that document, which provides as follows:

050101 Bayou Des Cannes—Headwaters to Mermentau
- Copper—New data shows it is meeting Water Quality Standards (WQS)
- Lead—New data shows it is meeting WQS

050201 Bayou Plaquemine Brule—Headwaters to Bayou Des Cannes
- Lead—New data shows it is meeting WQS
- Phosphorus—New data shows it is meeting WQS
- Turbidity—New data shows it is meeting WQS

050301 Bayou Nezpique—Headwaters to Mermentau
- Copper New data shows it is meeting WQS
- Lead—New data shows it is meeting WQS

050401 Mermentau River—Origin to Lake Arthur
- Phosphorus—Assessment of data shows it is meeting WQS
- Copper—New data shows it is meeting WQS
- Lead—New data shows it is meeting WQS
- Mercury—New data shows it is meeting WQS
- Suspended Solids—New data shows it is meeting WQS

050501 Bayou Queue de Tortue—Headwaters to Mermentau
- Lead—New data shows it is meeting WQS

050601—Lacassine Bayou—Headwaters to Intracoastal Waterway
- Phosphorus—Assessment of data shows it is meeting WQS
- Suspended solids—New data shows it is meeting WQS
- Turbidity—New data shows it is meeting WQS
- Lead—New data shows it is meeting WQS

050703 White Lake
- Siltation—Assessment of data and information shows it is meeting WQS
- Turbidity—Assessment of data and information shows it is meeting WQS
- Lead—New data shows it is meeting WQS

050801 Mermentau River—Catfish Point Control Structure to Gulf of Mexico (Estuarine)
- Copper—New data shows it is meeting WQS

060101 Spring Creek—Headwaters to Cocodrie Lake
- Siltation—Assessment of data shows it is meeting WQS
- Turbidity—New data shows it is meeting WQS
- Cadmium—New data shows it is meeting WQS
- Copper—New data shows it is meeting WQS
- Lead—New data shows it is meeting WQS
- Mercury—New data shows it is meeting WQS

060102 Cocodrie Lake
- Cadmium—Original basis for listing determined to be inaccurate
- Copper—Original basis for listing determined to be inaccurate
- Lead—Original basis for listing determined to be inaccurate

060201 Bayou Cocodrie from US Highway 167 to the Boeuf-Cocodrie Diversion Canal
- Lead—New data shows it is meeting WQS

060203 Chicot Lake
- Copper—New data shows it is meeting WQS
- Lead—New data shows it is meeting WQS

060204 Bayou Courtableau—Origin to West Atchafalaya Borrow Pit Canal
- Lead—New data shows it is meeting WQS

060205 Bayou Teche—Headwaters at Bayou Courtableau to I–10
- Lead—New data shows it is meeting WQS

060401 Bayou Teche—Keystone Locks & Dam to Charenton Canal
- Phosphorus—Assessment of data shows it is meeting WQS

060501 Bayou Teche—Charenton Canal to Wax Lake Outlet
- Phosphorus—Assessment of data shows it is meeting WQS

060702 Lake Fausse Point and Dauterive Lake
- Phosphorus—Assessment of data shows it is meeting WQS

060801 Vermilion River—Headwaters at Bayou Fusilier-Bourbeaux Junction to New Flanders (Ambassador Caffery Bridge)
- Phosphorus—Assessment of data shows it is meeting WQS
- Cadmium—New data shows it is meeting WQS
- Lead—New data shows it is meeting WQS

060802 Vermilion River from New Flanders (Ambassador Caffery Bridge) New Bridge, LA Hwy 3073 to Intracoastal Waterway
- Phosphorus—Assessment of data shows it is meeting WQS
- Lead—New data shows it is meeting WQS

060902 Bayou Carlin (Delcambre Canal)

Lake Peigneur to Bayou Petite Anse (Estuarine)
Copper—New data shows it is meeting WQS
061104 Vermilion Bay
Copper—New data shows it is meeting WQS
090101 Pearl River
Copper—New data shows it is meeting WQS
090202 West Pearl River
Copper—New data shows it is meeting WQS
110507 Bayou Anacoco
Dioxin—Original basis for listing determined to be inaccurate, dioxin included with priority organics list

EPA requested the public to provide any significant data or information warranting revision of EPA's decision to remove these 48 waterbody/pollutant combinations in 65 FR 19763 (April 12, 2000). No comments, data or information were received. Thus, EPA affirms its determination that TMDLs are not needed for the above-listed forty-eight waterbody/pollutant combinations.

Dated: August 22, 2000.

Sam Becker,

Acting Director, Water Quality Protection Division, Region 6.

[FR Doc. 00–22815 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

August 28, 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(s), 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 6, 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 Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0719.

Title: Quarterly Report of IntraLATA Carriers Listing Payphone Automatic Number Identifications (ANIs).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 400 respondents, 1,600 responses.

Estimated Time Per Response: 3.5 hours.

Frequency of Response: Quarterly reporting requirement, recordkeeping requirement, and third party disclosure requirement.

Total Annual Burden: 5,600 hours.

Total Annual Cost: N/A.

Needs and Uses: IntraLATA carriers must submit a quarterly listing of payphone ANIs to the interexchange carriers. This will facilitate resolution of disputed ANIs in the per-call compensation context. The report allows IXCs to determine which dial-around calls are made from payphones. The data, which must be maintained for at least 18 months after the close of a compensation period, will facilitate verification of disputed ANIs.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–22746 Filed 9–5–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 11 a.m., Monday, September 11, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individuals Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: September 1, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–23013 Filed 9–1–00; 3:43 pm]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science; Grant Award to Development Systems, Incorporated

AGENCY: Office of Adolescent Pregnancy Programs, Office of Population Affairs, OPHS, OS, HHS.

ACTION: Notice.

SUMMARY: This notice is to inform the public that the Office of Adolescent Pregnancy Programs (OAPP) is awarding $664,700 in FY 2000 to Development Systems, Incorporated (DSI) under Title XX of the Public Health Service Act (42 U.S.C. 300z, *et seq.*). DSI proposes to directly assist Title XX grantees in implementing an ongoing quality assurance program, as is required by section 2006(a)(10) of the Public Health Service Act (42 U.S.C. 3002–5(a)(10).

DSI has submitted an unsolicited application to support a three-year technical assistance project that will increase the capacity of Title XX

grantees to effectively implement their demonstration projects by providing quality assurance within program activities. Many organizations that apply to OAPP for Adolescent Family Life (AFL) funding for either demonstration projects for care services or prevention services are often new, small, community-based, inexperienced organizations. Although they may be able to write an application, present acceptable data on the needs for services and present a sound methodology for achieving results, including an evaluation plan, most of them do not have staff in place to implement the proposed programs. Consequently technical assistance and training are essential to enable most AFL demonstration projects to get started and to make core services available within a reasonable time after such grant is received.

DSI is a unique organization in its proposed provision of technical assistance to AFL grantees. It is very familiar with the needs of grantees and is sensitive to the problems, difficulties and obstacles that grantees face in implementation of both care and prevention AFL projects. DSI has already established a needs assessment instrument specific to AFL programs, has established relationships with logistical sites for technical assistance and AFL specific facilitators, and has established rapport with not only grantees, but also with OAPP staff. For these reasons, after a review by an objective review panel of the unsolicited proposal submitted by DSI, this award is made on non-competitively.

The technical assistance activities proposed by DSI will include organizing, implementing, and facilitating two orientation meetings per year for all AFL grantees, which will provide the pertinent information and guidance they need to familiarize themselves with AFL legislation and policy. DSI proposes to assess the needs of all AFL grantees at the orientation meetings, subsequently develop technical assistance goals and objectives, and will then organize and implement 8–10 regional technical assistance meetings addressing the grantee identified needs.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sheeran, Acting Director, Office of Adolescent Pregnancy Programs, Office of Population Affairs, 4350 East-West Highway, Suite 200, Bethesda, MD 20814 or call (301) 594–4004.

Dated: August 28, 2000.

Mireille B. Kanda,

Acting Director, Office of Population Affairs.

[FR Doc. 00–22704 Filed 9–05–00; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meetings

In accordance with section 10(d) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), The Agency for Healthcare Research and Quality (AHRQ) announces meetings of scientific peer review groups. The subcommittees listed below are part of the Agency's Health Services Research Initial Review Group Committee.

The subcommittee meetings will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6). Grant applications are to be reviewed and discussed at these meetings. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *Name of Subcommittee:* Health Care Technology and Decision Sciences.

Date: October 5–6, 2000 (Open from 8:00 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: AHRQ, Executive Office Center, 6010 Executive Boulevard, 4th Floor Conference Center, Rockville, Maryland 20852.

2. *Name of Subcommittee:* Health Systems Research.

Date: October 19–20, 2000 (Open from 8:00 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: AHRQ, Executive Office Center, 6010 Executive Boulevard, 4th Floor Conference Center, Rockville, Maryland 20852.

3. *Name of Subcommittee:* Health Care Quality and Effectiveness Research.

Date: October 26–27, 2000 (Open from 8:00 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: AHRQ, Executive Office Center, 6010 Executive Boulevard, 4th Floor Conference Center, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of the meetings should contact Ms. Jenny Griffith, Committee Management Officer, Office of Research Review, Education and Policy, AHRQ, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1847.

Agenda items for these meetings are subject to change as priorities dictate.

Dated: August 30, 2000.

John M. Eisenberg,

Director.

[FR Doc. 00–22722 Filed 9–5–00; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Fernald Health Effects Subcommittee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Fernald Health Effects Subcommittee (FHES).

Time and Date: 9 a.m.–9 p.m., September 20, 2000.

Place: The Plantation, 9660 Dry Fork Road, Harrison, Ohio 45020, telephone 513/367–5610.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) was given the responsibility and resources for conducting epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the

Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and Administrator, ATSDR, pertaining to CDC's and ATSDR's public health activities and research at respective DOE sites. The purpose of this meeting is to provide the public with a vehicle to express concerns and provide advice and recommendations to CDC and ATSDR.

Matters To Be Discussed: Agenda items include an update from ATSDR on ongoing public health activities, presentations on the Fernald Aquifer Project, and continued discussion of completing the FHES business.

Agenda items are subject to change as priorities dictate.

CONTACT PERSONS FOR MORE INFORMATION: Mike R. Donnelly, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, CDC, 1600 Clifton Road, NE, M/S E–39, Atlanta, Georgia 30333, telephone 404/639–2550, fax 404/639–2575.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and ATSDR.

Dated: August 30, 2000.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–22740 Filed 9–5–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request; Proposed Projects

Title: Notice of Interstate Lien.

OMB No.: 0790–0153.

Description: PRWORA '96 (pub. L. 104–193), section 324, requires the Secretary of DHHS to promulgate an interstate lien form to be used by the State CSE programs to secure delinquent child support obligations.

Respondents: State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Interstate Lien	53,254	1	0.25	13,313
Estimated Total Annual Burden Hours				13,313

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. Any additional substantive comments will also receive consideration. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: August 30, 2000.

Bob Sargis,

Reports Clearance Officer,

[FR Doc. 00–22767 Filed 9–5–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request; Proposed Projects

Title: Interstate Subpoena.

OMB No.: 0970–0152.

Description: PRWORA '96 (Pub. L. 104–193), section 324, requires the Secretary of DHHS to promulgate an interstate administrative subpoena form to be used by the State CSE programs to collect wage and income information for use in the establishment, modification and enforcement of child support orders.

Respondents: State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Subpoena	15,391	1	0.5	7,696
Estimated Total Annual Burden Hours				7,696

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. Any additional substantive comments on the form will also receive consideration. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: August 30, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–22768 Filed 9–5–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. OCSE 99SIP–1]

Child Support Enforcement Demonstration and Special Projects—Special Improvement Projects

AGENCY: Office of Child Support Enforcement (OCSE), ACF, DHHS.

ACTION: Announcement of the availability of funds and request for competitive applications under the Office of Child Support Enforcement's Special Improvement Projects.

SUMMARY: The Administration of Children and Families (ACF), Office of Child Support Enforcement (OCSE) invites eligible applicants to submit competitive grant applications for special improvement projects which further the national child support mission, vision, and goals which are: all children to have parentage established; all children in IV-D cases to have financial and medical orders; and all children in IV-D cases to receive financial and medical support. Applications will be screened and evaluated as indicated in this program announcement. Awards will be contingent on the outcome of the competition and the availability of funds.

DATES: The closing date for submission of applications is November 6, 2000. See Part IV of this announcement for more information on submitting applications.

ADDRESSES: Application kits (Forms 424, 424A–B; Certifications; and Administration for Children and Families Uniform Project Description [UPD]) containing the necessary forms and instructions to apply for a grant under this program announcement are available from: Administration for Children and Families, Office of Child Support Enforcement, Division of State and Local Assistance, 370 L'Enfant Promenade, S.W., 4th Floor, East Wing, Washington, D.C. 20447 (This is Not the Mailing Address for Submission of Applications, See Part IV, B.); or accessible via OCSE's Website (*www.acf.dhhs.gov/programs/cse/*)under new announcements; or contact Jean Robinson, Program Analyst, phone (202) 401–5330, FAX (202) 205–4315; e-mail, *jrobinson@acf.dhhs.gov.*

FOR FURTHER INFORMATION CONTACT: Administration for Children and Families (ACF), OCSE, Susan A. Greenblatt at (202) 401–4849, for specific questions regarding the application or program concerns regarding the announcement.

SUPPLEMENTARY INFORMATION: This program announcement consists of four parts:

Part I: Background—program purpose, program objectives, legislative authority, funding availability, and CFDA Number.

Part II: Project and Applicant Eligibility—eligible applicants, project priorities, and project and budget periods.

Part III: The Review Process—intergovernmental review, initial ACF screening, competitive review and evaluation criteria, and funding reconsideration.

Part IV: The Application—application development, and application submission.

Paperwork Reduction Act of 1995 (Pub. L. 104–13): Public reporting burden for this collection of information is estimated to average 20 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

The following information collections within this Program Announcement are approved under the following currently valid OMB control numbers: 424 (0348–0043); 424A (0348–0044); 424B (0348–0040); Disclosure of Lobbying Activities (0348–0046); Uniform Project Description (0970–0139 Expiration date 10/31/00).

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.

Part I. Background

A. Program Purpose and Objectives

To fund a number of special improvement projects which further the national child support mission to ensure that all children receive financial and medical support from both parents and which advance the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). PRWORA strengthens the ability of the nation's child support program to collect support on behalf of children and families. The law also enables the testing of child support innovations to improve program performance. For FY 2001, we are looking for grants in the following priority areas:

- Improve the management of Undistributed Collections (UDC) in order to decrease or maintain low UDC balances.
- Foster collaboration between IV–D State agencies and partner entities and other states to improve interstate case processing.
- Improve Child Support Orders, Collections and Job Program Referrals for Low-Income Fathers.
- Expand Outreach to the Latino/Hispanic Community.

Specific design specifications for each of these priority areas are set forth under Part II.

OCSE is committed to helping States make measurable program improvements that will enhance the lives of children. In addition, Special Improvement Projects will also be considered which do not fall into one of the specified priority areas but which are in furtherance of efforts under the Government Performance and Results Act (i.e. designing a performance based program), and furthering the goals of the national child support enforcement program—all children to have parentage established; all children in IV–D cases have financial and medical orders; and all children in IV–D cases receive financial and medical support and advance the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

Applicants should understand that OCSE will not award grants for special improvement projects which (a) duplicate automated data processing and information retrieval system requirements/enhancements and associated tasks which are specified in PRWORA; or (b) which cover costs for routine activities which should be normally borne by the Federal match for the Child Support Program or by other Federal funding sources (e.g. adding staff positions to perform routine CSE tasks). OCSE also has the discretion not to award grants that duplicate existing demonstrations, special projects and/or contracts that cover similar project objectives and activities.

Proposals should be developed with these considerations in mind. Proposals and their accompanying budgets will be reviewed from this perspective.

B. Legislative Authority

Section 452(j), 42 U.S.C. 652(j) of the Social Security Act provides Federal funds for technical assistance, information dissemination and training of Federal and State staff, research and demonstration programs and special projects of regional or national significance relating to the operation of State child support enforcement programs.

Section 453 (42 U.S.C. 653) of the Social Security Act provides Federal funds to cover costs incurred for the operation of the Federal Parent Locator Service.

C. Availability of Funds

Approximately $2 million is available for FY 2001 for all priority areas. Refer to each priority area for estimated number of projects and funding. All grant awards are subject to the availability of appropriated funds. A non-Federal match is not required.

D. CFDA NUMBER: 93.601—Child Support Enforcement

Demonstrations and Special Projects.

Part II. Applicant and Project Eligibility

A. Eligible Applicants

Eligible applicants for these special improvement project grants are State (including Guam, Puerto Rico, and the Virgin Islands) Human Services Umbrella agencies, other State agencies (including State IV–D agencies), Tribes and Tribal Organizations, local public agencies (including IV–D agencies), nonprofit organizations, and consortia of State and/or local public agencies. The Federal OCSE will provide the State CSE agency the opportunity to comment on the merit of local CSE agency applications before final award. Given that the purpose of these projects is to improve child support enforcement programs, it is critical that applicants have the cooperation of IV–D agencies to operate these projects.

Preferences will be given to applicants representing CSE agencies and applicant organizations which have cooperative agreements with CSE agencies. All applications developed jointly by more than one agency organization must identify a single lead organization as the official applicant. The lead organization will be the recipient of the grant award. Participating agencies and organizations can be included as co-participants, subgrantees, or subcontractors with their written authorization.

B. Project Priorities

The following are the specified priority areas for special improvement projects for FY 2001.

Priority Area 1—Improving the Management of Undistributed Collections (UDC)

1. *Purpose:* The purpose of this solicitation is to assist States to demonstrate new and or more effective methods, control procedures and models to decrease or maintain low UDC balances.

2. *Background and Information:* Undistributed collections balances vary greatly in amount and differ from State to State. These amounts are often quite significant in relation to total child support enforcement collections. Most states have attempted to address this problem over the years, but OCSE audits in some states underscore the difficulty of States' achieving substantial and permanent reductions.

3. *Design Elements in the Application:* In order to improve the management of UDC, OCSE is interested in projects which will provide a better understanding of the nature of undistributed collections and that develop effective/innovative processes to address at least one of the following key issues/areas:

- Design a strategy to demonstrate how well a State can improve its UDC balances by using the State Parent Locator Service (SPLS) and Federal Parent Locator Service (FPLS) to determine locations of the custodial parent and ensure more timely disbursement of child support collections.
- Develop effective methods to identify the nature/causes of UDC and develop approaches to reduce or eliminate them.
- Develop cost-effective procedures to ensure that all UDC are identified and reported accurately and according to Federal guidelines.

4. *Project and Budget Periods:* The project period for this priority area is up to 17 months.

5. *Project Budget:* It is estimated that there will be one to three grants (ranging from $100,000 to $200,000 for a total of $300,000).

Priority Area 2: Fostering improved interstate case processing

1. *Purpose:* The purpose of this solicitation is to assist States to demonstrate new and/or more effective methods, procedures and models to foster collaborative efforts between partner entities and states to improve interstate case processing .

2. *Background and Information:* The child support provisions of welfare reform required all States to adopt the Uniform Interstate Family Support Act (UIFSA) by January 1, 1998. UIFSA provides for uniform rules, procedures, and forms for interstate cases. OCSE has been working with states to implement UIFSA and has also developed standard Federal interstate CSE forms compatible with UIFSA. OCSE organized forums across the country for individuals representing UIFSA and the states to discuss and develop consensus methods for implementing administrative enforcement, direct income withholding, discovery, long-arm, and paternity establishment in interstate cases. Although a great deal of progress has been made over the past couple of years, states are still facing many challenges in the implementation of UIFSA.

3. *Design Elements in the Application:* In order to foster collaboration to improve interstate case processing under UIFSA, OCSE is interested in projects which develop effective/innovative strategies that address one or more of the following key issues/areas:

• Limited Service Requests: OCSE is soliciting SIP grant applications to demonstrate the feasibility and cost-effectiveness of a stand-alone module for processing interstate limited service requests. Most statewide CSE systems are not currently designed to handle interstate requests that do not need or require the full range of enforcement and reporting functions. Since the cost of modifying the 54 different statewide CSE systems to accommodate limited services requests is expected to be considerable in terms of time and money, OCSE is interested in funding SIP proposals that demonstrate the feasibility of a stand-alone limited services software application module that can be duplicated and utilized by a variety of statewide CSE systems. This stand-alone limited services software application could reside on a separate PC, LAN server or separate partition of a mainframe system. The scope of the limited services module may be limited to a particular type of service (e.g., AEI) or a specific function such as financial management or record keeping or could address all possible limited services (e.g., service of process, hearing requests, etc.). The ability of other State systems to use the software module with the minimum of customization will be considered during the evaluation of the grant. For example, proposals for modules that could be utilized by any State would be favored over proposals that limit applicability to a specific ''family'' of CSE systems, but both would be favored over a proposal to modify a specific State system in ways that could not easily be replicated elsewhere.

• *Case Processing and the Courts:* What types of specific collaborative initiatives/methods between the courts and IV–D agencies would assist in processing interstate cases more efficiently and what procedures could help them more effectively use available UIFSA remedies and associated forms? How are States ensuring that the required data elements are correctly secured from courts and reported to IV–D agencies for transmission to the Federal Case Registry? What are the barriers between IV–D agencies and the courts that lead to inefficiencies and ineffective interstate case processing and how can they be overcome? What processes have states put in place to make controlling order determinations, to reconcile arrears under multiple orders, and to notify affected parties, including courts in each state? How can these processes be improved?

Too often IV–D agencies and the courts do not have procedures to notify each other when taking actions on interstate cases, resulting in duplicate efforts and delays. Thus, we want to identify collaborative initiatives/methods that help build communication, avoid duplicate efforts and delays in processing interstate cases.

Direct Withholding and Employers: What are the benefits and pitfalls of using direct withholding under UIFSA compared to interstate income withholding from IV–D agency to IV–D agency in different States? What are solutions to any problems encountered? What happens if there's an obligor contest in a direct withholding case? Is abandoning the direct withholding the best solution or are there ways to resolve these issues through the IV–D agency in the employer State that preserves the direct withholding? What impact does direct income withholding have on other services required in a case? Does it work to do direct withholding and initiate an interstate IV–D case for other necessary enforcement action? In addition, what approaches are being used by IV–D agencies to encourage and foster employer cooperation in wage withholding for interstate cases? Currently, state IV–D agencies are educating employers on using Federally mandated forms for income withholding for their child support cases but more needs to be done to encourage employers' compliance for interstate cases.

• *State Clearinghouse Model:* What benefits would there be in establishing a State clearinghouse for handling requests from other states attempting direct enforcement other than wage withholding? States frequently encounter difficulties with the lien process and seizures in other states when attempting one-State interstate actions. At the same time, since the other State IV–D agency is not involved in these situations in the traditional way, they may not be able to provide adequate assistance. OCSE is interested in exploring alternatives to traditional methods of offering assistance to other states under direct enforcement for single or targeted remedies (e.g., lien registration, State lottery intercept, etc.). Different models for a clearinghouse could be proposed and the responsibilities and associated costs explored. Provision of selected services, such as enforcement counsel consultations, accessibility to local attorneys, intercession with local authorities, and intervention with non-responding banks and financial institutions (rather than locate and discovery functions), should be considered.

• *Administrative Enforcement of Interstate Cases:* With respect to high volume automated enforcement in interstate cases under PRWORA, what are promising practices for integrating these requests from other states into the assisting State's own data matching and attachment of assets (such as for financial institutions data matches and levies) in instate cases? What is the best way to avoid making these cases full blown interstate IV–D cases while being able to provide the data match and seizure of assets in an automated way and to keep track of information required to be reported on these cases?

• *Case Processing and Use of FPLS:* enforcement and collections) to improve these business functions? What new and effective interstate locate methods/processes are being developed through this integration of FPLS data? How are these methods being implemented in an automated fashion? How are caseworkers being sold on the advantages of using ''new'' FPLS data? Are the levels of state automation and staffing adequate to deal with these new tools?

• *Pilot Test A Common Methodology.* OCSE is developing a Common Methodology for use by the States. The goal is for the States to have a standardized process and set of quantitative measures for use in measuring the child support collections that are attributable to the use of the State Directories of New Hires (SDNH) and the National Directory of New Hires (NDNH). We are seeking States that would be willing to pilot the Common Methodology and provide a report that includes the recommended modifications and an assessment of its usefulness for the States.

• *Tracking Outcomes for Data Matches:* What approaches are being used by IV–D agencies to monitor results, measure progress and manage interstate case processing more efficiently? The wealth of data provided from the National Director of New Hires and the Federal Case Registry must be organized and managed in order to track results and program benefits. What methods have been adopted by States for tracking outcomes of data matches and how have results been utilized to demonstrate program benefits (i.e., program methodology, benefit calculation methodology, reports, management information process, and performance measurements)?

• *Interstate Forms:* With respect to use of interstate forms for withholding, imposition of liens and issuance of administrative subpoenas under PRWORA, are there exemplary techniques for maximizing successful use of these tools in interstate cases? Are there potential problems that arise in their use and tested solutions to those problems? How can these forms be modified to better meet needs of States and other users? Are States able to use these forms electronically and how? What is needed to overcome barriers to electronic transmission through CSENet or other means?

• *Family Violence and Case Processing:* How can we ensure consistency in policy and procedures in cases affected by both the Family Violence Indicator and UIFSA sections 312 (nondisclosure of information in exceptional circumstances) to ensure consistent and appropriate decision-making for interstate cases? In the UIFSA process, tribunals order information not to be released where a finding has been made that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information. Similarly, IV–D agencies place a Family Violence Indicator flag on an individual's record in the State Case Registry where there is a protective order in place or where the State has reasonable evidence of domestic violence or child abuse and the disclosure of such information could be harmful to the custodial parent or the child of such parent. Projects should develop approaches to demonstrate how best to coordinate these different decision-making processes for interstate cases. Projects should identify the benefits/impact of the approach on States' case processing. In addition, how can we provide courts with sufficient information upon which to base their override decisions of the Family Violence Indicator? Currently in the interstate context, one State will not know the basis for a decision of another State to flag a case with the Family Violence Indicator, and this lack of information may prove difficult for judges faced with requests to override the indicator.

• *International Child Support Enforcement:* What types of collaborative activities between a state or states and foreign jurisdictions would improve international child support cooperation, encouraging other nations to adopt additional UIFSA-like procedures? UIFSA includes provisions which extend IV–D cooperation to foreign nations with substantially similar procedures to UIFSA. Variations in procedures between national systems will require additional measures to be developed and implemented. IV–D agency experience in working cases with other nations will be a crucial factor in development, promulgation, and training regarding innovative techniques crucial to improving international cooperation. Projects should demonstrate methods to improve other nations' judicial and child support agency cooperation (e.g., procedures not requiring the physical presence of a petitioner for rendition of a judgement determining parentage, methods of not charging a mother for costs of paternity testing unless a paternity allegation is proven to be groundless, utilizing electronic communication and currency transfer mechanisms to improve security and lower costs) between one or more states and foreign jurisdictions.

4. *Project and Budget Periods:* Generally, project and budget periods for these projects will be up to 17 months. OCSE will consider projects up to 36 months, if unique circumstances warrant. If OCSE approves a project for a time period longer than 17 months, OCSE will provide funding in discrete 12-month increments, or ''budget periods.'' Funding beyond the first 12-month budget period is not guaranteed. Rather, future funding will depend on the grantee's satisfactory performance and the availability of future appropriations.

5. *Project Budget:* It is estimated that there will be one to four grants awarded (ranging from $100,000 to $300,000) for a total of $500,000 for this priority area.

Priority Area 3—Improving Child Support Orders, Collections and Job Program Referrals for Low-Income Fathers

1. *Purpose:* The purpose of this solicitation is to assist States to demonstrate new and or more effective methods of setting and adjusting child support orders and amounts for low income non-custodial parents. Demonstrations could include projects to establish child support orders for low income fathers based upon actual income figures rather than 'default' orders through improved contact with non custodial parents and improved 'service of process' prior to establishment of the child support award amounts. A state could also demonstrate using alternative measures to ascertain income from new hire reporting or other computerized wage information.

2. *Background and Information:* A study by the Office of the Inspector General (OIG) of the Department of Health and Human Services indicates that most states charge a non custodial parent for child support on a retrospective basis either back to the date of filing or the date of the birth of the child or some other policy. For low income fathers this may create a sizable child support amount relative to the ability to afford child support as a result there are higher rates of non-payment for low-income fathers with long periods of retroactivity. Default cases (where the non-custodial parent does not show up for or provide income information in establishing the child support order) where a minimum child support order is imposed also have higher rates of non-payment. Many states add charges for birthing expenses, the cost of paternity tests, court fees and other services fees—up front charges to the retroactive child support amounts, this also raises the arrearages and decreases the likelihood of collection. As a result low-income cases have very high rates of arrearages, a median amount of $3,000 per case; in many cases this further discourages the low-income father from paying or being able to pay. However, States rarely downwardly adjust child support amounts or compromise (suspend collection) of high arrearages even when allowed. Also, use of alternative computerized sources of income when establishing Child Support Orders for

default cases is rare. Finally, the study finds that states do not link low income or unemployed non-custodial parents to job programs.

3. *Design Elements in the Application:* In order to improve the collections in the child support program for low income non-custodial parents the states should include one or more of the following design elements in their demonstration proposal. Potential Project outcomes should include results in terms of collections per case, collection rate, child support compliance or collections as a percent of the Child Support order; improvements in current payments and payments on arrearages, and improvements in employment and earnings and so forth.

(a) In order to improve the setting of child support orders for low-income non-custodial parents the States should design new improved approaches to setting child support orders based upon the actual available income of the recipient. The State should develop approaches to actually reach non-custodial parents when setting orders; they should work on techniques to encourage attendance and cooperation with child support hearings. This may entail development and use of more effective service of process and other due process measures than now are used. Also, if non-custodial parents do not attend the hearing or if it looks like unreliable or questionable income is shown, the states should use alternative computerized sources of income (e.g. social security, new hire, tax information and other) to identify the actual income of the non-custodial parent. If this fails, states should develop alternative measures for setting minimum orders and for shortening the period of retrospectively defining other items which would be included in the amounts (e.g., birthing costs, late fees etc.) The demonstration would test the effects on collections of using different approaches.

(b) For existing and longer term cases with arrearages the State should research its laws on allowing compromising state child support amounts (suspending the collection on amounts of child support owed to the State). If allowed, the States will review a number of low-income cases with high arrearages and if there are valid excuses for non-payment, apply compromise policies for a period, if payment on current collections appears to be in good faith. Some compromises could be to reduce the amount of retrospectivity; some could exclude or ease the responsibility for up-front charges (e.g., medical expenses, and paternity and court fees). Compromises should be conditioned on keeping up with current child support payments. The state should see whether this improves collections in high debt cases.

(c) For some cases, where child support ordered amounts exceed current income of the non-custodial parent, the States should develop new techniques to downwardly modify existing child support orders using actual income proof and or computerized data on income, as discussed above.

(d) Where the non-custodial parents are unemployed or underemployed, the state should identify and refer these persons to job skills, job readiness or training programs. Some existing programs include: 'Welfare to Work', TANF Block Grant programs, Child Support Work Requirement Programs, and other Federal, State or local programs.

(e) Where the non-custodial parent is incarcerated and owes child support way beyond his means to pay, the States should demonstrate approaches to enhance income and to reduce child support orders and arrearages.

4. *Project and Budget Periods:* The project period for this priority area is up to 17 months.

5. *Project Budget:* It is estimated that there will be one to five grants (ranging from $100,000 to $300,000) for a total of $500,000 for this priority area.

Priority Area 4: Projects which further Outreach to the Latino/Hispanic Community

1. *Purpose:* To design and test new models for conducting outreach activities for the traditionally underserved Latino/Hispanic community. The goal of outreach activities would be to increase the number of Latino/Hispanic children who receive child support enforcement services; i.e., to have parentage established, support orders established (including medical), and to receive financial and medical support. These projects would support the Department of Health and Human Services' ''Hispanic Agenda for Action: Improving Services to Hispanic Americans.'' This initiative seeks to strengthen the Department's efforts to improve service delivery to Hispanic customers.

Demographic data from 1998 indicates that Hispanics/Latinos are both the youngest and fastest growing segment of the population at almost 32 million with 34 percent of children living in poverty. Applicants may propose projects that provide outreach to underserved communities other than the Latino/Hispanic population if they can demonstrate that the targeted population presents an emerging major caseload concern for the State/local child support enforcement program.

2. *Background and Information:* OCSE is looking for projects that will test new interventions and approaches to reach out to underserved communities so that they may receive child support enforcement services. Such projects may include a focus on: collecting information and data on underserved communities and analyzing the current level of service and the need for additional services; overcoming language (or cultural) barriers to customer service; improving the knowledge of service providers on the customer's status, including understanding the population's unique circumstances, status, norms, and values on support and paternity establishment; father involvement and/or child access and visitation; or enforcement.

This can also include planning grants that may lead to interventions that would increase the State/local child support program's performance in these areas. OCSE encourages collaborations with units of local governments and other entities such as tribal governments, community-based organizations such as community action agencies, faith-based organizations that have registered as non-profits or other non-profit entities.

3. *Design Elements in the Application:* OCSE is interested in exploring alternatives to traditional models and methods of delivering child support enforcement services, and seeks applicants to demonstrate improved ways of offering assistance to community groups with language and cultural issues. Applicants are encouraged to apply innovative thinking or thinking ''outside the box'' in approaching how to apply and test new interventions, research activities, or improved ways of doing business (within Federal law and regulations) and put them into effect. In order to improve child support enforcement services provided to underserved communities, OCSE is interested in projects which further outreach to Latino/Hispanic families, and that develop effective/innovative processes to address one or more of the following key issues/areas:

- *Data*—Design a strategy, effective methods/procedures, and reporting to demonstrate how improved collection and use of data can help State/local agencies increase and improve child support enforcement services to underserved communities. Demographic data could include (e.g., minority

population, country of origin, new immigrants, those holding more than on job, both genders, etc.). Also, to draw a comparison of the level of services provided to the underserved population and the general population, data could include information on the uniqueness of the community group (background, values, needs, capacity, etc.), types of child support enforcement assistance sought and provided, and overall outcomes or effectiveness of the child support program services for that group compared to the general population.

• *Barriers*—Develop effective methods to identify the nature/causes of barriers to effective child support enforcement service delivery for customers with language and diversity issues and develop approaches to reduce or eliminate them (e.g. staff resources/training, coordination with other programs, language differences, understanding of culture and values, emphasis on roles of both parents, citizenship status, domestic violence, etc.).

• *Consumer Education/ Communication Products*—Design a strategy, and effective methods, procedures, and products (presentations, videos, pamphlets, forms, use of media, etc.) to ensure that information on child support enforcement services targets the understanding of all customers, utilizing language, literacy levels, culture, and values of that community.

4. *Project and Budget Periods:* The length of the project should not exceed 17 months.

5. *Project Budget:* It is estimated that there will be one to five grants (ranging from $100,000 to $300,000) for a total of $500,000 for this priority area.

Other: OCSE will target funding for projects which fall under the two priority areas described above. However, OCSE will also screen and evaluate smaller scale projects to cover projects outside the scope of these priority areas, consistent with the legislative authority described under Part I.B., subject to the availability of funds. Eligible applicants should describe how the special improvement project will improve the effectiveness of the child support program and promote a new focus on results, service quality, management/organizational innovations, outreach or public satisfaction.

Under this ''Other'' category, OCSE is particularly interested in (a) projects which focus on effective enforcement tools, foster cooperative relationships with law enforcement; or demonstrate other effective methods to increase collections; or (b)demonstration projects that test and evaluate model review and adjustment procedures that focus on one of the following four areas: (1) Review and adjustment of child support orders at entrance and/or exit from the Temporary Assistance for Needy Families (TANF) Program; (2) review and adjustment of medical support orders; (3) targeting periodic review and adjustment by type of case; and (4) or targeting periodic review and adjustment of cases where the noncustodial parent is incarcerated or has no income.

Applicants should understand that OCSE will not award grants for special improvement projects which (a) duplicate automated data processing and information retrieval system requirements/enhancements and associated tasks which are specified in PRWORA; or (b) which cover costs for routine activities which should be normally borne by the Federal match for the Child Support Program or by other Federal funding sources (e.g. adding staff positions to perform routine CSE tasks.) OCSE also has the discretion not to award grants that duplicate existing demonstrations, special projects and/or contracts that cover similar project objectives and activities.

It is estimated that there will be up to five grants to be awarded in the ''Other'' category up to $75,000 each and the project and budget period will be up to 17 months; however, review and adjustment demonstrations may be funded at an increased level for a project period up to thirty-six months, with a budget period of 12 months; additional funding beyond the first 12 months will depend on the availability of future appropriations.

Part III: The Review Process

A. Intergovernmental Review

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

Note: State/territory participation in the intergovernmental review process does not signify applicant eligibility for financial assistance under a program. A potential applicant must meet the eligibility requirements of the program for which it is applying prior to submitting an application to its single point of contact (SPOC), if applicable, or to ACF.

As of August 23, 1999, the following jurisdictions have elected not to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by federally-recognized Indian Tribes need take no action in regard to E.O. 12372: Alabama, Alaska, American Samoa , Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington.

Although the jurisdictions listed above no longer participate in the process, entities which have met the eligibility criteria of the program may still apply for a grant even if a State, Territory, Commonwealth, etc., does not have a SPOC. All remaining jurisdictions participate in the Executive Order process and have established SPOCs. Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive instructions.

Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. The applicant must indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a. Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, Office of Grants Management, Attention: Mary Nash, Grants Management Officer, 370 L'Enfant Promenade, SW., 4th Floor, West Wing, Washington, DC 20447.

A list of the Single Points of Contact for each State and Territory is included with the application materials for this program announcement.

B. Initial ACF Screening

Each application submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the closing date and submitted in accordance with

the instructions in this announcement and (2) the applicant is eligible for funding.

It is necessary that applicants state specifically which priority area they are applying for. Applications will be screened for priority area appropriateness. If applications are found to be inappropriate for the priority area in which they are submitted, applicants will be contacted for verbal approval of redirection to a more appropriate priority area.

C. Competitive Review and Evaluation Criteria

Applications which pass the initial ACF screening will be evaluated and rated by an independent review panel on the basis of specific evaluation criteria. The evaluation criteria were designed to assess the quality of a proposed project, and to determine the likelihood of its success. The evaluation criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications which are responsive to the evaluation criteria within the context of this program announcement. Proposed projects will be reviewed using the following evaluation criteria:

(1) Criterion I: Objectives and Need for Assistance (Maximum 25 points)

The application should demonstrate a thorough understanding and analysis of the problem(s) being addressed in the project, the need for assistance and the importance of addressing these problems in improving the effectiveness of the child support program. The applicant should describe how the project will address this problem(s) through implementation of changes, enhancements and innovative efforts and specifically, how this project will improve program results. The applicant should address one or more of the activities listed under the ''Design Elements in the Application'' described above for the specific priority area they are applying for (refer to Part II.B. Project Priorities). The applicant should identify the key goals and objectives of the project; describe the conceptual framework of its approach to resolve the identified problem(s); and provide a rationale for taking this approach as opposed to others.

(2) Criterion II: Approach (Maximum: 30 points)

A well thought-out and practical management and staffing plan is mandatory. The application should include a detailed management plan that includes time-lines and detailed budgetary information. The main concern in this criterion is that the applicant should demonstrate a clear idea of the project's goals, objectives, and tasks to be accomplished. The plan to accomplish the goals and tasks should be set forth in a logical framework. The plan should identify what tasks are required of any contractors and specify their relevant qualifications to perform these tasks. Staff to be committed to the project (including supervisory and management staff) at the state and/or local levels must be identified by their role in the project along with their qualifications and areas of particular expertise. In addition, for any technical expertise obtained through a contract or subgrant, the desired technical expertise and skills of proposed positions should be specified in detail. The applicant should demonstrate that the skills needed to operate the project are either on board or can be obtained in a reasonable time.

(3) Criterion III: Evaluation (Maximum: 30 points)

The applicant should describe the cost effective methods which will be used to achieve the project goals and objectives; the specific results/products that will be achieved; how the success of this project can be measured and how the success of this project has broader application in furthering national child support initiatives and/or providing solutions that could be adapted by other states/jurisdictions. A discussion of data availability and outcome measures to be used should be included. Describe the collection and reporting system to be used.

(4) Criterion IV: Budget and Budget Justification (Maximum 10 points)

The project costs need to be reasonable in relation to the identified tasks. A detailed budget (e.g., the staff required, equipment and facilities that would be leased or purchased) should be provided identifying all agency and other resources (i.e., state, community other program—TANF/Head Start) that will be committed to the project. Grant funds cannot be used for capital improvements or the purchase of land or buildings. Explain why this project's resource requirements cannot be met by the state/local agency's regular program operating budget.

(5) Criterion V: Preferences (Maximum 5 points)

Preference will be given to those grant applicants representing IV–D agencies and applicant organizations who have cooperative agreements with IV–D agencies.

D. Funding Reconsideration

After Federal funds are exhausted for this grant competition, applications which have been independently reviewed and ranked but have no final disposition (neither approved nor disapproved for funding) may again be considered for funding. Reconsideration may occur at any time funds become available within twelve (12) months following ranking. ACF does not select from multiple ranking lists for a program. Therefore, should a new competition be scheduled and applications remain ranked without final disposition, applicants are informed of their opportunity to reapply for the new competition, to the extent practical.

Part IV. The Application

A. Application Development

In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ACF. Application materials including forms and instructions are available from the contact named under the **ADDRESSES** section in the preamble of this announcement. The length of the application, excluding the application forms, certifications, and resumes, should not exceed 20 pages. A page is a single-side of an 8½′ x 11′′′ sheet of plain white paper. The narrative should be typed double-spaced on a single-side of an 8½″ x 11″ plain white paper, with 1″ margins on all sides. Applicants are requested not to send pamphlets, maps, brochures or other printed material along with their application as these are difficult to photocopy. These materials, if submitted, will not be included in the review process. Each page of the application will be counted (excluding required forms, certifications and resumes) to determine the total length.

The project description should include all the information requirements described in the specific evaluation criteria outlined in the program announcement under Part III.C. The Administration for Children and Families Uniform Project Description in the application kit provides general requirements for these evaluation criteria (i.e., Objectives and Need for Assistance; Approach; Evaluation; Budget and Budget Justification).

B. Application Submission

(1) Mailed applications postmarked after the closing date will be classified as late and will not be considered in the competition.

2. Deadline. Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, Office of Child Support Enforcement, Attention: Mary Nash, 370 L'Enfant Promenade, SW., 4th Floor West, Washington, DC 20447.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine-produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s).

To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private Metered postmarks shall not be acceptable as proof of timely mailing. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed).

Express/overnight mail services should use the 901 D Street ADDRESS instructions as shown below.)

Applications handcarried by applicants, applicant couriers, or by other representatives of the applicant using express/overnight mail services, will be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., EST, addressed to the U.S. Department of Health and Human Services, Administration for Children and Families, Attention: Mary Nash, Office of Grants Management, Office of Child Support Enforcement, and delivered at ACF Mailroom, 2nd Floor (near loading dock), Aerospace Building, 901 D Street, SW., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). The address must appear on the envelope/package containing the application. ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

3. Late applications. Applications that do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

4. Extension of deadlines. ACF may extend an application deadline when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruption of the mail service, or in other rare cases. Determinations to extend or waive deadline requirements rest with ACF's Chief Grants Management Officer.

Dated: August 30, 2000.

Paul K. Legler,

Assistant Commissioner, Office of Child Support Enforcement.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACF/ACYF/HS–QRC 2001–01]

Fiscal Year 2001 Discretionary Announcement for Head Start Quality Research Centers; Availability of Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families (ACYF), ACF, DHHS.

ACTION: Announcement of the availability of funds and request for applications for research on research-based program improvement projects by university faculty or other nonprofit institutions in partnership with Head Start programs.

SUMMARY: The Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF) announces the availability of funds for Head Start Quality Research Centers to support intervention research and evaluation activities to promote the school readiness of preschool age children in Head Start.

DATES: The closing time and date for receipt of applications is 5:00 p.m. (Eastern Time Zone) November 6, 2000. Applications received after 5:00 p.m. on the deadline date will be classified as late.

ADDRESS: Mail applications to: ACYF Operations Center, 1815 N.Fort Myer Drive, Suite 300, Arlington, Virginia 22209.

HAND DELIVERED, COURIER OR OVERNIGHT DELIVERY applications are accepted during the normal working hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, on or prior to the established closing date.

All packages should be clearly labeled as follows:

Application for Head Start Quality Research Centers.

FOR FURTHER INFORMATION CONTACT: The Head Start Research Support Technical Assistance Team (1–800) 351–2293, is available to answer questions regarding application requirements and to refer you to the appropriate contact person in ACYF for programmatic questions. You may e-mail your questions to: *hsr@lcgnet.com*

In order to determine the number of expert reviewers that will be necessary, if you are going to submit an application, you must send a post card, call or e-mail with the following information: the name, address, telephone and fax number, e-mail address of the principal investigator, and the name of the university or non-profit institution at least four weeks prior to the submission deadline date to:

ACYF Operations Center, Head Start Research, 1815 N.Fort Myer Drive, Suite 300, Arlington, Virginia 22209, (1–800) 351–2293, E-mail hsr@lcgnet.com.

Part I. Purpose and Background

A. Purpose

The purpose of this announcement is to announce the availability of funds to support the formation of a Head Start Quality Research Center Consortium. This Consortium will include of program-researcher partnerships funded under cooperative agreements and designed to develop, evaluate, refine, and assist in dissemination of specific approaches to enhance Head Start program quality that promotes school readiness.

B. Background

In September 1995, Head Start awarded four cooperative agreements to form the Head Start Quality Research Center Consortium. The objective of the Consortium was to create ongoing partnerships among ACYF, Head Start grantees and the academic research community to support applied research on quality program practices and program outcomes. During their five-year project period, the QRC Consortium has succeeded in building exemplary researcher-program partnerships and advancing the Head Start program's understanding of what aspects of program quality contribute to positive child and family outcomes. In so doing, they have also created or refined tools and strategies for assessing classroom quality, conducting parent interviews, and assessing child outcomes. As well as extensive local research initiatives, their efforts

contributed to the development of the nationally representative Head Start Family and Child Experiences Survey (FACES).

The current announcement builds on the success of the QRC Consortium in two ways. First, it continues the commitment to build research capacity in programs through partnership with the academic research community, as well as enhancing the responsiveness of that community to the programmatic and policy concerns of the population Head Start serves. Second, it moves into a new phase of quality enhancement research, by supporting the development and evaluation of specific program practices designed to promote the school readiness of Head Start children.

Purpose and Priorities

Head Start's ultimate goal is to promote the social competence or school readiness of children. Social competence is the child's everyday effectiveness in dealing with his or her present environment and later responsibilities in school and life. For the five-year-old child coming to the end of the preschool period and entering school, an important test of social competence is whether he or she has acquired the skills, understandings and behaviors that help ensure successful functioning in this new environment.

The Goal I Technical Planning Group of the National Education Goals Panel, which was charged with operationalizing the term ''ready to learn,'' listed five dimensions of early learning, development and abilities (Kagan, S.L., Moore, E. & Bredekamp, S. (1995) Reconsidering children's early development and learning: Toward common views and vocabulary. Washington, D.C. National Educational Goals Panel) [*http://www.negp.gov/reports/child-ea.htm*].

This comprehensive view sees school readiness as a multi-faceted phenomenon comprising five developmental domains that are important to the child's readiness for school: physical well-being and motor development, social and emotional development, approaches to learning, language use and emerging literacy, and cognition and general knowledge. Head Start has translated these domains into the following Performance Measures indicators: (1) Emergent literacy, numeracy and language skills; (2) improved general cognitive skills; (3) improved gross and fine motor skills; (4) improved positive attitudes towards learning; (5) improved social behavior and emotional well-being; and (6) improved physical health and development.

One of the key findings of the Head Start FACES Study was the empirical link between the quality of the child development environment, in this case the Head Start classroom, and the outcomes of children in the program. Head Start classrooms were observed to be good on average, with a range of quality that is less variable than that found in other studies of center-based early childhood programs. Yet even within that restricted range, specific aspects of quality, such as better child:adult ratios and richer teacher-child interaction and language learning opportunities, were related to better child performance on assessment tasks, regardless of the child's baseline ability. FACES also demonstrated a link between teacher characteristics, such as educational attainment, and observed measures of classroom quality. Teachers with higher educational levels showed more sensitivity and responsiveness and had classrooms with higher-quality language activities and creative opportunities.

In terms of child outcomes, FACES found that children graduating from Head Start showed significant progress in some domains, like vocabulary and pre-writing, but less progress in knowing letters of the alphabet or being familiar with concepts about print. Similarly, while Head Start children were rated by their teachers as having significant growth in social skills—more than the typical child—there was a minority of children who still exhibited behavior problems at the end of the program year. Interviews with teachers suggest that curricular activities and classroom practice may be related to these patterns of learning and behavior.

In addition to the focus on obtaining a national picture of program quality and child outcomes, Head Start is currently emphasizing local outcome measurement as well. As mandated by the Head Start Reauthorization Amendments of 1998, the Head Start Bureau is currently developing domains and indicators of child performance that can be used by local programs in the context of their own self-assessments. These proposed child outcome domains closely parallel those of the Head Start Program Performance Measures, including language development, literacy, mathematics, science, creative arts, social and emotional development, approaches toward learning, and physical development, health and well-being development (see ACYF–IM–HS–00–18, 8/10/2000, available at [http://www.hskids-tmsc.org/publications/im00/im00__18.htm]. Congress stipulated more targeted local efforts in tracking and improving child outcomes, especially in the areas of literacy/language development, so Head Start's regular program monitoring and local program self-assessment will incorporate review of such child outcome data as one measure of program effectiveness.

With current knowledge in mind, the next generation of the Quality Research Center Consortium is aimed at exploring ways to intervene in Head Start programs to enhance quality and outcomes, for example, by improving curriculum or classroom practice, family involvement, or professional development. One important goal is the creation of new models and resources for local programs as they move toward considering child outcome data more carefully in their efforts at program improvement.

Thus, successful program-researcher partnerships under this announcement would form a Quality Research Center Consortium with the goal of developing and evaluating program quality enhancements to promote child outcomes in school readiness, broadly defined. Each partnership team of one or more Head Start grantees and a research organization would focus on a particular, self-selected approach to enhancing program practices in the family and/or classroom, and would evaluate the process of implementation, maintenance of fidelity of the intervention, and one or more specific child outcomes related to school readiness. The goal would be the development, evaluation and refinement of a specific approach with future dissemination to other Head Start programs in mind, using the Training and Technical Assistance Network or by other means.

This announcement does not specify the types of quality enhancements that may be undertaken, although the focus on improving child school readiness-related outcomes suggests areas of particular interest. The enhancements should represent a particular area of focus on interventions likely to affect child outcomes, rather than advocating more general goals like ''quality improvement.'' Specific areas of focus might include, but need not be limited to, (1) classroom and/or family-involvement activities in the area(s) of emerging literacy, language development, numeracy, social-emotional development, physical development, approaches to learning, creative expression, health, and/or mental health; (2) activities promoting positive outcomes in linguistically and culturally diverse populations; (3)

professional development activities designed to enhance classroom behavior management or other classroom practice; (4) program improvement activities in the areas of family involvement and service provision. In selection of these focus areas, applicants should be guided by both the Program Performance Standards and the child school readiness-related outcomes listed above from the Program Performance Measures.

The first phase would consist of a planning period during which researchers and program staff would build upon their collaborative relationship and agree on and pilot the procedures for implementation of the intervention. Ideally, this partnership would involve researchers paying attention to stated program needs and strengths, not simply imposing a finished intervention on the site. This planning period would extend from award of the cooperative agreement to the beginning of the subsequent program year, approximately 9–10 months in length. This phase would require obtaining a thorough understanding of current program practice and quality in order to focus on exactly those aspects of the program to be targeted in the intervention. Baseline information on relevant aspects of program quality and practice would be collected.

Following the planning period, the chosen approach would be implemented in the primary site, or home program, by the program-researcher partnership, most commonly at the beginning of the next program year, and studied for key aspects of implementation. Aspects would include, but not be limited to, such questions as: (1) What is the theory of change supporting the use of this particular intervention to improve school readiness? (2) what levels of staff qualifications are required? (3) what training and materials are needed? (4) how is classroom or program practice or parent involvement affected? (5) can fidelity of the intervention be maintained over the program year? (6) what are possible program or family barriers to acceptance? And finally, (7) how effective is the approach in improving children's school readiness skills and abilities (as outlined above)? Pre- and post-intervention assessment of child outcomes in the comprehensive domains of school readiness would be required, even if the intervention is targeting one or two domains as most likely to be affected.

In a second phase, assuming the intervention approach proved promising and efficacious, it would be replicated to one or more additional Head Start program sites, with support from the developers, and its implementation and effectiveness again studied. This secondary site could be a site/center or centers under the direction of the first grantee that had not previously participated in the intervention and research, or a site/center or centers under the direction of a different grantee. It could be another site participating in the Consortium, if appropriate, in order to maximize the collaborative benefits of the initiative. In either case, the cooperation of the participating secondary site must be ensured and verified using the same methods as for the primary site. At this point, in order to best test the effectiveness of the intervention, it would be important to include the use of more rigorous designs, including control or comparison groups, for example, random assignment of classrooms or centers to intervention/no-intervention options.

The overall objective would be the development of well-tested and refined models of quality enhancements for dissemination to Head Start programs more broadly, with the involvement of the Training and Technical Assistance Network and through other means.

Although the program-researcher partnerships funded under this announcement would be responsible for the development, implementation and maintenance of the intervention, an external evaluation team, most likely from a contracting firm, would provide pre- and post-intervention data collection and analysis of a core set of cross-site measures of program quality, parent involvement and satisfaction, and child outcomes. This type of centralized data coordination center mechanism has been found to be important in maximizing the systematic collection of cross-site knowledge obtained from research consortia. The cross-site data would be returned in a timely manner to local program-researcher partnerships to serve as a base for local analyses, as well as eventually made available in public use datasets. Additional local measures and data analysis of implementation and outcomes could be carried out by the local program-researcher teams, as well, using project funds. This arrangement allows local researchers to particularly consider qualitative or more intensive data collection approaches to augment the available core measures. Cooperative agreement budgets should include costs of data collection for local measures, assuming a common core of data to be provided by the external data collection center. This cross-site research effort by the data coordinating center is designed to build on current FACES findings/instruments regarding both classroom quality and practices, and parent and child outcomes, however, local researchers will have some input into final decisions about the core measures to be used. For purposes of calculating participant burden, the current FACES child direct assessment is completed in approximately 30 minutes per child. For a full listing of the measures used in the 1997–2000 FACES study, please see [*http://www2.acf.dhhs.gov/programs/hsb/hsreac/faces*].

The most common timeline for program-researcher partnership designs would involve the following phases of project work. Note that these project phases may not correspond exactly with annual funding periods:

(1) Phase I Planning Period, from award of cooperative agreement to the beginning of the next academic/program year, including development of intervention plan in collaboration with program, piloting, staff training, pre-intervention assessments of classroom and/or program quality;

(2) Phase II Primary Intervention Implementation Period, including pre-post measurement of classroom quality and child outcomes and assessment of implementation fidelity;

(3) Phase II Transitional Period including (a) continuation of intervention at initial site with potential transfer to management by program and (b) selection of and planning with secondary site for implementation of intervention and more rigorous evaluation to take place in Phase III;

(4) *Phase III* Secondary Intervention Implementation Period with more rigorous evaluation component;

(5) *Phase III* Transitional Period with continuation of more rigorous evaluation component and potential development of materials for wider dissemination via the Training and Technical Assistance Network or by other means.

As indicated in the phases outlined above, during the Phase II Transitional Period, decisions would be made by ACYF about the projects selected to continue into Phase III, based on criteria of successful implementation of the intervention, study characteristics (e.g., adequate sample size, minimal attrition, etc.) and positive outcomes. Similarly, during Phase III, if funded, decisions would be made by ACYF about the projects approved to develop materials for wider dissemination via the Training and Technical Assistance Network or by other means.

Subsequent to award of these cooperative agreements and formation

of the Quality Research Center Consortium, other cross-site and collaborative initiatives are welcomed, such as cases in which a subset of Quality Research Center Consortium members share a particular intervention focus. Both local intervention approaches and local evaluation instruments may be used across multiple sites to maximize the information gained in the collaborative studies.

Cooperative Agreements

ACYF is utilizing a cooperative agreement mechanism, a funding mechanism that allows substantial Federal involvement in the activities undertaken with Federal financial support. Details of the responsibilities, relationships and governance of the cooperative agreement will be spelled out in the terms and conditions of the award. The specific responsibilities of the Federal staff and project staff will be identified and agreed upon prior to the award of each cooperative agreement. At a minimum, however, the following roles and responsibilities will characterize the Quality Research Center Consortium:

1. Responsibilities of the Grantee

The Grantee

Conducts a local intervention and research project designed to develop, evaluate, refine and assist in dissemination of specific approaches to enhance Head Start program quality to promote child outcomes in school readiness.

Cooperates with one or more local Head Start programs in the design, implementation, and evaluation of the intervention.

Cooperates with an external evaluation team in the collection of core process and outcome data.

Participates as a member of the Consortium with other researchers, program partners, external evaluators, and Federal staff.

2. Responsibilities of the Federal Staff

Federal Staff

Provide guidance in the development of the final study design, including selection of core measures.

Participate as members of the Consortium or any policy, steering, or other working groups established at the Consortium level to facilitate accomplishment of the project goals.

Facilitate communication and cooperation among the Consortium members.

Supervise the activities of the external evaluation team.

Provide logistical support to facilitate meetings of the Consortium.

Key Intervention Questions

The proposed intervention should be designed with the following key questions in mind; these and related questions will be addressed in evaluating the success of its implementation. While each of these questions need not be addressed specifically in the proposal, the design of the intervention and evaluation should show evidence that such questions have been considered.

Intervention program content: What is the theoretical justification for the intervention program, and to what extent does the intervention, as implemented, adhere to its theoretical basis? What is the preliminary evidence that the approach will be effective? What are the expected short-term and/or long-term outcomes for children, and what are the mediating variables that are expected to effect those outcomes (i.e., what is the logic model)? How are mediating variables and outcomes measured? What is the range of program elements that are affected, either positively or negatively? To what extent can procedures be documented and manualized, and what is the process for achieving this? What is the range of activities to be undertaken? How does the intervention conform to or deviate from existing procedures in the site? What is the process of continuous improvement, and how are changes, and benefits of those changes, documented over time?

Classroom, program, and community context: What are the structures and supports necessary to implement the intervention program? What are the key activities that are conducted to include or gain support from community stakeholders and collaborators, with program administrators and policy councils, with classroom teachers and other staff, with parents of children in the classrooms? What are the contextual variables that might influence how the intervention is implemented: e.g., culture, neighborhood characteristics, organizational climate, level of poverty in the community, teacher backgrounds, education, motivation, skills and attitudes, levels of support (financial and otherwise), competing priorities within a program or classroom, management and organizational structures? What are the relationships among the individuals who are stakeholders and/or participants in the intervention?

Target population(s): Who is expected to benefit from the program? Is it a universal or selected intervention? Who are the intended participants (children, families, staff)? How are age, gender, language, disability and other key child characteristics, as well as cultural issues, addressed? To what populations are evaluation results likely to be generalizable?

Intervention program delivery: Who gets what, from whom, and how much? What is the intensity of the intervention, the frequency of contact, the length of each contact, the number of contacts and the duration of treatment? To what extent is the program individualized, and what are the supports for individualization (e.g., periodic assessments of needs and progress). What is the level of participation, and who is most and least likely to participate? Who delivers the program? What is the level of education, training, and supervision that is required of intervention staff? To what extent do external staff (researchers, program developers, trainers) have to remain involved, and in what capacities? What are the barriers to implementation, and how are challenges resolved? What level of support is necessary to sustain the program after the initial implementation period? What modifications and adaptations are made for children with special needs to be successful?

Replication/dissemination: What are the considerations in choosing sites for replication? What are the variations in context, target populations, and program delivery that affect the implementation process in new sites, and how might they affect the outcomes of the intervention program? What are the lessons learned in the initial implementation process that facilitate replication? What new, unanticipated issues arise? To what extent does the original intervention program have to be modified to adapt to local conditions? What are the key elements that have to be sustained to maintain effectiveness of the intervention?

Part II. Priority Areas

Statutory Authority

The Head Start Act, as amended, 42 U.S.C. 9801 *et seq.*

CFDA: 93.600

Head Start Quality Research Centers

Eligible Applicants: Universities, four-year colleges, and non-profit institutions on behalf of researchers who hold a doctorate degree or equivalent in their respective fields.

Planning Period: The first year of the awards under this announcement is primarily a planning period that is to be used for piloting the interventions to be delivered, training staff, and

establishing or strengthening sound working relationships with the Head Start program partners. Noncompetitive awards in subsequent years are contingent upon an approved ready-to-be-implemented intervention plan at the end of the planning period and at the beginning of each subsequent program year, as well as the availability of funds. The applicant should still submit a full project description containing the information below under the Competitive Criteria and General Instructions in order for the application to be judged against the criteria.

Additional Requirements

- The principal investigator must have a doctorate or equivalent degree in the respective field, conduct research as a primary professional responsibility, and have published or have been accepted for publication in the major peer-review research journals in the field as a first author or second author.
- The proposed intervention plan must be responsive to the goal of supporting progress toward school readiness for children in Head Start.
- The proposed evaluation plan should specify which measures of implementation quality and standardized assessments of child development outcomes are to be used.
- The applicant must apply the University's or nonprofit institution's off-campus research rates for indirect costs.
- The applicant must enter into a partnership with a Head Start program for the purposes of conducting the research.
- The applicant must be willing to work with an external contracting firm for the collection of cross-site data, in coordination with any local data collection activities.
- The application must contain a letter from the Head Start program certifying that they have entered into a partnership with the applicant and the application has been reviewed and approved by the Policy Council.
- The principal investigator must agree to attend four quarterly meetings of the research consortium each year including Head Start's Sixth National Research Conference on June 26–29, 2002, as well at the Conference in the year 2004.
- The budget should reflect travel funds for such purposes.
- Contact information, including an e-mail address, for the principal investigator must be included in the application.

Project Duration: The announcement is soliciting applications for project periods of up to five years. Awards, on a competitive basis, will be for the first one-year budget period. Applications for continuation of cooperative agreements funded under these awards beyond the one-year budget period, but within the established project period, will be entertained in subsequent years on a non-competitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

Federal Share of Project Costs: The Federal share of project costs shall not exceed $250,000 for the first 12-month budget period inclusive of indirect costs and shall not exceed $250,000 per year for the second and third through fifth 12-month budget periods.

Matching Requirement: There is no matching requirement.

Anticipated Number of Projects to be Funded: It is anticipated that 4–6 projects will be funded.

Part III. Competitive Criteria and General Instructions

Project Description

Purpose: The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, history of collaboration with Head Start programs, and other information in support of their candidacy. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those that will not be used in support of the specific project for which funds are requested.

General Instructions: Cross-referencing should be used rather than repetition. ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. (Supporting information concerning activities that will not be directly funded by the cooperative agreement or information that does not directly pertain to an integral part of the cooperative agreement funded activity should be placed in an appendix.) Pages should be numbered and a table of contents should be included for easy reference.

Introduction: Applicants are required to submit a full project description shall prepare the project description statement in accordance with the following instructions.

Project Summary/Abstract: Provide a summary of the project description (a page or less) with reference to the funding request.

Results Or Benefits Expected: Identify the results and benefits to be derived. For example, using a comprehensive review of the current literature, justify how the research questions and the findings will add new knowledge to the field and specifically how it will improve services for children and families.

Approach: Outline a plan of action that describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the proportion of data collection expected to be completed. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

Identify the kinds of data to be collected, maintained, and/or disseminated. Note that clearance from the U.S. Office of Management and Budget might be needed prior to a ''collection of information'' that is ''conducted or sponsored'' by ACF, especially some forms of cross-site data collection. List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Additional Information: Following is a description of additional information that should be placed in the appendix to the application.

Staff and Position Data: Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Organization Profiles: Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Dissemination Plan: Provide a plan for distributing reports and other project outputs to colleagues and the public. Applicants must provide a description of the kind, volume and timing of distribution.

Budget and Budget Justification: Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

General

The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. For purposes of preparing the budget and budget justification, ''Federal resources'' refers only to the ACF cooperative agreement for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, cooperative agreement salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored quarterly meetings and the Head Start research conference should be detailed in the budget.

Equipment

Description: Costs of tangible, non-expendable, personal property, having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. However, an applicant may use its own definition of equipment provided that such equipment would at least include all equipment defined above.

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Other

Enter the total of all other costs. Such costs, where applicable ad appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

Indirect Charges

Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the cooperative agreement must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the cooperative agreement. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant

organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Total Direct Charges, Total Indirect Charges, Total Project Costs. Self explanatory

Part IV.

A. Criteria

Reviewers will consider the following factors when assigning points.

1. Results or Benefits Expected 25 points

- The research questions are clearly stated.
- The extent to which the questions are of importance and relevance for low-income children's development and welfare.
- The extent to which the research study makes a significant contribution to the knowledge base.
- The extent to which the literature review is current and comprehensive and supports the need for the intervention and for its evaluation, the questions to be addressed or the hypotheses to be tested.
- The extent to which the questions that will be addressed or the hypotheses that will be tested are sufficient for meeting the stated objectives.
- The extent to which the proposal contains a dissemination plan that encompasses both professional and practitioner-oriented products.

2. Approach 40 points

- The extent to which the intervention is adequately described, responsive to the key questions outlined in the background section above, and represents a research-based, cost effective quality program enhancement that meets the goal of supporting the school readiness of children in Head Start.
- The extent to which the research design is appropriate and sufficient for addressing the questions of the study.
- The extent to which child outcomes in the comprehensive domains of school readiness are the major focus of the study.
- The extent to which the planned research specifies the measures to be used and the analyses to be conducted.
- The extent to which the planned measures are appropriate and sufficient for the questions of the study and the population to be studied.
- The extent to which the planned measures and analyses both reflect knowledge and use of state-of-the-art measures and analytic techniques and advance the state-of-the art.
- The extent to which the analytic techniques are appropriate for the question under consideration.
- The extent to which the proposed sample size is sufficient for the study.
- The scope of the project is reasonable for the funds available for these cooperative agreements.
- The extent to which the planned approach reflects sufficient input from and partnership with the Head Start program.
- The extent to which the planned approach includes techniques for successful transfer of the intervention and research to an additional site or sites.

3. Staff and Position Data 35 points

- The extent to which the principal investigator and other key research staff possess the research expertise necessary to conduct the study as demonstrated in the application and information contained in their vitae.
- The principal investigator(s) has earned a doctorate or equivalent in the relevant field and has first or second author publications in major research journals.
- The extent to which the proposed staff reflect an understanding of and sensitivity to the issues of working in a community setting and in partnership with Head Start program staff and parents.
- The adequacy of the time devoted to this project by the principal investigator and other key staff in order to ensure a high level of professional input and attention.

B. The Review Process

Applications received by the due date will be reviewed and scored competitively. Experts in the field, generally persons from outside the Federal government, will use the evaluation criteria listed in Part IV of this announcement to review and score the applications. The results of this review are a primary factor in making funding decisions. ACYF may also solicit comments from ACF Regional Office staff and other Federal agencies. These comments, along with those of the expert reviewers, will be considered in making funding decisions. In selecting successful applicants, consideration may be given to other factors including but not limited to geographical distribution.

Part V. Instructions for Submitting Applications

A. Availability of Forms

Eligible applicants interested in applying for funds must submit a complete application including the required forms. In order to be considered for a cooperative agreement under this announcement, an application must be submitted on the Standard Form 424 (approved by the Office of Management and Budget under Control Number 0348–0043). Each application must be signed by an individual authorized to act for the applicant and to assume responsibility for the obligations imposed by the terms and conditions of the cooperative agreement award. Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, Assurances: Non-Construction Programs (approved by the Office of Management and Budget under control number 0348–0040). Applicants must sign and return the Standard Form 424B with their application. Applicants must provide a certification concerning lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification (approved by the Office of Management and Budget under control number 0348–0046). Applicants must sign and return the certification with their application.

Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

Applicants must also understand that they will be held accountable for the smoking prohibition included within P.L. 103–227, Part C Environmental Tobacco Smoke (also known as The Pro-Children's Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with the forms. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

All applicants for research projects must provide a Protection of Human Subjects Assurance as specified in the policy described on the HHS Form 596 (approved by the Office of Management and Budget under control number 0925–0418). If there is a question regarding the applicability of this assurance, contact the Office for Protection from Research Risks of the National Institutes

of Health at (301)–496–7041. Those applying for or currently conducting research projects are further advised of the availability of a Certificate of Confidentiality through the National Institute of Mental Health of the Department of Health and Human Services. To obtain more information and to apply for a Certificate of Confidentiality, contact the Division of Extramural Activities of the National Institute of Mental Health at (301) 443–4673. All necessary forms are available on the ACF website at *http://www.acf.dhhs.gov/programs/ofs/grants/form.htm*.

B. Proposal Limits

The proposal should be double-spaced and single-sided on 8 ½″ × 11″ plain white paper, with 1″ margins on all sides. Use only a standard size font no smaller than 12 pitch throughout the proposal. All pages of the proposal (including appendices, resumes, charts, references/footnotes, tables, maps and exhibits) must be sequentially numbered, beginning on the first page after the budget justification, the principal investigator contact information and the Table of Contents. The length of the proposal starting with page 1 as described above and including appendices and resumes must not exceed 60 pages. Anything over 60 pages will be removed and not considered by the reviewers. The project summary should not be counted in the 60 pages. Applicants should not submit reproductions of larger sized paper that is reduced to meet the size requirement. Applicants are requested not to send pamphlets, brochures, or other printed material along with their applications as these pose copying difficulties. These materials, if submitted, will not be included in the review process. In addition, applicants must not submit any additional letters of endorsement beyond any that may be required.

Applicants are encouraged to submit curriculum vitae using ''Biographical Sketch'' forms used by some government agencies.

Please note that applicants that do not comply with the requirements in the section on ''Eligible Applicants'' will not be included in the review process.

C. Checklist for a Complete Application

The checklist below is for your use to ensure that the application package has been properly prepared.

—One original, signed and dated application plus two copies.

—Attachments/Appendices, when included, should be used only to provide supporting documentation such as resumes, and letters of agreement/support.

A complete application consists of the following items in this order:

Front Matter:

- Cover Letter.
- Table of Contents.
- Principal Investigator including telephone number, fax number and e-mail address.
- Project Abstract.

(1) Application for Federal Assistance (SF 424, REV. 4–92);

(2) Budget information-Non-Construction Programs (SF424A&B REV.4–92);

(3) Budget Justification, including subcontract agency budgets;

(4) Letters (A) from the Head Start program certifying that the program is a research partner of the respective applicant and (B) that the Policy Council has reviewed and approved the application;

(5) Application Narrative and Appendices (not to exceed 60 pages);

(6) Proof of non-profit status. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit organization can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of incorporation of the State in which the corporation or association is domiciled.

(7) Assurances Non-Construction Programs;

(8) Certification Regarding Lobbying;

(9) Where appropriate, a completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424, REV.4–92;

(10) Certification of Protection of Human Subjects.

D. Due Date for the Receipt of Applications

1. *Deadline:* The closing time and date for receipt of applications is 5:00 p.m. (Eastern Time Zone) November 6, 2000. Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at: ACYF Operations Center, 1815 N. Fort Myer Drive, Suite 300, Arlington, Virginia 22209.

Attention: Application for Head Start Quality Research Centers

Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date.

Applications hand carried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 5:00 p.m., Monday-Friday (excluding holidays) at the address above. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or e-mail. Therefore, applications faxed or e-mailed to ACF will not be accepted regardless of date or time of submission and time of receipt.

2. *Late applications:* Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

3. *Extension of deadlines:* ACF may extend an application deadline when justified by circumstances such as acts of God (e.g., floods or hurricanes), widespread disruptions of mail service, or other disruptions of services, such as a prolonged blackout, that affect the public at large. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

E. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, Public Law 104–13, the Department is required to submit to OMB for review and approval any reporting and record keeping requirements in regulations including program announcements. All information collections within this program announcement are approved under the following current valid OMB control numbers: 0348–0043, 0348–0044, 0348–0040, 0348–0046, 0925–0418 and 0970–0139.

Public reporting burden for this collection is estimated to average 40 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection of information.

The project description is approved under OMB control number 0970–0139 which expires 10/31/2000.

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.

F. Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

*All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, and American Samoa have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-three jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the accommodate or explain rule.

When comments are submitted directly to ACF, they should be addressed to: William Wilson, Head Start Bureau, 330 C Street S.W., Washington, D.C. 20447, Attn: Head-Start Quality Research Centers. A list of the Single Points of Contact for each State and Territory can be found on the web site http://www.whitehouse.gov/omb/grants/spoc.html

Dated: August 30, 2000.

Patricia Montoya,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 00–22772 Filed 9–5–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Reallotment of Funds for FY 1999 Low Income Home Energy Assistance Program (LIHEAP)

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Notice of determination concerning funds available for reallotment.

SUMMARY: In accordance with section 2607(b)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 *et seq.*), as amended, a notice was published in the **Federal Register** on July 19, 2000 (65 FR 44791) announcing the Secretary's preliminary determination that $496,085 in FY 1999 Low Income Home Energy Assistance Program (LIHEAP) funds may be available for reallotment. The two grantees whose FY 1999 funds were subject to reallotment were notified of the Secretary's preliminary determination, and neither commented during the 30 days allowed for that purpose.

Pursuant to the statute cited above, funds will be realloted to all LIHEAP grantees based on the normal allocation formula as if they had been appropriated for FY 2000. No subgrantees or other entities may apply for these funds.

FOR FURTHER INFORMATION CONTACT: Janet Fox, Director, Division of Energy Assistance, Office of Community Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447; telephone number (202) 401–9351.

Dated: August 30, 2000.

Donald Sykes,

Director, Office of Community Services.

[FR Doc. 00–22751 Filed 9–5–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 99D–4575 and 99D–4576]

Agency Information Collection Activities; Announcement of OMB Approval; Food Additives; Food-Contact Substances Notification System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Food Additives; Food-Contact Substances Notification System'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 31, 2000 (65 FR 34713), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. This information collection considers only those submissions required by statute under section 409(h)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(h)(1)).

In a proposed rule published in the **Federal Register** of July 13, 2000 (65 FR 43269), FDA requested approval for the information collection required by statute under section 409(h)(1) of the act plus additional information collection that regulated industry has requested FDA to accept. The information collection burden discussed in the July 13, 2000, proposed rule will be considered by OMB in light of this approval, and comments received in response to the additional information collection in the proposed rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0444. The approval expires on August 31, 2003. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 28, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–22701 Filed 9–5–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00P–0788]

Neurological Devices; Reclassification of the Totally Implanted Spinal Cord Stimulator

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of panel recommendation.

SUMMARY: The Food and Drug Administration (FDA) is announcing for public comment the recommendation of the Neurological Devices Panel (the Panel) to reclassify the totally implanted spinal cord stimulator (SCS) for treatment of chronic intractable pain of the trunk or limbs from class III into class II. The Panel made this recommendation after reviewing the reclassification petition submitted by Advanced Neuromodulation Systems, Inc. (ANS), and other publicly available information. FDA is also announcing for public comment its tentative findings on the Panel's recommendation. After considering any public comments on the Panel's recommendation and FDA's tentative findings, FDA will approve or deny the reclassification petition by order in a letter to the petitioner. FDA's decision on the reclassification petition will be announced in the **Federal Register**. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a draft guidance for industry entitled ''Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief.''

DATES: Submit written comments by October 6, 2000.

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

FOR FURTHER INFORMATION CONTACT: Russell P. Pagano, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1296.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et. seq.*), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Public Law 94–295), the Safe Medical Devices Act of 1990 (Public Law 101–629), and the Food and Drug Administration Modernization Act of 1997 (Public Law 105–115), established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the act, devices that were in commercial distribution before May 28, 1976 (the 1976 amendments enactment date), generally referred to as preamendments devices, are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the Panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976, generally referred to as postamendments devices, are classified automatically by statute (section 513(f) of the act) into class III without any FDA rulemaking process. A postamendment device remains in class III and requires premarket approval, unless and until the device is reclassified into class I or II or FDA issues an order finding the device substantially equivalent, under section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807 of the regulations.

A preamendments device that has been classified into class III may be marketed, by means of premarket notification procedures, without submission of a premarket approval application (PMA) until FDA issues a final regulation under section 515(b) of the act (21 U.S.C. 360e(b)) requiring premarket approval.

Reclassification of classified postamendments devices is governed by section 513(f)(2) of the act. This section allows FDA to initiate reclassification of a postamendments class III device under section 513(f)(1) of the act, or the manufacturer or importer of a device may petition the Secretary of Health and Human Services (the Secretary) for the issuance of an order classifying the device in class I or class II. FDA's regulations in § 860.134 (21 CFR 860.134) set forth the procedures for the filing and review of a petition for reclassification of such class III devices. To change the classification of the device, it is necessary that the proposed new class have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

Under section 513(f)(2)(B)(i) of the act, the Secretary may, for good cause shown, refer a petition to a device classification panel. The Panel shall make a recommendation to the Secretary respecting approval or denial of the petition. Any such recommendation shall contain: (1) A summary of the reasons for the recommendation, (2) a summary of the data upon which the recommendation is based, and (3) an identification of the risks to health (if any) presented by the device with respect to which the petition was filed.

II. Regulatory History of the Device

The totally implanted SCS intended for treatment of chronic intractable pain of the trunk or limbs is a postamendments device classified into class III under section 513(f)(2) of the act. Therefore, the device cannot be placed in commercial distribution for treatment of chronic intractable pain of the trunk or limbs unless it is reclassified under section 513(f)(2) of the act, or subject to an approved PMA under section 515 of the act.

This action is taken in accordance with section 513(f)(2) of the act and § 860.134 of the regulations, based on information in the ANS petition submitted on June 16, 1999. ANS requested reclassification of totally implanted SCS intended for treatment of chronic intractable pain of the trunk or limbs from class III into class II. Consistent with the act and the regulation, FDA referred the petition to the Panel for its recommendation on the requested reclassification.

III. Device Description

The following device description is based on the Panel's recommendations and the agency's review: The totally implanted SCS consists of an implanted

pulse generator (IPG), leads, and electrodes. The IPG contains the internal power source that is implanted in the patient. The electrodes are placed on the patient's spinal cord and the leads from the electrodes are connected subcutaneously to the IPG.

IV. Recommendation of the Panel

At a public meeting on September 16 and 17, 1999, the Panel recommended that the totally implanted SCS intended for aid in the treatment of chronic intractable pain of the trunk or limbs be reclassified from class III into class II.

V. Risks to Health

After considering the information in the petition, the information presented at the Panel meeting, the Panel's deliberations, the published literature, and the Medical Device Reports (MDR's), FDA has evaluated the risks to health associated with the use of the totally implanted SCS intended for treatment of chronic intractable pain of the trunk or limbs. FDA now believes that the following are risks to health associated with use of the device: Lead migration, device failure, tissue reaction, skin erosion, surgical procedural risks, lack of electromagnetic compatibility (EMC), and lack of magnetic resonance (MR) compatibility.

A. Lead Migration

Lead migration is the movement of the lead from its intended position (Ref. 1). It can result in a change in stimulation and a subsequent reduction in pain relief. Lead migration may require reoperation to adjust or replace the leads or may require stimulator reprogramming.

B. Device Failure

Device failure, including battery failure, lead breakage, hardware malfunction, and loose connections can lessen or eliminate stimulation and can result in ineffective pain control. Battery failure requires reoperation to replace the battery in the IPG component of the device (Ref. 1). The life of the battery in the totally implanted SCS is affected by the following factors: Battery type, output characteristics of the stimulator (i.e., voltage, pulse rate, pulse width, and frequency), number of electrodes used, and duration of use. Replacement of the battery earlier than the expected date is considered a battery failure. In addition, a damaged or improperly sealed IPG case can also result in battery leakage that could potentially cause tissue damage, as well as device failure.

C. Tissue Reaction

Adverse tissue reaction due in part to biocompatibility concerns is a potential risk to health associated with all implanted devices (Ref. 1). In addition, changes in stimulation can occur due to changes in the tissue surrounding the electrodes. Suboptimal stimulation can result in ineffective pain control.

D. Skin Erosion

Skin erosion over the IPG is a potential risk to health associated with use of the device. When skin erosion is attributed to the IPG, the device is usually explanted (Ref. 1).

E. Surgical Procedural Risks

Temporary pain at the implantation site is expected in any implant surgery.

Infection is a risk to health associated with all surgical procedures and implanted devices (Ref. 1). The best defenses against infection are preventive measures, including selection of patients without known local and/or systematic infection, administration of perioperative antibiotics, implantation of a sterile device, and strict adherence to sterile surgical technique.

Cerebrospinal fluid (CSF) leakage is also a potential risk to health and can cause a severe headache, which usually occurs in the early postoperative period. CSF leakage can occur from accidental dural puncture by an epidural needle, guide wire, or the leads during the surgical procedure. The headache may be frontal or occipital, and it may be accompanied by tinnitus, diplopia, neck pain, and nausea. A post procedural headache may be treated with injection of autologous blood into the patient's epidural space if conservative measures are unsuccessful (Ref. 1).

Although rare, epidural hemorrhage, seroma, hematoma, and paralysis are potential risks to health associated with totally implanted SCS (Ref. 1).

F. EMC

External sources of electromagnetic interference may cause the device to malfunction and the stimulation parameters to change. This suboptimal stimulation can result in ineffective pain control or an increase in stimulation resulting in induced pain.

G. MR Compatibilty

If the device is not designed to be compatible with magnetic resonance procedures, various adverse consequences could result. First, a needed imaging study may not be able to be performed, and second, if a MR procedure is performed, the results may be compromised by the device artifact or the device itself may be adversely affected (e.g., movement and/or heating).

VI. Summary of Reasons for Recommendation

The Panel believed that the device should be reclassified into class II because special controls, in addition to general controls, would provide reasonable assurance of the safety and effectiveness of the device, and there is sufficient information to establish special controls to provide such assurance.

VII. Summary of Data Upon Which the Panel Recommendation is Based

The Panel based its recommendations on the information contained in the petition, information provided by FDA, and their personal knowledge of the device. In addition to information concerning the potential risks associated with the use of the totally implanted SCS device described in section V of this document, there is reasonable knowledge of the benefits of the device (Refs. 1 and 2). Specifically, the device can provide pain relief resulting in an overall improved quality of patient life.

VIII. Special Controls

FDA believes that the draft guidance document special control identified below, in addition to general controls, is sufficient to control the identified risks to health for this device. FDA agrees with the Panel that FDA guidances are appropriate special controls to provide reasonable assurance of the safety and effectiveness of the device. However, FDA disagrees with the Panel that consensus standards, postmarket surveillance, preclearance manufacturing inspections, device tracking, and patient registries are necessary special controls for the device.

A. Guidance Document

Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a draft guidance document entitled ''Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief.''

The draft guidance document has sections on intended use and indications for use, device description, labeling, technological characteristics, testing, and manufacturing that control the risks to health associated with use of the device identified in section V of this document. The draft guidance document addresses the risks to health associated with the use of the device in the following ways:

1. The risk of lead migration is addressed by design controls under the Quality Systems Regulation. The labeling section of the draft guidance also ensures that there are adequate directions for implantation of the leads and that there is a warning about this risk to health.

2. The risk of device failure is also addressed by design controls under the Quality Systems Regulation. The labeling section in the draft guidance document also ensures that there are adequate directions for use, a battery life table, and shelf life information. It also addresses the warnings, precautions, and adverse effects statements related to device failure that should appear in the labeling.

3. The risk of tissue reaction is addressed in the testing section of the draft guidance document to ensure that the device materials and the finished device are biocompatible.

4. The risk of skin erosion is addressed in the labeling section of the draft guidance document to ensure that adequate directions for implantation of the device are provided in the labeling and that this risk is noted in the adverse effects statements of the labeling.

5. The risks common to the surgical procedure for implanting the device, temporary pain and infection, are addressed in the labeling section of the draft guidance document. As noted in section V.E of this document, infection may also be caused by implantation of a nonsterile device, as well as by nonsterile technique. The risk of infection from a nonsterile device is addressed in the testing and manufacturing section of the draft guidance document to ensure that the device is sterile. The potential risks of CSF leakage, epidural hemorrhage, seratoma, hematoma, and paralysis are addressed in the labeling section of the draft guidance by warning of these possible potential adverse effects in the device labeling.

6. The risks associated with EMC are addressed in the testing section of the draft guidance to ensure that the device's EMC is properly characterized. The labeling section of the draft guidance also states that appropriate warnings about EMC should be in the device's labeling.

7. The risks associated with MR are addressed in the testing section of the draft guidance to ensure that the device's MR compatibility is properly characterized. The labeling section of the draft guidance also states that appropriate warnings about MR compatibility should be in the device's labeling.

FDA believes that the draft guidance document addresses the Panel's recommendation for a guidance document special control.

B. Consensus Standards

The Panel recommended that consensus standards be a special control for the totally implanted SCS. The draft guidance document testing section references the use of biocompatibility, electrical, EMC, and packaging consensus standards to help provide reasonable assurance of the safety and effectiveness of the totally implanted SCS. An FDA guidance concerning device sterility is also referenced in the current guidance document. FDA believes that these sections in the guidance address the Panel's concern.

C. Postmarket Surveillance

The Panel stated that it was important that adverse device outcomes be tracked through postmarket surveillance. FDA agrees with the Panel that adverse device outcomes should be reported to FDA. However, FDA believes that the existing mandatory MDR system is the appropriate mechanism to report such adverse events. Therefore, additional postmarket surveillance is unnecessary to address the Panel's concerns to provide reasonable assurance of the safety and effectiveness of the device. The Panel also recommended that annual reporting of battery failures to FDA would be an appropriate special control to provide reasonable assurance of the safety and effectiveness of the device. FDA believes that the MDR system captures reporting of device malfunctions that could cause a serious injury, including battery failure. Therefore, FDA does not believe that annual reports of device failures should be a special control for the device.

D. Preclearance Manufacturing Inspections

The Panel also recommended that preclearance manufacturing inspections ''at the class III device level'' be a special control for the totally implanted SCS. FDA notes that the Quality System Regulation (QSR) (21 CFR part 820) that sets forth current good manufacturing practice requirements applies to all devices except certain devices exempted by regulation from the QSR. FDA also notes that there are no device class-related levels of QSR inspections. Prior to premarket approval of a class III device, FDA conducts a QSR inspection of the class III device manufacturing site as part of the premarket approval process. Class II device manufacturing sites are periodically inspected after FDA clears the device for marketing. The difference between QSR inspection of a class II manufacturing site and a class III device manufacturing site is the timing of the inspection and not the nature of the inspection. FDA believes that safety and effectiveness of the totally implanted SCS can be reasonably assured by the manufacturing section in the draft guidance document and by general controls applicable to all medical devices, including QSR inspections. Therefore, FDA does not think a QSR inspection prior to FDA marketing clearance is necessary to provide reasonable assurance of the safety and effectiveness of the totally implanted SCS.

E. Device Tracking

The Panel also recommended that device tracking be a special control for the device. Tracking is a compliance mechanism intended to facilitate notification and recall in the event of serious risks to health presented by a device. The totally implanted SCS does not meet the three criteria for a tracked device: (1) The likelihood of sudden catastrophic failure, (2) the likelihood of significant adverse clinical outcome, and (3) the need for prompt professional intervention. Therefore, FDA does not believe that device tracking is necessary to provide reasonable assurance of the safety and effectiveness of the device.

F. Patient Registries

The Panel also recommended patient registries be a special control for the totally implanted SCS. FDA notes that the use of patient registries is a type of postmarket surveillance to answer a particular question related to a device's performance or to track patients when particular clinical issues are identified. Neither the Panel nor FDA has identified a clinical issue requiring patient registries. Therefore, FDA does not believe that patient registries are necessary to provide reasonable assurance of the safety and effectiveness of the device.

IX. FDA's Tentative Findings

FDA believes that the totally implanted SCS intended for treatment of chronic intractable pain of the trunk or limbs should be reclassified into class II because special controls, in addition to general controls, would provide reasonable assurance of the safety and effectiveness of the device, and there is sufficient information to establish special controls to provide such assurance. FDA believes that the draft guidance document entitled ''Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief''

is an appropriate special control to provide reasonable assurance of the safety and effectiveness of the device.

FDA notes that it has considered a comment from a manufacturer of a totally implanted SCS for pain relief and a comment from the petitioner after the September 16 and 17, 1999, Panel meeting in its formulation of these tentative findings. These comments have been placed in the docket referenced in the heading of this document.

X. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Advanced Neuromodulation Systems, Inc., Plano, TX, Classification Proposal and Summary of Safety and Effectiveness Information for the Totally Implanted Spinal Cord Stimulator, received June 16, 1999.

2. Transcript of the September 16 and 17, 1999, Neurological Devices Panel Meeting, September 17, 1999, volume, pp. 153–284.

XI. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

XII. Analysis of Impacts

FDA has examined the impacts of the notice under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4)). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this potential reclassification action is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, this potential reclassification action is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of the device from class III to class II will relieve manufacturers of the cost of complying with the premarket approval requirements in section 515 of the act. Because reclassification will reduce regulatory costs with respect to this device, it will impose no significant economic impact on any small entities, and it may permit small potential competitors to enter the marketplace by lowering their costs. The agency therefore certifies that this reclassification action, if finalized, will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year (adjusted annually for inflation). The Unfunded Mandates Reform Act does not require FDA to prepare a statement of costs and benefits for the reclassification action, because the proposed rule is not expected to result in any 1-year expenditure that would exceed $100 million adjusted for inflation.

XIII. Paperwork Reduction Act of 1995

FDA concludes that this reclassification action contains no new collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

XIV. Federalism

FDA has analyzed this reclassification action in accordance with the principles set forth in Executive Order 13132. FDA has determined that the reclassification action does not contain policies 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. Accordingly, the agency has concluded that the action does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

XV. Request for Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this document by October 6, 2000. 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. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 22, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–22618 Filed 9–5–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1485]

Report of the FDA Retail Food Program Database of Foodborne Illness Risk Factors; Notice of Availability; Public Meeting by Satellite

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability and announcement of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the report entitled ''Report of the FDA Retail Food Program Database of Foodborne Illness Risk Factors'' and a public meeting via an interactive satellite teleconference. The purpose of the meeting is to present: The methodology used for developing a baseline on the occurrence of the Centers for Disease Control and Prevention (CDC)-identified foodborne illness risk factors in retail-level institutional food establishments, restaurants, and retail food stores and the data from the baseline inspections that were conducted by FDA Regional Food Specialists in 1998 to 1999.

Date and Time: The meeting will be held on October 27, 2000, 1 p.m. to 4 p.m. Satellite coordinates for the broadcast will be posted on the FDA Internet at www.fda.gov beginning October 13, 2000. The report will be available beginning September 11, 2000, on the FDA Internet at www.fda.gov and hard copies will be available after October 1, 2000, from the contact persons listed below.

Location: The satellite meeting will be broadcast nationwide from the FDA broadcast studio at the Center for Devices and Radiological Health, 16071–B Industrial Dr., Gaithersburg, MD 20877.

Contact: Denise M. Buckmon or LaKesha P. Abbey, Office of Field

Programs (HFS–625), Center for Food Safety and Applied Nutrition, Food and Drug Administration, Switzer Bldg., rm. 1042, 200 C St. SW., Washington, DC 20204, 202–205–8140, FAX 202–205–5560, e-mail: ''dbuckmon@cfsan.fda.gov'' or ''LAbbey@cfsan.fda.gov''.

Registration: Stakeholders interested in being a member of the studio audience should indicate their interest by October 13, 2000, by providing name, title, firm name, address, telephone number, and fax number to the contact persons listed below. Seating is limited to 45 persons.

If you are interested in attending as a member of the studio audience and need any reasonable accommodations due to a disability, including a sign language interpreter, please contact Denise M. Buckmon or LaKesha P. Abbey at least 7 days in advance.

SUPPLEMENTARY INFORMATION:

I. Background

FDA advises Federal agencies, State, local, and tribal governments on food safety standards for institutional food service establishments, restaurants, and other retail food stores. In this advisory role, FDA works closely with other Federal agencies to provide guidance and assistance to enhance the regulatory programs of State, local, and tribal jurisdictions.

In January 1996, the National Partnership for Reinventing Government (NPR), formerly the National Performance Review, issued a report entitled ''Reinventing Food Regulations.'' In this report, NPR concluded that ''foodborne illness caused by harmful bacteria and other pathogenic microorganisms in meat, poultry, seafood, dairy products, and a host of other foods is a significant public health problem in the United States.'' For years, regulatory and industry food safety programs have been designed to minimize the occurrence of foodborne illness. In 1997, the President called for the creation of a Food Safety Initiative (FSI). FSI established steps for Federal agencies with the primary responsibility of food safety to take in order to reduce foodborne illness. Key necessary actions included: Enhancing surveillance and building an early-warning system; improving responses to foodborne outbreaks; improving risk assessment; developing new research methods; improving inspections and compliance; and furthering food safety education.

To improve responses to foodborne illness outbreaks and risk assessment capabilities, the level of risky practices and behaviors need to be identified. There is, however, a lack of a national baseline on the occurrence of foodborne illness risk factors.

This report and meeting are designed to establish a national baseline on the occurrence of foodborne illness risk factors within the retail segment of the food industry. The CDC-identified foodborne illness risk factors being tracked are: Food from unsafe sources, inadequate cooking, improper holding temperature, contaminated equipment, and poor personal hygiene.

The purpose of the meeting is to present the methodology used for developing a baseline on the occurrence of CDC-identified foodborne illness risk factors in retail-level institutional food establishments, restaurants, and retail food stores. In addition, FDA will present data from the baseline inspections conducted by the FDA Regional Food Specialists in 1998 and 1999.

FDA intends to use the baseline to measure industry and regulatory efforts to change behaviors and practices directly related to foodborne illness. In addition, the data from this report and meeting along with future studies planned for 2003 and 2008 are expected to provide input into the Healthy People 2010's Food Safety Objective 10.6. Objective 10.6 is designed to improve food preparation practices and food employee behaviors at institutional food service establishments, restaurants, and retail food stores. Healthy People 2010 is a national health promotion and disease prevention initiative with the objective to improve the health of all Americans.

Dated: August 31, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–22851 Filed 9–1–00; 2:29 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 00M–1215, 00M–1216, 00M–1228, 00M–1229, 00M–1230, 00M–1231, 00M–1298, 00M–1299, 00M–1300, 00M–1354]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket applications (PMA) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMA's through the Internet and the agency's Dockets Management Branch.

ADDRESSES: Summaries of safety and effectiveness are available on the Internet at http://www.fda.gov/cdrh/pmapage.html. Copies of summaries of safety and effectiveness are also available by submitting a written request to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Please cite the appropriate docket number as listed in table 1 in the **SUPPLEMENTARY INFORMATION** section of this document when submitting a written request.

FOR FURTHER INFORMATION CONTACT: Thinh X. Nguyen, Center for Devices and Radiological Health (HFZ–402), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2186.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 30, 1998 (63 FR 4571), FDA published a final rule to revise §§ 814.44(d) and 814.45(d) (21 CFR 814.44(d) and 814.45(d)) to discontinue publication of individual PMA approvals and denials in the **Federal Register**. Instead, revised §§ 814.44(d) and 814.45(d) state that FDA will notify the public of PMA approvals and denials by posting them on the Internet on FDA's home page at http://www.fda.gov; by placing the summaries of safety and effectiveness on the Internet and in FDA's Dockets Management Branch; and by publishing in the **Federal Register** after each quarter a list of available safety and effectiveness summaries of approved PMA's and denials announced in that quarter.

FDA believes that this procedure expedites public notification of these actions because announcements can be placed on the Internet more quickly than they can be published in the **Federal Register**, and FDA believes that the Internet is accessible to more people than the **Federal Register**.

In accordance with section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the

Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The following is a list of approved PMA's for which summaries of safety and effectiveness were placed on the Internet in accordance with the procedure explained previously from April 1, 2000, through June 30, 2000. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1.—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMA'S MADE AVAILABLE APRIL 1, 2000, THROUGH JUNE 30, 2000

PMA Number/Docket No.	Applicant	Trade Name	Approval Date
P970054/00M–1216	Hogan & Hartson	Biotrin Parvovirus B19 IGG EIA (V5191GUS).	August 6, 1999
P970055/00M–1215	Hogan & Hartson	Biotrin Parvovirus IGM EIA (V619IMUS).	August 6, 1999
P980008/00M–1231	Lasersight Technologies, Inc.	Laserscan LSX Excimer Laser System.	November 12, 1999
P990009/00M–1229	Fusion Medical Technologies, Inc.	Floseal Matrix/Floseal Matrix Hemostatic Sealant.	December 8, 1999
H990008/00M–1228	Interpore Cross International.	Telescopic Plate Spacer (TPS) Spinal System.	March 9, 2000
P990013/00M–1230	Starr Surgical Co.	Collamer Single-Piece (Plate-Haptic) Ultraviolet Absorbing Posterior Chamber Intraocular Lens.	April 2, 2000
P990048/00M–1300	Hogan & Hartson	Zeiss Visulas 690 and Visulink PD T/900 Laser System.	April 12, 2000
P990049/00M–1299	Coherent Medical Group	Coherent Opal Photoactivator Laser System.	April 12, 2000
P950020/00M–1298	Interventional Technologies.	(BSDB) PTCA Surgical Dilation Balloon.	April 18, 2000
H99012/00M–1354	Cardiovascular Diagnostics, Inc.	TAS Ecarin Clotting Time Test.	May 11, 2000

Dated: August 10, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–22700 Filed 9–5–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1455]

Draft Guidance for Industry; Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance for industry entitled ''Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief.'' Elsewhere in this issue of the **Federal Register**, FDA is issuing a notice of a panel recommendation to reclassify totally implanted spinal cord stimulators from class III (premarket approval) to class II (special controls). If this device is reclassified, this draft guidance document will serve as the special control for the reclassified device. This guidance is neither final nor in effect at this time.

DATES: Submit written comments on the draft guidance by October 6, 2000.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the draft guidance entitled ''Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief'' to the Division of Small Manufacturers Assistance (DSMA) (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Russell P. Pagano, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1296.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled ''Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief.'' Elsewhere in this issue of the **Federal Register**, FDA is issuing a notice of a panel recommendation to reclassify totally implanted spinal cord stimulators from class III (premarket approval) to class II (special controls). If this device is reclassified, this draft guidance document will serve as the special control for the reclassified device.

II. Significance of Guidance

This draft guidance document represents the agency's current thinking on special controls for totally implanted spinal cord stimulators for pain relief. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted good guidance practices (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (62 FR 8961, February 27, 1997). This guidance document is

issued as a Level 1 guidance consistent with GGP's.

III. Electronic Access

In order to receive the draft guidance entitled ''Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief'' via your fax machine, call the CDRH Facts-On-Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first voice prompt press 1 to access DSMA Facts, at second voice prompt press 2, and then enter the document number 1179 followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may also do so using the Internet. The Center for Devices and Radiological Health (CDRH) maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes ''Special Control Guidance for Premarket Notifications for Totally Implanted Spinal Cord Stimulators for Pain Relief,'' device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance by October 6, 2000. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 21, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–22619 Filed 9–5–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Center for Substance Abuse Prevention (CSAP) National Advisory Council in September 2000.

The agenda will include the review, discussion and evaluation of individual grant applications and detailed discussion of information about the Center's procurement plans. Therefore a portion of the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App. 2, Section 10(d).

The agenda of the open portion will include CSAP's Director's Report, an update of CSAP's budget, SAMHSA's Administrator's Report, a report on CSAP's Decision Support System, and discussions of administrative matters and announcement.

If anyone needs special accommodations for persons with disabilities, please notify the contact listed below.

A summary of this meeting and roster of committee members may be obtained from Yuth Nimit, Executive Secretary, Rockwall II Building, Suite 910, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–8455.

Substantive program information may be obtained from the contact listed below.

Committee Name: Center for Substance Abuse Prevention, National Advisory Council.

Meeting Dates: September 11–12, 2000.

Place: Holiday Inn Bethesda 8120 Wisconsin Avenue, Versaille III Room, Bethesda, Maryland 20814, (301) 652–2000.

Closed: September 11, 2000, 8:30 a.m. to 4:00 p.m.

Open: September 12, 2000, 8:30 a.m. to 2:00 p.m.

Contact: Yuth Nimit, 5515 Security Lane, Rockwall II Building, Suite 910, Rockville, Maryland 20852, Telephone: (301) 443–8455.

Dated: August 29, 2000.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 00–22776 Filed 9–5–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4601–N–03]

Notice of Extension of Application Period and Modification of Number of Positions for the U.S.-Israel Bi-National Commission on Housing and Community Development

AGENCY: Office of International Affairs under the Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of extension and modification.

SUMMARY: On June 26, 2000, HUD published a notice that announced the opportunity for individuals to apply to serve on the U.S.-Israel Bi-National Commission on Housing and Community Development. The deadline for receipt of applications was subsequently extended until August 28, 2000. This notice extends the deadline to apply for this Bi-National Commission until September 22, 2000. This notice also amends the original notice to permit up to twenty people to serve on the U.S. side of this Bi-National Commission.

DATES: In order to receive full consideration, requests must be received by HUD no later than September 22, 2000.

ADDRESSES: Please send your requests for consideration to U.S.-Israel Bi-National Commission, U.S. Department of Housing and Urban Development, Office of International Affairs, Room 8118, 451 Seventh Street, SW, Washington, DC 20410. You may fax your request to (202) 708–5536 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: John Geraghty, U.S. Department of Housing and Urban Development, Office of International Affairs, Room 8118, 451 Seventh Street, SW, Washington, DC 20410, (202) 708–0770 (telephone), (202) 708–5536 (fax) (these are not toll-free numbers). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On June 26, 2000 (65 FR 39419), HUD published a notice that provided the opportunity for individuals to apply to serve on the U.S.-Israel Bi-National Commission on Housing and Community Development and announced the selection and eligibility requirements. The Commission will consist of U.S. and Israeli representatives from the housing, real estate, community development,

finance, and construction sectors. On July 24, 2000 (65 FR 45606), HUD published an extension of the deadline for receipt of applications from those applying to serve on this Bi-National Commission. The application period was scheduled to end on August 28, 2000.

In order to give more people the opportunity to apply, the Department has decided to extend the deadline of the application period until September 22, 2000. Furthermore, in order to give more people the opportunity to serve on the U.S.-Israel Bi-National Commission on Housing and Community Development, HUD will provide up to twenty (20) available positions on the U.S. side of this Bi-National Commission.

Dated: August 29, 2000.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 00–22828 Filed 9–5–00; 8:45 am]

BILLING CODE 4210–62–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Extension of Approved Information Collection, OMB Numbers 1018–0022 and 1018–0099, on Permit Applications and Reports

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice, request for comments.

SUMMARY: The U.S. Fish and Wildlife Service is announcing its intention to request renewal of its existing approval to collect certain information from applicants who wish to obtain a permit to conduct activities under a number of wildlife conservation laws, treaties, and regulations. We will submit the collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995. If you wish to obtain copies of the proposed information collection requirement, related forms, and explanatory material, contact the Collection Clearance Officer at the address listed below.

DATES: You must submit comments on or before November 6, 2000.

ADDRESSES: Send your comments and suggestions on specific requirements to the Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin, Collection Clearance Officer, at 703/358–2287, or electronically to *rmullin@fws.gov.*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). We plan to submit a request to OMB to renew its approval of the collection of information for the Service's license/permit application forms 3–200–6 through 3–200–18. We also plan to request renewed approval for permit reporting form 3–202–a, 3–202–c, 3–430–b, 3–430–d. We are also requesting approval for a new form 3–200–57 for special Canada goose permits, for which the collection of information was assigned OMB approval number 1018–0099. Also, we are requesting approval for three new report forms, 3–202–e, 3–202–g, and 3–430–f. These new report forms do not represent new information collections. Rather, we have tailored existing report forms that covered several permit types so that the report form is specifically directed to the specific permit activity. This will make each report form easier to understand and complete. We are requesting approval for a streamlined application form that is specific to renewing permits due to expire. This does not represent a new information collection—merely a specific form to facilitate renewal requests. Finally, we are requesting approval for two new application forms, 3–200–59 and 3–200–60, which will assist individuals and entities in obtaining permits under the Convention on International Trade in Endangered Species and the Bald and Golden Eagle Protection Act to temporarily transport eagle parts into and out of the United States, as authorized by a recent amendment of 50 CFR 22.21 and 22.22 (September 17, 1999; 64 FR 50467). We are requesting a 3-year term of approval for this information collection activity.

We invite comments concerning this renewal on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, (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 those who are to respond. The information collections in this program are part of a system of records covered by the Privacy Act 95 U.S.C. 552(a)).

The information on the applications and report forms will be used by the Service to review permit applications, monitor permit compliance, and track species taken from the wild. It will allow the Service to make an assessment according to criteria established in various Federal wildlife conservation laws, treaties, and regulations on the issuance, suspension, revocation, or denial of permits.

Federal agencies 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 this collection of information are *1018–0022 and 1018–0099.*

The information collection requirements in this submission implement the regulatory requirements of the Endangered Species Act (16 U.S.C. 1539), the Migratory Bird Treaty Act (16 U.S.C. 704), the Lacey Act (18 U.S.C. 42–I0744), the Bald and Golden Eagle Protection Act (16 U.S.C. 668), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (27 UST 108), and are contained in Service regulations in Chapter I, Subchapter B of Title 50 Code of Federal Regulations (CFR). Common permit application and recordkeeping requirements have been consolidated in 50 CFR 13. Unique requirements of the various statutes in the applicable part are described in the table.

Activity and Application and Report Form No.	Total number of respondents (annually) (new)	Estimated completion time (hr)	Total annual burden hours	Regulatory authority
Import/Export, 3–200–6	61	1.0	61	50 CFR 21.2, 21.11, 21.21
Scientific Collecting, 3–200–7	91	4.0	364	50 CFR 21.2, 21.11, 21.23
Annual Report, 3–430 d*	484	1.0	484	
Taxidermy, 3–200–8	604	1.0	604	50 CFR 21.2, 21.11, 21.24
Waterfowl Sale & Disposal, 3–200–9	98	1	49	50 CFR 21.2, 21.11, 21.25
Notice of Transfer, 3–186*	8,000	[1] 0.17	1,334	
Annual Report, 3–202 c*	1,540	1	1,540	
Canada Goose, 3–200–57	3	8.0	24	50 CFR 21.2, 21.11, 21.26
Special Purpose Permits:				
—Salvage, 3–200–10a	184	1	184	50 CFR 21.2, 21.11, 21.27
Annual Report-Salvage, 3–430 f*	1,772	[3] 0.5	886	
—Rehabilitation, 3–200–10b	129	2.5	322.5	
Annual Report-Rehab., 3–202a	2,134	1.0	2,134	
—Education Possession/Live, 3–200–10c	86	2.5	215	
Annual Report-Edu-Poss/Live, 3–430 b*	571	1.0	571	
—Education Possession/Dead, 3–200–10d	56	2	112	
Ann. Report-Edu-Poss/Dead, 3–430 b*	167	1.0	167	
—Game Bird Propagation, 3–200–10e	18	1.0	18	
Notice of Transfer, 3–186*	300	[1] 0.17	50	
Ann. Report Game Bird Prop., 3–202 c*	73	[4] 0.75	54.75	
Falconry, 3–200–11	283	[3] 0.5	141	50 CFR 21.2, 21.11, 21.28
Disposition Report, 3–186 A*	11,000	[1] 0.17	1,833	
Raptor Propagation, 3–200–12	40	1.5	72	50 CFR 21.2, 21.11, 21.30
Disposition Report, 3–186 A*	5,000	[1] 0.17	833	
Annual Report—Raptor Prop., 3–202 e	345	1.0	345	
Depredation, 3–200–13	788	1.0	1,182	50 CFR 21.2, 21.11, 21.41
Annual Report—Depredation, 3–202 g*	2,148	1.0	2,148	
Bald & Golden Eagle:				
—Exhibition, 3–200–14a	31	2.5	77.5	50 CFR 22.1, 22.2, 22.12, 22.21
Annual Report—Education, 3–430 b*	300	1.0	300	
—Scientific Collecting/Research, 3–200–14b	2	4.0	8	
Ann. Report—Sci. Collecting, 3–430 d*	8	[3] 0.5	4	
Eagle—Native American:				
Religious:				
—Initial Acquisition/Additional Material, 3–200–15a	1,083	[3] 0.5	541.5	50 CFR 22.1, 22.2, 22.12, 22.22
Take of Depredating Eagles, 3–200–16	3	1.5	4.5	50 CFR 22.1, 22.2, 22.12, 22.23
Annual Report Depredation, 3–202 g*	8	[2] 0.25	2	
Eagle Falconry, 3–200–17	2	1.0	2	50 CFR 22.1, 22.2, 22.12, 22.24
Take of Golden Eagle Nests, 3–200–18	2	4.0	8	50 CFR 22.1, 22.2, 22.12, 22.25
Renewal of a Permit, 3–200–58	7,444	[2] 0.25	1,861	50 CFR 13.21, 13.22
CITES Import/Export/Eagle Transport for Exhibition/Scientific Research, 3–200–59.	50	1.0	50	50 CFR 22.21, 23.11, 23.12, 23.13, 23.15.
CITES Import/Export/Eagle Transport for Indian Religious Purposes, 3–200–60.	250	[4] .75	187	50 CFR 22.22, 23.11, 23.12, 23.13, 23.15

* Means report form used for more than one permit activity.
[1] Rounded to 10 minutes.
[2] Rounded to 15 minutes.
[3] Rounded to 30 minutes.
[4] Rounded to 45 minutes.

Approval Numbers: 1018–0022, 1018–0099.

Service Form Numbers: 3–200–6 through 3–200–18, 3–200–57 through 3–200–60, 3–202a, 3–202c, 3–202e, 3–202g, 3–430b, 3–430d, 3–430f.

Frequency of Collection: On Occasion.

Description of Respondents: Individuals, zoological parks, museums, universities, scientists, taxidermists, local, state, Tribal and Federal governments.

Total Annual Burden hours: 18,773.75.

Total Annual Responses: 45,158.

Dated: August 30, 2000.

Rebecca Mullin,

Service Information Collection Officer.

[FR Doc. 00–22723 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Communications, Education and Outreach Committee Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Aquatic Nuisance Species (ANS) Task Force Communications, Education and Outreach Committee. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION.**

DATES: The Communications, Education and Outreach Committee will meet from 1:30 p.m. to 4 p.m., Wednesday, September 20, 2000.

ADDRESSES: The Communications, Education and Outreach Committee Meeting will be held at the U.S. Fish and Wildlife Service headquarters at 4401 N. Fairfax Drive, Arlington, Virginia in Room 800.

FOR FURTHER INFORMATION CONTACT: Joe Starinchak, Outreach Coordinator, Aquatic Nuisance Species Task Force, at 703–358–2018 or by e-mail at *joe_starinchak@fws.gov*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Communications, Education and Outreach Committee. The ANS Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

Topics to be covered during the Communications, Education & Outreach Committee meeting include: Message development and processes to raise public awareness about aquatic nuisance species.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 840, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and will be available for public inspection during regular business hours, Monday through Friday.

Dated: August 30, 2000.

Cathleen I. Short,

Co-Chair, Aquatic Nuisance Species Task Force, Assistant Director—Fisheries and Habitat Conservation.

[FR Doc. 00–22720 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–010–1990–EX]

Notice of Availability for the Betze Project Draft Supplemental Environmental Impact Statement and Notice of Comment Period and Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to section 102 (2)(C) of the National Environmental Policy Act, 40 CFR 1500–1508 and 43 CFR 3809, notice is given that the Bureau of Land Management has prepared, with the assistance of a third-party consultant, a Draft Supplemental Environmental Impact Statement (SEIS) on Barrick Goldstrike's dewatering operations for the Betze/Post open pit and Meikle underground mines in northeastern Nevada, and has made copies of the document available for public review.

The Draft SEIS analyzes the potential environmental impacts from expanded dewatering operations along with the impacts of a proposed additional pipeline intended to increase flexibility for the mine's water management operations.

DATES: Written comments on the Draft SEIS will be accepted until close of business on November 14, 2000. A public meeting for oral and written comments is scheduled to be held September 26, 2000, in Elko, Nevada, at the Bureau of Land Management Office, 3900 E. Idaho Street at 7:00–9:00 p.m.

ADDRESSES: Written comments on the Draft SEIS should be addressed to: Bureau of Land Management, Elko Field Office; Attn: Kirk Laird, SEIS Coordinator; 3900 E. Idaho Street; Elko, NV 89801.

The Draft SEIS is available for inspection at the following locations: Bureau of Land Management (BLM) Nevada State Office (Reno); BLM Elko Field Office; Eureka, Lander, and Elko County libraries; the University of Nevada libraries in Reno and Las Vegas; and the Great Basin College library in Elko. It is also available from the BLM, Elko Field Office internet site at www.nv.blm.gov/elko.

FOR FURTHER INFORMATION CONTACT: Kirk Laird at the above address or call (775) 753–0200.

SUPPLEMENTARY INFORMATION: Dewatering operations are expected to end in 2010. The dewatering cone of depression is expected to expand for approximately 100 years then diminish until reaching steady state approximately 230 years after the end of mining. Major issues are potential impacts to Threatened and Endangered Species, and impacts to surface resources, including water, wildlife, and vegetation within the dewatering area.

A copy of the Draft SEIS has been sent to all individuals, agencies, and groups who have expressed interest in the project or as mandated by regulation or policy. A limited number of copies are available upon request from the Bureau of Land Management (BLM) at the address listed above. The Draft SEIS is also available at the BLM Elko Field Office website: www.nv.blm.gov/elko. Public participation has occurred during the Environmental Impact Statement process. A Notice of Intent was filed in the **Federal Register** in August 1994 and subsequently in January 1998. Public scoping meetings to solicit comments and ideas were held in September 1994 and January 1998. All comments presented to the BLM throughout the Environmental Impact Statement process have been considered.

Dated: August 29, 2000.

Helen Hankins,

Field Manager.

[FR Doc. 00–22738 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

Revised Draft Environmental Impact Statement and General Management Plan, Death Valley National Park, Inyo and San Bernardino Counties, California, Nye and Esmeralda Counties, Nevada; Notice of Availability

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended), the National Park Service, Department of the Interior, has prepared a Revised Draft Environmental Impact Statement (REIS) identifying and evaluating potential impacts of a proposed General Management Plan (GMP) for Death Valley National Park. This document provides updated and revised information that was prepared

largely as a result of public comments on the original Draft EIS/GMP that was released in September 1998. Death Valley is a unit of the National Park System, created by Congress on October 31, 1994, in the California Desert Protection Act. The REIS/GMP also includes a draft Land Protection Plan (LPP) that addresses management options for non-federal lands that exist inside the park boundary. The LPP and REIS were prepared as a component of the Northern and Eastern Mojave Planning Effort (NEMO), a coordinated interagency project involving the National Park Service (NPS), Bureau of Land Management and U.S. Fish and Wildlife Service. The NPS anticipates that this document could proceed separately from other components of this coordinated planning effort, and separate Records of Decision will be prepared accordingly. The REIS identifies and evaluates the environmental consequences of a proposed action and two alternatives. No significant adverse environmental impacts are anticipated. When approved the GMP will serve as the overall management strategy for the next 10–15 years, under which more detailed activity or implementation plans are prepared as appropriate.

Proposal: This REIS/GMP presents the proposed management approach and two alternatives for the management of the park. The proposed action (Alternative 1) seeks to extend the existing management strategies that are in place for the previous national monument, and to apply the NPS mission and policies to the management of the resources within the new lands added to Death Valley in 1994 by the California Desert Protection Act. It also strives to incorporate the existing Congressional designation of 95% of the park as Wilderness into the management approach. This alternative addresses the removal of feral burros and horses from the park in order to achieve the NPS mission of managing the unit for native desert species. It also recognizes the need to work cooperatively with the Bureau of Land Management on adjacent land, where their mandate from Congress is to maintain viable herds of wild horses and burros. This alternative attempts to balance the preservation of resources mission with specific mandates from Congress. In Death Valley, the California Desert Protection Act provides for the continuation of grazing on the new lands. This alternative addresses grazing as a component of the management. This plan identifies a number of activity level plans needed to address site specific issues, such as the Saline Valley Warm Springs management and a backcountry/wilderness management plan. This alternative seeks funding for purchase of private property from willing sellers, or/and mineral interests where proposed uses conflict with the primary mission of preserving resources and providing for visitor enjoyment.

Alternatives: In addition to the proposal, this conservation planning and environmental impact analysis process also addressed the alternative of continuing existing management (no action), and an optional management approach. The existing management alternative (Alternative 2) describes the continuation of current management strategies. It is also commonly referred to as the status quo alternative. Under this alternative, existing visitor and administrative support services and facilities would be maintained in their current locations. There would be no change in road maintenance, although some roads might be improved if funding became available. No changes in recreation use would occur. Land acquisition would focus on obtaining funds to acquire private property and mineral interests from willing sellers only where proposed uses conflict with the park mission.

The optional approach (Alternative 3) provides for closure of the airstrips at Saline Valley Warm Springs, designating campsites at the Warm Springs, and specifies acquisition of private land or mineral interests only in sensitive habitats and the phase out of the concession operation at Stovepipe Wells.

Comments: Printed or CD–ROM copies of the REIS are available for public review at park headquarters, as well as at many public libraries and federal offices in southern California and southern Nevada. In addition, the document is posted on the internet at www.nps.gov/deva. Inquiries and requests for copies may also be directed to: Superintendent, Death Valley National Park, Furnace Creek, California 92328. The telephone number for the park is (760) 786–2331.

Interested individuals, organizations, Tribes, and agencies wishing to express any new concerns about management issues and future land management direction are encouraged to address these to the Superintendent, Death Valley National Park. All written comments must be postmarked not later than December 8, 2000, and should be submitted to the address noted above.

If individuals submitting comments request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Public Meetings: The NPS will host a series of open houses to provide interested individuals and organization representatives an opportunity to express concerns, ask questions, view large scale maps and engage in dialog about the range or content of alternatives. This dialog is intended to provide additional guidance to the NPS in preparing a final EIS and plan amending the GMP and LPP. Written comments will also be accepted at these workshops. The public is invited to attend at any time during the open house posted hours. The workshops are scheduled as follows:

Friday, October 27th	Barstow, CA	2:00–6:00 p.m.
Monday, October 30th	Pasadena, CA	6:00–9:00 p.m.
Tuesday, October 31st	San Bernardino, CA	2:00–6:00 p.m.
Wednesday, November 1st	Needles, CA	2:00–6:00 p.m.
Thursday, November 2nd	Las Vegas, NV	2:00–6:00 p.m.
Friday, November 3rd	Baker, CA	2:00–6:00 p.m.
Monday, November 13th	Amargosa, CA	2:00–6:00 p.m.
Tuesday, November 14th	Furnace Creek, CA	6:00–9:00 p.m.
Wednesday, November 15th	Bishop, CA	6:00–9:00 p.m.
Thursday, November 16th	Lone Pine, CA	6:00–9:00 p.m.
Friday, November 17th	Ridgecrest, CA	6:00–9:00 p.m.

Specific locations and other details will be available at the internet site identified above or by calling the park at (760) 786–2331.

Decision: Upon conclusion of the review period for the REIS/GMP, all written comments received will be duly considered in preparing a final plan. Currently the final EIS and GMP are anticipated to be completed during spring 2001. The availability of this final document will be similarly announced in the **Federal Register**. Subsequently a Record of Decision would be executed no sooner than 30 (thirty) days after release of the final EIS. The official responsible for approval of the GMP is the Regional Director, Pacific West Region; the official responsible for implementation of the approved GMP is the Superintendent, Death Valley National Park.

Signed: August 28, 2000.

William C. Walters,

Deputy Regional Director, Pacific West Region.

[FR Doc. 00–22742 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Revised Draft Environmental Impact Statement and General Management Plan; Mojave National Preserve, San Bernardino County, California; Notice of Availability

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended), the National Park Service (NPS), Department of the Interior, has prepared a Revised Draft Environmental Impact Statement (DEIS) identifying and evaluating potential impacts of a proposed General Management Plan (GMP) for Mojave National Preserve. This revised document was prepared largely as a result of public comments on the earlier DEIS/GMP distributed for formal review in September 1998. Mojave National Preserve is a new unit of the National Park System, established by Congress on October 31, 1994, by the California Desert Protection Act. The Revised DEIS/GMP also includes a draft Land Protection Plan (LPP) that addresses management options for non-federal lands that exist inside the preserve boundary. This conservation planning and environmental impact analysis process is one element of the Northern and Eastern Mojave Planning Effort (NEMO), a coordinated interagency initiative involving the NPS, Bureau of Land Management, and U.S. Fish and Wildlife Service. The NPS has determined that this element of the overall NEMO effort may proceed apart from other components of this coordinated planning effort; thus separate Records of Decision will be prepared. The Revised DEIS identifies and evaluates the environmental consequences of a proposed GMP and two alternatives. No significant adverse environmental impacts are foreseen. Upon approval the GMP will set forth the initial overall preserve management strategy for the next 10–15 years under which more detailed activity or implementation plans are prepared as appropriate.

Proposal: This Revised DEIS/GMP identifies and analyzes the proposed management approach and two alternatives for managing the 1.6 million-acre Mojave National Preserve in the northeastern Mojave Desert in California. The proposed action (Alternative 1) envisions Mojave National Preserve as a natural environment and a cultural landscape, where the protection of native desert ecosystems and processes is assured for future generations. The protection and perpetuation of native species in a self-sustaining environment is a primary long-term goal. The proposal seeks to manage the preserve to perpetuate the sense of discovery and adventure that currently exists. This means minimizing development inside the preserve, including the proliferation of signs, new campgrounds, and interpretive exhibits. The NPS would look to adjacent communities to provide most support services (food, gas, and lodging) for visitors. The proposal also seeks to provide the public, consistent with the NPS mission, with maximum opportunities for roadside camping, backcountry camping, and access to the preserve via existing roads. Funding would be sought for the rehabilitation and partial restoration of the historic Kelso Depot for use as a museum and interpretive facility. A balance is struck between the NPS mission of resource preservation and other mandates from Congress, such as maintaining grazing, hunting, and mining under NPS regulations and continuing the existence of major utility corridors. The proposal would maintain the ability of private landowners inside the boundary of the preserve to maintain their current way of life, while seeking funding to purchase property from willing sellers where proposed uses conflict with the primary mission of preserving resources. Nearly 230,000 acres within the preserve were in nonfederal ownership at the time of establishment of the preserve.

Alternatives: In addition to the proposal, the alternatives addressed in this document also include existing management (no action), and an optional management approach. The existing management alternative (Alternative 2) describes the continuation of current management strategies. It is commonly referred to as the status quo alternative. Under this alternative, existing visitor and administrative support services and facilities would be maintained in their current locations. There would be few improvements in existing structures and there would be no change in road maintenance, although some roads might be improved if funding became available. No significant changes in existing recreation use would occur. Protection of Kelso Depot from fire, earthquakes and vandalism would be provided if funding could be obtained, but it would not be rehabilitated or restored. Land acquisition would focus on obtaining minimum funds to acquire property from willing sellers and properties where uses conflict with the preserve mission.

The optional approach (Alternative 3) provides for an increase in the facilities and services provided for public enjoyment. A small visitor contact building might be built at Kelso to provide information.

Comments: As noted, this Revised DEIS incorporates comments previously received from interested reviewers. At this time individuals, organizations, Tribes, agencies, and others wishing to express any new concerns about management issues and future land management direction are encouraged to address these to the Superintendent, Mojave National Preserve. All written comments must be postmarked not later than December 8, 2000, and should be submitted in care of the address noted below. If individuals submitting comments request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Printed or CD–ROM copies of the Revised DEIS are available for public

review at park headquarters, as well as at many public libraries and federal offices in southern California and southern Nevada. Also, the entire document is posted on the internet at www.nps.gov/deva. Inquiries or requests for a copy may also be directed to the Superintendent, Mojave National Preserve, 222 E. Main St., Suite 202, Barstow, California 92311; telephone is (760) 255–8801.

Public Meetings: The NPS will host a series of open houses to provide interested individuals and organization representatives an opportunity to express concerns, ask questions, view large scale maps and engage in dialog about the range or content of alternatives. This dialog is intended to provide additional guidance to the NPS in preparing a final EIS, GMP and LPP. Written comments will also be accepted at these workshops. The public is invited to attend at any time during the open house posted hours. The workshop schedule follows (location and other details will be updated on the internet site noted above):

Friday, October 27th	Barstow, CA	2:00–6:00 p.m.
Monday, October 30th	Pasadena, CA	6:00–9:00 p.m.
Tuesday, October 31st	San Bernardino, CA	2:00–6:00 p.m.
Wednesday, November 1st	Needles, CA	2:00–6:00 p.m.
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Monday, November 13th	Amargosa, CA	2:00–6:00 p.m.
Tuesday, November 14th	Furnace Creek, CA	6:00–9:00 p.m.
Wednesday, November 15th	Bishop, CA	6:00–9:00 p.m.
Thursday, November 16th	Lone Pine,CA	6:00–9:00 p.m.
Friday, November 17th	Ridgecrest, CA	6:00–9:00 p.m.

Decision: At the end of the formal Revised DEIS review period all written comments received will be duly considered in preparing a final plan. Currently the Final EIS and GMP are anticipated to be completed during spring 2001; the document will be announced in the **Federal Register**. Subsequently a Record of Decision would be executed not sooner than 30 (thirty) days after release of the final EIS. The official responsible for final approval is the Regional Director, Pacific West Region; the Superintendent, Mojave National Preserve is the official responsible for implementation of the approved GMP.

Dated: August 28, 2000.

William C. Walters,

Deputy Regional Director, Pacific West Region.

[FR Doc. 00–22741 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore Advisory Commission Two Hundred Thirtieth Meeting; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, U.S.C. App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, September 22, 2000.

The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1:00 p.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda
2. Approval of minutes of previous meetings (June 2, 2000 and June 29, 2000)
3. Reports of Officers, Nominations
4. Superintendent's Report, Highlands Center, Shuttle, Salt Pond Visitor Center, I & M Program, ORV egress, Head of Meadow, Update PWC, Herring Cove Beach, Fire Crews, Zoning Standards, News from Washington
5. Old Business, Advisory Commission Handbook,
6. New Business, Proposed meeting dates
7. Agenda for next meeting
8. Public comment and
9. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: August 29, 2000.

Maria Burks,

Superintendent.

[FR Doc. 00–22744 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 26, 2000. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by September 21, 2000.

Carol D. Shull,

Keeper of the National Register.

Arizona

Cochise County

Douglas, Walter, House, 201 Cole Ave., Bisbee, 00001125

Maricopa County

Cave Creek Service Station, 6141 Cave Creek Rd., Cave Creek, 00001126

Chandler Commercial Historic District, Roughly bounded Boston, Oregon, Buffalo, and Washington Sts., Chandler, 00001127

Connecticut

Windham County

Connecticut Path, Address Restricted, Woodstock, 00001128

Florida

Citrus County

Hernando Elementary School, Old, 2435 N. Florida Ave., Hernando, 00001129

Escambia County

Hickory Ridge Cemetery Archeological Site, Address Restricted, Pensacola, 00001131

Seminole County

Ritz Theater, 201 S. Magnolia Ave., Sanford, 00001130

Indiana

Allen County Oakdale Historic District, Roughly along Oakdale Dr. from Harrison St. to Broadway, Fort Wayne, 00001132

Bartholomew County

Gant, William R., Farm, 5890 S. 175 St., Columbus, 00001134

Benton County

Fraser & Isham Law Office, 306 E Fifth St., Fowler, 00001135

Dearborn County

Dearborn County Asylum for the Poor, 11636 County Farm Rd., Aurora, 00001143

Fulton County

Fulton County Courthouse, 815 Main St., Rochester, 00001138

Greene County

Linton Public Library, 110 E. Vincennes St., Linton, 00001141

Hamilton County

Cole-Evans House, 1012 Monument St., Noblesville, 00001136

Hendricks County

Sugar Grove Meetinghouse and Cemetery, Jct. of Cty Rte. 700 E and Cty Rte. 600 S, Plainfield, 00001137

Knox County

Vincennes Fortnightly Club, 421 N. Sixth St., Vincennes, 00001133

Marshall County

Marshall County Infirmary, 10924 Lincoln Highway, Plymouth, 00001139

Monroe County

Steele Dunning Historic District, Roughly bounded by Maple St., Kirkwood Ave., Rogers St., and W 3rd St., Bloomington, 00001140

Morgan County

Landers, Franklin-Black and Adams Farm, 2430 S. Old IN 67, Brooklyn, 00001142

Louisiana

Jefferson Parish

Bernard, L.J. Hardware Store, 275 Sala Ave., Westwego, 00001144

Sabine Parish

Kansas City Southern Railway Depot, 750 W. Georgia Ave., Many, 00001146

St. Tammany Parish

Dew Drop Social and Benevolent Hall, 400 Blk. Lamarque St., Mandeville, 00001145

Missouri

Franklin County

Bartsch—Jasper House, (Washington, Missouri MPS) 138 Old Pottery Rd., Washington, 00001149

Broeker, H.P., House, (Washington, Missouri MPS) 523 Hooker St., Washington, 00001147

Jackson County

Liberty Memorial, 100 W 26th St., Kansas City, 00001148

New Jersey

Hunterdon County

Wertsville Historic District, Wertsville and Lindbergh Rds., East Amwell Township, 00001150

New York

Albany County

Goodrich School, Fiddlers Ln., Colonie, 00001156

Newtonville School, 543 Loudon Rd., Colonie, 00001155

Kings County

DUMBO Industrial District, Roughly bounded by Main and Washington Sts, East River, John St., Bridge and Jay Sts., and Front and York Sts., Brooklyn, 00001151

Monroe County

Hopkins Farm, 3151 Clover St., Pittsford, 00001153

Whiteside, Barnett and Co. Agricultural Works, 60 Clinton St., Brockport, 00001157

New York County

New York Evening Post Building, 75 West St., New York, 00001160

Public School 109, 215 East 99th St., New York, 00001159

Steuben County

Market Street Historic District (Boundary Increase), N side of Market St. from Chestnut St. and Bridge St., Corning, 00001152

Washington County

Brown's Tavern, 7755 NY 40, South Hartford, 00001154

Westchester County

Standard House, 50 Hudson Ave., Peekskill, 00001158

North Carolina

Durham County

American Tobacco Company Manufacturing Plant, (Durham MRA) Roughly bounded by W. Pettigrew St., Blackwell St., Willard St. and Carr St., Durham, 00001163

Ohio

Ottawa County

First Congregational Church, 802 Prairie St., Marblehead, 00001161

Tennessee

Montgomery County

Robb, Alfred A., House, (Clarksville MPS) 529 York St., Clarksville, 00001162

Wisconsin

Ozaukee County

Voigt, Jacob, House, 11550 N. Wauwatosa Rd., Mequon, 00001164

[FR Doc. 00–22743 Filed 9–5–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 19, 2000, and published in the **Federal Register** on May 30, 2000, (65 FR 34498), American Radiolabeled Chemical, Inc., 11624 Bowling Green Drive, St. Louis, Missouri 63146, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of gamma hydroxybutyric acid (2010), a basic class of controlled substance listed in Schedule I.

The firm plans to bulk manufacture small quantities of the listed controlled substance as radiolabeled compound.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of American Radiolabeled Chemical, Inc. to manufacture is consistent with the public interest at this time. DEA has investigated

American Radiolabeled Chemical, Inc., on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: August 18, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22691 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 13, 2000, Applied Science Labs, Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methacathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
4-Methylaminorex (cis isomer) (1590).	I
Lysergic acid diethylamide (7315)	I
Mescaline (7381)	I
3,4-Methylenedioxyamphetamine (7400).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
N-Ethyl-1-phenylcyclohexylamine (7455).	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458).	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470).	I
Dihydromorphine (9145)	I
Normorphine (9313)	I
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Benzolyecgonine (9180)	II
Morphine (9300)	II
Noroxymorphone (9668)	II

The firm plans to manufacture small quantities of the listed controlled substances for reference standards.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than November 6, 2000.

Dated: August 21, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22683 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration Manufacturer of Controlled Substances Notice of Registration

By Notice dated April 18, 2000, and published in the **Federal Register** on April 28, 2000, (65 FR 24985), Eli-Elsohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, Mississippi 38655, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Dihydromorphine (9145)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Hydrocodone (9193)	II
Morphine (9300)	II

The firm plans to bulk manufacture non-deuterated controlled substances for use as analytical standards and deuterated controlled substances for use as internal standards.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Eli-Elsohly Laboratories, Inc., to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Eli-Elsohly Laboratories, Inc., on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 21, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22693 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for

the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on May 12, 2000, ISP Freetown Fine Chemicals, 238 South Main Street, Assonet, Massachusetts 02702, has made application to the Drug Enforcement Administration to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the phenylacetone to manufacture amphetamine.

Any manufacturer holding, or apply for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 6, 2000.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: August 22, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22685 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 1, 2000, and published in the **Federal Register** on May 12, 2000, (65 FR 30614), Johnson Matthey, Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey 08066, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Difenoxin (9168)	I
Propiram (9649)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Morphine (9300)	II
Thebaine (9333)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture the listed controlled substances in bulk to supply final dosage form manufacturers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Johnson Matthey, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Johnson Matthey, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, the pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 18, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22689 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 24, 2000, and published in the **Federal Register** on June 2, 2000, (65 FR 35397), Lonza Riverside, 900 River Road, Conshocken, Pennsylvania 19428, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Phenylacetone (8501)	II

The firm plans to manufacture the listed controlled substances in bulk for distribution to its customers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Lonza Riverside to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Lonza Riverside on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 18, 2000.

John H. King,

Deputy Assistant Administration, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22690 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated April 21, 2000, and published in the **Federal Register** on May 12, 2000, (65 FR 30616), Mallinckrodt, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370	I
Dihydromorphine (9145)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine Hydrochloride (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium powdered (9639)	II
Opium granulated (9640)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture the controlled substances for distribution as bulk products to its customers.

No comments or objections were received. DEA has considered the factors in Title 1, United States Code, Section 823(a) and determined that the registration of Mallinckrodt, Inc. to manufacture listed controlled substances is consistent with the public interest at this time. DEA has investigated Mallinckrodt, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of the controlled substances listed above is granted.

Dated: August 21, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22686 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 25, 2000, and published in the **Federal Register** on June 8, 2000, (65 FR 36467), Organichem Corporation, 33 Riverside Avenue, Renssalaer, New York 12144, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Pentobarbital (2270)	II

The firm plans to manufacture amphetamine and pentobarbital as a bulk product for distribution to its customers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Organichem Corporation to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Organichem Corporation to ensure that the company's registration is consistent with the public interest. The investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 21, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22692 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration.

By Notice dated June 8, 2000, published in the **Federal Register** on June 22, 2000,, (65 FR 38860), Radian International LLC, 14050 Summit Drive #121, P.O. Box 201088, Austin, Texas 78720–1088, made applicat4ion by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Durg	Schedule
Cathionone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
Gamma hydroxybutyric acid (2010).	I
Ibogaine (7260)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2, 5-dimethoxyamphetamine	I
4-Bromo-2, 5-dimethoxyphenethylamine (7392).	I
4-Methyl-2, 5-dimethoxyamphetamine (7395).	I
2, 5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymetham-phetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Etorphine (except HCl) (9056)	I
Heroin (9200)	I
Pholcodine (9314)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodenine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Meperidine (9230)	II
Methadone (9250)	II

Durg	Schedule
Dextropropoxyphene, bulk (non-dosage forms) 99273).	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II

The firm plans to import small quantities of the listed controlled substances for the manufacture of analytical reference standards.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and 952(a), and determined that the registration of Radian International LLC is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Radian International LLC on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, § 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: August 21, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22687 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 11, 2000, and published in the **Federal Register** On May 23, 2000, (65 FR 33354), Radian International LLC, 14050 Summit Drive #121, P.O. Box 201088, Austin, Texas 78720–1088, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590).	I
Methaqualone (2565)	I
Alpha-Ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390).	I
4-Bromo-2, 5-dimethoxyamphetamine (7391).	I
4-Bromo-2, 5-dimethoxyphenethylamine (7392).	I
4-Methy1-2, 5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396).	I
2, 5-Dimethoxy-4-ethylamphetamine (7399)	I
3, 4-Methylenedioxyamphetamine (7400).	I
5-Methoxy-3, 4-methylenedioxyamphetamine (7401).	I
N-Hydroxy-3, 4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymetham-phetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allyprodine (9602)	I
Alphacetylmethadol except	
Levo-Alphacetylmethadol (9603)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydromorphinol (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Para-Flurofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815).	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831).	I

Drug	Schedule
Alpha-Methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecar-bonitrile (8603).	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Morphine (9300)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture small quantities of the listed controlled substances to make deuterated and non-deuterated drug reference standards which will be distributed to analytical and forensic laboratories for drug testing programs.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Radian International LLC to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Radian International LLC on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk

manufacturer of the basic classes of controlled substances listed above is granted.

August 21, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22688 Filed 9–05–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(I)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1301.34 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on December 10, 1999, Salsbury Chemicals, Inc., 1205 11th Street, Charles City, Iowa 50616–3466, made application to the Drug Enforcement Administration to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import phenylacetone to manufacture amphyetamines for distribution to its customers.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 6, 2000.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I and II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: August 18, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–22684 Filed 9–5–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary; Submission for OMB Review; Comment Request

August 30, 2000.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) 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 each individual 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 the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration.

Title: Business Confidential Data Request.

OMB Number: 1205–0197.

Affected Public: Business or other for-profit.

Form Number: ETA–9014.

Frequency: On Occasion.

Number of Respondents: 1,500.

Total Annual Responses: 1,500.

Estimated Time Per respondent: 3 Hours.

Total Burden: 4,500 Hours.

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: Statutory requirements under the Trade Act of 1974, as amended, require business confidential data in order to make timely determinations as to whether imports have contributed to workers separations and thus eligibility for Trade Adjustment Assistance.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration.

Title: Business Confidential Data Request Oil and Gas Drilling and Exploration Oilfield Services.

OMB Number: 1205–0272.

Affected Public: Business or other for-profit.

Form Number: ETA–9018.

Frequency: On Occasion.

Number of Respondents: 75.

Total Annual Responses: 75.

Estimated Time Per respondent: 3 Hours.

Total Burden: 225 Hours.

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: Statutory requirements under the Trade Act of 1974, as amended, require business confidential data in order to make timely determinations as to whether imports have contributed to workers separations and thus eligibility for Trade Adjustment assistance.

Type of Review: Extension of a currently approved collection.
Agency: Employment and Training Administration.
Title: Customer Survey.
OMB Number: 1205–0190.
Affected Public: Business or other for-profit.
Form Number: ETA–8562.
Frequency: On Occasion.
Number of Respondents: 2,220.
Total Annual Responses: 2,220.
Estimated Time Per respondent: 107 Minutes.
Total Burden: 3,951 Hours.
Total annualized capital/startup costs: $0.
Total annual costs (operating/maintaining systems or purchasing services): $0.
Description: Information required for the Secretary of Labor to make determinations of eligibility for petitioning worker groups to apply for adjustment assistance under the Trade Act of 1974.

Type of Review: Extension of a currently approved collection.
Agency: Pension and Welfare Benefits Administration.
Title: Annual Report for Multiple Employer Welfare Arrangements (MEWA) and Certain Entities Claiming Exception (Form M–1).
OMB Number: 1210–0116.
Affected Public: Individuals and households; business or other for-profit; Not-for-profit institutions.
Form Number: Form M–1.
Frequency: Annually.
Number of Respondents: 2,678.
Total Annual Responses: 2,678.
Total Burden: 874 Hours.
Total annualized capital/startup costs: $0.
Total annual costs (operating/maintaining systems or purchasing services): $394,000.
Description: Section 101(g) (h) [1] of the Employee Retirement Income Security Act of 1974 (ERISA) authorizes the Secretary of Labor to require annual reporting by certain multiple employer welfare arrangements for the purpose of determining the extent of their compliance with Part 7 of ERISA. Part 7 includes Group Health Plan Portability, Access, and Renewability Requirements of ERISA enacted by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and certain other statutes. HIPAA amended ERISA to provide for, among other things, improved portability and continuity of health insurance coverage. The Mental Health Parity Act of 1996 (Pub. L. 104–204) (MHPA), was enacted on September 26, 1996. MHPA amended ERISA to provide parity in the application of annual and lifetime dollar limits for certain mental health benefits with such dollar limits on medical and surgical benefits. The Newborns' and Mothers' Health Protection Act of 1996 (Pub. L. 104–204) (Newborns' Act) also was enacted on September 26, 1996. The Newborns' Act amended ERISA to provide new protections for mothers and their newborn children with regard to the length of hospital stays in connection with childbirth. The Women's Health and Cancer Rights Act of 1998 (WHCRA) (Pub. L. 105–277) was enacted on October 21, 1998. WHCRA amended ERISA to provide individuals new rights for reconstructive surgery in connection with a mastectomy. All of the foregoing provisions are set forth in Part 7 of Subtitle B of Title I of ERISA. Section 734 of ERISA authorizes the Secretary to promulgate regulations as may be necessary or appropriate to carry out the provisions of Part 7 and to promulgate any interim final rules as the Secretary determines are appropriate to carry out Part 7.

On February 11, 2000, PWBA published an Interim Final Reporting Rule and the Annual Report for Multiple Employer Welfare Arrangements and Certain Entities Claiming Exception (Form M–1) (65 FR 7152). On that day, PWBA also published an Interim Final Rule for the Assessment of Civil Penalties under Section 502(c)(5) of ERISA and an Interim Rule Governing Procedures for Administrative Hearings Regarding the Assessment of Civil Penalties under Section 502(c)(5) of ERISA (Interim Final Penalty Rules, 65 FR 7181). The Department submitted the information collection request (ICR) included in the Interim Final Reporting Rule of OMB using emergency procedures, and received approval through August 31, 2000 under OMB control number 1210–0116. The ICR has now been submitted to OMB for an extension of this approval.

Ira L. Mills,
Departmental Clearance Officer.
[FR Doc. 00–22764 Filed 9–5–00; 8:45 am]
BILLING CODE 4510–30–M

[1] Section 1421(d)(1) of the Small Business Job Protection Act of 1996 (Pub. L. 104–188) created a new section 101(g) of ERISA relating to Simple Retirement Accounts. Subsequently, section 101(e)(1) of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) also created a new section 101(g) of ERISA relating to reporting by multiple employer welfare arrangements MEWA reporting, is cited here as section 101(g) {h} of ERISA.

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,664 and NAFTA–3911]

Hutchinson Technology, Inc., Eau Claire, Wisconsin; 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 Hutchinson Technology, Inc., Eau Claire, Wisconsin. 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–37,664 and NAFTA–3911; Hutchinson Technology, Inc., Eau Claire, Wisconsin (August 3, 2000)

Signed at Washington, DC this 25th day of August, 2000.

Grant D. Beale,
Program Manager, Division of Trade Adjustment Assistance.
[FR Doc. 00–22762 Filed 9–5–00; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or

threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Assistance, at the address shown below, not later than September 18, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Assistance, at the address shown below, not later than September 18, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of August, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX—PETITIONS INSTITUTED ON 08/21/2000

TA–W	Subject firm (Petitioners)	Location	Date of petition	Product(s)
37,972	ABC–NACO (Wrks)	Superior, WI	08/08/2000	Switches, Platework.
37,973	General Motors Corp (Comp)	Mesa, AZ	08/09/2000	Hot Weather Testing.
37,974	General Binding Corp (Wrks)	Auburn Hills, MI	08/08/2000	Binders for Paper Industry.
37,975	U.S. Textile Corp (Wrks)	Newland, NC	07/25/2000	Pantyhose.
37,976	S and S Glass Specialties (Wrks)	Wauseon, OH	08/04/2000	Tempered or Heat Strengthened Glass.
37,977	Academy Broadway Corp (Comp)	Pine Knot, KY	08/04/2000	Sleeping Bags.
37,978	Permair Leathers (Wrks)	Salem, MA	08/04/2000	Laminated Urethayne.
37,979	Kirsch, Inc. (UAW)	Sturgis, MI	08/03/2000	Drapery Hardware.
37,980	Fulton Apparel, Inc. (Comp)	South Pittsburg, TN	07/27/2000	Knit Shirts, Tops, Shorts.
37,981	Adirondack Knitting Mills (Comp)	Amsterdam, NY	08/07/2000	Unfinished Fabrics.
37,982	Arnold Palmer Golf Co (Wrks)	Pocahontas, AR	08/02/2000	Golf Bags.
37,983	Penn Machine Co (USWA)	Johnstown, PA	08/03/2000	Locomotive Pinions and Gears.
37,984	Nipp.rs Workshop, Inc. (Comp)	Benton, IL	08/01/2000	Small Plastic Toys.
37,985	Lear Corp. (UAW)	Detroit, MI	08/02/2000	Raw Polyurethane Foam Seat Backs.
37,986	Sumitok Magnetics Co. Inc (Comp).	Bardstown, KY	08/08/2000	Permanent Ceramic Magnets.
37,987	Hobman Corp. (Comp)	Jim Thorpe, PA	08/10/2000	Electronic PC Boards.
37,988	Tyco Electronics (Wrks)	Sanford, ME	08/14/2000	Electronic Connectors.
37,989	Pillowtex, Plant #7 (UNITE)	Salisbury, NC	08/10/2000	Ben Sheeting Materials.
37,990	Telxon Corp. NSC (Comp)	Houston, TX	08/02/2000	Handheld Wireless Computer.
37,991	New Haven Industries (Wrks)	Lock Haven, PA	08/10/2000	Ladies' Lingerie.
37,992	Lund Industries (Wrks)	Anoka, MN	08/07/2000	Exterior Fiberglass Truck Accessories.
37,993	Circuit Systems of Tenn (IUE)	Greeneville, TN	08/10/2000	Printed Circuit Boards.
37,994	Central Point Lumber (Wrks)	Central Point, OR	08/10/2000	Fir Studs.
37,995	Tyco Electronics (Comp)	Boyne City, MI	08/10/2000	Terminals for Auto Industry.
37,996	Consolidated Metco (IAM)	Portland, OR	08/09/2000	Aluminum Mold Truck Parts.
37,997	Louisiana Pacific Corp (Comp)	Hayden Lake, ID	07/31/2000	Lumber.
37,998	Eaton-Vickers (PACE)	Omaha, NE	08/07/2000	Hydraulic Piston Pumps and Motors.
37,999	Savane International Corp (Comp)	El Paso, TX	08/10/2000	Men's and Boy's Pants.
38,000	W.P. Industries (Wrks)	South Gate, CA	08/08/2000	Pottery.

[FR Doc. 00–22761 Filed 9–5–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,675 and 675A]

Hagale Industries, Inc., MO; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to apply for Worker Adjustment Assistance on July 7, 2000, applicable to workers of Hagale Industries, Inc., Salem, Missouri. The notice was published in the **Federal Register** on August 1, 2000 (65 FR 46954).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. Information shows that worker separations occurred at the Ozark, Missouri location of Hagale Industries, Inc. The Ozark, Missouri workers are engaged in the production of men's dress slacks and provide administrative support function services to support the subject firm's many other production facilities.

Accordingly, the Department is amending the certification to include workers of Hagale Industries, Inc., Ozark, Missouri.

The intent of the Department's certification is to include all workers of Hagale Industries, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA–W–37,675 is hereby issued as follows:

All workers of Hagale Industries, Inc., Salem Missouri (TA–W–37,675) and Ozark, Missouri (TA–W–37,675A) who became totally or partially separated from employment on or after April 26, 1999 through July 7, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 23rd day of August, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 00–22763 Filed 9–5–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,383]

Philadelphia Gear Corporation, King of Prussia, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated July 27, 2000, attorneys representing the International Association of Machinists and Aerospace Workers, Lodge 1 and Local Lodge 864 (hereinafter referenced as the petitioners), request administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of Philadelphia Gear Corporation, King of Prussia, Pennsylvania, TA–W–37,383. The denial notice was signed on June 7, 2000, and was published in the **Federal Register** on June 29, 2000 (65 FR 40135).

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 workers at the subject firm produced gears and gear boxes for power transmissions, speed reducers and marine drives. The petitioners submitted charts to substantiate their claim that American companies like Philadelphia Gear are suffering a trade deficit. The charts were duplicates of those which Philadelphia Gear submitted to the Department during the petition investigation. The Department conducts petition investigations on a plant by plant basis, not industry-wide. While aggregate import trends are important to a determination, in order to demonstrate import impact on the workers' firm, the Department will normally conduct a survey of the subject firm's major declining customers. In this case, however, there were no major declining customers.

The petitioners report that in 1988, the Philadelphia Gear workers were certified eligible to apply for TAA, and since that time the subject firm has continued to downsize due to market losses caused by increased import competition.

On February 26, 1988, workers of Philadelphia Gear were certified, TA–W–20,304, based on the findings that aggregate U.S. imports of industrial gears increased and the subject firm lost a contract to a foreign producer. Although the worker group was previously certified, Section 222 of the Trade Act of 1974, as amended, requires the Department to establish that increased imports contributed importantly to declines in sales or production and separations at the workers' firm or appropriate subdivision. The negative TAA determination for this petition investigation applicable to workers of the subject firm was based on the finding that this requirement was not met.

Sale declines at the subject firm were small in the relevant period while production costs rose. Philadelphia Gear made the decision to exit certain unprofitable lines. Declines were not caused by the firm's loss of its customer base due to imports. The subject firm did import some products like or directly competitive with those produced by the workers at the King of Prussia plant, but imports declined and were small relative to total sales and production.

To support the petitioners request for reconsideration, the subject firm submitted information on bookings for 1998, 1999 and projections for 2000. Bookings are not a criterion for worker group certification.

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 25th day of August 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 00–22756 Filed 9–5–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than September 18, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than September 18 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of August, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX—PETITIONS INSTITUTED ON 08/14/2000

TA-W	Subject firm (Petitioners)	Location	Date of petition	Product(s)
37,953	Stanly Knitting Mills (Co.)	Oakboro, NC	08/04/2000	Knit and Woven Garments.
37,954	Brestle, Inc (Co.)	High Point, NC	08/04/2000	Household Furniture.
37,955	J.A. Thurston Co., Inc (Co.)	Rumford, ME	08/04/2000	Dowels—Valve Pins.
37,956	Jockey International (Co.)	Randleman, NC	08/01/2000	Hosiery.
37,957	Miller Harness (Wkrs)	E. Rutherford, NJ	07/31/2000	Warehouse and Distribution.
37,958	HPH Apparel Manufacturing (Co.)	Pine Flats, TN	07/27/2000	Denim Jeans.
37,959	Melvin Quilting (Wkrs)	Rocky Mountain, NC	07/18/2000	Pillows.
37,960	Vincennes Manufacturing (Wkrs)	Vincennes, IN	07/20/2000	Metal Seating and Stamping.
37,961	Jammie's Manufacturing (UNITE)	Perth Amboy, NJ	07/27/2000	Children's Apparel.
37,962	Boise Cascade (WCIW)	Independence, OR	08/01/2000	Green Veneer.
37,963	Prestolite Wire Corp (Co.)	Bristol, TN	07/22/2000	Battery Cables and Terminals.
37,964	Hampton Industries (Wkrs)	Kinston, NC	07/20/2000	Garment Cutting.
37,965	Telex Communications, Inc (IUE)	Sevierville, TN	07/24/2000	Microphone Products.
37,966	Republic Technologies (Co.)	Johnstown, PA	07/25/2000	Steel Bars (Billets).
37,967	Reliable Exploration (Co.)	Billings, MT	08/01/2000	Seismic Oil Field Services.
37,968	Vesuvius Premier Group (USWA)	Washington, PA	08/03/2000	Refractories.
37,969	Arnold Palmer Golf (The) (Wkrs)	Pocahontas, AR	08/02/2000	Gold Bags.
37,970	Dervo Teepak, Inc (Wkrs)	Danville, IL	07/31/2000	Celluose Casing.
37,971	ARCO (Atlantic Richfield) (Wkrs)	Plano, TX	08/01/2000	Crude Oil.

[FR Doc. 00–22760 Filed 9–5–00; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than September 18, 2000.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than September 18, 2000.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–4318, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 9th day of August, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Hart Mountain Millwoks (Wkrs)	Lakeview, OR	07/05/2000	NAFTA–4,009	Finger joint blacks.
Personal Products (Co.)	Wilmington, IL	07/05/2000	NAFTA–4,010	Sanitary products.
Meritor Automotive (IAMAW)	Fairfield, IA	05/08/2000	NAFTA–4,011	Truck joints.
Marino Technologies (Co.)	Mt. Holly, NJ	07/05/2000	NAFTA–4,012	Industrial textile bags.
AII Technologies (UNITE)	El Paso, TX	07/07/2000	NAFTA–4,013	Computer production.
CRH Catering (Wkrs)	Connellsville, PA	07/10/2000	NAFTA–4,014	Glass containers.
Optimum Air (Wkrs)	Malta, NY	07/06/2000	NAFTA–4,015	Patented dehumidification systems.
ITT Industries (Co.)	Oscoda, MI	06/03/2000	NAFTA–4,016	Fuel & repair fuel lines.
Crown Pacific (Wkrs)	Gilchrist, OR	07/06/2000	NAFTA–4,017	Lumber.
Federal Mogul Wiper Products (Wkrs)	Michigan City, MI	07/11/2000	NAFTA–4,018	Wiper blades.
Reckitt Benckiser (PACE)	Rockwood, MI	06/22/2000	NAFTA–4,019	Soap products.
Thomson Consumer Electronics(Co.)	Dunmore, PA	07/11/2000	NAFTA–4,020	Color television picture tubes.
Cooper Industrial (Co.)	Elk Grove Village, IL	07/11/2000	NAFTA–4,021	Lighting fixtures.
Pharr Yarns (Wkrs)	McAdenville, NC	07/14/2000	NAFTA–4,022	Yarn.
FlexFab Horizons International (IAMAW).	Racine, WI	07/13/2000	NAFTA–4,023	Silcone rubber & plastic components.
Portac (UBC)	Tacoma, WA	07/14/2000	NAFTA–4,024	Lumber.
Kim Mark Hosiery (Co.)	Mount Airy, JC	07/14/2000	NAFTA–4,025	Hosiery products.
Austin Productions (Co.)	Holbrook, NY	07/18/2000	NAFTA–4,026	Sculptural & museum reproductions.

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Guess (Wkrs)	Los Angeles, CA	07/11/2000	NAFTA–4,027	Jeans, shirts, skirts etc.
Charles Craft (Co.)	Wadesboro, NC	07/18/2000	NAFTA–4,028	Cotton yans.
Knowles Electronics (Wkrs)	Ltasca, IL	07/14/2000	NAFTA–4,029	Circuits.
C and M (Wkrs)	Wauregan, CT	07/13/2000	NAFTA–4,030	Cables, PSC, mold department.
Occidental Chemical (Co.)	Niagara Falls, NY	07/19/2000	NAFTA–4,031	Chemicals.
Philips Consumer Electronics (Wkrs)	Greeneville, TN	07/20/2000	NAFTA–4,032	Television sets.
Diviersified Enterprises—Habitat (Co.).	Montrose, CO	07/20/2000	NAFTA–4,033	Screenprinted shirts & raw products.
Gynecare (Co.)	Menlo Park, CA	07/17/2000	NAFTA–4,034	Ballon therapy.
Acorn Window Systems (IBM)	Quincy, MI	07/03/2000	NAFTA–4,035	Windows.
Eliance Corporation (Wkrs)	Minot, ND	07/13/2000	NAFTA–4,036	Internet services.
Norton Packaging (USWA)	Oakland, CA	07/20/2000	NAFTA–4,037	Steel pails.
Dana Engine Controls (Wkrs)	Branford, CT	07/24/2000	NAFTA–4,038	Automotive parts.
Abek (Co.)	Bristol, CT	07/18/2000	NAFTA–4,039	Precision steel balls.
VF Workwear (Co.)	Dickson, TN	07/31/2000	NAFTA–4,040	Shirts.
B.F. Goodrich (Co.)	Euless, TX	07/31/2000	NAFTA–4,041	Lending gear.
Joseph Timber (Wkrs)	Joseph, OR	07/17/2000	NAFTA–4,042	Lumber.
Scott Logging (Wkrs)	Bend, OR	07/27/2000	NAFTA–4,043	Logs.
Tri State Data Products (Wkrs)	Feasterville, PA	07/31/2000	NAFTA–4,044	Data products.
ACS Affilated Computer Services (Wkrs).	Berea, KY	07/25/2000	NAFTA–4,045	Insurance claims.
Cross Huller (Wkrs)	Sterling Heights, MI	07/18/2000	NAFTA–4,046	Machine tools.
AII Technologies (Wkrs)	El Paso, TX	07/25/2000	NAFTA–4,047	Computers products.
Pietrafesa Corp. (The) (Wkrs)	Liverpool, NY	08/02/2000	NAFTA–4,048	Coats, pants, vests & suits.
AES Interconnects (Wkrs)	San Bonito, TX	08/02/2000	NAFTA–4,049	Wire harness.
Prestolite Wire (Co.)	Bristol, TN	07/22/2000	NAFTA–4,050	Batter cables.
Boise Cascade (WCIW)	Independence, OR	08/01/2000	NAFTA–4,051	Green yeneer.
Chief Tonasket Growers (Wkrs)	Tonasket, WA	07/31/2000	NAFTA–4,052	Packing apples.
Ochoco Lumber (Co.)	Pineville, OR	07/28/2000	NAFTA–4,053	Lumber.
Victor Equipment (Co.)	Abilene, TX	08/04/2000	NAFTA–4,054	Cutting & Welding Equipment.
Melvin Quilting (Co.)	Rocky Mountain, NC	08/03/2000	NAFTA–4,055	Decorative pillows.
Arrow Internation (Co.)	Woburn, MA	08/03/2000	NAFTA–4,056	Medical devices.
Premair Leathers (Wkrs)	Salem, MA	08/04/2000	NAFTA–4,057	Leather split.
Cloverland (Co.)	Escanaba, MI	07/24/2000	NAFTA–4,058	Rebuilt automotive engines.
Beaulieu of America (Co.)	Anadarko, OK	07/06/2000	NAFTA–4,059	Carpet.
Reliable Exploration (Co.)	Billings, MT	08/07/2000	NAFTA–4,060	Oil and gas.

[FR Doc. 00–22759 Filed 9–5–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA—03404]

Thomas And Betts Corp. Communications Division Now Known As ACI Communications Kent, Washington; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on January 31, 2000, applicable to workers of Thomas and Betts Corp., Communications Division, Kent, Washington. The notice was published in the **Federal Register** on February 15, 2000 (65 FR 7675).

At the request of a State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of cable TV communication products. The company reports that in the latter part of 1999, Thomas and Betts Corp. sold the Communications Division located in Kent Washington to ACI Communications.

Accordingly, the Department is amending the certification correctly identify the new title name to read ''Thomas and Betts Corp., Communications Div. now known as ACI Communications'', Kent, Washington.

The intent of the Department's certification is to include all workers of Thomas and Betts Corp., Communications Div. who were adversely affected by a shift of production to Mexico.

The amended notice applicable to NAFTA–03404 is hereby issued as follows:

All workers of Thomas and Betts Corp., Communications Div., now known as ACI Communications, Kent, Washington who became totally or partially separated from employment on or after August 16, 1998 through January 31, 2002 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974;

Signed at Washington, DC this 23rd day of August, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 00–22758 Filed 9–5–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–03969]

UFE, Incorporated; El Paso, TX Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act 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 June 5,

2000, on behalf of workers at UFE, Incorporated, El Paso, Texas.

The three signatories were not employed by the subject firm as identified. Thus, this investigation has been terminated.

Signed in Washington, D.C. this 23rd day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–22757 Filed 9–5–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Notice of Meeting

Notice is hereby given of the date and location of the next meeting of the Federal Advisory Council on Occupational Safety and Health (FACOSH), established under Section 1–5 of Executive Order 12196 on February 6, 1980, published in the **Federal Register**, February 27, 1980 (45 FR 1279). FACOSH will meet on September 20, 2000, starting at 1:30 p.m., in Room N–3437 A/B/C/D of the Department of Labor Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, DC 20210. The meeting will adjourn at approximately 3:30 p.m., and will be open to the public. All persons wishing to attend this meeting must exhibit a photo identification to security personnel.

Agenda items will include:

1. Call to Order
2. 55th Annual Federal Safety and Health Training Conference
3. Federal Executive Institute training proposal
4. Reports by Subcommittees
5. New business
6. Adjournment

Written data, views or comments may be submitted, preferably with 20 copies, to the Office of Federal Agency Programs, at the address provided below. All such submissions, received by September 14, 2000, will be provided to the members of the Federal Advisory Council and will be included in the record of the meeting. Anyone wishing to make an oral presentation should notify the Office of Federal Agency Programs by the close of business September 14, 2000. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Federal Advisory Council may be allowed to speak, as time permits, at the discretion of the Chairperson. Individuals with disabilities who wish to attend the meeting should contact John E. Plummer at the address indicated below, if special accommodations are needed.

For additional information, please contact John E. Plummer, Director, Office of Federal Agency Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3112, 200 Constitutional Avenue, N.W., Washington, DC 20210, telephone number (202) 693–2122. An official record of the meeting will be available for public inspection at the Office of Federal Agency Programs.

Signed at Washington, DC, this 30th day of August 2000.

Chales N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 00–22765 Filed 9–5–00; 8:45 am]

BILLING CODE 4510–26–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2000–6 CARP CD 98]

Ascertainment of Controversy for the 1998 Cable Royalty Funds

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice with request for comments and notices of intention to participate.

SUMMARY: The Copyright Office of the Library of Congress directs all claimants to royalty fees collected under the section 111 cable statutory license in 1998 to submit comments as to whether a Phase I or Phase II controversy exists as to the distribution of those fees, and a Notice of Intention to Participate in a royalty distribution proceeding.

DATES: Comments and Notices of Intent to Participate are due by October 6, 2000.

ADDRESSES: If sent by mail, an original and five copies of written comments and a Notice of Intention to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and five copies should be brought to: Office of the General Counsel, James Madison Memorial Building, Room 403, First and Independence Avenue, SE, Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or William J. Roberts, Jr., Senior Attorney, Copyright Arbitration Royalty Panels, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION: Each year cable systems submit royalties to the Copyright Office for the retransmission to their subscribers of over-the-air broadcast signals. These royalties are, in turn, distributed in one of two ways to copyright owners whose works were included in a retransmission of an over-the-air broadcast signal and who timely filed a claim for royalties with the Copyright Office. The copyright owners may either negotiate the terms of a settlement as to the division of the royalty funds, or the Librarian of Congress may convene a Copyright Arbitration Royalty Panel (''CARP'') to determine the distribution of the royalty fees that remain in controversy. *See* 17 U.S.C. chapter 8.

During the pendency of any proceeding, however, the Librarian of Congress may distribute any amounts that are not in controversy, provided that sufficient funds are withheld to cover reasonable administrative costs and to satisfy all claims with respect to which a controversy exists under his authority set forth in section 111(d)(4)(C) of the Copyright Act, title 17 of the United States Code. *See,* e.g., Order, Docket Nos. 96–7 CARP CD 93–94; 97–2 CARP CD 95; 98–2 CARP CD 96 and 99–5 CARP CD 97 (dated October 18, 1999).

On August 18, 2000, representatives of the Phase I claimant categories to which royalties have been allocated in prior cable distribution proceedings filed a motion with the Copyright Office for a partial distribution of 75% of the 1998 cable royalty fund. The Office will consider this motion after all interested parties have been identified by filing the Notices of Intention requested herein and had an opportunity to file responses to the motion.

1. Comments on the Existence of Controversies

Before commencing a distribution proceeding or making a partial distribution, the Librarian of Congress must first ascertain whether a controversy exists as to the distribution of the royalty funds and the extent of those controversies. 17 U.S.C. 803(d). Therefore, the Copyright Office is requesting comment on the existence and extent of any controversies, at Phase I and Phase II, as to the distribution of the 1998 cable funds.

In Phase I of a cable royalty distribution, royalties are distributed to certain categories of broadcast programming that has been retransmitted by cable systems. The categories have traditionally been syndicated programming and movies, sports, commercial and noncommercial broadcaster-owned programing, religious programming, music, and Canadian programming. We seek comments as to controversies between these categories for royalty distribution.

In Phase II of a cable royalty distribution, royalties are distributed to claimants within a program category. If a claimant anticipates a Phase II controversy, the claimant must state each program category in which he or she has an interest that has not, by the end of the comment period, been satisfied through a settlement agreement.

The Copyright Office must be advised of all Phase I and Phase II controversies and the extent of those controversies by the end of the comment period. We will not consider any controversies that come to our attention after the close of that period.

2. Notice of Intention To Participate

Those parties who have not settled their claims to the 1998 cable royalty fund and wish to participate in a CARP proceeding, either at Phase I or Phase II, to resolve the distribution must file a Notice of Intent to Participate. Notices of Intent to Participate are due no later than October 6, 2000. Failure to file a timely Notice of Intent to Participate may preclude a claimant or claimants from participating in a CARP proceeding.

Section 251.45(a) of the rules, 37 CFR, requires that a Notice of Intent to Participate must be filed in order to participate in a CARP proceeding, but it does not prescribe the contents of the Notice. Recently, in another proceeding, the Library has been forced to address the issue of what constitutes a sufficient Notice and to whom it is applicable. *See* Orders in Docket No. 2000–2 CARP CD 93–97 (June 22, 2000, and August 1, 2000). These rulings will result in a future amendment to § 251.45(a) to specify the content of a properly filed Notice. In the meantime, the Office advises those parties filing Notices of Intent to Participate in this proceeding to comply with the following instructions.

Each claimant that has a dispute over the distribution of the 1998 cable royalty funds, either at Phase I or Phase II, shall file a Notice of Intent to Participate that contains the following: (1) the claimant's full name, address, telephone number, and facsimile number (if any); (2) identification of whether the Notice covers a Phase I proceeding, a Phase II proceeding, or both; and (3) a statement of the claimant's intention to fully participate in a CARP proceeding.

Claimants may, in lieu of individual Notices of Intent to Participate, submit joint Notices. In lieu of the requirement that the notice contain the claimant's name, address, telephone number and facsimile number, a joint notice shall provide the full name, address, telephone number, and facsimile number (if any) of the person filing the notice and it shall contain a list identifying all the claimants that are parties to the joint Notice. In addition, if the joint Notice is filed by counsel or a representative of one or more of the claimants identified in the joint Notice, the joint Notice shall contain a statement from such counsel or representative certifying that, as of the date of submission of the joint Notice, such counsel or representative has the authority and consent of the claimants to represent them in the CARP proceeding.

3. Motion of Phase I Claimants for Partial Distribution

A claimant who is not a party to the motion, but who files a Notice of Intention to Participate, may file a response to the motion no later than the due date set forth in this notice for comments on the existence of controversies and the Notices of Intent to Participate. The Motion of Phase I Claimants for Partial Distribution is available for copying in the Office of the General Counsel and may be found on the Copyright Office website at http://www.loc.gov/copyright/carp/cablepetition.pdf.

Dated: August 30, 2000.

David O. Carson,

General Counsel.

[FR Doc. 00–22786 Filed 9–5–00; 8:45 am]

BILLING CODE 1410–33–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting; Notice of Meetings

TIME AND DATE: 10 a.m., Thursday, September 7, 2000.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open

MATTERS TO BE CONSIDERED:

1. Request from Three (3) Federal Credit Unions to Convert to Community Charters.
2. Missouri Member Business Loan Rule.
3. Request from a Corporate Credit Union to Convert to a Federally-Chartered Corporate Credit Union, with a National Field to Membership.
4. Appeal from a Federal Credit Union of the Regional Director's Denial of a Field of Membership Expansion Request.
5. Appeals from Two (2) Federal Credit Unions of the Regional Directors' Denials of Conversion from a Multiple Common Bond to a Community Charter.
6. Advanced Notice of Proposed Rulemaking: Part 741, NCUA's Rules and Regulations, Overseas Branching by Federally-Insured, State-Chartered Credit Unions.
7. Final Rule: Sections 709.10 and 709.11, NCUA's Rules and Regulations, Treatment of Certain Funds in Conservatorship or Liquidation.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, September 7, 2000.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed

MATTERS TO BE CONSIDERED:

1. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
2. Two (2) Administrative Actions under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).
3. Field of Membership Appeal. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Three (3) Personnel Matters. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone 703–518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 00–22868 Filed 8–31–00; 4:46 pm]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts; President's Committee on the Arts and the Humanities: Meeting XLIX

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the President's

Committee on the Arts and the Humanities will be held on September 22, 2000 from 9:30 a.m. to approximately 12:30 p.m. The meeting will be held in the Old Executive Office Building, 17th and Pennsylvania Avenue, NW, Washington, DC.

The Committee meeting will begin at 9:30 a.m. with opening remarks by Chairman Dr. John Brademas, and Executive Director's remarks from Bunny Cornell Burson. This will be followed by a special tribute to former President's Committee Executive Director Harriet Mayor Fulbright. The Committee will hear presentations from Chairman of the National Endowment for the Humanities William Ferris and Beverly Sheppard, Acting Director of the Institute of Museum and Library Services. There will also be Task Force Reports on Ethnic Diversity (presented by Peggy Cooper Cafritz), Education (presented by Rich Gurin), Oral History (presented by Cynthia Friedman), and International Educational and Cultural Exchange (presented by John Brademas).

The President's Committee on the Arts and the Humanities was created by Executive Order in 1982 to advise the President, the two Endowments, and the Institute of Museum and Library Services on measures to encourage private sector support for the nation's cultural institutions and to promote public understanding of the arts and the humanities.

If, in the course of discussion, it becomes necessary for the Committee to discuss non-public commercial or financial information of intrinsic value, the Committee will go into closed session pursuant to subsection (c) (4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Any interested persons may attend as observers, on a space available basis, but seating is limited. Therefore, for this meeting, individuals wishing to attend must contact Georgianna Paul of the President's Committee in advance at (202) 682–5409 or write to the Committee at 1100 Pennsylvania Avenue, NW, Suite 526, Washington, DC 20506. Further information with reference to this meeting can also be obtained from Ms. Paul.

If you need special accommodations due to a disability, please contact Ms. Paul through the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Dated: August 30, 2000.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 00–22825 Filed 9–5–00; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis in Advanced Networking Infrastructure and Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Advanced Networking Infrastructure and Research (#1207).

Date and Time: October 25, 2000; 8 a.m.–6 p.m.

Place: San Diego Supercomputing Center, University of California, San Diego.

Type of Meeting: Closed.

Contact Person: Aubrey M. Bush, Division of Advanced Networking and Infrastructure Research, Room 1175, National Science Foundation, 4201 Wilson Boulevard. Arlington, VA 22230. Telephone: (703) 292–8948.

Purpose of Meeting: To provide advice and recommendations concerning performance of three High Performance International Internet Services Awards to determine future funding requests submitted to NSF for financial support.

Agenda: To review the performance and assess the importance to the research community of three High Performance International Internet Services Awards submitted to the Networking Infrastructure Programs as part of the selection process for awards.

Reasons for Closing: The awards being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–22795 Filed 9–5–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Graduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Graduate Education (57).

Date/Time: September 25 and 26, 2000, 8 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 375, Arlington, VA.

Type of Meeting: Closed.

Contact Persons: Lawrence Goldberg, IGERT Coordinating Committee Chair and Wyn Jennings, IGERT Coordinating Committee Co-Chair, Division of Graduate Education, National Science Foundation, 4201 Wilson Blvd., Room 907N, Arlington, VA 22230, (703) 292–8696.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate applications submitted to the NSF–IGERT Program as part of the selection process for awards.

Reason for Closing: The applications being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–22799 Filed 9–5–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Materials Research (1203).

Dates & Times: November 9, 2000; 8 A.M.–5 P.M.

Place: National Science Foundation, 4201 Wilson Blvd., Room 330, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Wendy W. Fuller-Mora, Program Director, Condensed Matter Physics (CMP), Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4931.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate proposals as part of the selection process to determine finalists considered for support for the FY 2001 Faculty Early Career Development (CAREER) proposals submitted for CMP.

Reason for Closing: The proposals being evaluated include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning

individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–22800 Filed 9–5–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Neuroscience; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel for Neuroscience (1158).

Date/Time: October 12–13, 2000, 8 a.m. to 5 p.m.

Place: Room 680, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-Open.

Contact Person: Harold Vaessin, Program Director, Developmental Neuroscience, Division of Intergrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, (703) 292–8423.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Session: October 13, 2000; 1 p.m. to 2 p.m., to discuss goals and assessment procedures. *Closed Session:* October 12, 2000; 8 a.m. to 5 p.m., and October 13, 2000; 9 a.m. to 1 p.m. and 2 p.m. to 5 p.m. To review and evaluate Developmental Neuroscience proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal informaiton concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–22797 Filed 9–5–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Neuroscience; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting;

Name: Advisory Panel for Neuroscience (1158).

Date and Time: October 19–20, 2000; 8 a.m. to 5 p.m.

Place: Room 680, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-Open.

Contact Person: Soo-Siang Lim, Program Director, Neuronal & Glial Mechanisms, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: (703) 292–8423.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Session: October 20, 2000; 11 a.m. to 12 p.m., to discuss goals and assessment procedures. *Closed Session:* October 19, 2000; 8 a.m. to 5 p.m., and October 20, 2000; 9 a.m. to 11 a.m. and 2 p.m. to 5 p.m. To review and evaluate Neuronal & Glial Mechanisms proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–22798 Filed 9–5–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Public Affairs Advisory Group; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science foundation announces the following meeting:

Name: Public Affairs Advisory Group (5292).

Date/Time: September 26, 2000; 6:30 p.m.–9 p.m.

Place: Morrison-Clark Inn, 1015 L Street, N.W., Washington, D.C. 20001. Telephone: (202) 462–5143.

Type of Meeting: Open.

Contact Person: Mr. Michael Sieverts, Acting Director, Office of Legislative and Public Affairs, Room 1245, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–5143.

Purpose of Meeting: To provide advice and recommendations concerning NSF science and engineering outreach activities.

Agenda: Review and discuss Draft Public Affairs Advisory Group issues and finalize recommendations for final report.

Meeting Minutes: May be obtained from the contact person listed above.

Dated: August 31, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–22796 Filed 9–5–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 40–3453–MLA–4 and 40–3453–MLA–5; ASLBP Nos. 99–763–05–MLA and 00–781–07–MLA]

Moab Mill Reclamation Trust; Notice of Reconstitution

Pursuant to the authority contained in 10 CFR 2.721 and 2.1207, the Special Assistant in the captioned 10 CFR part 2, subpart L proceeding is hereby replaced by appointing Administrative Judge Richard F. Cole in place of Administrative Judge Frederick J. Shon.

All correspondence, documents, and other material shall be filed with the Presiding Officer in accordance with 10 CFR 2.1203. The address of the new Special Assistant is:

Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Issued at Rockville, Maryland, this 30th day of August 2000.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 00–22782 Filed 9–5–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–3453–MLA–3; ASLBP No. 99–761–04–MLA]

Moab Mill Reclamation Trust; Notice of Reconstitution

Pursuant to the authority contained in 10 CFR 2.721 and 2.1207, the Special Assistant in the captioned 10 CFR part 2, subpart L proceeding is hereby replaced by appointing Administrative Judge Richard F. Cole in place of Administrative Judge Frederick J. Shon.

All correspondence, documents, and other material shall be filed with the Presiding Officer in accordance with 10 CFR 2.1203. The address of the new Special Assistant is: Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Issued at Rockville, Maryland, this 30th day of August 2000.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 00–22783 Filed 9–5–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 50–352]

Peco Energy Company; Limerick Generating Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain requirements of 10 CFR 50.60(a) for Facility Operating License No. NPF–39, issued to PECO Energy Company (PECO, or the licensee) for operation of the Limerick Generating Station, Unit 1 (Limerick Unit 1), located in Montgomery and Chester Counties in Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

Appendix G to Title 10 of the Code of Federal Regulations, Part 50 (10 CFR Part 50, Appendix G), requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G, states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR Part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, Appendix G, limits.

To address provisions of amendments to the technical specifications' P–T limits, the licensee requested in its submittal dated May 15, 2000, as supplemented May 19, 2000, that the staff exempt Limerick Unit 1 from application of specific requirements of 10 CFR Part 50, Section 50.60(a) and Appendix G, and substitute use of ASME Code Cases N–588 and N–640. Code Case N–588 permits the postulation of a circumferentially-oriented flaw (in lieu of an axially-oriented flaw) for the evaluation of the circumferential welds in RPV P–T limit curves. Code Case N–640 permits the use of an alternate reference fracture toughness (K_{IC} fracture toughness curve instead of K_{IA} fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the pressure stresses on a circumferentially-oriented flaw are lower than the pressure stresses on an axially-oriented flaw by a factor of two, using Code Case N–588 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G, and therefore, an exemption to apply the Code Case would be required by 10 CFR 50.60. Likewise, since the K_{IC} fracture toughness curve shown in ASME Code, Section XI, Appendix A, Figure A–2200–1 (the K_{IC} fracture toughness curve) provides greater allowable fracture toughness than the corresponding K_{IA} fracture toughness curve of ASME Code, Section XI, Appendix G, Figure G–2210–1 (the K_{IA} fracture toughness curve), using Code Case N–640 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G, and therefore, an exemption to 10 CFR 50.60 to apply the Code Case would also be required.

The proposed action is in accordance with the licensee's application for exemption dated May 15, 2000, as supplemented May 19, 2000.

The Need for the Proposed Action

ASME Code Case N–640 is needed to revise the method used to determine the reactor coolant system (RCS) P–T limits, since continued use of the present curves unnecessarily restricts the P–T operating window. Since the RCS P–T operating window is defined by the P–T operating and test limit curves developed in accordance with the ASME Code, Section XI, Appendix G, procedure, continued operation of Limerick Unit 1 with these P–T curves without the relief provided by ASME Code Case N–640 would unnecessarily require the RPV to maintain a temperature exceeding 212 °F in a limited operating window during the pressure test. Consequently, steam vapor hazards would continue to be one of the safety concerns for personnel conducting inspections in primary containment. Implementation of the proposed P–T curves, as allowed by ASME Code Case N–640, does not significantly reduce the margin of safety and would eliminate steam vapor hazards by allowing inspections in primary containment to be conducted at a lower coolant temperature.

ASME Code Case N–588 allows a licensee to postulate a circumferential flaw in circumferential RPV welds in lieu of the axial flaw that is normally assumed to be present by the ASME Code, Section XI, Appendix G, analysis. The staff has determined that the assumption of an axial flaw in a circumferential RPV shell weld would provide an overly-conservative margin of safety on stress intensities resulting from the operating pressure, and that postulation of a circumferential flaw in the circumferential welds would continue to satisfy the margin of safety of two required by Appendix G to Section XI of the ASME Code.

In the requests for exemptions to use Code Cases N–588 and N–640, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of these Code Cases.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the exemption described above would provide an adequate margin of safety against brittle failure of the Limerick Unit 1 RPV.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impacts. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental

Statement for the Limerick Generating Station, Units 1and 2, dated April 1984.

Agencies and Persons Consulted

In accordance with its stated policy, on August 7, 2000, the staff consulted with the Pennsylvania State official, David Ney of the Pennsylvania Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated May 15, 2000, as supplemented by letter dated May 19, 2000, which are available for public inspection at the NRC Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 29th 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. 00–22781 Filed 9–5–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of a Public Meeting on Assessing Future Regulatory Research Needs

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will hold a second meeting of nuclear experts from the government, the nuclear industry, academia, and the public on Friday, September 15, 2000. The purpose of the meeting is to discuss and share stakeholder input on the role and future direction of nuclear regulatory research. The meeting is open to the public and all interested parties may attend.

DATES: The meeting will be held from 8:00 am to 5:00 pm on September 15, 2000 in the Georgetown Room of the Ramada Inn which is located at 1775 Rockville Pike, Rockville, Maryland 20852. The telephone number of the hotel is 301–881–2300.

FOR FURTHER INFORMATION CONTACT: Questions with respect to this meeting should be referred to James W. Johnson, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission at (301) 415–6293; fax 301–415–5153; E-mail jwj@nrc.gov or Joseph J. Mate, at (301) 415–6202; fax 301–415–5153; E-mail *jjm@nrc.gov.*

SUPPLEMENTARY INFORMATION: Adequate parking is available at the hotel at no cost. The hotel can also be reached by Metro. It is located one and one half blocks west of the Twinbrook Metro Stop on the Red Line. From the Metro station proceed west to the hotel on the Rockville Pike.

Seating for the public is limited and therefore will be on a first-come basis.

Dated at Rockville, Maryland, this 30th day of August, 2000.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission.

[FR Doc. 00–22780 Filed 9–5–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of September 4, 11, 18, 25, October 2, and 9, 2000.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED: Week of September 4

There are no meetings scheduled for the Week of September 4.

Week of September 11—Tentative

There are no meetings scheduled for the Week of September 11.

Week of September 18—Tentative

There are no meetings scheduled for the Week of September 18.

Week of September 25—Tentative

Friday, September 29

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

9:30 a.m. Briefing on Risk-Informing Special Treatment Requirements (Public Meeting) (Contact: Tim Reed, 301–415–1462)

1:30 p.m. Briefing on Threat Environment Assessment (Closed-Ex. 1)

Week of October 2—Tentative

Friday, October 6

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

9:30 a.m. Meeting with ACRS (Public Meeting) (Contact: John Larkins, 301–415–7360)

Week of October 9—Tentative

There are no meetings scheduled for the Week of October 9.

The Schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415–1661.

* * * * *

ADDITIONAL INFORMATION: By a vote of 5–0 on August 30, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of VERMONT YANKEE NUCLEAR POWER CORP & AMERGEN VERMONT, LOC (Vermont Yankee Nuclear Power Station), Docket No. 50–271–LT; Citizens Awareness Network's (''CAN'') Motion to Stay the Effectiveness of NRC Staff's July 7th Order Approving License Transfer (July 14, 2000)'' be held on August 30, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: September 1, 2000.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 00–22970 Filed 9–1–00; 2:17 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 14, 2000, through August 25, 2000. The last biweekly notice was published on August 23, 2000 (65 FR 51346).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By October 6, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these

requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Carolina Power & Light Company, Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: August 10, 2000.

Description of amendment request: The requested amendment proposes to change the Technical Specifications for operations involving positive reactivity addition. The proposed changes revise the Required Actions and Limiting Condition for Operation (LCO) Notes to limit the introduction of reactivity such that the required SHUTDOWN MARGIN (SDM) or refueling boron concentration will remain satisfied.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Carolina Power & Light (CP&L) Company has evaluated the proposed Technical Specifications change and has concluded that it does not involve a significant hazards consideration. The CP&L conclusion is in accordance with the criteria set forth in 10 CFR 50.92. The bases for the conclusion that the proposed change does not involve a significant hazards consideration are discussed below.

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not involve any physical alteration of plant systems, structures or components. The proposed change revises ACTIONS in the H. B. Robinson Steam Electric Plant (HBRSEP) Unit No. 2 Technical Specifications (TS) that require suspending operations involving positive reactivity additions and several Limiting Condition For Operation (LCO) Notes that preclude reduction in boron concentration. The change revises these ACTIONS and LCO Notes to limit the introduction of reactivity such that the required SHUTDOWN MARGIN (SDM) or refueling boron concentration will still be satisfied. The proposed change ensures that the SDM of LCO 3.1.1 and minimum boron concentration requirements of LCO 3.9.1 are met. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated in the Safety Analysis Report (SAR) because the accident analysis assumptions and initial conditions will continue to be maintained.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not involve any physical alteration of plant systems, structures or components. The proposed change, which allows positive reactivity additions that do not result in SDM or the refueling boron concentration being exceeded, does not introduce new failure mechanisms for systems, structures or components not already considered in the SAR [Safety Analysis Report]. Therefore, the possibility of a new or different kind of accident from any accident previously evaluated is not created because no new failure mechanisms or initiating events have been introduced.

3. Does this change involve a significant reduction in a margin of safety?

The proposed change will allow positive reactivity additions, but the reactivity additions will not result in a[n] SDM or refueling boron concentration outside of the associated design basis limits. Allowing positive reactivity additions that do not result in the SDM or the refueling boron concentration being exceeded will not significantly reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602

NRC Section Chief: Richard P. Correia

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: June 19, 2000

Description of amendment request: The proposed amendment would revise the technical specifications to remove their applicability related to the Boron Dilution Protection System (BDPS) after the next refueling outage for each unit. During the refueling outages, modifications are scheduled to be made which will permit the licensee to mitigate a boron dilution event without the use of the BDPS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The only accident potentially impacted by the proposed changes is the inadvertent boron dilution event.

The Boron Dilution Protection System (BDPS) is not considered an initiator of any analyzed event. The BDPS performs detection and mitigative functions for the

inadvertent boron dilution event. Therefore, the proposed changes have no impact on the probability of an event previously analyzed. Therefore, the proposed change does not involve a significant increase in the probability of occurrence of an accident previously evaluated.

The proposed changes impact the consequences of an inadvertent dilution event due to the new requirement to manually reposition the Chemical and Volume Control System (CVCS) valves that isolate the boron dilution sources and that re-start boration of the Reactor Coolant System (RCS) in Modes 3, 4, and 5 (i.e., Hot Standby, Hot Shutdown, and Cold Shutdown, respectively). The revised detection and mitigation methodology being proposed achieves the same basic function as the existing BDPS, i.e., to prevent a return to critical during an inadvertent boron dilution event. The proposed changes will provide an improved response to the inadvertent boron dilution event compared to the BDPS, and thereby will prevent a return to critical. Therefore, the proposed changes do not involve a significant increase in the consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes to manually isolate potential dilution sources and to re-start boration of the RCS do not create the potential for a new or different kind of accident because the change results in plant configurations that have always been allowed. In conjunction with these proposed changes, enhancements to plant hardware, revisions to procedures, and administrative controls will be implemented. The proposed enhancements to plant hardware include the addition of two new redundant Volume Control Tank (VCT) high level alarms, which are passive in nature (i.e., do not provide any control function), and therefore do not create the possibility of a new or different kind of accident. Administrative controls and revisions to procedures will increase the operator's awareness of a potential boron dilution event and will provide the steps necessary to respond to a boron dilution event. As a result, the administrative controls and revisions to procedures do not create the possibility of a new or different kind of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

The design criterion and margin of safety for the existing BDPS is that the inadvertent boron dilution event is terminated within a specified period prior to the complete loss of shutdown margin. This criterion will continue to be satisfied following implementation of the proposed changes. The proposed changes were evaluated to ensure that the plant operators prevent criticality in Modes 3, 4 and 5 following an inadvertent boron dilution event, based on the revised analytical methodology previously discussed with the NRC and found to be feasible as documented in a letter from L. R. Wharton (U.S. NRC) to Licensees (Commonwealth Edison, Texas Utilities Electric, Union Electric, Wolf Creek Nuclear Operating Corporation, and Westinghouse), ''Utility Subgroup Technical Approach to Modify or Delete the Boron Dilution Mitigation System,'' dated February 8, 1993. The proposed method of detecting and mitigating this event has been shown by the analysis supporting this Technical Specifications change request to prevent a return to critical following an inadvertent boron dilution event, and meets the same NRC acceptance criteria as specified in the Standard Review Plan (SRP), NUREG–0800, Section 15.4.6, ''Chemical and Volume Control System Malfunction That Results in a Decrease in Boron Concentration in the Reactor Coolant (PWR),'' dated July 1981, as applicable to the existing BDPS. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767

NRC Section Chief: Anthony J. Mendiola

Duke Energy Corporation, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: June 1, 2000

Description of amendment request: The amendments would revise Technical Specification (TS) 3.6.16 Reactor Building; and TS 5.5.11 Ventilation Filter Testing Program. It will also revise Bases Sections 3.6.10, 3.6.16, 3.7.12, and 3.7.13. The amendments will: (1) Enhance the ability to determine that reactor building annulus outside air inleakage is within the maximum assumed design value used in the dose analyses. Administrative limits are currently imposed at Catawba to limit inleakage in order to ensure that the dose analyses remain conservative. The amendments also request changes for the Unit 2 Annulus Ventilation System (AVS) in-place penetration and bypass leakage criteria in TS 5.5.11. This portion of the amendments affects TS Bases 3.6.10, TS 3.6.16 and Bases, and TS 5.5.11; (2) Describe the alignment the Auxiliary Building Filtered Ventilation Exhaust System (ABFVES) filtered exhaust units should be tested in and request appropriate TS 5.5.11 limits in order to ensure that the ABFVES will continue to meet its design basis functions. Similar to Item 1 above, the amendments also request changes for the Unit 2 ABFVES in-place penetration and bypass leakage criteria in TS 5.5.11. This portion of the amendments affects TS Bases 3.7.12 and TS 5.5.11; and (3) Modify the TS Bases for the Fuel Handling Ventilation Exhaust System (FHVES) and similar to Items 1 and 2 above, the amendments also request changes for the Unit 2 FHVES in-place penetration and bypass leakage criteria in TS 5.5.11. This portion of the amendments affects TS Bases 3.7.13 and TS 5.5.11.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following discussion is a summary of the evaluation of the changes contained in this proposed amendment against the 10 CFR 50.92(c) requirements to demonstrate that all three standards are satisfied. A no significant hazards consideration is indicated if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated, or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, or

3. Involve a significant reduction in a margin of safety.

First Standard

Implementation of this amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. Neither the AVS, nor the ABFVES, nor the FHVES is capable of initiating any accident. The AVS, ABFVES, and FHVES, which are responsible for maintaining an acceptable environment in the annulus, the auxiliary building, and the fuel building during normal and accident conditions, will continue to function as designed, and in accordance with all applicable TS. The design and operation of the systems are not being modified by this proposed amendment. Therefore, there will be no impact on any accident probabilities or consequences.

Second Standard

Implementation of this amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. No new accident causal mechanisms are created as a result of NRC approval of this amendment request. No changes are being made to the plant which will introduce any new accident causal mechanisms. This amendment request does not impact any plant systems that are accident initiators and does not impact any safety analyses.

Third Standard

Implementation of this amendment would not involve a significant reduction in a margin of safety. Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The performance of these fission product barriers will not be impacted by implementation of this proposed amendment. The performance of the AVS, the ABFVES, and the FHVES in response to normal and accident conditions will not be impacted by this proposed amendment. The changes to the AVS surveillances will provide for a better method to ensure that the assumptions of the dose analyses are met. There is no risk significance to this proposed amendment, as no reduction in system or component availability will be incurred. No safety margins will be impacted.

Based upon the preceding discussion, Duke has concluded that the proposed amendment does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Lisa F. Vaughn, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: Richard L. Emch, Jr.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: August 10, 2000.

Description of amendment request: The proposed amendment would revise the Technical Specifications to allow an alternate storage configuration of fuel assemblies adjacent to the walls within Region 1 of the spent fuel pool.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1—Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The probability of fuel handling accidents (dropped assemblies, misplaced/misloaded assemblies, etc.) is not changed by utilizing the previously described vacant spaces that are face adjacent to the SFP [spent fuel pool] walls in Region I [Region 1] to store design basis assemblies that are less reactive than RI A [Region 1 Configuration A] type assemblies. Fuel assemblies of different types are presently stored face adjacent to these walls. This proposal will allow additional assemblies to be located face adjacent to the Region I SFP walls and does not effect the precursors to any postulated spent fuel pool accidents.

The consequences of an accident different than that previously analyzed additionally remains unchanged. Evaluations have demonstrated that the fuel handling accident reactivity values will remain less than the 0.95 K_{eff} acceptance criteria in the event of a fuel handling accident, assuming an initial SFP boron concentration of 1000 ppm. The boron concentration limit is additionally bounded by ANO–2 [Arkansas Nuclear One, Unit 2] TS [Technical Specification] Limiting Condition for Operation (LCO) 3.9.12.c which limits SFP boron to greater than 1600 ppm at all times.

Therefore, this change does *not* involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2—Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

As discussed previously, the proposed SFP configuration will not result in exceeding the acceptance criteria of 0.95 K_{eff} during normal or accident conditions. Since fuel assemblies are currently located along the Region I SFP walls, no new or different kind of accident than that previously evaluated exists. Locations required to be vacant will remain physically blocked. In the event that a ''misloading'' type accident occurs in this region, evaluations have shown that the fuel handling accident reactivity values will remain well below 0.95 K_{eff} when initial SFP boron concentrations are at or above 1000 ppm, which is significantly less than the TS boron limit of 1600 ppm.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does Not Involve a Significant Reduction in the Margin of Safety.

As previously discussed, the proposed configuration will not result in exceeding the 0.95 K_{eff} acceptance criteria during normal operations that assume zero concentration of boron at the maximum water density in the SFP or during accident conditions that assume an initial SFP boron concentration of at least 1000 ppm. Furthermore, ANO–2 TS 3.9.12.c requires SFP boron to be maintained greater than 1600 ppm at all times. Fuel assemblies are presently stored along the Region I SFP walls; therefore, storing additional assemblies along these same walls will not significantly reduce the margin to safety since it has been shown that the current CSA [criticality safety analysis] remains valid.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502

NRC Section Chief: Robert A. Gramm

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of amendment request: May 12, 2000, as supplemented June 19, 2000.

Description of amendment request: The proposed amendment would revise the Beaver Valley Power Station, Units 1 and 2 (BVPS–1 and 2), calculated doses and associated descriptions/information listed in the Updated Final Safety Analysis Reports (UFSARs) for the Design Basis Accidents (DBAs). An evaluation of all of the BVPS–1 and 2 dose calculations was completed which reviewed the input parameter values, the input assumptions, and the methodologies used. Some of the input parameter values, input assumptions and methodologies used in the DBA dose calculations were revised. The resultant DBA dose calculation revisions necessitate associated revisions to the UFSARs. Additionally, some changes would be made in response to Generic Letter 99–02. For BVPS–1, the requested amendment would affect the analyses for the following DBAs: loss of offsite AC power, fuel-handling accident, accidental release of waste gas, steam generator tube rupture, major secondary system pipe rupture, rod cluster control assembly ejection, single reactor coolant pump locked rotor, and loss of reactor coolant from small ruptured pipes/loss-of-coolant accidents. For BVPS–2, the requested amendment would affect the analyses for the following DBAs: steam system piping failures, loss of AC power, reactor coolant pump shaft seizure, rod cluster control assembly ejection, failure of small lines carrying primary coolant outside containment, steam generator tube rupture, loss-of-coolant accidents, waste gas system failure, and fuel-handling accidents.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Following a reevaluation of the calculated dose values for BVPS Unit 1 and Unit 2

design basis accidents (DBAs) as described in their respective [Updated Final Safety Analysis Report] UFSAR, several calculated dose values were identified to be increased. These increases were small and remained within the applicable DBA previously approved regulatory limit.

The increases for each DBA were as a result of revised plant data being used in the dose calculation, revised calculation assumptions, or new methodology. These changes were not the result of plant hardware changes. The changes were intended to ensure that accurate, current and conservative licensing basis information and assumptions were used for DBA dose analyses. The UFSAR changes are proposed to reflect the revised analyses results for the Unit 1 and Unit 2 UFSAR.

Since the calculated DBA radiological doses remain within the applicable DBA previously approved regulatory limit, these calculated dose values do not involve a significant increase in the probability or consequences of an accident as previously evaluated in the BVPS Unit 1 and Unit 2 UFSAR.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

BVPS Unit 1 and Unit 2 calculations which are used to determine DBA calculated dose values were revised. The changes were as a result of revised plant data being used in the dose calculation, revised calculation assumptions or new methodology. The changes were intended to ensure that accurate, current and conservative licensing basis information and assumptions were used for DBA dose analyses. The DBA events themselves remain the same postulated events as previously described within the BVPS Unit 1 and Unit 2 UFSARs. The revised dose calculations do not create the possibility of a new or different kind of accident from the DBA accidents previously evaluated in the UFSAR. These changes were not the result of plant hardware changes. The changes were only in the calculations. The UFSAR changes are proposed to reflect the revised analyses[’] results for the Unit 1 and Unit 2 UFSAR.

3. Does the change involve a significant reduction in a margin of safety?

This amendment request addresses only proposed changes to the Unit 1 and Unit 2 UFSAR, which was determined to involve an Unreviewed Safety Question pursuant to 10 CFR 50.59. This request does not propose modifying any Technical Specification criteria. This request proposes that several calculated dose values for BVPS Unit 1 and Unit 2 DBAs be increased following a reevaluation of their design basis calculations. These proposed increases are small and remained within the applicable DBA previously approved regulatory limit. Thus, the proposed changes to the UFSAR which originated from revised BVPS DBA dose calculations [do] not involve a significant reduction in the margin of safety for BVPS Unit 1 and Unit 2 because the Technical Specifications will not be altered and the increase in calculated dose values is small and remains within regulatory approved limits.

The NRC staff has reviewed the licensee’s analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mary O’Reilly, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Section Chief: Marsha Gamberoni

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: July 31, 2000

Description of amendment request: The amendment would change Technical Specifications 3.8.1.1, ‘‘Electrical Power Systems—A.C. Sources—Operating,’’ and 3.8.1.2, ‘‘Electrical Power Systems—A.C. Sources—Shutdown.’’ The index and the Bases for these Technical Specifications will be modified as a result of the proposed changes. The proposed changes will allow certain emergency diesel generator (EDG) surveillance requirements to be performed when the plant is operating instead of shut down as currently required. Additional changes will remove EDG accelerated testing and special reporting requirements, and the surveillance requirement to perform EDG inspections. EDG inspections will still be performed as recommended by the manufacturer. The proposed changes will not adversely impact the type and amounts of effluents that may be released off site.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff’s analysis is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed Technical Specification changes are associated with the surveillance requirements for the Emergency Diesel Generators (EDGs) and will not affect the ability of the EDGs to perform their intended safety function. Therefore, the proposed Technical Specification changes will not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

Since there are no changes in components, component operation, or system operation, this change does not create the possibility of an accident of a different type.

3. Involve a significant reduction in a margin of safety.

The proposed changes will have no adverse effect on plant operation or equipment important to safety. The plant response to the design basis accidents will not change and the accident mitigation equipment will continue to function as assumed in the design basis accident analysis. Therefore, there will be no significant reduction in a margin of safety.

Based on the staff’s analysis, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut

NRC Section Chief: James W. Clifford

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: June 14, 2000

Description of amendment request: The proposed amendments would revise Vogtle’s Surveillance Requirements (SR) 3.8.1.9 and 3.8.1.14 to reduce the emergency Diesel Generator (EDG) loading requirements from ≥6800 kW and ≤7000 kW to ≥6500 kW and ≤7000 kW. These changes will make the above SRs consistent with SR 3.8.1.3 and 3.8.1.13 which are in the current Technical Specifications (TS). In addition, the proposed amendments would revise TS section 5.6.7, ‘‘EDG Failure Report’’, to correct a typographical error.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change to section 5.6.7 is administrative only since it does nothing more than correct a typographical error. The proposed changes to the DG loading requirements specified in SRs 3.8.1.9 and

3.8.1.14 have no impact on or relationship to the probability of any of the initiating events assumed for the accidents previously evaluated. Therefore, the proposed changes do not involve a significant increase in the probability of any accident previously evaluated. Furthermore, since the proposed loading requirements bound the maximum expected loading for the DGs, SRs 3.8.1.9 and 3.8.1.14 will continue to demonstrate that the DGs are capable of performing their safety function. Since the proposed changes do not adversely affect the capability of the DGs to perform their safety function, the outcome of the accidents previously evaluated (i.e., radiological consequences) will not be affected. Therefore, the proposed changes do not involve a significant increase in the consequences of any accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any previously evaluated?

No. The proposed change to section 5.6.7 is administrative only since it does nothing more than correct a typographical error. The proposed changes to the DG loading requirements specified in SRs 3.8.1.9 and 3.8.1.14 will not introduce any new equipment or create new failure modes for existing equipment. Other than the reduced loading requirements for the DGs, the proposed changes will not affect or otherwise alter plant operation. The DGs will remain capable of performing their safety function. No other safety related or important to safety equipment will be affected by the proposed changes. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

No. The proposed change to section 5.6.7 is administrative only since it does nothing more than correct a typographical error. The proposed changes reduce the loading requirements of SRs 3.8.1.9 and 3.8.1.14. The new loading requirements bound the maximum expected loading of the DGs under the worst case scenario, and they are consistent with the regulatory guidance found in Regulatory Guide (RG) 1.9, Revision 3, ''Selection, Design, and Qualification of Diesel-Generator Units Used as Standby (Onsite) Electric Power Systems at Nuclear Power Plants,'' July 1993. Reduction in wear and tear should inherently increase the reliability of the DGs. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Conclusion

Based on the above evaluation, the proposed changes do not involve a significant hazard as defined in 10 CFR 50.92.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308–2216

NRC Section Chief: Richard L. Emch, Jr.

Tennessee Valley Authority, Docket Nos. 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 2 and 3, Limestone County, Alabama

Date of amendment request: August 11, 2000 (TS–400).

Description of amendment request: The proposed amendment would change the Units 2 and 3 Technical Specifications to revise the testing frequency for certain isolation valves of a type known as excess flow check valves (EFCV). The proposed testing frequency would allow a representative sample to be tested every 24 months, such that each EFCV is tested at least once every 120 months. The current specification requires that each EFCV be tested at least once every 24 months.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The current excess flow check valve (EFCV) frequency requires that each reactor instrument line EFCV be tested every 24 months. The EFCVs are designed to automatically close upon excessive differential pressure including failure of the down stream piping or instrument and will reopen when appropriate. This proposed change will allow a reduction in the number of EFCVs that are verified tested every 24 months, to approximately 20 percent of the valves each cycle. BFN and industry operating experience demonstrates high reliability of these valves. Neither the EFCVs or their failure is capable of initiating a previously evaluated accident. Therefore, there is no increase in the probability of occurrence of an accident previously evaluated.

The instrument lines going to the Reactor Coolant Pressure boundary with EFCVs installed have flow restricting devices upstream of the EFCV. The consequences of a unisolable failure of an instrument line has been previously evaluated and meets the intent of NRC Safety Guide 11. The offsite exposure has been calculated to be substantially below the limits of 10 CFR 100. Additionally, coolant lost from such a break is inconsequential compared to the makeup capabilities of normal and emergency makeup systems. Although not expected to occur as a result of this change, the effects of a postulated failure of an EFCV to isolate and instrument line break as a result of reduced testing are bounded by TVA analysis.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This proposed change reduces the number of EFCVs tested each operating cycle. No other changes to the TS are being proposed. BFN and industry operating experience demonstrates that these valves are highly reliable, a proposed reduction in test frequency is bounded by previous evaluation of a line rupture. The change will not alter the operation of process variables, structures, systems or components described in the BFN Updated Final Safety Analysis Report. Therefore, reduction in the number of EFCVS tested each cycle does not result in the possibility of a new or different kind of accident.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

The consequences of an unisolable rupture of an instrument line has been previously evaluated and meets the intent of NRC Safety Guide 11. The proposed amendment does not involve a significant reduction in a margin of safety.

Therefore, the proposed revised surveillance frequency does not adversely affect the public health and safety, and does not involve any significant safety hazards.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET I0H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: August 4, 2000 (TS 99–20)

Brief description of amendments: The proposed amendments would change the Sequoyah Nuclear Plant (SQN) Technical Specifications (TS), Section 6.2.2, to change the title of various shift members and to change the Shift Technical Advisor requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), Tennessee Valley Authority (TVA), the licensee, has provided its analysis of the

issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The title change of Shift Operations Supervisor to Shift Manager is administrative. The elimination of TS 6.2.2.b and Table 6.2–1 is considered an administrative change. These two items contain similar requirements as those contained in 10 CFR 50.54(m)(2)(iii), 10 CFR 50.54(m)(2)(i), and 10 CFR 50.54(k). These sections are considered a duplicate of the requirements contained in the Code of Federal Regulations. This request also eliminates the title of Shift Technical Advisor (STA) but will not eliminate or reduce licensee responsibilities in this area. This request is based on an NRC policy statement, contained in Generic Letter 86–04, that supports the transition of engineering expertise from the STA position to another individual on shift who possesses the mandated education qualifications. The proposed administrative and organizational changes do not result in any increase in the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

As described above, the proposed changes are administrative and organizational in nature and cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

As described above, the proposed changes are administrative and organizational in nature. The proposed changes are based on approved NRC guidance. The margin of safety is, therefore, not reduced.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

AmerGen Energy Company, LLC., et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: July 21, 2000.

Description of amendment request: The amendment requests approval to remove a shutdown requirement with regard to the relief valve position indication system in Section 3.13 of the Technical Specifications.

Date of publication of individual notice in ***Federal Register***: August 2, 2000 (65 FR 47520).

Expiration date of individual notice: September 1, 2000.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

AmerGen Energy Company, LLC, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: July 21, 2000.

Description of amendment request: The proposed amendment revises the Oyster Creek Nuclear Generating Station Technical Specifications Section 3.13 to remove a shutdown requirement with regard to the relief valve position indication system.

Date of issuance: August 21, 2000.

Effective Date: As of date of issuance to be implemented within 30 days.

Amendment No.: 214.

Facility Operating License No. DPR–16: This amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes (65 FR 47520) August 2, 2000. That notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided for an opportunity to request a hearing by September 1, 2000, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendment.

The Commission's related evaluation of the amendment finding of exigent circumstances, state consultation, and final determination of no significant hazards consideration determination are contained in a Safety Evaluation dated August 21, 2000.

Attorney for licensee: Kevin P. Gallen, Morgan, Lewis & Bockius, LLP, 1800 M Street, N.W., Washington, D.C. 20036–5869.

NRC Section Chief: Marsha Gamberoni.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 0–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: June 6, 2000.

Brief description of amendments: The amendments revise the information in Figure 3.5.5–1, ''Minimum Required RWT Volume in TS 3.5.5, Refueling Water Tank (RWT),'' for the three units. The amendments relocate design information to the Bases of the TSs, truncate the lower end of the RWT limit curve at 210 °F, retitle the right-hand ordinate from ''minimum useful volume required in the RWT'' to ''RWT Volume,'' and delete the two footnotes and the references to the footnotes.

Date of issuance: August 18, 2000.

Effective date: August 18, 2000, to be implemented within 45 days of the date of issuance.

Amendment Nos.: Unit 1–127, Unit 2–127, Unit 3–127.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: July 12, 2000 (65 FR 43043).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 18, 2000.

No significant hazards consideration comments received: No.

Commonwealth Edison Company, Docket No. 50–237, Dresden Nuclear Power Station, Unit 2, Grundy County, Illinois

Date of application for amendment: April 30, 1999.

Brief description of amendment: The amendment revised the expiration date of the operating license to allow 40 years of operation from the original date of issuance of the Provisional Operating License.

Date of issuance: August 24, 2000.

Effective date: August 24, 2000.

Amendment No.: 178.

Facility Operating License No. DPR–19: The amendment revised the Facility Operating License. *Date of initial notice in* **Federal Register:** March 22, 2000 (65 FR 15376).

The Commission's related evaluation of the amendment is contained in an Environmental Assessment dated June 1, 2000, and a Safety Evaluation dated August 24, 2000.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, WNP–2, Benton County, Washington

Date of application for amendment: November 18, 1999, as supplemented by letter dated June 7, 2000.

Brief description of amendment: The amendment changes Technical Specification 5.5.7, ''Ventilation Filter Testing Program (VFTP)'' to include the requirement for laboratory testing of engineered safety feature ventilation system charcoal samples per American Society for Testing and Materials D3803–1989 and the application of a safety factor of 2.0 to the charcoal filter efficiency assumed in the plant design-basis dose analyses.

Date of issuance: August 25, 2000.

Effective date: August 25, 2000.

Amendment No.: 167.

Facility Operating License No. NPF–21: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: December 29, 1999 (64 FR 73088).

The June 7, 2000, supplemental letter provided additional clarifying information, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 25, 2000.

No significant hazards consideration comments received: No.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: April 9, 1998, as supplemented by letters dated January 13, 1999, and June 28, 2000.

Brief description of amendment: The amendment consists of changes to the River Bend Station (RBS) Facility Operating License, paragraph 2.C(13). The amendment allows RBS to operate with final feedwater temperature reduction in order to extend the fuel cycle by maintaining the core thermal power at or close to rated power, thus delaying the start of normal coastdown. The January 13, 1999, letter provided a revised proprietary version of the licensee's analysis submitted in its original April 9, 1998, application and the June 28, 2000, letter provided additional information to support staff review of the original application, and did not affect the initial finding of no significant hazards consideration determination dated May 20, 1998 (63 FR 27762).

Date of issuance: August 22, 2000.

Effective date: As of the date of issuance and shall be implemented 30 days from the date of issuance.

Amendment No.: 112.

Facility Operating License No. NPF–47: The amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register***: May 20, 1998 (63 FR 27762).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 22, 2000.

No significant hazards consideration comments received: No.

Entergy Operations, Inc. Docket Nos. 50–313 and 50–368, Arkansas Nuclear One, Units 1 and 2, Pope County, Arkansas

Date of amendment request: July 14, 1999, as supplemented by letters dated February 24, 2000, and July 17, 2000.

Brief description of amendments: The proposed amendments delete requirements from the Technical Specifications to maintain a Post Accident Sampling System (PASS). Licensees were required to implement PASS upgrades as a result of NUREG–0737, ''Clarification of TMI [Three Mile Island Nuclear Station] Action Plan Requirements,'' and Regulatory Guide 1.97, Revision 3, ''Instrumentation for Light Water Cooled Nuclear Power Plants to Assess Plant and Environmental Conditions During and Following an Accident.'' Implementation of these upgrades were an outcome of the Nuclear Regulatory Commission's lessons learned from the accident that occurred at TMI, Unit 2. The staff has concluded that the information obtained using PASS is not required for the development of protective action recommendations or for core damage assessment.

Date of issuance: August 17, 2000.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 208 and 218

Facility Operating License Nos. DPR–51 and NPF–6: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: August 11, 1999 (64 FR 43773). The supplements dated February 24 and July 17, 2000, did not change the scope of the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 17, 2000.

No significant hazards consideration comments received: No

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of application for amendment: June 1, 2000, as supplemented by letter dated June 30, 2000.

Brief description of amendment: The amendment approves a proposed modification that changes the Perry Nuclear Power Plant as described in the Updated Safety Analysis Report by installing inflatable seals that surround the Emergency Service Water (ESW) alternate intake sluice gates. This modification is necessary so that the licensee may use inflatable seals to minimize leakage of warm water into the ESW forebay from the Service Water discharge and thus maintain the ESW temperature below the design limit.

Date of issuance: August 22, 2000

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 114

Facility Operating License No. NPF–58: This amendment authorizes revision of the Updated Safety Analysis Report.

Date of initial notice in ***Federal Register***: June 14, 2000 (65 FR 37414) The supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original Federal Register Notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 22, 2000.

No significant hazards consideration comments received: No

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: May 10, 1999, as supplemented April 6, April 26, and June 5, 2000.

Brief description of amendment: Changes Technical Specifications to establish the actions to be taken for an inoperable ''Standby Filter Unit'' (SFU) System due to a degraded control building boundary.

Date of issuance: August 11, 2000

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 233

Facility Operating License No. DPR–49: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: July 14, 1999 (64 FR 38029). The April 6, April 26, and June 5, 2000, submittals provided additional clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the application beyond the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 11, 2000.

No significant hazards consideration comments received: No

Niagara Mohawk Power Corporation, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit 2, Oswego County, New York

Date of application for amendment: June 7, 2000

Brief description of amendment: The amendment revised the Technical Specifications, Section 3.10.8, ''SHUTDOWN MARGIN (SDM) Test — Refueling,'' correcting an administrative error introduced when Amendment No. 92, dated March 2, 2000, was issued.

Date of issuance: August 24, 2000

Effective date: As of the date of issuance to be implemented concurrently with Amendment No. 92.

Amendment No.: 93

Facility Operating License No. NPF–69: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: June 16, 2000 (65 FR 37807)

The staff's related evaluation of the amendment is contained in a Safety Evaluation dated August 24, 2000.

No significant hazards consideration comments received: No

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: February 1, 2000, as supplemented on April 13, 2000

Brief description of amendment: The amendment temporarily suspends the technical (TSs) requirements for TSs 3.7.7 and 3.7.8 in order to conduct testing of the cable spreading room that will pressurize the area to a pressure that exceeds the adjacent control room envelope area.

Date of issuance: August 22, 2000

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 181

Facility Operating License No. NPF–49: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: May 31, 2000 (65 FR 34748)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 22, 2000.

No significant hazards consideration comments received: No

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: October 29, 1999, as supplemented March 14 and April 25, 2000

Brief description of amendment: The amendment conforms the license to reflect the transfer of possession under Operating License No. DPR–22 to a newly formed utility operating company subsidiary of Northern States Power Company merged with New Century Energies, Inc., as approved by Order of the Commission dated May 12, 2000.

Date of issuance: August 18, 2000

Effective date: As of the date of issuance and shall be implemented within 45 days.

Amendment No.: 111

Facility Operating License No. DPR–22. Amendment revised the Operating License.

Date of initial notice in ***Federal Register***: February 10, 2000 (65 FR 6641)

The March 14 and April 25, 2000, supplements were within the scope of the initial application as originally noticed.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 12, 2000.

No significant hazards consideration comments received: No

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: February 29, 2000, as supplemented July 10, 2000

Brief description of amendment: The amendment (1) approves continued use of two exceptions previously granted by the Nuclear Regulatory Commission (NRC) to the American Society of Mechanical Engineers N510–1989 testing requirements for the emergency filtration train (EFT) system, (2) revises the Technical Specifications (TSs) to reflect modifications to the EFT system that eliminate the need for additional test exceptions, (3) revises the TSs to be consistent with the guidance of NRC Generic Letter 99–02, and (4) revises the TSs to include operability requirements for the EFT system during operations that could result in a fuel handling accident.

Date of issuance: August 18, 2000

Effective date: As of the date of issuance and shall be implemented within 45 days.

Amendment No.: 112

Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: April 5, 2000 (65 FR 17917)

The July 10, 2000, supplemental letter provided clarifying information that was within the scope of the original application and did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 18, 2000.

No significant hazards consideration comments received: No

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, and Docket No. 72–10, Prairie Island Independent Spent Fuel Storage Installation, Goodhue County, Minnesota

Date of application for amendments: October 29, 1999, as supplemented March 14 and April 25, 2000.

Brief description of amendments: The amendments conform the licenses to reflect the transfer of possession under Operating Licenses Nos. DPR–42 and DPR–60 and Materials License No. SNM–2506 to a newly formed utility operating company subsidiary of Northern States Power Company merged with New Century Energies, Inc., as approved by Order of the Commission dated May 12, 2000.

Date of issuance: August 18, 2000.

Effective date: As of the date of issuance and shall be implemented within 45 days.

Amendment Nos.: 154 and 145.

Facility Operating Licenses Nos. DPR–42 and DPR–60 and Materials License No. SNM–2506: Amendments revised the Operating Licenses and Materials License.

Date of initial notice in ***Federal Register***: February 10, 2000 (65 FR 6642)

The March 14 and April 25, 2000, supplements were within the scope of the initial application as originally noticed.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 12, 2000.

No significant hazards consideration comments received: No

PECO Energy Company, Public Service Electric and Gas Company Delmarva Power and Light Company; and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: August 11, 1999, as supplemented June 29, 2000.

Brief description of amendments: The Updated Final Safety Analysis Report (USFAR) was updated to reflect credit for use of a limited amount of containment overpressure in calculations of net positive suction head available for emergency core cooling pumps.

Date of issuance: August 14, 2000.

Effective date: As of Date of issuance.

Amendments Nos.: 233 and 237.

Facility Operating License Nos. DPR–44 and DPR–56: The amendments authorized changes to the UFSAR.

Date of initial notice in ***Federal Register***: April 19, 2000 (65 FR 21038). The June 29, 2000, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 14, 2000.

No significant hazards consideration comments received: No

Public Service Electric & Gas Company, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: June 4, 1999, as supplemented October 22, 1999.

Brief description of amendment: The amendment revises the license and Technical Specifications to reflect changes related to the transfer of the license for the Hope Creek Generating Station, to the extent held by Public Service Electric and Gas Company, to PSEG Nuclear Limited Liability Company.

Date of issuance: August 21, 2000

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 129

Facility Operating License No. NPF–57: This amendment revised the License and the Technical Specifications.

Date of initial notice in ***Federal Register***: June 30, 1999 (64 FR 35193). The October 22, 1999, supplement provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 16, 2000.

No significant hazards consideration comments received: No

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: April 13, 2000

Brief description of amendments: The amendments deleted Technical Specification (TS) 3/4.1.3.2.2 which is related to shutdown and control rod group demand position indication in Modes 3, 4, and 5.

Date of issuance: August 17, 2000

Effective date: As of the date of issuance, and shall be implemented within 60 days of issuance.

Amendment Nos.: 232 and 213

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: June 28, 2000 (65 FR 39960)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 17, 2000.

No significant hazards consideration comments received: No

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: June 4, 1999, as supplemented October 22, 1999.

Brief description of amendments: The amendment revises the license and Technical Specifications to reflect changes related to the transfer of the license for the Salem Nuclear Generating Station, Unit Nos. 1 and 2, to the extent held by Public Service Electric and Gas Company, to PSEG Nuclear Limited Liability Company.

Date of issuance: August 21, 2000

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment Nos.: 233 and 214

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the License and Technical Specifications.

Date of initial notice in ***Federal Register***: June 30, 1999 (64 FR 35192). The October 22, 1999, supplement provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 16, 2000.

No significant hazards consideration comments received: No

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: January 24, 2000, as supplemented April 19 and May 31, 2000.

Brief description of amendments: The amendments revise the radiological effluent technical specifications (RETS) and administrative controls requirements (*i.e.,* Sections 3/4.3, Instrumentation, 3/4.11, Radioactive Effluents, 3/4.12, Radiological Environmental Monitoring, 6.0, Administrative Controls, and the table of contents and definitions) in the Technical Specifications (TSs) by implementing programmatic controls for RETS in the administrative controls section and relocating procedural details of the RETS, with various changes, to the offsite dose calculation manual (ODCM) or to the process control program (PCP). The proposed changes follow the guidance and requirements in NRC Generic Letter 89–01, ''Implementation of Programmatic Controls in the Technical Specifications for Radiological Effluent Technical Specifications (RETS) in the Administrative Controls Section of the Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual or to the Process Control Program,'' that was issued in 1989. There is also the change to add the word ''oxygen'' to the title of ''Radioactive Gaseous Effluent Monitoring Instrumentation.''

Date of issuance: August 24, 2000

Effective date: August 24, 2000

Amendment Nos.: 234 and 215

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: March 1, 2000 (65 FR 11094) The supplemental letters dated April 19 and May 31, 2000, provided clarification that did not alter the scope of the proposed action or the initial no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 24, 2000.

No significant hazards consideration comments received: No

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: August 24, 1999, as supplemented on December 29, 1999, and June 16, 2000

Brief description of amendments: The amendments revised Technical Specification 3.3.2 ''Engineered Safety Features Actuation System (ESFAS) Instrumentation'' to relax the slave relay test frequency from quarterly to every refueling not to exceed 18 months.

Date of issuance: August 22, 2000

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 114 and 92

Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: March 22, 2000 (65 FR 15386). The supplemental letters dated December 29, 1999, and June 16, 2000, provided clarifying information only, and did not change the scope of the August 24, 1999, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 22, 2000.

No significant hazards consideration comments received: No

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of application for amendment: March 6, 2000

Brief description of amendment: Revised the Technical Specification (TS) and associated Bases for Limiting Condition for Operation 3.9.4, ''Refueling Operations—Containment Penetrations,'' to allow the containment personnel airlock doors and certain containment penetrations to be open during refueling activities under appropriate administrative controls.

Date of issuance: August 24, 2000

Effective date: August 24, 2000

Amendment No.: 26

Facility Operating License No. NPF–90: Amendment revises the TS.

Date of initial notice in ***Federal Register***: May 17, 2000 (65 FR 31361)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 24, 2000.

No significant hazards consideration comments received: No

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units 1 and 2, Louisa County, Virginia

Date of application for amendments: June 22, 2000, as supplemented July 25, 2000

Brief description of amendments: The amendments revise the Technical Specifications Sections 3.4.1.4, 3.4.1.6, 4.4.1.4, and 4.4.1.6.1; add Sections 4.4.1.6.4 and 4.4.1.6.5; and revise Bases Section 3/4.4.1 for Units 1 and 2. These changes will allow for the implementation of a vacuum-assisted backfill technique when returning an isolated Reactor Coolant System (RCS) loop to service, and provide the necessary controls for temperature and boron concentration of the isolated RCS loop to ensure the required shutdown margin is maintained.

Date of issuance: August 25, 2000

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 223 and 204

Facility Operating License Nos. NPF–4 and NPF–7: Amendments change the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 26, 2000 (65 FR 46019). The letter dated July 25, 2000, contained clarifying information only, and did not change the initial no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 25, 2000.

No significant hazards consideration comments received: No

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: May 19, 2000, as supplemented August 3, 2000

Brief description of amendments: These amendments eliminate one of the license conditions and associated implementation dates from Appendix C to the licenses. The license condition required the licensee to submit a license amendment application and supporting radiological dose analyses demonstrating compliance with General Design Criterion 19 dose limits without reliance on potassium iodide.

Date of issuance: August 15, 2000

Effective date: As of the date of issuance and shall be implemented within 45 days.

Amendment Nos.: 198 and 203

Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Operating Licenses.

Date of initial notice in ***Federal Register:*** June 6, 2000 (65 FR 35966)

The August 3, 2000, supplemental letter provided clarifying information that was within the scope of the original application and did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 15, 2000.

No significant hazards consideration comments received: No

Dated at Rockville, Maryland, this 30th day of August 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–22779 Filed 9–5–00; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Form 2–E, Rule 609; SEC File No. 270–222; OMB Control No. 3235–0233.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Form 2–E under the Securities Act of 1933, Report of Sales Pursuant to Rule 609 of Regulation E; and Rule 609 under the Securities Act of 1933, Report of Sales.

Form 2–E [17 CFR 239.201] is used by small business investment companies or business development companies engaged in limited offerings of securities to report semi-annually the progress of the offering, including the number of shares sold. The form solicits information such as the dates an offering has commenced and has been completed, the number of shares sold and still being offered, amounts received in the offering, and expenses and underwriting discounts incurred in the offering. This information assists the staff in determining whether the issuer has stayed within the limits of an offering exemption.

Form 2–E must be filed semi-annually during an offering and as a final report at the completion of the offering. Less frequent filing would not allow the Commission to monitor the progress of the limited offering in order to ensure that the issuer was not attempting to avoid the normal registration provisions of the securities laws.

There has been on average one filing on Form 2–E during each of the last three years. On average, approximately one respondent spends four hours collecting information, preparing, and filing a Form 2–E for a total annual burden of four hours.

The estimates of average burden hours are made solely for the purposes of the Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms.

Form 2–E does not involve any recordkeeping requirements. The information required by the form is mandatory and the information provided will not be kept confidential. The Commission may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 25, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–22770 Filed 9–5–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request; Copies Available From: Securities Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Request for Approval: Online Investor Behavior Survey SEC File No. 270–483; OMB Control No. 3235-new.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995(44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of an online investor behavior survey. The survey would be voluntary in nature. It would be completed by approximately 10,000 individual investors. The survey will be distributed by brokerage firm members of the Securities Industry Association and posted on the Commission's website. Each respondent would spend approximately 15 minutes completing the survey for an estimated annual total burden of 2,500 hours. The survey would enable the Commission to learn more about the habits and education needs of online investors. It will help the Commission determine how to improve its investor protection and education initiatives with respect to online investors. 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 control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 23, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–22771 Filed 9–5–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (HyperFeed Technologies, Inc., Common Stock, $.001 Par Value) File No. 1–11108

August 29, 2000.

HyperFeed Technologies, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities

Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d)[2] promulgated thereunder, to withdraw its Common Stock, $.002 par value (''Security''), from listing and registration on the Pacific Exchange, Inc. ('PCX).

The Security, in addition to being listed on the PCX, was formerly listed on the American Stock Exchange LLC (''Amex''). In September 1999, the Company transferred to primary trading of its Security from the Amex to the National Market of the Nasdaq Stock Market, Inc. (''Nasdaq''). Trading in the Security commenced on the Nasdaq, and was suspended on the Amex, at the opening on September 23, 1999. Shortly thereafter, the Company filed an application with the Commission to withdraw its Security from listing and registration on the Amex. After appropriate opportunity for public comment, the Commission issued an order granting such application and the withdrawal from the Amex became effective at the opening of business on October 25, 1999.[3]

The Security continues to trade on the Nasdaq. The Company is currently seeking to withdraw the Security from listing and registration on the PCX in order to avoid both the costs associated with maintaining such listing and the potential fragmentation of the market for its Security. The Company notes that trading volume for its Security on the PCX is minimal.

The Company has stated that it has complied with the rules of the PCX in making its withdrawal application and that it has been advised that the Equity Management Team of the PCX has approved such proposed withdrawal, pending final approval of the Company's application before the Commission.

The Company's withdrawal application relates solely to the listing and registration of its Security on the PCX and shall not affect the Security's continued listing on the Nasdaq and registration under Section 12(g) of the Act.[4]

Any interested person may, on or before September 22, 2000, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the PCX and what terms, if any, should be imposed by the Commission for the protection of investors. The commission, based on the information submitted to it. will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–22717 Filed 9–5–00; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.c. 78*l*(d).

[2] 17 CFR 240.12d2–2.

[3] *See* Securities Exchange Act Release No. 42052 (Oct. 22, 1999).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43218; File No. SR–NASD–00–51]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc., to Extend the Nasdaq International Service Pilot Program

August 29, 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 August 18, 2000 the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Nasdaq Stock Market, Inc. (''Nasdaq''). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD proposes to extend for one year: (1) The term of the Nasdaq International Service (''Service'') pilot program and (2) the effectiveness of certain rules (''International Rules'') that are unique to the Service. The proposed rule change does not entail any modification of the International rules. The present authorization for the Service and the International Rules expires on October 9, 2000. With this filing, the pilot program for the Service and the International Rules would be extended until October 9, 2001.

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 NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. Nasdaq 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 NASD proposes to extend for an additional year, until October 9, 2001, the pilot operation of the Service and the effectiveness of the International Rules governing broker-dealers' access to and use of the Service. The existing pilot operation of the Service and the International Rules was originally authorized by the Commission in October 1991[3] and the Service was launched on January 20, 1992. The pilot has since been extended and is currently set to expire on October 9, 2000.[4]

The Service supports an early trading session running from 3:30 a.m. to 9 a.m. Eastern Time on each U.S. business day (''European Session'') that overlaps the business hours of the London financial markets. Participation in the Service is voluntary and is open to any authorized NASD member firm or its approved broker-dealer affiliate in the U.K. A member participates as a Service market maker either by staffing its trading facilities in the U.S. or the facilities of its approved affiliate during the European Session. The Service also has a variable opening feature that permits

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 29812 (October 11, 1991), 56 FR 52082 (October 17, 1991).

[4] *See* Securities Exchange Act Release No. 33037 (October 8, 1993), 58 FR 53752 (October 18, 1993) (extending the pilot for two years through October 11, 1995); Securities Exchange Act Release No. 36359 (October 11, 1995), 60 FR 53820 (October 17, 1995) (extending the pilot for two years through October 11, 1997); Securities Exchange Act Release No. 39216 (October 7, 1997), 62 FR 53673 (October 15, 1997) (extending the pilot for one year through October 9, 1998); Securities Exchange Act Release No. 40528 (October 7, 1998), 63 FR 55165 (October 14, 1999) (extending the pilot for one year through October 9, 1998); Securities Exchange Act Release No. 41988 (October 7, 1999), 64 FR 56002 (October 15, 1999) (extending the pilot for one year through October 9, 2000).

Service market makers to elect to participate starting from 3:30 a.m., 5:30 a.m. or 7:30 a.m. Eastern Time. The election is required to be made on a security-by-security basis at the time a firm registers with the NASD as a Service market maker.[5] At present, there are no Service market makers participating in the Service.

As noted above, the NASD is seeking to extend the pilot term for one year. During this period, the NASD will continue to reevaluate the Service's operation and consider possible enhancements to the Service to broaden market-maker participation. The NASD continues to view the Service as a significant experiment in expanding potential opportunities for international trading via systems operated by Nasdaq. Accordingly, the NASD believes that this pilot operation warrants an extension to permit possible enhancements that will increase the Service's utility and attractiveness to the investment community.[6] The NASD maintains its belief that it is extremely important to preserve this facility and the opportunities it provides, especially in light of the increasingly global nature of the securities markets and the trend of cross-border transactions generally.

In addition, the Service still serves an invaluable role as a critical early warning mechanism in the context of significant changes involving Nasdaq software and hardware systems. Specifically, because the Service operates in the early morning hours prior to the opening of trading in the domestic session of Nasdaq, the Service has provided for the early detection of systems or communications problems when Nasdaq implements these systems changes.

2. Statutory Basis

The NASD believes the proposed rule change is consistent with Sections 11A(a)(1)(B)[7] and (C)[8] and 15A(b)(6)[9] of the Act. Subsections (B) and (C) of Section 11A(a)(1)[10] set forth the Congressional goals of achieving more efficient and effective market operations, broader availability of information with respect to quotations for securities, and the execution of investor orders in the best market through the use of advanced data processing and communications techniques. Section 15A(b)(6)[11] requires, among other things, that the NASD rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities. The NASD believes that the proposed extension of the Service and the International Rules is fully consistent with these statutory provisions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–00–51 and should be submitted by September 27, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with Sections 11A(a)(1)(B) and (C) and 15A(b)(6) of the Act.[12] The Commission believes that, in connection with the globalization of securities markets, the Service provides an opportunity to advance the statutory goals of: (1) Achieving more efficient and effective market operations; (2) broader availability of information with respect to quotations for securities; (3) the execution of investor orders in the best market through the use of advanced data processing and communications techniques; and (4) fostering cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

The Commission views the Service as providing potential opportunities for international trading via a system operated by Nasdaq. The Service is intended to promote additional commitments of member firms' capital to market making and to attract commitments from firms based in Europe that currently do not function as Nasdaq market makers. Although there are no Service market makers participating in the Service, the NASD plans to reevaluate the Service's operation and consider possible enhancements to the Service to broaden market maker participation. Additionally, the Service provides an early warning system when Nasdaq implements significant changes involving its hardware and software systems. Because the Service operates before the opening of the domestic session of Nasdaq, the Service allows for the early detection of systems or communication problems. Accordingly, the Commission believes that this pilot operation warrants an extension to permit possible enhancements that will increase the Service's utility and attractiveness to the investment community. Any changes to the operation of the Service will be filed pursuant to Section 19(b)(2) of the Act.[13]

Pursuant to Section 19(b)(2) of the Act,[14] the Commission finds good cause

[5] Regardless of the opening time chosen by the Service market maker, the Service market maker is required to fulfill all the obligations of a Service market maker from that time (*i.e.,* either 3:30 a.m., 5:30 a.m. or 7:30 a.m.) until the European Session closes at 9:00 a.m. Eastern Time. *See* Securities Exchange Act Release No. 32471 (June 16, 1993), 58 FR 33965 (June 22, 1993) (approval of File No. SR–NASD–92–54).

[6] Assuming that the pilot term is extended, the NASD will continue to supply the Commission with the statistical reports prescribed in the initial approval order for the Service order at six month intervals.

[7] 15 U.S.C. 78k–1(a)(1)(B).

[8] 15 U.S.C. 78k–1(a)(1)(C).

[9] 15 U.S.C. 78o–3(b)(6).

[10] 15 U.S.C. 78k–1(a)(1).

[11] 15 U.S.C. 78o–3(b)(6).

[12] In reviewing this proposal, the Commission has considered its potential impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[13] 15 U.S.D. 78s(b)(2).

[14] *Id.*

for approving the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof. The Commission believes that it is appropriate to approve on an accelerated basis the one year extension of the Service, until October 9, 2001, to ensure the continuous operation of the Service, which is set to expire on October 9, 2000.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–NASD–00–51) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–22718 Filed 9–5–00; 8:45 am]

BILLING CODE 8010–01–M

[15] *Id.*

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends Part S of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Chapter S2 covers the Deputy Commissioner, Operations. Notice is given that Subchapter S2R, the Office of Central Operations is being amended to reflect the establishment of the Center for Security and Integrity S2RC6 under the Associate Commissioner for Central Operations. The new material and changes are as follows:

Section S2R.10 *The Office of Central Operations*—(Organization):

C. The Immediate Office of the Associate Commissioner, Office of Central Operations (OCO) (S2R).

4. The Assistant Associate Commissioner for Management and Operations Support (S2RC):

Establish:

f. The Center for Security and Integrity (S2RC6).

Section S2R.20 *The Office of Central Operations*—(Functions):

C. The Immediate Office of the Associate Commissioner, OCO (S2R).

2. The Assistant Associate Commissioner for International Operations (S2RE).

a. The Division of International Operations (DIO) (S2RE1):

Delete the eleventh sentence, i.e., ''It designs and conducts validation and other special studies to foster integrity in the Social Security program overseas.''

Section TGB.10 *The Office* of Research, Evaluation, and Statistics—(Organization):

Retitle:

D. The ''Publications Staff'' to the ''Division of Information Resources'' (TGBB).

E. The ''Division of Program Analysis'' to the ''Division of Program Studies'' (TGBC).

H. The ''Division of Retirement, Survivors, Disability Insurance Research Statistics'' to the ''Division of RSDI Statistics and Analysis'' (TGBH).

I. The ''Division of SSI Analysis/Management Statistical Support'' to the ''Division of SSI Statistics and Analysis'' (TGBJ).

J. The ''Disability Research Staff'' to the ''Division of Disability Research'' (TGBK).

Establish:

K. The Division of Policy Evaluation (TGBL).

Section TGB.20 *The Office of Research, Evaluation, and Statistics*—(Functions):

Amend in its entirety:

A. The Associate Commissioner for Research, Evaluation, and Statistics (TGB) is directly responsible to the Deputy Commissioner, Policy, for carrying out ORES' mission, and providing general supervision to the major components of ORES.

B. The Deputy Associate Commissioner for Research, Evaluation, and Statistics (TGB) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Research, Evaluation, and Statistics (TGBA) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities and helps coordinate the activities of ORES components.

D. The Division of Information Resources (TGBB).

1. Organizes, presents, and disseminates research and statistical studies in both printed and electronic forms.

2. Maintains the Office of Policy information resource facilities; i.e., library and website.

E. The Division of Program Studies (TGBC).

1. Plans, conducts, and publishes the results of cross-national data collection and research on social security programs worldwide.

2. Monitors both public and private-sector programs within the United States and presents results in a number of recurrent publications.

F. The Division of Economic Research (TGBE).

1. Plans, directs, and executes issue-oriented research to provide information about relationships between Social Security programs and the economy.

2. Interprets changing demographic and economic trends as they relate to the broad field of economic security and to overall economic and social policy.

3. Studies such major areas as: Social Security financing, economic impacts of Social Security, income maintenance, effects of Social Security on lifetime income redistribution, alternative measures of income adequacy, and labor market and retirement behavior.

G. The Division of Earnings Statistics and Analysis (TGBG).

1. Prepares statistical data pertaining to employment, earnings, and employer classification for public release and for SSA publications. Analyzes these data with emphasis on demographic, economic, social, and program characteristics. These data are used to support policy formulation and evaluation activities within SSA; to inform the public about employment and earnings; and to serve as the basis for research by other Federal, State, and local government agencies, universities, and private research organizations.

2. Manages a comprehensive program for the construction of datasets from survey data and extracts from SSA administrative records for SSA components, other government agencies, and individual researchers, both government and private. Plans and executes interagency and reimbursable agreements to facilitate the sharing of data.

H. The Division of RSDI Statistics and Analysis (TGBH).

1. Prepares statistical data pertaining to Old-Age, Survivors, and Disability Insurance (OASDI) beneficiary and payment provisions of the Social Security Act. Analyzes these data with emphasis on demographic, economic, social, and program characteristics. The statistics and analyses are used to support policy formulation and evaluation activities within SSA; to inform the public about the OASDI program; and to serve as the basis for research by other Federal, State, and local government agencies, universities, and private research organizations.

I. The Division of SSI Statistics and Analysis (TGBJ).

1. Plans, coordinates, and directs the preparation of Supplemental Security Income provisions of title XVI of the Social Security Act. Analyzes these data with emphasis on demographic,

economic, social, and program characteristics. These data are used to support program and legislative planning; serve as important sources for program evaluation, research, and administrative information within SSA; and serve as the basis for research by other Federal, State, and local government agencies, universities, and private research organizations.

J. The Division of Disability Research (TGBK).

1. Plans, directs and implements a wide range of studies and analyses, utilizing data from surveys and administrative records, on the national disabled population, disability applicants, and disability beneficiaries.

2. Develops research in response to disability program issues.

3. Provides a wide variety of management statistical services to SSA operating and policy components.

K. The Division of Policy Evaluation (TGBL).

1. Ensures that SSA's policy evaluation research is technically appropriate, professionally sound, policy relevant, and timely.

2. Plans, directs, and implements a wide variety of research and policy evaluation activities centered upon programs, policies, potential policy changes and the impact on current and future beneficiaries and programs costs.

Dated: August 14, 2000.

Paul D. Barnes,

Deputy Commissioner for Human Resources.

[FR Doc. 00–22754 Filed 9–5–00; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974 as Amended; Computer Matching Program (SSA (Social Security Administration/Office of Personnel Management (OPM)) Match Numbers 1005, 1019, 1020, 1021

AGENCY: Social Security Administration (SSA).

ACTION: Notice of computer matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct with OPM.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefax to (410) 966–2935 or writing to the Associate Commissioner, Office of Program Support, 2–Q–16 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program Support as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records.

It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the Data Integrity Boards' approval of the match agreements;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching; and

(5) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: August 28, 2000.

Susan M. Daniels,

Deputy Commissioner for Disability and Income Security Programs.

Notice of Computer Matching Program, Social Security Administration (SSA) With the Office of Personnel Management (OPM)

A. Participating Agencies

SSA and OPM.

B. Purpose of the Matching Program

This matching program will have four separate components. The purposes of each of these parts are as follows:

SSA Match 1005: OPM records will be used in a matching program where SSA will match OPM's data with SSA's records to verify the accuracy of information furnished by applicants and recipients concerning eligibility factors for the Supplemental Security Income (SSI) and Special Veterans' Benefits (SVB) programs. The SSI program provides payments to individuals who have income and resources below levels established by law and regulations, and the SVB program provides special benefits to certain World War II veterans.

SSA Match 1019: SSA will match OPM's records of civil service disability benefit and payment data with SSA's records of Social Security disability insurance benefits to identify disability insurance beneficiaries whose benefits should be reduced under the Social Security Act because the disabled worker is receiving a civil service disability annuity benefit. SSA will match the OPM data to verify information provided (or identify such information that should have been provided) by the disabled worker at the time of initially applying for Social Security benefits and on a continuous basis to ensure any reduction in Social Security disability benefits is based on the current civil service disability benefit amount.

SSA Match 1020: OPM records will be used in a matching program where SSA will match OPM's civil service benefit and payment data with SSA's records for disabled and retired annuitants. These annuitants may be subject to the use of a modified benefit computation formula used by SSA under the Social Security Act for certain persons who receive both a civil service benefit and a Social Security retirement or disability benefit. SSA will use the OPM data to verify the pension or annuity information provided (or identify such information that should have been provided) directly to SSA by the retirees/annuitants.

SSA Match 1021: SSA will match OPM's civil service benefit and payment data with SSA's records of beneficiaries receiving Social Security spouse's benefits which are subject to reduction under the Social Security Act when the beneficiary is also receiving a government pension based on employment not covered under that Act. SSA will match the OPM data to verify information provided (or identify such information that should have been provided) by the SSA beneficiary at the time of initially applying for Social Security benefits and on a continuing basis to ensure that any reduction in Social Security benefits is based on the current pension amount.

C. Authority for Conducting the Matching Program

SSA Match 1005: Section 1631(e)(1)(B) and (f) of the Social Security Act (42 U.S.C. 1383 (e)(1)(B) and (f)) for the SSI program; 42 U.S.C. 1001–1013 for the SVB program.

SSA Match 1019: Section 224 of the Social Security Act (42 U.S.C. 424a).

SSA Match 1020: Sections 215 (a)(7) and 215 (d)(3) of the Social Security Act ((42 U.S.C. 415 (a)(7) and 415 (d)(3)).

SSA Match 1021: Section 202 (b)(4)(A), (c)(2)(A), (e)(7)(A), (f)(2)(A), and (g)(4)(A) of the Social Security Act (42 U.S.C. 402 (b)(4)(A), (c)(2)(A), (e)(7)(A), (f)(2)(A) and (g)(4)(A)).

D. Categories of Records and Individuals Covered by the Match

OPM will provide SSA with an electronic file extracted from OPM's Annuity and Survivor Master File. The extracted file will contain information about each new annuitant and annuitants whose pension amount has changed. Each record on the OPM file will be matched to SSA's Master Beneficiary Record or Supplemental Security Income and Special Veterans' Benefits Record for the purposes described above in Section B.

E. Inclusive Dates of the Match

The matching program shall become effective upon the signing of the agreement by both parties to the agreement and approval of the agreement by the Data Integrity Boards of the respective agencies, but no sooner than 40 days after notice of this matching program is sent to Congress and the Office of Management and Budget or 30 days after publication of this notice in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 00–22755 Filed 9–5–00; 8:45 am]
BILLING CODE 4191–02–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP); Worker Rights; Deadline for Submitting Public Comment on Withdrawal of Duty-Free Treatment of Certain Products Imported From Swaziland

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice of request for public comment.

SUMMARY: This notice informs the public that because Swaziland has not taken sufficient steps to provide internationally recognized worker rights, the U.S. Government is preparing to withdraw duty-free treatment accorded to imports from Swaziland under the U.S. Generalized System of Preferences (GSP) and sets forth the deadline for submitting public comments. All GSP eligible products imported from Swaziland would be affected.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW, Room 518, Washington, DC 20508 (Tel. 202/395–6971). Public versions of all documents relating to this review may be seen by appointment in the USTR public Reading Room between 9:30–12 a.m. and 1–4 p.m. (Tel. 202/395–6186).

SUPPLEMENTARY INFORMATION: The GSP program is authorized pursuant to Title V of the Trade Act of 1974, as amended (''the Trade Act'') (19 U.S.C. 2461 *et seq.*). The GSP program grants duty-free treatment to designated eligible articles that are imported from designated beneficiary developing countries. Once granted, GSP benefits may be withdrawn, suspended or limited by the President with respect to any article or with respect to any country. In making this determination, the President must consider several factors, one of which is whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights (19 U.S.C. 2462(c)(7)). Swaziland is a beneficiary of the GSP program. In 1999, nearly all imports from Swaziland benefitted from GSP.

The American Federation of Labor and Congress of Industrial Organizations filed a petition from USTR in February 1997 contending that Swaziland was not providing internationally recognized worker rights, particularly the rights to associated and bargain collectively. The Trade Policy Staff Committee (TPSC) agreed.

Subsequently, with encouragement from the United States and technical assistance from the International Labor Organization (ILO), Swaziland developed new industrial relations legislation consistent with internationally recognized worker rights. After the Swaziland legislature adopted the new law, however, the legislation was modified in a manner that makes it inconsistent with ILO conventions on the rights to associate and bargain collectively. Swaziland has not put the modified legislation into effect.

Swaziland's enactment of ILO inconsistent legislation has led the TPSC to conclude that Swaziland has made no appreciable progress toward affording internationally recognized worker rights. As a result, the TPSC is seeking public comment on the impact of suspending duty-free treatment for articles imported from Swaziland.

Opportunities for Public Comment and Inspection of Comments

The GSP Subcommittee of the TPSC invites comments in support of, or in opposition to, withdrawal of duty-free treatment on imports from Swaziland under the GSP program. The deadline for submissions is 5 PM on Friday, September 29, 2000.

Comments must be submitted in 15 copies, in English, to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, 600 17th Street, NW., Room 513, Washington, DC 20508. Information and comments will be subject to public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6 and 2007.7. If the document contains business confidential information, 15 copies of a nonconfidential version of the submission along with 15 copies of the confidential version must be submitted. The business confidential version of the submission should be clearly marked ''Submitted in Confidence'' at the top and bottom of each and every page of the document. A nonconfidential summary of the business confidential information must be included with the business confidential submission, along

with a written explanation of why the business confidential material should be protected. The version which does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either ''public version'' or ''non-confidential''). Submissions should comply with 15 CFR Part 2007, including sections 2007.0, and 2007.1.

Don Rosenbaum,

Assistant U.S. Trade Representative for Trade and Development.

[FR Doc. 00–22831 Filed 9–5–00; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 28, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 6, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0098.

Form Number: IRS Form 1045.

Type of Review: Extension.

Title: Application for Tentative Refund.

Description: Form 1045 is used by individuals, estates, and trusts to apply for a quick refund of taxes due to carryback of a net operating loss, unused general business credit, or claim of right adjustment under section 1351(b). The information obtained is used to determine the validity of the application.

Respondents: Individuals or households, business or other for-profit, farms.

Estimated Number of Respondents/Recordkeepers: 65,220.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	4 hr., 9 min.
Learning about the law or the form.	46 min.
Preparing the form	6 hr., 44 min.
Copying, assembling, and sending the form to the IRS.	1 hr., 3 min.

Frequency of response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 828,947 hours.

OMB Number: 1545–0123.

Form Number: IRS Form 1120, Schedule D (Form 1120), Schedule H (Form 1120), Schedule N (Form 1120) and Schedule PH (Form 1120).

Type of Review: Revision.

Title: U.S. Corporation Income Tax Return (Form 1120); Capital Gains and Losses (Schedule D); Section 280H Limitations for a Personal Service Corporation (PSC) (Schedule H); Foreign Operations of U.S. Corporations (Schedule H); and U.S. Personal Holding Company (PHC) Tax (Schedule PH).

Description: Form 1120 is used by corporations to compute their taxable income and tax liability. Schedule D (Form 1120) is used by corporations to report gains and losses from the sale of capital assets. Schedule PH (Form 1120) is used by personal holding companies to figure the personal holding company tax under section 541. Schedule H (Form 1120) is used by personal service corporations to determine if they have met the minimum distribution requirements of section 280H. Schedule N (Form 1120) is used by corporations that have assets in or business operations in a foreign country or a U.S. possession. The IRS uses these forms to determine whether corporations have correctly computed their tax liability.

Respondents: Business or other for-profit, farms.

Estimated Number of Respondents/Recordkeepers: 2,462,931.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/Schedule	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
1120	70 hr., 47 min.	41 hr., 50 min.	72 hr., 45 min.	8 hr., 2 min.
1120-A	44 hr., 14 min.	23 hr., 33 min.	41 hr., 7 min.	4 hr., 34 min.
Sch. D (1120)	7 hr., 10 min.	4 hr., 16 min.	6 hr., 16 min.	32 min.
Sch. H (1120)	5 hr., 58 min.	35 min.	43 min.	0 min.
Sch. N (1120)	2 hr., 52 min.	45 min.	1 hr., 46 min.	16 min.
Sch. PH (1120)	15 hr., 18 min.	6 hr., 12 min.	8 hr., 35 min.	32 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 484,502,671 hours.

OMB Number: 1545–0935.

Form Number: IRS Form 1120–FSC and Schedule P (1120–FSC).

Type of Review: Revision.

Title: U.S. Income Tax Return of a Foreign Sales Corporation (Form 1120-FSC); and Transfer Price or Commission (Schedule P).

Description: Form 1120-FSC is filed by foreign sales corporations that have elected to be FSCs or small FSCs. The FSC uses Form 1120-FSC to report income and expenses and to figure its tax liability. IRS uses Form 1120-FSC and Schedule P (Form 1120-FSC) to determine whether the FSC has correctly reported its income and expenses and figured its tax liability correctly.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 5,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	1120–FSC	Schedule P (1120–FSC)
Recordkeeping	93 hr., 59 min.	9 hr., 48 min.
Learning about the law or the form	18 hr., 30 min.	1 hr., 29 min.
Preparing and sending the form to the IRS	36 hr., 24 min.	1 hr., 43 min.

Frequency of response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,069,750 hours.

OMB Number: 1545–1561.

Form Number: IRS Form 8853.

Type of Review: Revision.

Title: Medical Savings Accounts and Long-Term Care Insurance Contracts.

Description: This form is used by individuals to report general information about their medical savings accounts (MSAs), to figure their MSA deductions, and to figure their taxable distributions from MSAs. The form is also used to report taxable payments from long-term care (LTC) contracts.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 36,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—1 hr., 32 min.
Learning about the law or the form—34 min.
Preparing the form—1 hr., 37 min.
Copying, assembling, and sending the form to the IRS—20 min.

Frequency of response: Annually

Estimated Total Reporting/ Recordkeeping Burden: 61,995 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–22705 Filed 9–5–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 29, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 6, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0945.

Regulation Project Number: FI–255–82 NPRM and Temporary.

Type of Review: Extension.

Title: Registration Requirements with Respect to Debt Obligations.

Description: The rule requires an issuer of a registration-required obligation and any person holding the obligation as a nominee or custodian on behalf of another to maintain ownership records in a manner which will permit examination by the IRS in connection with enforcement of the Internal Revenue laws.

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

Estimated Number of Recordkeepers: 50,000.

Estimated Burden Hours Per Recordkeeper: 1 hour.

Estimated Total Recordkeeping Burden: 50,000 hours.

OMB Number: 1545–0950.

Form Number: IRS Form 23.

Type of Review: Extension.

Title: Application for Enrollment to Practice Before the Internal Revenue Service.

Description: Form 23 must be completed by those who desire to be enrolled to practice before the Internal Revenue Service. The information on the form will be used by the Director of Practice to determine the qualifications and eligibility of applicants for enrollment.

Respondents: Individuals or households, Federal Government.

Estimated Number of Respondents: 2,400.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: Other (one-time filing).

Estimated Total Reporting/ Recordkeeping Burden: 2,400 hours.

OMB Number: 1545–0991.

Form Number: IRS Form 8633.

Type of Review: Extension.

Title: Application to Participate in the IRS e-file Program.

Description: Form 8633 is used by tax preparers, electronic return collectors, software firms, service bureaus and electronic transmitter, as an application to participate in the electronic filing program covering individual income tax returns.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of response: Annually.

Estimated Total Reporting Burden: 50,000 hours.

OMB Number: 1545–1561.

Regulation Project Number: EE–175–86 Final.

Type of Review: Extension.

Title: Certain Cash or Deferred Arrangements and Employee and Matching Contributions under Employee Plans.

Description: The IRS needs this information to insure compliance with sections 401(k), 401(m), and 4979 of the Internal Revenue Code. Certain additional taxes may be imposed if sections 401(k) and 401(m) are not complied with.

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

Estimated Number of Respondents/ Recordkeepers: 355,500.

Estimated Burden Hours Per Respondent/Recordkeeper: 3 hours.

Frequency of response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,060,0900 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–22706 Filed 9–5–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service: Senior Executive Service; Financial Management Service Performance Review Board (PRB)

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice

SUMMARY: This notice announces the appointment of members to the Financial Management Service (FMS) Performance Review Board (PRB).

DATES: This notice is effective on September 6, 2000.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Papaj, Deputy Commissioner, Financial Management

Service, 401 14th Street, SW., Washington, DC 20227; telephone (202) 874–7000.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 4314(c)(4), this notice is given of the appointment of individuals to serve as members of the Financial Management Service (FMS) Performance Review Board (PRB). This Board reviews the performance appraisals of career senior executives below the Assistant Commissioner level and makes recommendations regarding ratings, bonuses, and other personnel actions. Three voting members constitute a quorum. The names and titles of the FMS PRB members are as follows:

Primary Members

Kenneth R. Papaj, Deputy Commissioner
Constance E. Craig, Assistant Commissioner, Information Resources
John D. Newell, Assistant Commissioner, Regional Operations
Larry D. Stout, Assistant Commissioner, Governmentwide Accounting
Nancy C. Fleetwood, Assistant Commissioner, Debt Management Services
Bettsy H. Lane, Assistant Commissioner, Federal Finance

Alternate Members

Scott H. Johnson, Assistant Commissioner, Management
Judith R. Tillman, Assistant Commissioner, Financial Operations

Dated: August 30, 2000.

Kenneth R. Papaj,

Acting Commissioner.

[FR Doc. 00–22707 Filed 9–5–00; 8:45 am]

BILLING CODE 4810–35–M

Federal Register

Wednesday,
September 6, 2000

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 22 and 52

Federal Acquisition Regulation; Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor; Proposed Rule

Bureau of International Labor Affairs; Preliminary List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor Under Executive Order No. 13126; Request for Comments; Notice

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22 and 52

[FAR Case 1999–608]

RIN 9000–AI51

Federal Acquisition Regulation; Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement the specific requirements of Executive Order 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor, as well as to prescribe further appropriate actions to comply with the broad policy of the Executive order (*i.e.,* to enforce laws prohibiting the manufacture or importation of products that have been mined, produced, or manufactured wholly or in part using forced or indentured child labor.)

DATES: Interested parties should submit comments in writing on or before November 6, 2000 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, ATTN: Laurie Duarte, Washington, DC 20405.

Address e-mail comments submitted via the Internet to: farcase.1999–608@gsa.gov. Please submit comments only and cite FAR case 1999–608 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Klein, Procurement Analyst, at (202) 501–3775. Please cite FAR case 1999–608.

SUPPLEMENTARY INFORMATION:

A. Background

On June 12, 1999, the President signed Executive Order 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor (the Order). The Order states a broad policy that executive agencies shall take appropriate actions to enforce the laws prohibiting the manufacture or importation of products mined, produced, or manufactured wholly or in part by forced or indentured child labor. The Department of Labor, in consultation with the Department of Treasury and the Department of State, must publish in the **Federal Register** a list of products (the List) identified by their country of origin that there is a reasonable basis to believe may have been mined, produced, or manufactured by forced or indentured child labor. The Order does not apply to any contract that does not exceed the micro-purchase threshold. The Order also does not apply to any contract for the procurement of any product mined, produced, or manufactured in a country that is party to the Agreement on Government Procurement or the North American Free Trade Agreement (NAFTA), if the contract amount is equal to or greater than the United States threshold specified in the Agreement on Government Procurement or NAFTA, whichever is applicable.

In accordance with the policy stated in the Order, the proposed rule creates a comprehensive scheme authorizing executive agencies to take appropriate actions to enforce laws prohibiting the manufacture or importation of products that have been mined, produced, or manufactured wholly or in part using forced or indentured child labor. In general, the proposed rule requires that an offeror furnishing end products that appear on the List certify that it has made a good-faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product and, on the basis of that effort, the offeror is unaware of any such use of child labor. The proposed rule empowers a contracting officer or the suspension and debarment official of an executive agency to impose on a contractor certain enumerated remedies, including contract termination, suspension, or debarment, if the Government later discovers that the contractor submitted a false certification or if the contractor fails to cooperate with an investigation of such certification. The contracting officer or the suspension and debarment official of an executive agency may also impose remedies on a contractor if it is later discovered that an end product furnished under the contract, or a component thereof, was in fact manufactured wholly or in part using forced or indentured child labor, notwithstanding the contractor's good-faith certification to the contrary if it is a listed end product. In fact, these remedies may apply even if the end product or component is not on the List. However, the Government would not suspend or debar a contractor unless the contractor knew of the violation.

Authority for the proposed approach comes from both Executive Order 13126 and the Federal Acquisition Regulatory Council's statutory authority to promulgate, maintain, and amend the Federal Acquisition Regulation (see 41 U.S.C. 421, 40 U.S.C. 486(c), 10 U.S.C. Chapters 4 and 137, and 42 U.S.C. 2473(c)).

This rule was subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This proposed rule is not expected to 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 List is expected to impact a small number of all contracts and therefore an even smaller number of small entities will be impacted by the rule. Furthermore, we expect that very few contractors are furnishing end products or components produced by forced or indentured child labor. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR subparts in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 1999–608), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the proposed rule contains information collection requirements. Accordingly, the FAR Secretariat has submitted a request for approval of a new information collection requirement concerning Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

Annual Reporting Burden: Public reporting burden for this collection of

information is estimated to average .30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents: 500.
Responses per respondent: 1.
Total annual responses: 500.
Preparation hours per response: .30.
Total response burden hours: 250.

D. Request for Comments Regarding Paperwork Burden

Submit comments, including suggestions for reducing this burden, not later than November 6, 2000 to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVR), Room 4035, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control Number 9000–00XX, FAR Case 1999–608, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor, in all correspondence.

List of Subjects in 48 CFR Parts 22 and 52

Government procurement.

Dated: August 28, 2000.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose that 48 CFR Parts 22 and 52 be amended as set forth below:

1. The authority citation for 48 CFR Parts 22 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Add Subpart 22.15 to read as follows:

Subpart 22.15—Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

Sec.
22.1500 Scope.
22.1501 Definitions.
22.1502 Policy.
22.1503 Procedures for acquiring end products on the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor.
22.1504 Violations and remedies.
22.1505 Solicitation provision and contract clause.

22.1500 Scope.

This subpart applies to acquisitions of supplies that exceed the micro-purchase threshold.

22.1501 Definitions.

As used in this subpart—

Forced or indentured child labor means all work or service—

(1) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(2) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor means the list published by the Department of Labor in accordance with E.O. 13126 of June 12, 1999, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor. The list identifies products, by their country of origin, that the Departments of Labor, Treasury, and State have a reasonable basis to believe might have been mined, produced, or manufactured by forced or indentured child labor.

22.1502 Policy.

Agencies must take appropriate action to enforce the laws prohibiting the manufacture or importation of products that have been mined, produced, or manufactured wholly or in part by forced or indentured child labor (19 U.S.C. 1307, 29 U.S.C. 201, *et seq.*, and 41 U.S.C. 35, *et seq.*). Agencies should make every effort to avoid acquiring such products.

22.1503 Procedures for acquiring end products on the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor.

(a) When issuing a solicitation for supplies expected to exceed the micro-purchase threshold, the contracting officer must check the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor (the List) (URL address to be determined) (see 22.1505(a)). Appearance of a product on the List is not a bar to purchase of any such product mined, produced, or manufactured in the identified country, but rather is an alert that there is a reasonable basis to believe that such product may have been mined, produced, or manufactured by forced or indentured child labor.

(b) The requirements of this subpart that result from the appearance of any end product on the List do not apply to a solicitation or contract if the identified country of origin on the List is—

(1) Canada, and the anticipated value of the acquisition is $25,000 or more (see 25.405);

(2) Israel, and the anticipated value of the acquisition is $50,000 or more (see 25.406);

(3) Mexico, and the anticipated value of the acquisition is $54,372 or more (see 25.405); or

(4) Aruba, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hong Kong, Ireland, Italy, Japan, Korea, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, or the United Kingdom and the anticipated value of the acquisition is $177,000 or more (see 25.403(b)).

(c) Except as provided in paragraph (b) of this section, before the contracting officer may make an award for an end product (regardless of country of origin) of a type identified by country of origin on the List the offeror must certify that—

(1) It will not supply any end product on the List that was mined, produced, or manufactured in a country identified on the List for that product, as specified in the solicitation by the contracting officer in the Certification Regarding Knowledge of Child Labor for Listed End Products; or

(2)(i) It has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any end product to be furnished under the contract that is on the List and was mined, produced, or manufactured in a country identified on the List for that product; and

(ii) On the basis of those efforts, the offeror is unaware of any such use of child labor.

(d) Absent any actual knowledge that the certification is false, the contracting officer must rely on the offerors' certifications in making award decisions.

(e) Whenever a contracting officer has reason to believe that forced or indentured child labor was used to mine, produce, or manufacture an end product furnished pursuant to a contract awarded subject to the certification required in paragraph (c) of this section, the contracting officer must refer the matter for investigation by the agency's Inspector General, the Attorney General, or the Secretary of the Treasury, whichever is determined appropriate in accordance with agency procedures, except to the extent that the end product is from the country listed in paragraph (b) of this section, under a contract exceeding the applicable threshold.

(f) Proper certification will not prevent the head of an agency from imposing remedies in accordance with section 22.1504(a)(4) if it is later discovered that the contractor has furnished an end product or component that has in fact been mined, produced, or manufactured, wholly or in part, using forced or indentured child labor.

22.1504 Violations and remedies.

(a) *Violations.* The Government may impose remedies set forth in paragraph (b) of this section for the following violations (note that the violations in paragraphs (a)(3) and (a)(4) of this section go beyond violations of the requirements relating to certification of end products) (see 22.1503):

(1) The contractor has submitted a false certification regarding knowledge of the use of forced or indentured child labor.

(2) The contractor has failed to cooperate as required in accordance with the clause at 52.222–YY, Child Labor Cooperation with Authorities and Remedies, with an investigation of the use of forced or indentured child labor by an Inspector General, the Attorney General, or the Secretary of the Treasury.

(3) The contractor uses forced or indentured child labor in its mining, production, or manufacturing processes.

(4) The contractor has furnished an end product or component mined, produced, or manufactured, wholly or in part, by forced or indentured child labor. Remedies in paragraphs (b)(2) and (b)(3) of this section are inappropriate unless the contractor knew of the violation.

(b) *Remedies.* (1) The contracting officer may terminate the contract.

(2) The suspending official may suspend the contractor in accordance with the procedures in subpart 9.4.

(3) The debarring official may debar the contractor for a period not to exceed 3 years in accordance with the procedures in subpart 9.4.

22.1505 Solicitation provision and contract clause.

(a) Except as provided in paragraph (b) of 22.1503, insert the provision at 52.222–XX, Certification Regarding Knowledge of Child Labor for Listed End Products, in all solicitations that are expected to exceed the micro-purchase threshold and are for the acquisition of end products (regardless of country of origin) of a type identified by country of origin on the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, except solicitations for commercial items that include the provision at 52.212–3, Offeror Representations and Certifications—Commercial Items. The contracting officer must identify in paragraph (b) of the provision at 52.222–XX, Certification Regarding Knowledge of Child Labor for Listed End Products, or paragraph (i)(1) of the provision at 52.212–3 any applicable end products and countries of origin from the List. For solicitations estimated to equal or exceed $25,000, the contracting officer must exclude from the List in the solicitation end products from any countries identified at 22.1503(b), in accordance with the specified thresholds.

(b) Insert the clause at 52.222–YY, Child Labor—Cooperation with Authorities and Remedies, in all solicitations and contracts for the acquisition of supplies that are expected to exceed the micro-purchase threshold.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. In section 52.212–3, revise the date of the provision; add in alphabetical order in paragraph (a) the definition ''Forced or indentured child labor''; and add paragraph (i) to read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (Date)

(a) * * *

* * * * *

Forced or indentured child labor means all work or service—

(1) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(2) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

* * * * *

(i) *Certification Regarding Knowledge of Child Labor for Listed End Products (Executive Order 13126). [The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor.]*

(1) *Listed end products.*

Listed End Product_____

Listed Countries of Origin_____

(2) *Certification. [If the Contracting Officer has identified end products and countries of origin in paragraph (i)(1) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]*

☐ (i) The offeror will not supply any end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

☐ (ii) The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

4. In section 52.212–5, revise the date of the clause and the introductory text of paragraph (b); redesignate paragraphs (b)(16) through (b)(27) as (b)(17) through (b)(28), respectively, and add new paragraph (b)(16) to read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (Date)

* * * * *

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components:

[*Contracting Officer must check as appropriate.*]

* * * * *

____ (16) 52.222–YY, Child Labor—Cooperation with Authorities and Remedies (E.O. 13126).

* * * * *

5. In section 52.213–4, revise the date of the clause; redesignate paragraphs (b)(1)(vii) through (x) as (b)(1)(viii) through (xi), respectively, and add new paragraph (b)(1)(vii) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other than Commercial Items) (Date)

* * * * *

(vii) 52.222–YY, Child Labor—Cooperation with Authorities and Remedies (DATE) (E.O. 13126). (Applies to contracts for supplies exceeding the micro-purchase threshold.)

* * * * *

6. Add new sections 52.222–XX and 52.222–YY to read as follows:

52.222–XX Certification Regarding Knowledge of Child Labor for Listed End Products.

As prescribed in 22.1505(a), insert the following provision:

Certification Regarding Knowledge of Child Labor for Listed End Products (Date)

(a) *Definition.*

Forced or indentured child labor means all work or service—

(1) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(2) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

(b) *Listed end products.* The following end product(s) being acquired under this solicitation is (are) included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, identified by their country of origin. There is a reasonable basis to believe that listed end products from the listed countries of origin may have been mined, produced, or manufactured by forced or indentured child labor.

Listed End Product _____ _____

Listed Countries of Origin _____

_____

(c) *Certification.* The Government will not make award to an offeror unless the offeror, by checking the appropriate block, certifies to either paragraph (c)(1) or paragraph (c)(2) of this provision.

☐ (1) The offeror will not supply any end product listed in paragraph (b) of this provision that was mined, produced, or manufactured in a corresponding country as listed for that end product.

☐ (2) The offeror may supply an end product listed in paragraph (b) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture such end product. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(End of provision)

52.222–YY Child Labor—Cooperation with Authorities and Remedies.

As prescribed in 22.1505(b), insert the following clause:

Child Labor—Cooperation with Authorities and Remedies (Date)

(a) *Applicability.* This clause does not apply to the extent that the Contractor is supplying end products mined, produced, or manufactured in—

(1) Canada, and the anticipated value of the acquisition is $25,000 or more;

(2) Israel, and the anticipated value of the acquisition is $50,000 or more;

(3) Mexico, and the anticipated value of the acquisition is $54,372 or more; or

(4) Aruba, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hong Kong, Ireland, Italy, Japan, Korea, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, or the United Kingdom and the anticipated value of the acquisition is $177,000 or more.

(b) *Cooperation with Authorities.* To enforce the laws prohibiting the manufacture or importation of products mined, produced, or manufactured by forced or indentured child labor, authorized officials may need to conduct investigations to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product furnished under this contract. If the solicitation includes the provision 52.222–XX, Certification Regarding Knowledge of Child Labor for Listed End Products, the Contractor agrees to cooperate fully with authorized officials of the contracting agency, the Department of the Treasury, or the Department of Justice by providing reasonable access to records, documents, persons, or premises upon reasonable request by the authorized officials.

(c) *Violations.* The Government may impose remedies set forth in paragraph (d) for the following violations:

(1) The Contractor has submitted a false certification regarding knowledge of the use of forced or indentured child labor for listed end products.

(2) The Contractor has failed to cooperate, if required, in accordance with paragraph (b) of this clause, with an investigation of the use of forced or indentured child labor by an Inspector General, Attorney General, or the Secretary of the Treasury.

(3) The Contractor uses forced or indentured child labor in its mining, production, or manufacturing processes.

(4) The Contractor has furnished under the contract end products or components that have been mined, produced, or manufactured wholly or in part by forced or indentured child labor. (The Government will not pursue remedies at paragraph (d)(2) or paragraph (d)(3) of this clause unless sufficient evidence indicates that the Contractor knew of the violation.)

(d) *Remedies.* (1) The Contracting Officer may terminate the contract.

(2) The suspending official may suspend the Contractor in accordance with procedures in FAR subpart 9.4.

(3) The debarring official may debar the Contractor for a period not to exceed 3 years in accordance with the procedures in FAR subpart 9.4.

(End of clause)

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BILLING CODE 6820–EP–P

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; Notice of Preliminary List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor Under Executive Order No. 13126; Request for Comments

SUMMARY: As required by Executive Order No. 13126 (''Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor''), this notice sets forth a list of products, by country of origin, which the Department of Labor, the Department of State, and the Department of the Treasury preliminarily believe may have been mined, produced, or manufactured by forced or indentured child labor. Under a proposed rule by the Federal Acquisition Regulatory Council published in today's issue of the **Federal Register**, which also implements Executive Order No. 13126, federal contractors who supply products on the list would be required to certify, among other things, that they have made a good faith effort to determine whether forced or indentured child labor was used to produce the item. The Department of Labor invites public comment on the preliminary list set forth in this notice. The Department will publish a final list of products on or before the date on which corresponding proposed changes in the Federal Acquisition Regulation (FAR) become final. The Department intends to update the final list of products periodically, through a public notice-and-comment process, which will be described when the final list is published.

DATES: Interested parties must submit written comments by November 6, 2000.

ADDRESSES: Written comments should be submitted to the International Child Labor Program, Bureau of International Labor Affairs, Room S–5303, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; fax: (202) 219–4923. All written comments submitted will be made part of the record of review and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT: Ami Thakkar, International Child Labor Program, Bureau of International Labor Affairs, Room S-5303, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 208–4843; fax: (202) 219-4923.

SUPPLEMENTARY INFORMATION: Executive Order No. 13126, which was published in the **Federal Register** on June 16, 1999 (64 FR 32383–32385), requires the Federal Acquisition Regulatory Council (the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council) to issue proposed rules to amend the Federal Acquisition Regulation (FAR), with respect to the procurement by federal agencies of products that may have been mined, produced, or manufactured with forced or indentured child labor. Certain procurement-related requirements are to apply to products that appear on a list to be published by the Department of Labor. The list is not intended to prohibit the importation of listed products into the United States or to prohibit federal agencies from acquiring such products, assuming that certain conditions are satisfied.

Section 2 of the Executive Order requires the Department of Labor, in consultation and cooperation with the Department of the Treasury and the Department of State, to ''publish in the **Federal Register** a list of products, identified by their country of origin, that those Departments have a reasonable basis to believe might have been mined, produced, or manufactured by forced or indentured child labor.''

Under Section 3 of the Executive Order, the Federal Acquisition Regulatory Council is required to issue proposed rules to implement the policy expressed in the Executive Order. The proposed rules are to require provisions for procurement contracts for products included on the list published by the Department of Labor. They include a provision requiring the contractor to certify that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product furnished under the contract and, that on the basis of those efforts, the contractor is not aware of any such use of forced or indentured child labor. Full compliance with this certification requirement, and related certification requirements, would permit a contractor to supply a listed product to a federal agency. Elsewhere in this issue, the Civil Agency Acquisition Council and the Defense Acquisition Regulations Council issue the proposed rule required by the Executive Order and invited public comment.

The Executive Order authorized the Department of Labor to conduct hearings to assist in the identification of products to be included on the list required by the Executive Order. Following publication of a notice in the **Federal Register** on July 8, 1999 (64 FR 36922–36923), the Department of Labor held a public hearing on August 10, 1999. The following witnesses provided oral and written testimony at the hearing: Gina Amatangelo (Amnesty International), Pharis Harvey (International Labor Rights Fund), Martin Dusel (American Coke and Coal Chemicals Institute), and Dorianne Beyer (National Child Labor Committee and Council on Economic Priorities Accreditation Agency). In addition, written submissions were received from: All Pakistan Federation of Trade Unions, American Apparel Manufacturers Association, American Coke and Coal Chemicals Institute, Amnesty International, Bangladesh Rural Advancement Committee (BRAC), Burlingtons, LTD (Bangladesh), Care & Fair—Carpet Trade Against Child Labor (Germany), Child Care Foundation (Pakistan), Council for Leather Exporters (India), Embassy of the People's Republic of Bangladesh, Embassy of Egypt, Embassy of India, Embassy of the Republic of Indonesia, Hard to Reach Children (Bangladesh), Human Rights Watch, Pakistan Carpet Manufacturers and Exporters Association, Republic of Yemen—General Federation of Workers Trade Unions, and Rugmark Foundation (India).

As explained below, the Department of Labor, in consultation and cooperation with the Department of State and the Department of the Treasury, has developed a preliminary list of products, in accordance with Section 2 of the Executive Order. The Department invites public comment on the preliminary list, the inclusion of certain products on the list, the exclusion of other products from the list, and any other issue related to the fair and effective implementation of this aspect of the Executive Order. A final list will be published on or before the date on which the Federal Acquisition Regulatory Council issues a final rule to implement Executive Order No. 13126.

The Department's prior hearing notice explained that among the products and countries that the Department might examine for purposes of issuing the list of products required by Executive Order No. 13126 were those mentioned in the following Department of Labor reports on child labor: By the Sweat and Toil of Children (Volume 1): The Use of Child Labor in U.S. Manufactured and Mined Imports, and By the Sweat and Toil of Children (Volume 2): The Use of Child Labor in U.S. Agricultural Imports and Forced and Bonded Child Labor. The reports can be accessed on the Internet at http:www.dol.gov/dol/ilab/public/media/reports/childnew.htm or can be obtained from the International Child Labor Program.

The Department of Labor has considered the products and countries mentioned in its child labor reports. It

has also considered the testimony, written submissions, and other information presented to the Department in connection with its August 10, 1999 hearing. In addition, the Department has reviewed a number of studies and reports by organizations that have researched the use of child labor. (See Appendix A for a bibliography of documents with reference to the products on the preliminary list.) The Department has consulted and cooperated with the Department of State and the Department of the Treasury.

In developing the preliminary list of products, the review focused on available information concerning the use of forced or indentured child labor. The lack of available information does not, by itself, establish that, in any particular country, or for any particular product, forced or indentured child labor is not being used. Government resources for acquiring information are limited. In addition, information about actual working conditions in some countries is difficult or impossible to obtain, for a variety of reasons. For example, governments may be unable or unwilling to cooperate with international efforts, or the efforts of non-governmental organizations, to uncover and address abuses. Institutions or organizations that might uncover such information, such as free and independent news media, trade unions, and non-governmental organizations may not exist. In short, the list of products should not be taken as presenting a comprehensive picture of the use of forced or indentured child labor around the world.

In general, the three Departments considered and weighed several factors: the nature of the information describing the use of forced or indentured child labor; the source of the information; the date of the information; the extent of corroboration of the information by appropriate sources; and whether the information involved more than an isolated incident.

In addition, the Departments also took into account whether recent, credible efforts are being made to address forced or indentured child labor in a particular country and industry. For example, the Departments took into consideration specific commitments to implement new and/or on-going projects aimed at eliminating forced and indentured child labor. Key elements of such projects include: removing children from work and providing them and their younger siblings with educational opportunities; establishing an independent workplace monitoring system; providing families of the removed children with income generating alternatives; raising public awareness; and developing an overall strategy for sustainability. The Department of Labor will assess the progress of such efforts during its periodic review of the list.

The Departments have applied, and will continue to apply, the definition of ''forced or indentured child labor'' contained in the Executive Order, which is consistent with the Tariff Act of 1930, 19 U.S.C. 1307. Section 6 (c) of the Executive Order defines ''forced or indentured child labor'' as:

> . . . all work or service (1) exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or (2) performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.''

The two aspects of the definition represent alternatives which are not mutually exclusive.

During the August 10, 1999 Labor Department hearing, one witness suggested that the definition of forced or indentured child labor in the Executive Order would encompass: (a) All work by children who are legally incapable of consenting to an employment agreement; (b) all full-time work that harms the health or well-being of children; and (c) all work in violation of a country's child labor laws. Although these abusive practices cannot be condoned, they do not necessarily meet the definition of ''forced or indentured child labor.'' The essential elements of the definition are either the presence of coercion or the existence of a contract enforceable by penalties. Information suggests that these elements are satisfied with respect to the products preliminarily included on the list below.

In evaluating working conditions for the possibility of coercion, the three Departments have considered and weighed factors that, in some combination, suggest that a child may be working under threat and may not be employed voluntarily. Those factors are: that children are confined, that they receive little or no pay, that they are deprived of basic needs, that they work long or unusual hours, that they are engaged in hazardous work that puts them at risk of serious injury or death, that they are physically or sexually abused at work, and that they are not able to attend school because of work. Where all or many of these factors are present, it may be reasonable to infer that a child is working because he or she is being forced to do so, particularly where there is also information about physical punishment or threats of punishment.

Based on recent, credible, and appropriately corroborated information from various sources, the Department of Labor, the Department of State, and the Department of the Treasury have preliminarily concluded that there is a reasonable basis to believe that the following products, identified by their country of origin, might have been mined, produced, or manufactured by forced or indentured child labor:

Bamboo	(Burma)
Beans (including yellow, soya, and green beans).	(Burma)
Bricks (hand-made)	(Burma, Pakistan)
Chilies	(Burma)
Corn	(Burma)
Pineapples	(Burma)
Rice	(Burma)
Rubber	(Burma)
Shrimp (aquaculture)	(Burma)
Sugarcane	(Burma)
Teak	(Burma)

The Department of Labor invites public comment on whether these products (and/or other products, regardless of whether they are mentioned in this Notice) should be included on the final list of products requiring federal contractor certification as to the use of forced or indentured child labor, which will be published on or before the Federal Acquisition Regulatory Council issues a final rule to implement Executive Order No. 13126. The Department is also interested in public comments relating to whether products on the preliminary list are designated with appropriate specificity and what, if any, alternative designations would better serve the purposes of the Executive Order.

The preliminary basis for including each product on the list is summarized below, by country of origin:

Burma

A July 1998 International Labor Organization (ILO) Commission of Inquiry Report found the use of forced labor (including forced child labor) by the military to be extensive in Burma. Forced labor was reportedly used to grow beans (including yellow, soya, and green beans), chilies, corn, pineapples, rice, and sugarcane; to produce hand-made bricks; to cultivate shrimp; and to log and cut bamboo and teak wood for commercial sale by the military. The ILO Report notes that adults and children are not paid for their work and the military perpetrates severe physical and sexual abuses on many forced laborers. These workers are often forced to relocate and are deprived of basic necessities, such as water, food, shelter,

rest, and access to medical care. According to the mentioned ILO Report, the Government of Burma is not making efforts to end this endemic abuse. The ILO Report was based on a year-long inquiry and cited a vast amount of documentary material, including oral testimony from many individuals and organizations.

Pakistan

Bricks (hand-made): Organizations including Anti-Slavery International (1991), Human Rights Watch/Asia (1995), the Human Rights Commission of Pakistan (1996, 1997), the ILO (1996), the All Pakistan Federation of Labour (1998), and researcher Kevin Bales (1999) have reported on the use of forced or indentured child labor in the brick industry of Pakistan. Children reportedly are bonded and sometimes taken hostage to force their families to stay in the brick kilns. Children work long hours under hazardous conditions and are not paid for their labor.

Additional discussion

While noting continuing allegations of forced and indentured child labor in the carpet industry in South Asia, the three Departments also recognize the impressive efforts taken by governments, industry, and international organizations to eliminate the practice from the carpet industry and provide ex-working children with an education. These efforts are among the earliest in this area and have the potential to significantly reduce the incidence of forced or indentured child labor. The United States Government strongly supports these programs.

The promising actions taken in the carpet industries in South Asia may provide a useful model for other countries and industries in the future. The Department of Labor invites comment on the measures taken in the region to eliminate forced and indentured child labor in the carpet sector, including labeling and monitoring initiatives which are currently in place. Specifically, the Department seeks public comment on the sufficiency of these existing initiatives and on whether a certification or label from a credible monitoring program could adequately serve the purposes of the Executive Order.

The three Departments considered numerous products where, based on the information currently available, and the applicable criteria, inclusion of these products on the preliminary list did not appear warranted. As noted above, the preliminary list of products may not present a comprehensive picture of the products mined, produced or manufactured with forced or indentured child labor around the world. Certain products were considered but are not included in this Notice because of insufficient recent, credible, and appropriately corroborated information that links the use of forced or indentured child labor to specific products. For example, in some cases, the available information was dated, or more recent reports simply repeated and cited old reports without updated, corroborating information; in other cases, general allegations about the problem of forced or indentured child labor in a region or industry were difficult to link to specific products. Because in many instances insufficient information was available to justify the inclusion of a product on the preliminary list, despite some suggestion of the use of forced or indentured child labor, submission of relevant information with regard to any product and working conditions of children is invited. In particular, the Department of Labor urges that comments provide, to the extent possible, information that is recent, specific, and where possible corroborated.

The Department of Labor specifically asks for information about whether there is forced or indentured child labor in the production of cotton and sugarcane in Pakistan. Human Rights Watch/Asia (1994), Anti-Slavery International (1998), and the media have reported use of indentured labor in the Sindh province of Pakistan in agriculture including the use of indentured child labor. (Sources: International Child Labor Hearings, U.S. Department of Labor, Statement of Human Rights Watch/Asia, April 12, 1994, 54–56; ''Child Bonded Labour in Pakistan,'' Urgent Action Campaign, London: Anti-Slavery International, April 1998, 2; ''Pakistan Slave Labor Cited,'' The New York Times, January 8, 1999; ''Serfs Cast off Chains in Pakistan,'' The Los Angeles Times, August 20, 1999.) However, the information that tied such labor to the production of sugar cane and cotton was not sufficient. In order to make the appropriate findings, the Department of Labor specifically requests submission of recent, credible information concerning whether bonded or indentured child labor is employed in the production of these particular agricultural products or others.

As explained, following receipt and consideration of comments on the preliminary list set out above, the Department of Labor, in consultation and cooperation with the Department of State and the Department of the Treasury, will issue a final list of products. The Department of Labor intends to revise the list periodically, to add and/or delete products, as justified by new information. Such new information could include concrete steps, including planned programs and/or on-going projects, that a country has taken toward eliminating forced and indentured child labor. The Department expects to follow a public notice and comment process to revise the list. That process will be described when a final list is published.

Signed at Washington, D.C., this 31st day of August, 2000.

Andrew J. Samet,

Deputy Under Secretary for International Labor Affairs.

Appendix A—Bibliography for Products Mentioned in this Notice

Bamboo (Burma):

Forced labour in Myanmar (Burma), *Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labor Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29),* Part III, ''Allegations by the parties and historical background of the case,'' and Part IV, ''Work on agriculture, logging, and other production projects,'' Geneva, July 2, 1998.

Electronic correspondence from Kevin Heppner, Karen Human Rights Group to U.S. Department of Labor official, September 25, 1999.

(Additional Sources)

The Kayin (Karen) State: Militarization and Human Rights (Amnesty International, June 1999).

Aftermath: Three Years of Dislocation in the Kayah State (Amnesty International, June 1999).

Update on the Shan State. (Amnesty International, June 1999).

Report of the Special Rapporteur on the Situation of human rights in Myanmar, U.N. Economic and Social Council, E/CN.4/1999/35, January 22, 1999.

Report of the Director-General to the members of the Governing Body on Measures taken by the Government of Myanmar following the recommendations of the Commission of Inquiry established to examine its observance of the Forced Labour Convention, 1930 (No. 29), (Geneva: ILO, May 21, 1999).

Beans—including yellow, soya, and green beans (Burma):

Forced labour in Myanmar (Burma), *Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labor Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29),* Part III, ''Allegations by the parties and historical background of the case,'' and Part IV, ''Work on agriculture, logging, and other production projects,'' Geneva, July 2, 1998.

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(Additional Sources)

The Kayin (Karen) State: Militarization and Human Rights (Amnesty International, June 1999).

Aftermath: Three Years of Dislocation in the Kayah State (Amnesty International, June 1999).

Update on the Shan State. (Amnesty International, June 1999).

Report of the Special Rapporteur on the Situation of human rights in Myanmar, U.N. Economic and Social Council, E/CN.4/1999/35, January 22, 1999.

Report of the Director-General to the members of the Governing Body on Measures taken by the Government of Myanmar following the recommendations of the Commission of Inquiry established to examine its observance of the Forced Labour Convention, 1930 (No. 29), (Geneva: ILO, May 21, 1999).

Bricks—hand-made (Burma):

Forced labour in Myanmar (Burma), *Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labor Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29),* Part III, ''Allegations by the parties and historical background of the case,'' and Part IV, ''Work on agriculture, logging, and other production projects,'' Geneva, July 2, 1998.

Electronic correspondence from Kevin Heppner, Karen Human Rights Group to U.S. Department of Labor official, September 25, 1999.

(Additional Sources)

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Aftermath: Three Years of Dislocation in the Kayah State (Amnesty International, June 1999).

Update on the Shan State. (Amnesty International, June 1999).

Report of the Special Rapporteur on the Situation of human rights in Myanmar, U.N. Economic and Social Council, E/CN.4/1999/35, January 22, 1999.

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Bricks—hand-made (Pakistan)

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Corn (Burma)

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Rice (Burma)

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Rubber (Burma)

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Sugarcane (Burma)

Forced labour in Myanmar (Burma), *Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labor Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29),* Part III, ''Allegations by the parties and historical background of the case,'' and Part IV, ''Work on agriculture, logging, and other production projects,'' Geneva, July 2, 1998.

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Teak (Burma)

Forced labour in Myanmar (Burma), *Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labor Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29),* Part III, ''Allegations by the parties and historical background of the case,'' and Part IV, ''Work on agriculture, logging, and other production projects,'' Geneva, July 2, 1998.

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Federal Register

Wednesday,
September 6, 2000

Part III

Environmental Protection Agency

Cancellation of Pesticides for Non-Payment of Year 2000 Registration Maintenance Fees

ENVIRONMENTAL PROTECTION AGENCY

[OPP–64049; FRL–6737–7]

Cancellation of Pesticides for Non-Payment of Year 2000 Registration Maintenance Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Since the amendments of October 1988, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) has required payment of an annual maintenance fee to keep pesticide registrations in effect. The fee due last January 15 has gone unpaid for about 984 registrations. Section 4(i)(5)(G) of FIFRA provides that the Administrator may cancel these registrations by order and without a hearing; orders to cancel all 984 of these registrations have been issued within the past few days.

FOR FURTHER INFORMATION CONTACT: For further information on the maintenance fee program in general, contact by mail: John Jamula, Office of Pesticide Programs (H7504C), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460. Office location, telephone number and e-mail address: Rm.226, Crystal Mall No. 2, 1921 Jefferson Davis Highway South, Arlington, VA 22202, (703) 305–6426; e-mail: jamula.john@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this apply to me?

You may be potentially affected by this notice if you are an EPA registrant with any approved product registration(s). Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How can I get additional information or copies of support 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 go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The official record for this notice, as well as the public version, has been established under docket control number OPP–64049, (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 CBI, is available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

II. Introduction

Section 4(i)(5) of FIFRA as amended in October 1988, December 1991, and again in August 1996, requires that all pesticide registrants pay an annual registration maintenance fee, due by January 15 of each year, to keep their registrations in effect. This requirement applies to all registrations granted under section 3 as well as those granted under section 24(c) to meet special local needs. Registrations for which the fee is not paid are subject to cancellation by order and without a hearing.

The 1990 Farm Bill amended FIFRA to allow the Administrator to reduce or waive maintenance fees for minor agricultural use pesticides when she determines that the fee would be likely to cause significant impact on the availability of the pesticide for the use. The Agency has waived the fee for 126 minor agricultural use registrations at the request of the registrants.

In late November 1999, all holders of either section 3 registrations or section 24(c) registrations were sent lists of their active registrations, along with forms and instructions for responding. The registrants were asked to identify which of their registrations they wished to maintain in effect, and to calculate and remit the appropriate maintenance fees. Most responses were received by the statutory deadline of January 15. A notice of intent to cancel was sent in mid-February to companies who did not respond and to companies who responded, but paid for less than all of their registrations.

Since mailing the notices, EPA has maintained a toll-free inquiry number through which the questions of affected registrants have been answered.

Maintenance fees have been paid for about 15,932 section 3 registrations, or about 93 percent of the registrations on file in November. Fees have been paid for about 2,539 section 24(c) registrations, or about 88 percent of the total on file in November. Cancellations for nonpayment of the maintenance fee affect about 695 section 3 registrations and about 287 section 24(c) registrations.

The cancellation orders generally permit registrants to continue to sell and distribute existing stocks of the canceled products until the due date for the next annual registration maintenance fee, January 15, 2001. Existing stocks already in the hands of dealers or users, however, can generally be distributed, sold or used legally until they are exhausted. Existing stocks are defined as those stocks of a registered pesticide product which are currently in the U.S. and which have been packaged, labeled and released for shipment prior to the effective date of the action.

The exceptions to these general rules are cases where more stringent restrictions on sale, distribution, or use of the products have already been imposed, through Special Reviews or other Agency actions. These general provisions for disposition of stocks should serve in most cases to cushion the impact of these cancellations while the market adjusts.

III. Listing of Registrations Canceled for Non-Payment

Table 1 lists all of the section 24(c) registrations.

TABLE 1.—SECTION 24(C) REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE

24(c) No.	Product Name
AR–95–0005	Cotoron Accu-Pak
AR–95–0007	Cotoran 4L Herbicide
AR–95–0008	Cotoran DF
AR–98–0001	Tilt Fungicide
CO–97–0003	Mefenoxam EC
CO–98–0012	Alamo Fungicide

TABLE 1.—SECTION 24(C) REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

24(c) No.	Product Name
CO–98–0013	Alamo Fungicide
FL–92–0005	Supracide 2E Insecticide-Miticide
GA–95–0001	Zorial Rapid 80
IA–98–0003	Apron Maxx RTA
ID–93–0003	Supracide 2E Insecticide-Miticide
IL–98–0001	Tilt Fungicide
IN–95–0001	Princep Caliber 90 Herbicide
KS–99–0002	Apron Maxx RTA
LA–93–0015	Princep 4L Herbicide
LA–94–0003	Cotoran DF
LA–94–0004	Cotoran 4L Herbicide
LA–95–0004	Cotoron Accu-Pak
MN–98–0001	Alamo Fungicide
MS–89–0009	Cotoran DF
MS–89–0010	Cotoran 4L Herbicide
MS–95–0009	Cotoran Accu-Pak
MS–98–0013	Apron Maxx RTA
NE–99–0001	Apron Maxx
NY–94–0002	Beacon Herbicide
NY–97–0001	Exceed Herbicide
NY–97–0002	Exceed Herbicide
OR–90–0024	Solicam DF Herbicide
OR–97–0015	Caparol 4L Herbicide
OR–98–0021	Supracide 25WP Insecticide-Miticide
OR–99–0022	Maxim—MZ Potato Seed Protectant
WA–90–0032	Solicam DF Herbicide
CA–88–0019	Rovral Fungicide
HI–94–0004	Ethrel Ethephon Plant Regulator
MI–86–0005	Larvin 3.2 Thiodicarb Insecticide Aqueous Flowable
NC–96–0003	Sevin Brand XLR Carbaryl Insecticide
OH–96–0003	Sevin Brand XLR Carbaryl Insecticide
OR–81–0055	Rovral Fungicide
OR–95–0006	Sevin Brand XLR Carbaryl Insecticide
PA–96–0002	Sevin Brand XLR Carbaryl Insecticide
VA–95–0001	Sevin Brand XLR Carbaryl Insecticide
WA–81–0052	Rovral Fungicide
WI–88–0011	Butyrac 200 Broadleaf Herbicide
WI–92–0008	Buctril Herbicide
AL–91–0003	Thiodan 3 E.C. Insecticide
AL–94–0009	Talstar Granular
AR–87–0006	Talstar 10WP Insecticide/miticide
AR–90–0003	Thiodan 3 E.C.
AZ–85–0006	Pounce 3.2 EC Insecticide
AZ–91–0002	Talstar 10WP Insecticide/miticide
AZ–93–0016	Thiodan 2 C.O. EC Insecticide
AZ–95–0005	Capture 2 EC Insecticide/miticide
CA–76–0127	Thiodan 50WP Insecticide
CA–94–0006	Thiodan 3 E.C.
CA–97–0028	Thiodan 2 C.O. EC Insecticide
CT–88–0010	Talstar 10WP Insecticide/miticide
CT–96–0001	Talstar 10WP Insecticide/miticide
DE–88–0001	Talstar 10WP Insecticide/miticide
DE–92–0001	Furadan 4F
FL–93–0007	Pounce 3.2 EC Insecticide
FL–94–0009	Talstar T&O Granular Insecticide
FL–94–0010	Talstar T&O Flowable
GA–90–0009	Thiodan 3 E.C.
GA–93–0002	Talstar 10WP Insecticide/miticide
HI–93–0002	Talstar Flowable Insecticide/mitacide
IA–88–0003	Talstar 10WP Insecticide/miticide
ID–77–0009	Thiodan 3 E.C.
IL–93–0004	Talstar 10WP Insecticide/miticide
IN–88–0017	Talstar 10WP Insecticide/miticide
IN–89–0003	Thiodan 3 E.C.
KY–89–0002	Thiodan 3 E.C.
LA–93–0002	Talstar 10WP Insecticide/miticide
LA–93–0021	Furadan 4F
ME–93–0005	Talstar 10WP Insecticide/miticide
MI–90–0002	Talstar 10WP Insecticide/miticide
MI–91–0004	Thiodan 3 E.C. Insecticide
MO–88–0004	Talstar 10WP Insecticide/miticide
MS–87–0004	Talstar 10WP Insecticide/miticide

TABLE 1.—SECTION 24(C) REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

24(c) No.	Product Name
MS–90–0003	Thiodan 3 E.C.
MS–95–0003	Talstar Granular
MS–95–0004	Talstar Flowable Insecticide/miticide
MT–79–0024	Thiodan 3 E.C.
MT–93–0006	Talstar 10WP Insecticide/miticide
NC–87–0002	Talstar 10WP Insecticide/miticide
ND–98–0003	Thiodan 3 EC Insecticide
NJ–93–0001	Talstar 10WP Insecticide/miticide
NM–87–0005	Talstar 10WP Insecticide/miticide
NV–91–0001	Talstar 10WP Insecticide/miticide
OH–89–0006	Thiodan 3 E.C.
OH–90–0002	Talstar 10WP Insecticide/miticide
OR–95–0007	Thiodan 3 EC Insecticide
PA–89–0004	Talstar 10WP Insecticide/miticide
PA–92–0002	Thiodan 3 E.C.
RI–94–0001	Talstar 10WP Insecticide/miticide
SC–87–0002	Talstar 10WP Insecticide/miticide
SC–91–0001	Thiodan 3 E.C.
TN–90–0002	Thiodan 3 E.C.
TN–91–0001	Talstar 10WP Insecticide/miticide
TN–93–0001	Talstar 10WP Insecticide/miticide
TN–96–0005	Talstar 10WP Insecticide/miticide
TX–90–0011	Talstar 10WP Insecticide/miticide
UT–91–0004	Talstar 10WP Insecticide/miticide
VA–87–0001	Talstar 10WP Insecticide/miticide
VA–92–0007	Thiodan 3 E.C.
VT–93–0001	Talstar 10WP Insecticide/miticide
WA–89–0004	Talstar 10WP Insecticide/miticide
WA–91–0029	Thiodan 3 E.C.
WA–92–0001	Thiodan 3 E.C. Insecticide
WI–91–0007	Talstar 10WP Insecticide/miticide
WI–92–0007	Thiodan 3 E.C.
MT–82–0012	Dupont Velpar L Weed Killer
NY–93–0004	Harmony Extra Herbicide
NY–97–0008	Dupont Fortress 5g Granular Insecticide
OR–78–0004	Du Pont Lannate Methomyl Insecticide
AL–80–0010	Terraclor Emulsifiable Soil Fungicide
GA–81–0003	Terraclor 2 Lb Emulsifiable Soil Fungicide
GA–89–0003	Terraclor 10% Granular Soil Fungicide
GA–94–0007	Terraclor 4F
ID–76–0001	Vitavax Flowable Fungicide
OK–84–0008	Terraclor 75% Wettable Powder
OK–84–0009	Terraclor 2 Lb Emulsifiable Soil Fungicide
OK–84–0011	Mathieson Terraclor 10% Granular
OK–94–0001	Terraclor Flowable Fungicide
TX–78–0043	Mathieson Terraclor 10% Granular
TX–79–0017	Olin Terraclor 75% Wettable Powder
TX–84–0015	Terraclor 2 Lb Emulsifiable Soil Fungicide
TX–94–0004	Terraclor Flowable Fungicide
WA–76–0037	Vitavax Flowable Fungicide
WA–76–0038	Vitavax–200 Flowable Fungicide
AR–94–0006	Goal 1.6E Herbicide
AZ–95–0008	Goal 1.6E Herbicide
HI–84–0006	Goal 1.6E Herbicide
LA–98–0004	Nova 40W Agricultural Fungicide In Water Soluble Pouche
MI–89–0008	Goal 1.6E Herbicide
MI–89–0009	Goal 1.6E Herbicide
MS–94–0001	Goal 1.6E Herbicide
MT–93–0004	Goal 1.6e Herbicide
PA–96–0001	Goal 1.6e Herbicide
SC–88–0004	Goal 1.6e Herbicide
SC–91–0002	Goal 1.6e Herbicide
SC–94–0002	Goal 1.6e Herbicide
TN–94–0004	Dithane DF Agricultural Fungicide
WA–91–0012	Goal 1.6E Herbicide
WA–96–0005	Goal 1.6E Herbicide
ME–97–0001	Super Tin 80WP
MI–97–0001	Super Tin 80WP
MN–97–0003	Super Tin 80WP
ND–97–0004	Super Tin 80WP
NE–98–0001	Super Tin 80WP
OR–97–0021	Super Tin 80WP

TABLE 1.—SECTION 24(C) REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

24(c) No.	Product Name
WA–97–0035	Super Tin 80WP
WI–97–0005	Super Tin 80WP
MT–91–0006	Amine 400 2,4-D Weed Killer
OR–94–0007	Embark 2-S Plant Growth Regulator
WY–92–0003	Zinc Phosphide Bait
WA–88–0025	Dimethogon 267 EC
ID–83–0035	Di-Syston 15% Granular Systemic Insecticide
ID–90–0002	Turbo 8 EC
NJ–94–0003	Guthion 50% Wettable Powder Crop Insecticide In Water
OR–79–0042	Di-Syston 15% Granular Systemic Insecticide
OR–83–0057	Di-Syston 15% Granular Systemic Insecticide
PR–91–0005	Nemacur 3
PR–91–0006	Nemacur 15% Granular
CA–97–0031	Topsin M WSB
CO–98–0009	Hydrothol 191
NE–97–0003	Hydrothol 191
NJ–97–0006	Penncap—Microencapsulated Insecticide
OR–79–0075	Herbicide 273
WI–97–0003	Topsin M WSB
CT–94–0003	Parapel II
AR–95–0010	Facet 75 DF Herbicide
AZ–95–0003	Banvel Herbicide
CO–92–0004	Banvel Herbicide
CO–93–0002	Banvel Herbicide
CO–94–0005	Banvel Herbicide
CO–98–0008	Banvel Herbicide
FL–99–0009	Basf Poast Herbicide
ID–90–0004	Banvel SGF Herbicide
ID–90–0013	Banvel Herbicide
KS–90–0002	Banvel Herbicide
MT–91–0003	Banvel SGF Herbicide
MT–91–0005	Banvel Herbicide
NC–93–0004	Basf Poast Herbicide
ND–89–0001	Banvel Herbicide
ND–94–0003	Banvel Herbicide
ND–94–0005	Banvel Herbicide
NE–90–0001	Banvel Herbicide
NJ–94–0007	Banvel Herbicide
NJ–97–0007	Banvel Herbicide
OK–81–0004	Banvel D Herbicide
OK–84–0010	Banvel Herbicide
OK–85–0008	Banvel Herbicide
OR–90–0011	Banvel Sgf Herbicide
OR–90–0013	Banvel Herbicide
SC–90–0005	Ronilan Fungicide 50W
SC–94–0004	Basf Poast Herbicide
SD–94–0002	Banvel Herbicide
TX–86–0006	Banvel Herbicide
TX–92–0018	Banvel Herbicide
UT–95–0001	Banvel Herbicide
WA–90–0014	Banvel SGF Herbicide
WA–91–0032	Banvel Herbicide
AL–95–0002	Imidan 70–WSB
AL–97–0002	Imidan 70–WSB
AR–95–0001	Imidan 70–WSB
AR–96–0001	Imidan 70–WSB
AZ–92–0006	Ambush 0.5% Bait
AZ–94–0008	Gowan Azinphos—M 50 WSB
CA–94–0026	Ambush 0.5% Bait
CA–97–0029	Gowan Malathion 5 Dust
LA–95–0008	Imidan 70–WSB
LA–97–0005	Imidan 70–WSB
NV–99–0002	Supracide 25WP Insecticide-Miticide
NV–99–0003	Supracide 25WP Insecticide-Miticide
OR–94–0022	Botran 75 W
TN–98–0006	Imidan 70–WSB
UT–92–0002	Gowan Dimethoate E267
KY–95–0001	Gramoxone Extra Herbicide
MI–91–0009	Gramoxone Extra Herbicide
WA–97–0028	Ambush Insecticide
ME–94–0001	Pronone 10G
HI–88–0004	Superior 70 Oil

TABLE 1.—SECTION 24(C) REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

24(c) No.	Product Name
ID–99–0020	Clean Crop Supreme Oil
WA–92–0018	Purechlor Sanitizer 12.5%
NC–78–0002	Dupont Lexone 4L Metribuzin Weed Killer
MS–94–0002	2,4-D Amine No. 4 Herbicide
IN–97–0004	Carzol SP In Water Soluble Packaging
NC–97–0002	Carzol SP In Water Soluble Packaging
OH–97–0008	Carzol SP In Water Soluble Packaging
SC–97–0007	Carzol SP In Water Soluble Packaging
TX–98–0008	Carzol SP In Water Soluble Packaging
UT–92–0001	Carzol SP
NJ–93–0005	Ferbam Granuflo
WA–98–0030	Saf-T-Oil
AL–90–0003	Bravo 720
GA–77–0007	Dsma Liquid
GA–77–0008	Bueno–6
GA–96–0005	Bueno–6
NC–77–0018	Bueno–6
NC–92–0012	Bravo 720
NC–95–0007	Bravo 720
NC–95–0008	Bravo 825
OR–77–0025	Bueno–6
OR–77–0060	Bravo 500 Agricultural Fungicide
OR–77–0061	Daconil 2787 Flowable Fungicide
OR–81–0032	Bravo 500 Agricultural Fungicide
OR–86–0005	Bravo 500
OR–94–0010	Daconil 2787 Flowable Fungicide
OR–96–0001	Bravo 720
OR–96–0002	Bravo 825
OR–96–0014	Bravo 720
OR–96–0015	Bravo 825
OR–96–0016	Bravo 720
OR–97–0025	Bravo 720
PR–83–0002	Bravo 500 Agricultural Fungicide
WA–88–0013	Bravo 720
WA–95–0036	Bravo 720
WA–96–0012	Bravo 825
WA–96–0013	Bravo 720
WA–96–0015	Bravo 720
CA–99–0017	Slam
CA–99–0018	Slam
CA–99–0019	Slam
CA–99–0020	Slam
FL–96–0010	Gibgro 4LS
AZ–98–0011	Tri-Clor Fumigant
CA–83–0056	Geigy Diazinon 14G (14.3% Granular) Insecticide
FL–91–0010	Margosan-O Botanical Insecticide Concentrate
CA–97–0012	Zephyr 0.15 EC
CA–89–0029	Thiram 50 WP Dyed
NY–98–0003	Dual 8E Herbicide
FL–91–0001	Dual 8E Herbicide
FL–95–0003	Dual 8E Herbicide
FL–97–0012	Dual 8E Herbicide
FL–94–0006	Hivol 44
WA–91–0026	Vinco Formaldehyde Solution
AZ–92–0005	Thiram 50 WP
HI–91–0002	Meth-O-Gas
OR–95–0036	Selected Herbicide
IA–98–0001	Mertect (r) 340-F Fungicide
WA–98–0021	Kaligreen
MS–99–0004	Sanitizer 3134
CA–98–0004	Pro-Gibb 4% Liquid Concentrate
OR–98–0014	Clorox
OR–98–0018	Clorox
CA–99–0014	Pro-Gibb 4% Liquid Concentrate
CA–99–0021	Sunny Sol 150

Table 2 lists all of the section 3 registrations which were canceled for non-payment of the 2000 maintenance fee. These registrations have been canceled by order and without hearing. Cancellation orders were sent to affected registrants via certified mail in the past several days. It is the Agency policy to rescind cancellation of any particular

registration only if the cancellation resulted from the Agency error.

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE

Reg. No.	Product Name
000016–00153	Dragon Scat Cat Repellent
000100–00756	Aatrex Accu-Pak
000100–00825	Maxim C 0.33% Ds Potato Seed Protectant
000100–00844	Mondak Herbicide
000116–00016	Germex 20% Quaternary Ammonium Compound
000134–00057	Residual Fly Spray 2EC
000168–00372	Chlorine
000270–00053	Farnam Ready-To-Use Stable and Horse Fly Spray
000270–00264	Purina Dog Shampoo
000270–00267	Farnum Hard Hitter 5.7%
000270–00270	Priority Flea and Tick Pyrethrin Dip for Dogs and Cats
000270–00271	Purina Flea and Insect Carpet Dust
000270–00272	TPC Sevin 5% Dust
000270–00277	Owner's Choice Flea and Tick Shampoo
000270–00284	Security Brand Cygon* 2-E Systemic Insecticide
000270–00285	Security Brand Fungi-Gard
000270–00287	Security Brand Systemic Rose and Flower Booster
000270–00291	Security Brand Malathion Multi-Purpose Spray
000270–00292	Chacon Systemic Granular Insecticide for House Plants
000270–00298	Security Pressurized Garden Spray
000270–00299	Security 0.25% Permethrin Ready To Use
000270–00303	Farnam Water-Based Diazinon Cocentrate
000275–00105	Gibrel for Manufacturing Use
000275–00106	2% Liquid Gibrel
000275–00107	Gibrel Powder 5%
000275–00115	Skeetal Flowable Concentrate
000275–00125	Bactimos Primary Powder
000279–02735	Thiodan Pyrenone C.O. EC
000279–02822	Thiodan 2 Pyrenone 0.3–0.03 EC Insecticide
000283–00003	Solu Styril Germicide Solution
000334–00291	Hykil Aerosol Insect Killer
000334–00526	I-Sect Aqueous Pressurized Spray for House and Garden
000334–00562	Kil-R Fog-R Total Release Fogging Insecticide
000334–00570	Aqua-Kill Residual Ant and Roach Killer
000400–00178	Casoron 10G
000400–00462	Technical Dichlobenil
000400–00463	Casoron 85W
000402–00103	Hill #5031 Hilco Tox Aerosol
000402–00121	No. 2222 Hilco Strike
000407–00435	Rat and Mouse Killer
000432–00622	Chlorpyrifos/esbiothrin Insecticide Trans. Emulsion Spray 0.5% + 0.05%
000432–00645	Chlorpyrifos/esbiothrin Bug Killer 0.5% + 0.05%
000432–00648	Ultratec Insect. W/sbp–1382 Chlorpyrifos Transp. Emulsion 3.2%–16%
000432–00658	Chlorpyrifos/esobiothrin Trans. Emulsion Spray 0.25% + 0.025%
000432–00659	Crossfire-D Tedc W/chlorpyrifos/esbiothrin 25%+2.5% Transp. Emulsion Concentrate
000432–00660	Ultratec Insecticide W/chlorpyrifos Transp Emulsion Dilutable Concentrate 25%
000432–00681	Ultratec Insect. /chlorpy/pyreth/pip.but. /trans.em.conc.15%+1.5%+7.5%
000478–00107	Real-Kill Extra Action Bug Killer
000478–00110	Real-Kill Household Ant and Roach Killer
000478–00111	Real-Kill Household Extra Strength Roach and Ant Killer
000478–00116	Real-Kill Ant and Roach Killer
000498–00110	Spraypak Professional Strength Kill-M Insecticide
000498–00158	Spraypak Wasp Long Range Jet Spray Formula 5
000499–00210	Whitmire PT 1300
000499–00272	Whitmire Pt 265a Knox Out Plus
000499–00447	Timed-Release Yard and Kennel Concentrate
000499–00457	Warrior Dual Action Roach Bait I
000499–00466	Pro-Control Treatment for Crawling Insects
000506–00143	Tat–1 Ant Trap
000527–00081	Mill-O-Cide 300
000527–00089	Mill-O-Cide 500
000527–00128	Hydro-Cide Residual
000572–00204	Rockland 8% Sevin(r) Brand Carbaryl Insecticide Granular
000572–00261	Rockland Summer Green with Dursban
000655–00693	Prentox Pet Rinse Concentrate
000706–00059	Claire Fast Kill Residual Roach and Ant Killer
000706–00076	Claire Spray Nox II Insect Killer
000706–00091	Fast Kill II
000706–00098	Fly Jinx II

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
000707–00201	Kelthane 4F Flowable Agricultural Miticide
000748–00303	Ppg Performance Blend
000773–00062	Thionium Shampoo with Expar
000773–00080	Expar Plus 4
000829–00215	SA–50 Brand 7 1/2% Captan Fungicide Dust
000829–00237	SA 50 Brand Diazinon 14G Granular Insecticide
000875–00081	Spartec Quaternary Ammonium Sanitizer, Disinfectant
000901–00037	Insect Repellent Type II Solution A
000928–00005	Original Carbolineum
001021–01185	Pyrocide Mosquito Adulticiding Concentrate for ULV Fogging, F–7088
001021–01237	MGK Esbiol TM Intermediate 1970
001021–01251	MGK Esbiol Intermediate 1972
001021–01344	D-Trans Intermediate 2029
001021–01382	Insecticide Aerosol D-Phenothrin 2%
001021–01408	Flying Insect Killer Made From Mgk Esbiol Intermed. 1970
001021–01412	Wasp and Hornet Killer Made From Esbiol Intermediate 1970
001021–01413	Esbiol Industrial and Household Space and Contact Spray 2201
001021–01418	Esbiol Industrial and Household Space and Contact Spray 2213
001021–01447	Esbiol Conc. Industrial and Household Space and Contact Spray 2258
001021–01449	D-Trans Concentrated Industrial and Household Spray 2257
001021–01457	Esbiol Concentrate 2243
001021–01467	Multicide Intermediate 2188
001021–01471	Esbiothrin Intermediate 2278
001021–01482	Multicide Concentrate 2295
001021–01537	Evercide Fenvalerate 80% Concentrate 2384
001021–01540	Evercide Intermediate 2382
001021–01554	Evercide Intermediate 2443
001021–01555	Multicide Intermediate 2442
001021–01578	Evercide Intermediate 2489
001021–01616	Evercide Concentrate 2576
001021–01650	Esbiol Wasp and Hornet Killer
001022–00015	Penta Preservative Concentrate 1–10 Wood Preservative
001022–00016	Penta Preservative Ready-To-Use Wood Preservative
001022–00046	Pol-NU
001022–00068	Penta-WR Concentrate 1 To 5 Wood Preservative
001022–00120	Penta Plus 40 Wood Preservative
001022–00240	Pol-Nu-Pak
001022–00356	Penta Wr Ready To Use Wood Preservative
001022–00408	Pol-Nu 15–15 Penta Preservative Grease with Creosote Added
001022–00438	Permatox Penta
001022–00446	Industrial Penta Solution–7
001022–00469	Industrial Penta Solution–10
001022–00537	Industrial Penta Solution–5
001057–00064	Dolge General Purpose Aqueous Pyrethrum Insecticide
001117–00059	Nolvacide Mist Insecticide Spray II W/nolvasan
001130–00016	Burnishine Products Sanitizer Solution
001203–00069	Foremost 4891–ES Fly-Kill
001258–00428	Hth Dry Chlorinator Tablets for Swimming Pools
001258–01151	Ecolin–1
001258–01175	CDB Clearon 14g Tablets
001258–01187	Thrifty Sticks
001258–01201	Pulsar Plus Tablets 60
001258–01202	Hth Duration Tablets 60
001270–00047	Zepomist Bacteriostatic Liquid Dustmop Treatment
001270–00153	Zeposector 2 Pressurized Spray Insecticide
001270–00163	Zep Pine-O-Fect
001270–00170	Zep X–24272 Insecticide
001270–00175	Zepsecure
001270–00185	Zep Super–2
001270–00252	Zep Tox III Wasp and Hornet Killer
001275–00018	Santerge
001304–00063	Mcness Rabon 7.76 Oral Larvicide Premix Cattle and Swine
001304–00066	Mcness Stock Cow Vitamin and Mineral Mix with Rabon
001304–00068	Mcness Stock Cow Vitamin and Mineral Mix with Magnesium and Rabon
001381–00147	Class Diazinon EC
001381–00148	Class Diazinon 14G
001386–00633	Smith-Douglass 10% Sevin Dust
001459–00021	Bullen Pine Oil Disinfectant
001459–00026	Ack-Ack Insect Spray
001459–00038	Bullen Compactor and Kitchen Insecticide
001459–00042	Fast Acting Residual Spray
001459–00047	C–1000 Disinfectant Sanitizer Deodorizer

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
001459–00068	Activ VIII 28 Detergent/disinfectant
001459–00073	Lemo-Dis
001459–00078	Bullen Swimming Pool Algaecide
001459–00082	Activ VIII 2560
001459–00086	Activ VIII 1280
001459–00087	Activ VIII 420
001459–00092	Sept One 400
001459–00093	Septin PF 400
001459–00102	Bullen Flea and Tick Shampoo
001459–00103	All-N-One Cleaner Disinfectant Deodorizing Wax Finish
001459–00104	General Purpose Aqueous Insecticide
001459–00105	Concentrated Flea and Tick Dip for Dogs and Cats
001459–00106	Capture
001459–00107	Quat III
001603–00006	Reefer-Galler Snowhite Crystals
001603–00008	Reefer-Galler No Moth Decorator Hang-Up Container
001683–00023	Pine Oil Disinfectant Coef. 5
001685–00075	Formula 300 Swimming Pool Algaecide
001685–00094	State Formula 401 Ready Kill with Dursban
001717–20001	Sodium Hypochlorite Solution
001803–00023	Con-O Chlor
001812–00364	Cyanazine Technical
001812–00365	CY-Pro 90df Herbicide
001812–00366	Cynex 4l
001812–00367	Cy-Pro AT 4l Herbicide
001812–00368	Cy-Pro AT DF Herbicide
001910–00002	Fly Repellent Spray
001910–00004	Aqua-Shield Fly Repellent Spray
001965–00026	Vancide 51Z Dispersion
002217–00143	57% Malathion Emulsifiable Concentrate
002217–00282	New Ddvp Fly Bait
002217–00345	50% Malathion Emulsifiable Concentrate
002217–00355	50% Malathion Garden Spray
002217–00366	Sevin 50W Insecticide
002217–00383	Sevin Dust 5%
002217–00389	Gordon Chemicals Sevin 50W Spray A Wettable Powder
002217–00450	Vapona Show-Coat Dairy Cattle Spray
002217–00470	Alfa-Spray
002217–00572	Gordon's Sevin Dust 5% A Multi-Purpose Insecticide
002217–00600	Liquid Sevin Spray
002217–00638	Gordon's Diazinon 25% Emulsifiable
002217–00664	Spreader King Dursban Lawn Insecticide
002217–00679	Acme Norosac 10G
002217–00777	Pre-San Emulsifiable
002311–00004	Gld Germicidal Liquid Detergent
002311–00007	Pine Oil Disinfectant
002620–00059	Liquid Roach Spray
002724–00449	Zoecon 8718 EW
002792–00029	Cucumber and Pepper Lustr 223 with Fungicide
002792–00030	Decco Food Grade Peach, Nectarine and Plum Wax Concentrate WT–12
002792–00031	Tomato Lustr 222
002935–00084	Red-Top Malathion 25 Spray Powder
002935–00284	Dibrom 8 Spray
002935–00431	Diazinon 50W
002935–00435	Wilbur Ellis Systemic 10G
002935–00517	Cygon 2–E Systemic Insecticide-Miticide
002935–00518	Cygon 267 Systemic Insecticide-Miticide
002935–00519	Cygon Systemic 25 Insecticide-Miticide
002935–00531	John Taylor Chemical 5% Sevin Bait
003008–00013	Osmoplastic-F
003008–00056	Osmoplastic-D Wood Preserving Compound
003125–00126	Di-Syston Systemic
003125–00176	Baygon Household Insect Residual Spray (pressurized)
003125–00177	Baygon Household Insect Spray
003125–00262	Baygon 1% Household Insect Residual Spray (pressurized)
003125–00344	Baygon 0.5% Aqueous Insecticide
003125–00345	Baygon 0.5% Aqueous Pressurized Insect Spray
003215–00004	Water Repellent Wood Preserver
003546–00028	Sport Mosquito and Tick Stop
003546–00029	Blast Roach Erase II
003546–00034	Lynwood Multi-Purpose Insect Killer
003635–00262	D-Sect Bulk Insect Killer

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
003635–00266	QD–4
003635–00272	Dutoxide
003635–00280	Aqua-Mint
003635–00281	Oxford San-Kleen
004170–00009	Betco Mint
004170–00055	Best Bet
004170–00083	Betco Lemon
004306–00010	Sulfodene Scratchex Power Dust
004313–00063	Carroll Quat 9.0
004313–00090	Residual Crawling and Flying Insect Killer
004581–00223	Herbicide 273
004691–00138	Flea and Tick Powder for Dogs and Cats
004875–00005	Sterine 100
004875–00022	Indco LF 13
005185–00114	Bio-Guard Status Quo Chlorinating Cartridge
005185–00143	Bioguard Spot Kill Super Algae Destroyer
005185–00159	Bioguard Stingy Stick Chlorine Cartridges
005185–00194	Spot Kill Algae Destroyer
005185–00275	Bio-Guard Clc Calcium Hypochlorite
005185–00315	Lok Up Winter Shock
005185–00316	Spa Guard Chlorinated Concentrate
005185–00318	Tower Chlor Chlorinating Tablets
005185–00319	Bio-Guard Super OX–11
005185–00321	Bio-Guard Super OX 1
005185–00335	Bioguard Lok-Up Wintertrol Winter Algicide
005185–00336	Bioguard Lok-Up Winter Shock II
005185–00337	Bioguard Algae All 10
005185–00340	Bio Guard Lithium Hypochlorite
005185–00370	Bioguard Tabgard Pucks
005185–00416	King Size Tabs
005185–00419	Fast Shock
005185–00422	Spa Brom Mini Pak II
005185–00432	Photobrome Lab Pak II
005185–00437	Aquabrome II Tablets
005185–00438	Brominating Cartridge System
005383–00093	Troy Polyphase 624
005383–00094	Troysan Polyphase 597
005383–00097	Mergal S 89r Paste
005383–00098	Mergal S 90R
005813–00046	Reko Scientific Flush-All
005815–00028	Forest City Weed Killer 2,4-D
006109–00019	Sanisorb
006175–00016	Veterinary Hospital and Kennel Spray
006175–00019	Otocide
006175–00027	Stable Concentrate
006175–00034	Indoor Flea and Tick Spray with Dursban
006269–00001	Purinse
006269–00007	Eto-6 Insect Spray
006552–00012	Kay Dee Rabon Mineral Meal 10
006552–00013	Kay Dee Rabon Mineral Block 6
006884–00002	Vi-Lan Bact. Clean
007001–00329	Turf Disease Control 5% Granular
007056–00100	Csa Liquid Pet Spray
007116–00013	Merit
007122–00042	Guardian Malathion We Emulsifiable Concentrate 50%
007122–00048	Guardian Pyrethrin Emulsifiable Concentrate No. 6600 (synergized)
007122–00068	Guardian Chlorpyrifos 2E
007122–00110	Guardian Diazinon 4 Lb Concentrate WE
007234–00016	Penwar 1–5 Wood Preservative Concentrate
007234–00060	Pentacon–5
007401–00127	Ferti Lome Complete Rose Spray
007546–00025	Totil Plus
007754–00054	Ari Flea and Tick Spray IV
007754–00055	Ari Flea and Tick Fogger IV
007946–00012	Carboject
007946–00017	Propisol
007946–00022	Imicide (tm) 15
008033–00004	Nisso TCCA – 90
008033–00005	Nisso SDIC–60
008033–00006	Nisso SDIC–55
008112–00003	Lion Mat F
008419–00017	The Andersons Crabgrass Preventer with Balfin

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
008428–00012	SC–760 Iodophor Sanitizing Detergent
008540–00020	Garret-Callahan Formula 38–A
008540–00022	Garratt-Callahan Formula 39
008576–00014	Callaway Bleach
008576–20004	Sodium Hypochlorite – 5.25%
008590–00067	70 Spray Oil E
008591–00010	Ag–415
008591–00017	Ag–452
008591–00039	Fuel Preserve
008591–20001	Ag–494
008591–20006	A–495
008660–00136	Greenup Ant, Roach and Insect Powder
008845–00034	Kenco Rid-A-Bug Fire Ant Killer
008845–00041	Rid-A-Bug Outdoor Insect Barrier Granular Insect Killer
008845–00085	Hot Shot Fire Ant Killer, Formula 901
008845–00121	Hot Shot Roach and Ant Killer Formula WB-I
009198–00008	Weed N'Feed 10–6–4
009198–00026	Turf-Care for Professional Lawn Maintenance W/1.2% Dursban Insecticide
009198–00031	Turfcare Fertilizer 18–3–5 with Dursban
009198–00037	Tee Time Fertilizer 20–4–10 with Benefin/dursban
009198–00040	Fortify Fertilizer with 0.92% Balan
009198–00043	Turf Care for Southern Lawns 0.47% Chloropyrifos
009198–00044	The Andersons Turf Food with 3.75% Diazinon
009198–00048	Andersons Weed Killer 0.63% 2.4–D and 0.60% MCPP
009198–00051	Andersons ''Two In One'' Lawn Food Plus Crabgrass Preventer 16–4–8
009198–00052	Andersons Crabgrass Preventer
009198–00055	Anderson's Weed and Feed 20–6–10 contains 2,4-D
009198–00056	Pel-Tech Benefin Concentrate 10
009198–00057	Pel-Tech Benefin Concentrate 15
009198–00058	Pel-Tech Benefin Concentrate 20
009198–00059	Pel-Tech Benefin Concentrate 25
009198–00061	Turf Care Lawn Insecticide 2% Diazinon
009198–00067	K-Mart Crabgrass Preventer 25–3–3 with Benefin
009198–00072	Custom Mix 20–4–10 with Betasan
009198–00073	Custom Mix 25–6–10 with Betasan
009198–00080	Anderson Tee Time 20–4–10 with 1.04 Balan
009198–00081	Tee Time Fertilizer 20–4–10 with 1.15 Balan
009198–00086	Anderson Pre-Emergence Crabgrass Preventer with Balan (1.72%)
009198–00092	Greensweep Spray-On Liquid Weed and Feed for Southern Lawns
009198–00093	Greensweep Spray-On Liquid Weed and Feed for Northern Lawns
009198–00102	The Andersons Tee Time 25–3–8 with 0.87% Team/0.58% Dursban
009198–00108	The Andersons Fertilizer with 1.0% Team
009198–00116	Twin Light Granular Lawn Insecticide with Dursban
009198–00119	The Andersons Turcam Insecticide II
009198–00126	Twin Light Crabgrass Preventer with Tupersan
009198–00128	Twin Light Balan 2.5% Granular
009198–00131	Andersons Fertilizer with 1.54% Team
009198–00133	The Andersons 0.222% Dursban Brand Insecticide
009198–00134	The Andersons Fire Ant II with Turcam
009198–00135	The Andersons Fire Ant I with Turcam
009198–00136	The Andersons 0.25% Dursban Brand Insecticide
009198–00138	The Andersons 2.32% Dursban Brand Insecticide
009198–00139	The Andersons Pest Arrest Lawn Insecticide I
009198–00141	The Andersons Pest Arrest Fire Ant Killer
009198–00142	The Andersons Pest Arrest Flea and Tick Killer
009198–00143	The Andersons Pest Arrest Lawn Insecticide II
009198–00144	The Andersons Fertilizer with 4.55% Sevin
009198–00145	The Andersons 6.3% Granular Sevin
009198–00147	The Andersons Pest Arrest 5% Dust
009198–00148	The Andersons Pest Arrest 10% Dust
009215–00002	All-Clear 3 Granular Swimming Pool and Spa Sanitizer
009250–00004	United 62
009250–00007	United 64 Disinfectant Sanitizer Deodorizer Concentrate
009250–00010	United 91 Concentrated Swimming Pool Algaecide
009250–00015	United 85 Weed and Brush Killer
009250–00030	United 481 Ground Zero
009402–00004	Kimberly-Clark Fly Repellent Wipes
009402–00005	Kimberly Clark Flea and Tick Wipe
009404–00002	50% Malathion
009404–00062	Sunniland Diazinon 5% Granules
009630–00015	M-Gard S540
009630–00017	M-Gard W540

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
009630–00026	M-Gard G540
009688–00043	Ant and Roach Killer B
009688–00044	Ant and Roach Killer I
009688–00045	Ant and Roach Killer II
009688–00046	Ant and Roach Killer III
009688–00074	Chemsico Extra Strength Microencapsulated Ant and Roach Killer
009688–00097	Chemsico Multi-Purpose Fungicide A
009886–00003	Unipine 8510
009886–00005	Unipine 8050
010031–00008	Sebesta's Pocket Gopher Oats
010098–00008	Ler-Chlor
010098–20004	Lerro Bleach
010107–00042	Sevin 4L Insecticide
010107–00094	Seed Shield Potato Seed Treater
010107–00097	Seed Shield Potato Seed Treater No. 7.5 with Bark
010107–00141	Majestic Green Dormant Oil Spray Concentrate
010147–20002	10-Chlor
010147–20004	Bi-Clor-Rite
010163–00177	Prokil Parathion 8
010182–00141	Tornado Herbicide
010182–00171	Ordram 6E
010182–00174	Ordram 10–G
010182–00294	Chevron Folpet Technical
010182–00421	Twister Herbicide
010182–00423	Bp-1007 Film Fungicide
010250–00003	Hempel's Antifouling Pacific 7609–5000 Red
010350–00033	Tralomethrin 10 MEC Manufacturing Use
010350–00038	Duratrol Plus Household Flea Spray with Nylar
010350–00040	Concentrated Sectrol
010369–00004	Shock-King
010370–00021	Ford's Roach and Ant Spray
010370–00037	Ford's Dursban 2E
010370–00059	Ford's Control Plus Roach Spray
010370–00064	Ford's Dursban 1–E
010370–00086	Ford's Dursban Plus Dust Insecticide
010370–00140	Chlor-Phos Termite Concentrate
010370–00141	Ford's Fire Ant 2.5G Insecticide
010370–00142	Ford's Dursban Fire Ant 10% Granular Insecticide
010370–00222	Ford's Ultra S.S.C 12–2.5
010370–00264	Durs-Bait for Mole Crickets
010464–00002	Chlorine
010827–00029	Formula 250
010827–00032	Ind-Sol 50 Herbicide
010827–00039	Ind-Sol LT-2 Weed Control
010827–00046	Formula VM-2
010827–00066	Dichloro-Sol
011200–00004	Action D 1702 Disinfectant Cleaner-Sanitizer
011200–00016	#1721 Mint-O-Quat
011200–00017	#1610 Quat Guard
011275–00002	Lithate (r) 2,4-D Broadleaf Weed Killer Non-Volatile
011350–00026	2133 Vinyl Antifouling Red Mil-P–15931 E Formula 121, Class 1
011350–00027	2335 Vinyl Antifouling Black Mil-P–15931 E Formula 129, Class 1
011474–00002	Sanitiz-It
011474–00017	Sungro A.m.s. Woody Brush and Weed Killer
011623–00028	Barrier Residual Insecticide
011678–00004	Cotnion-Methyl Azinophos Methyl Technical 85d
011684–00002	Jirdon Lawn Fertilizer containing Dacthal Herbicide 12–10–4
011694–00065	Syntha Mist
011694–00104	Indoor/outdoor Insecticide
011715–00087	Speer E-Z Way Indoor Fogger
011715–00218	Farnam Rat Tube with Havoc
011725–00004	TEK SF 2 Super Fog Insecticide Spray
011853–00004	Steri-Zone Disinfectant
013283–00007	Rainbow Telco and Power Wasp and Hornet Spray
013555–00001	Matey Disinfectant Fungicide Clearner Deodorizer
013555–00005	Val-Soft B 10%
013799–00028	Four Paws Indoor Fogger II
015297–00018	Bio Groom Yard and Kennel Concentrated Residual Spray
018910–00006	Basilit B–85
019713–00079	Atrazine Plus Linuron
020642–20001	Hbh Sodium Hypochlorite Solution
021164–00013	O-C San-Q No. 1

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
021164–00014	O-C San-Q No. 2
021164–00015	O-C San-Q No.3 Microbiocide
021164–00017	O-C F–130
021164–00019	Eclipse P
021164–00020	Akta Klor 37
021164–00022	Macsan
021164–00023	Organic Sanitizer
021164–00025	Super Chlor
022558–00002	First U S Microbiocide 15
024909–00007	Formula K–5 Insect Spray
028293–00078	Unicorn Pressurized Fogger
028293–00097	Unicorn Wasp Killer
028293–00165	Unicorn Household Fogger
028293–00188	Unicorn Fogger ι6
028293–00194	Unicorn Fire Ant Injector Aerosol
029964–00002	Flowable Captan Seed Protectant
030950–00007	Diazinon 25% Emulsifiable Concentrate
032970–00004	D-Trans No. 5 Vaporizer Insect Spray
033003–00003	Quat–479
033912–00002	Wagnol 40 57% Malathion Lawn and Ornamental Garden Spray Concentrate
033955–00408	Acme Fruit Tree Spray
033955–00450	Acme Sevin 50 W
033955–00537	Acme Chinchbug Spray
033955–00541	Acme Dursban Granular Insecticide
033955–00544	Acme Diazinon Granules Lawn Insect Control
033955–00546	Acme Ant Granules contains Diazinon Insecticide
033955–00548	Acme Dursban Insecticide 8.70%
033955–00554	Acme Stopit Crabgrass Preventer
033955–00555	Acme Bendiocarb 1% Homeowner Dust
034346–00001	Fly-Off Spray or Wipe
034346–00002	Fly-Off Concentrate
034702–00002	House and Garden Insect Killer 11156
034702–00004	Crawling Insect Killer 11307
034704–00042	Clean Crop Thiram Seed Protectant
034704–00044	Clean Crop Pcnb Seed Treater
034704–00149	Captan 7.5 Dust
034704–00301	Hopkins Lannabait Methomyl Insecticide
034704–00437	Clean Crop Turcam 2.5G Insecticide
034704–00567	Hopkins 25% Captan Seed Protectant
034704–00649	Captan 300 Flowable Seed Protectant
034704–00650	Captan-Methoxychlor 300–20 Undyed Flowable Seed Protectant
034704–00651	Captan 70–WP Seed Protectant
034704–00652	Captan-Methoxychlor 75–3 WP Seed Protectant
034704–00655	Captan 300–DD Flowable Seed Protectant
034704–00659	Captan 300 Undyed Flowable Seed Protectant
034704–00660	Thiram-Methoxychlor 70–2WP Seed Protectant
034704–00661	Thiram 50 Planter Box Seed Treater
034704–00663	Thiram 50wp Undyed
034704–00664	Thiram 42% Dyed Flowable Seed Protectant
034704–00665	Thiram 42% Undyed Flowable Seed Protectant
034704–00666	Thiram 30% Dyed Flowable Seed Protectant
034704–00667	Thiram 30% Undyed Flowable Seed Protectant
034704–00677	Demosan 30–D Planter Box Seed Treater
034704–00678	Chlorovax 300 Undyed Flowable Seed Protectant
034704–00679	Pcnb + Liquid Seed Treater
034704–00680	Pcnb 2EC-LF Liquid Seed Treater
034704–00710	Holdem Insecticide-Nematicide
034704–00715	Paraspray 6–3
034704–00717	Paraspray 8–E
034704–00738	Casoron G–4 Herbicide
034810–00017	Wexford Dri-Cide
034822–00005	Di-All Mc-2 Mildewcide
034859–00006	WC–220 Sanitizer
034892–00004	Russall Weed Killer #1
035512–00022	Turf Pride with .8% Oftanol Insecticide
035931–20002	High-Po-Chlor
036006–00023	Wasp and Hornet Killer
036638–00026	Technical Lycopersilure
038796–20001	Aqua-Chlor
039697–00001	Mountain High Diatomaceous Earth Insect Control
041875–00001	Super Tropical Antifouling P–18
042750–00016	Rhodia 2,4-D Gran 20

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
042836–00001	Freedom Clear Dog Collar
042836–00003	Freedom Clear Cat Collar
043216–20001	Sodium Hypochlorite Solution
043670–00002	Macroseptic
043670–00003	Intersept PC–10
044446–00049	Davis Kill-A-Bug
044751–00002	NSA Bacteriostatic Water Treatment Unit, Model 100s
045600–00015	Insecta 1002
045722–00001	Rat Toxin
045869–00001	Chlorine Liquified Gas Under Pressure
046270–20003	Sodium Hypochlorite 9.2%
046515–00028	Super K-Gro Fire Ant Mound Drench
047319–00001	Sevana Bird Repellent
047319–00004	Agrigard Insect Repellent
047629–00002	Roach Bait Systems
048172–00001	Sunshine's Whirlpool Detergent/disinfectant
048211–00048	Swat Dri
048302–00001	AF-Seafloz-100
048482–20006	Genchlor – 65(TM)
048920–00001	Herpicide Spray
049357–00001	Bio Treat 180
049488–00001	Guard 75
050383–00006	Wilson's Slug Bait Pellets
050383–00009	Wilson Dormant Oil Spray
050383–00010	Wilson Lucky Sevin 22.5%
050383–00014	Wilson Malathion 50% Insect Spray
050383–00016	Wilson Lucky Sevin Dust
050383–00034	Lucky Strike Weed Buster
050383–00044	Wilson Green Earth Vegetable and Flower Spray
050534–00116	Tuffcide 750G
050534–00157	Bravo 90 DG
050534–00159	Bravo S
050534–00161	Bravo Flowable Fungicide
050534–00189	Chlorothalonil 75 WP
050534–00191	Bravo C/M
050534–00195	Daconil 2787 WDG
050534–00205	Bravo W–75 WSB
050534–00206	Dacobre DG Agricultural Fungicide/bactericide
050534–00207	Daconil 2787 WSB
050534–00219	Dacobre (chlorothalonil)
050591–00016	Flea and Tick Aqua Mist
050640–00001	Dichlor – 15
051463–20204	Power House Roach Killer
051934–00001	Ellisco Double-Lure Japanese Beetle Bait
052200–00008	Greensward 2.32% Dursban Granular Insecticide
053128–00001	Paramax Water Bath Stabilizer
053254–00002	Dichlorocyanuric Acid, Sodium Salt (sodium Dichloro-*S*-Triazinetrione)
053575–00001	Isomate M Pheromone
053651–20205	Boric Acid
053883–00030	Martin's Eraser Glyphosate Concentrate Herbicide
054625–00001	Brita Filter
054739–20004	Sani 3000
055146–00002	Champion Flowable
055146–00004	Champion SD
055146–00044	Champion 50 WDG
055146–00063	Bsc Flowable
055195–00005	Coldcide—25 Microbiocide Concentrate
056076–00003	Special Delivery Crabgrass Preventer
056095–00002	Cide-Swipes C–100A
056095–00004	Cide-Swipes P–100B
056392–00006	Citrair Hospital Germicide and Air Refreshner
056575–00005	Natrapel Insect Repellent
056575–00006	Natrapel Insect Repellent Lotion
057091–00002	Biocare 90–T 3'' Tablets
057091–00003	Biocare 90–T 1'' Tablets
057091–00004	Biocare 90–T Sticks
057538–00008	That Big 8 Flowable Sulfur
058007–00002	3M Ultrathon Spray Insect Repellent (9.55%)
058007–00003	3M Ultrathon Spray Insect Repellent
058007–00004	Ultrathon Insect Repellent
058716–00003	Pest Stopper Pack II
059144–00018	Lawn and Garden Fungicide

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
059509–00001	Horse Power Formula Z 2001 Bug Killer
059597–00001	Niachlor Chlorine
059906–00002	Py-Tech 2.25% + 22.5%
061483–00010	Creosote P3
061966–00006	Carpet Freshener with Pet Guard
062575–00002	Biesterfeld Lindane 75W Seed Treatment
064005–00001	Pur Traveler
064240–00010	Combat Roach Control System Formula 18984
064248–00004	Maxforce Roach Control System Formula 18984
064296–00002	Bio-Path Insects Technical
064396–00001	Dia Flea-Mate
064721–00001	Supernatural Brand D-E Insecticide
064721–00002	Supernatural Brand Plant Protection Insecticide
064864–00029	Nutra-Spray Copophos
064864–00030	Leffingwell Nutra-Spray Az 17 1/2–Mn4–Cu4
064872–00004	Green-Sol Sul–15 Plus Home and Garden
065560–00004	Sodium Hypochlorite 5.25%
066070–00001	True Stop Insecticide
066232–00001	Swim Kleer
066306–00013	Germ Assault
066330–00001	Captan 75 Seed Protectant
066330–00002	Stauffer Captan 65 Seed Protectant
066330–00004	Captan-Methoxychlor 75–5 Seed Protectant
066330–00005	Captan Sprills Seed Protectant Fungicide
066330–00006	Captan Methoxychlor 75–3 Seed Protectant
066330–00007	Captan Methoxychlor Seed Protectant
066330–00008	Captan Methoxychlor 65–10 Seed Protectant
066330–00010	Captan 10 Dust
066330–00012	Captan Moly Soybean Seed Protectant with Molybdenum
066330–00013	Captan 75 Seed Protectant Dust (fungicide)
066330–00016	Captan 7.5 Dust Fungicide
066330–00023	Captan 4 Flowable
066330–00033	Chevron Captan Technical
066524–00002	Nomix Grass and Weed I Herbicide
066963–00003	Espree General Purpose Aqueous Insecticide
066963–00004	Espree Flea and Tick Dip II
066963–00007	Espree Concentrated Pet Shampoo
067003–00010	T.i.c.a. 3'' Tablets
067020–00001	Flea Control for Carpets
067262–00007	Aqua Chem Balanced for Clean Spas Stabilized Granules
067262–00009	Aqua Chem Balanced for Clean Pools Stabilized Floater
067262–00011	Aqua Chem Balanced for Clean Pools Granular Chlorinizor
067262–00013	Aqua Chem Balanced for Clean Pools Stabilized Cartridge
067262–00014	Aqua Chem Balanced for Clean Spas Shock Treatment
067262–00019	Vinyl Pool Algae Killer
067572–00010	R and M Lawn Spray Concentrate #2
067572–00011	R and M Permethrin Flea and Tick Dip #1
067572–00013	R and M Carpet Powder #15
067572–00017	R and M Flea and Tick Spray #7
067572–00024	R and M Carpet Powder #13
067572–00039	R and M 30–3 Pyrethrin E.C.
067572–00041	R and M Permethrin .50% Spray
067572–00045	R and M IGR Flea and Tick Carpet Spray
067572–00046	R and M IGR Aerosol Flea and Tick Carpet Spray
067572–00047	R and M IGR Fogger for Fleas
067572–00048	R and M Igr 1.3% E.c. for Fleas
067572–00050	R and M Aqueous Residual Flea and Tick Spray #12
067572–00062	Cp Dormant Spray Oil
067572–00074	Cp Home and Garden Fungicide
067572–00078	Cp Snail and Slug Killer Pellets
067867–00001	Buggspray 100 Insect Repellent
068119–00019	Actellic 5e Insecticide
068182–00012	Bio-Save 10 Biological Fungicide
068182–00014	Bio-Save 11 Biological Fungicide
068305–20001	12.5% Sodium Hypochlorite (ox-It-All)
068401–00003	Frontier Rat and Mouse Killer
068687–00001	3807 Red Oxide Vinyl Anti-Fouling Paint
068687–00003	7068 Red Oxide C.R. Anti-Fouling Paint
068687–00004	7067 Purple Oxide C.R. Anti-Fouling Paint
068687–00006	7067 HS Purple C.R. Anti-Fouling Paint
068687–00007	7068 HS Red Oxide C.R. Anti-Fouling Paint
068719–00001	Wood's Ready To Use Rooting Compound

TABLE 2.—SECTION 3 REGISTRATIONS CANCELED FOR NON-PAYMENT OF THE 2000 MAINTENANCE FEE—Continued

Reg. No.	Product Name
069468–00001	Arco Fast 37W Microbiocide
069468–00002	Arco Fast 49W Microbiocide
069468–00003	Arco Fast 54W Microbiocide
069468–00004	Formaldehyde Solution 54
069473–20001	Coastal Premium Chlorinating Solution
069473–20002	Coastal Concentrated Chlorinating Solution
069473–20003	Coastal Standard Chlorinating Solution
069473–20004	Coastal Bleach
069579–00001	Foli-R-Fos 400
069720–00002	Industrial Compactor Insecticide
069720–00003	Corbin Food Plant Fogging Spray Insecticide
069798–00001	Liquefied Chlorine Gas Under Pressure
070051–00029	Daza Technical
070051–00035	Decoy PBW Stakes
070051–00055 T	huricide–32b
070166–00007	Naa 800
070166–00008	Naa 200
070166–00009	Termilind Technical Naphthaleneacetic Acid
070419–00001	Calcium Hypochlorite 65%
070424–00001	Spray-Pak House and Garden Insect Killer
070424–00002	Spray-Pak Ant and Roach Killer
070451–00001	Wipe Out 1
070451–00002	Wipe Out 2
070598–00001	Liquefied Chlorine Gas
070810–00004	Auxigro Next Gen SG Wettable Powder
071044–00001	WKNS–8
071085–00007	Propanil 60% WDG Herbicide
071085–00008	Crystal Propanil-4E
071085–00010	Propanil Technical
071085–00011	Propanil 4
071085–00012	Propanil 3
071085–00014	Propanil 80 EDF
071096–00002	Or-Cal Lindane 400
071146–00001	CNM Brand
071206–00001	Tompkins Weedless Mulch
071240–00002	Add-X
071271–00001	Smite EC
071327–00001	Vereengro Plus Weed Killer
071505–00001	All Star Roach Killer
071707–00001	Stim-Tek Crop Biostimulant
072315–00007	Potassium Hypochlorite
072315–00008	Olin 65% Lithium Hypochlorite
072315–00009	Hypochlorous Acid
072546–00001	Sulfuric Acid-Potato Vine Desiccant
072674–00006	Proxel BD
072674–00007	Proxel CRL
072674–00008	Proxel PL
072674–00010	Proxel HL
072674–00013	Reputain
072674–00021	Baquacide 795

IV. Public Docket

Complete lists of registrations canceled for non-payment of the maintenance fee will also be available for reference during normal business hours in the OPP Public Docket, Rm. 119, Crystal Mall 2, 1921 Jefferson Davis Highway South, Arlington VA, and at each EPA Regional Office. Product-specific status inquiries may be made by telephone by calling toll-free 1–800–444–7255.

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: August 25, 2000.

Joseph J. Merenda,

Acting Director, Office of Pesticide Programs.

[FR Doc. 00–22819 Filed 9–5–00; 8:45 am]

BILLING CODE 6560–50–F

Federal Register

Wednesday,
September 6, 2000

Part IV

Department of Education

Office of Special Education and Rehabilitative Services: Office of Special Education Programs; Notice

DEPARTMENT OF EDUCATION

[CFDA NO. 84.328M]

Office of Special Education and Rehabilitative Services; Office of Special Education Programs

AGENCY: Department of Education.

ACTION: Reopening notice to invite applications for a new award to support a parent training and information center in the State of Oklahoma for Fiscal Year (FY) 2000.

SUMMARY: On April 28, 2000, a notice was published in the **Federal Register** (65 FR 25156) inviting applications for new FY 2000 awards to support parent training and information centers to ensure that parents of children with disabilities receive training and information to help improve results for their children.

In order to provide an opportunity for an applicant to resubmit its application based on current conditions and to provide an opportunity for additional applications, this notice invites additional applications for a parent training and information center that will serve parents of children with disabilities in the State of Oklahoma.

Deadline for Transmittal of Applications: September 13, 2000.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Debra Sturdivant, U.S. Department of Education, 600 Independence Avenue, SW, room 3317, Switzer Building, Washington, DC 20202–2641. FAX: (202) 205–8717 (FAX is the preferred method for requesting information). Telephone: (202) 205–8038. Internet: Debra_Sturdivant@ed.gov.

If you use a TDD you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternate format by contacting the Department as listed above. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or 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 the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC., area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo/nara/index.html.

Program Authority: 20 U.S.C. 1482.

Dated: August 31, 2000.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–22837 Filed 9–5–00; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Wednesday,
September 6, 2000

Part V

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Program Announcement for Improving Juvenile Sanctioning: An Intensive Training and Technical Assistance Delivery Program; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP (OJJDP)–1293]

Program Announcement for Improving Juvenile Sanctioning: An Intensive Training and Technical Assistance Delivery Program

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Justice.

ACTION: Notice of solicitation.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is requesting applications for the Improving Juvenile Sanctioning program in order to strengthen and enhance juvenile accountability-based sanctions programs. OJJDP will select one organization to provide intensive training and technical assistance to support at least 10 selected jurisdictions in developing or enhancing a continuum of community-based graduated sanctions.

DATES: Applications must be received by 5 p.m. ET on November 6, 2000.

ADDRESSES: All application packages should be mailed or delivered to the Office of Juvenile Justice and Delinquency Prevention, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301–519–5535. Faxed or e-mailed applications will not be accepted. Interested applicants can obtain the *OJJDP Application Kit* from the Juvenile Justice Clearinghouse at 800–638–8736. The *Application kit* is also available at OJJDP's Web site at www.ojjdp.ncjrs.org/grants/about.html#kit. (See ''Format'' in this program announcement for instructions on application standards.)

FOR FURTHER INFORMATION CONTACT: Dennis D. Barron, Program Manager, Training and Technical Assistance Division, Office of Juvenile Justice and Delinquency Prevention, 202–616–2942. [This is not a toll-free number.]

Purpose

The purpose of this program is to improve the capacity of the juvenile justice system by providing intensive training and technical assistance to strengthen and enhance existing juvenile accountability-based sanctioning programs and to support development of new ones, consistent with effective design elements, within the context of community-based programs that support competency development in youth.

Background

The Office of Juvenile Justice and Delinquency Prevention has been delegated authority by the Attorney General for administering the Juvenile Accountability Incentive Block Grants (JAIBG) program, as initially authorized by Public Law 105–119, November 26, 1997. Congress appropriated $250 million for JAIBG in each of FY's 1998 and FY 1999 and $237,994,500 for FY 2000. Funding is available to States and units of local government to address 12 specific program areas that contribute to holding juveniles accountable in the juvenile justice system. To support these activities, OJJDP provides technical assistance to States and units of local government in the designated program areas. This solicitation is offered pursuant to program purpose area 2, ''Developing and Implementing Accountability Based Sanctions for Juvenile Offenders,'' and purpose area 11, ''Establishing and Maintaining Accountability-Based Programs for Law Enforcement Referrals.''

Juvenile justice officials have long recognized that there must be immediate and effective intervention when delinquent behavior occurs to successfully prevent first-time or minor delinquent offenders from becoming serious, violent, or chronic offenders and progressively moving deeper into the juvenile justice system. At the same time, juvenile justice practitioners need to be able to adequately and accurately assess the likelihood that a youth will commit additional offenses and provide direction for meeting the treatment needs of offenders in order to prevent or deter further delinquency.

The lack of consistent intervention with juvenile offenders following their initial contact with the police or other authority has long been recognized as perhaps the largest single gap in services for troubled youth (Wilson and Howell, 1993). Juveniles who incur a quick, appropriate, and meaningful consequence for delinquent behavior are far less likely to repeat their behavior and less likely to progress further into the juvenile justice system (Wilson and Howell, 1993). This early intervention in response to delinquent behavior must be flexible enough to respond to the varied and multiple needs of juvenile offenders, their families, and the community.

Currently, there is a substantial need in the juvenile justice system to provide alternative dispositional options that hold the juvenile offender accountable, in a positive and constructive manner, for his or her delinquent behavior. A model graduated sanctioning system, which provides treatment and rehabilitation in combination with reasonable, fair, humane, and appropriate sanctions and which offers a continuum of care consisting of program options to meet the needs of each juvenile, will help the juvenile justice system to meet its statutory purposes. Such a continuum includes immediate and intermediate sanctions within the community for first time offenders (Wilson and Howell, 1993).

The term ''juvenile sanctioning'' is used to refer to specific sanctioning options that deal with the level of supervision exerted over juvenile offenders (*e.g.,* fines; community service work; electronic monitoring; probation; intensive supervision; community-based programs, both residential and nonresidential; and secure incarceration). These sanctions may also incorporate a range of treatment services that address the juvenile's individual needs (*e.g.,* drug treatment, anger management, and so forth). Sanctioning levels should be driven primarily by a risk assessment, while treatment programs should be determined through a needs assessment. Together, these two components, risk and needs assessments, should be used to form the overall concept of a graduated range of dispositional options, guided by a specific policy framework.

Use of a validated risk assessment instrument, along with a needs assessment tool, is key to establishing a graduated sanctions system. A combined risk and needs instrument not only provides levels of security based on information establishing the risk of recidivism but also identifies the treatment needs of delinquent youth. Failure to meet these needs often contributes to further delinquency. It is, therefore, vitally important that risk and needs assessment instruments be reliable, accurate, useful, and actually meet the needs of both the offender and the sanctioning authority. In order to enhance its accuracy, the risk assessment instrument needs to be validated in each community in which it will be used. In addition, testing and refinement of needs assessment instruments must be conducted by qualified professionals in fields such as counseling, mental health, and substance abuse.

A community assessment, which recognizes both the services available to assist in sanctioning and rehabilitation of youthful offenders and the gaps in such services, is also an important element in developing a successful juvenile accountability-based sanctioning program. The community must recognize both its strengths and

weaknesses for dealing with delinquent juveniles and should identify through its community assessment what services are available and how other needed services can be either created or obtained.

Creating sanctioning programs requires identifying both a range of sanctioning options and a coherent decisionmaking system to guide their use. In addition, in order to be successful, community-based sanctions must be developed with the participation of representatives from all members of the community, including victims of juvenile crime.

This juvenile sanctioning initiative has two core elements: (1) To strengthen the decisionmaking system through development and validation of risk and needs assessment instruments and (2) to strengthen the front end of the graduated sanctions continuum by implementing community-based sanctions and treatment programs. On a broader level, this initiative will provide communities with a practical guide to developing and implementing a model sanctioning system that includes structured decisionmaking and proven effective programs.

By improving juvenile sanctioning options and decisionmaking systems, law enforcement officers, juvenile court personnel, and social workers will be offered an avenue for referrals that provide prompt and early intervention and appropriate sanctions for juveniles who have been arrested or charged with offenses that community agencies believe can be safely managed and monitored within the framework of community-based programs. Policies that combine a sound decisionmaking system with the use of effective sanctioning options will form the basis of a model community-based sanctioning system. In addition, by using proven treatment programs along with appropriate sanctions, a community should be able to provide safe, secure, and appropriate alternatives to the secure placement of juveniles that are effective in reducing future offending behavior.

This program is intended to assist selected communities to either enhance existing community-based programs or create new ones designed to achieve a comprehensive system of juvenile accountability-based sanctioning. Communities eligible for the training and technical assistance are ones that have conducted a comprehensive community assessment that demonstrates an understanding of the juvenile offender population, includes an analysis of the decisionmaking system, and examines the sanctioning and program options the community has to offer.

Goal

The primary goal of this program is to create or improve juvenile accountability-based sanctioning programs at the front end of the continuum, while enhancing the competencies and skills of youth, in order to strengthen the juvenile justice system's capability to respond appropriately to delinquent behavior.

Objectives

- To develop both a comprehensive risk assessment and a needs assessment tool that can be used by law enforcement officers, probation officers, assessment center staff, judges, and other juvenile justice professionals to determine the likelihood that a youth will reoffend and to identify appropriate services needed to prevent continued delinquency.
- To reduce the number of juveniles being referred for prosecution within the juvenile justice system for minor offenses by increasing the rate of diversion of minor offenses from the system and decreasing the use of detention.
- To reduce the length of stay in secure detention for juveniles referred for minor offenses by providing community-based detention alternatives and sanctioning options.
- To increase the number of effective dispositional options available to law enforcement officers for referrals to community organizations and agencies having responsibility for treating or dealing with delinquent behavior.
- To increase and improve the sanctioning options available to juvenile courts by facilitating the development of effective and innovative community-based sanctioning options and treatment.
- To engage community institutions, organizations, and agencies in the development and enhancement of mediating structures that hold juveniles accountable for their behavior, while engaging victims—when appropriate—in the process and enhancing youth competency.
- To provide technical assistance to support effective implementation of the risk and needs assessment processes in jurisdictions committed to using a system of graduated sanctions.
- To identify and support replication of programs that support development of social competency skills in youth as elements of the graduated sanctions program.

Program Strategy

OJJDP will competitively select one organization to provide intensive training and technical assistance to support at least 10 selected jurisdictions interested in developing or enhancing a continuum of community-based graduated sanctions. The primary target population for this program is youthful offenders who could be referred by law enforcement, schools, or juvenile courts to community-managed alternatives to detention and secure confinement. The scope of work for program sites will also include the selection, adaptation and testing of a risk and needs assessment instrument, or the validation of an existing instrument, in order to support objective implementation of graduated sanctions programs in the selected communities. The instruments will be supported by development of protocols for their validation in each jurisdiction where they will be used. This program will also support development of Juvenile Justice System Resource Guidelines, which will offer guidance to juvenile courts and other juvenile justice agencies on how to organize, implement, and manage a juvenile sanctioning program.

This program will focus on delivering intensive training and technical assistance for both structured decisionmaking (risk and needs assessments) and developing and implementing graduated sanctions options in each of the selected communities. Each program site will demonstrate how to implement the elements of a comprehensive strategy with respect to structured decisionmaking with a full range of appropriate sanctions and programs.

Targeted communities must support accountability-based sanctions that provide for a range of services and programs to assist youthful offenders in developing improved skills in social, educational, and economic competencies. The major beneficiaries of the program will be youthful offenders, victims of juvenile crime, judges, prosecutors, probation officers, education officials, law enforcement officers, and workers in youth service agencies.

This program will be implemented in three phases. Phase I requires the development of materials that will inform and structure implementation of the initiative, selection of the intensive sites, and selection and adaptation of the risk and needs assessments instruments. Phase II requires testing and refining materials developed during the first year through the initiation of delivery of intensive technical

assistance to the 10 selected sites, delivery of training on graduated sanctions options to the 10 sites and to selected members of the juvenile justice community (*e.g.*, legislators, judges, prosecutors, defense attorneys, community mediation agency personnel, State juvenile justice specialist, State advisory group members), and revision of materials as a result of testing. Phase III requires refining the structure of graduated sanctions developed in the second year in the intensive sites, facilitating the transfer of knowledge from the intensive sites to support the development of graduated sanctions programs in nonintensive sites, and delivering training and technical assistance to other jurisdictions.

A single award will be made, under a cooperative agreement, with funding in annual increments over a 5-year project period. The first year of funding will be for up to $1 million.

Successful applicants must be able to develop a process for competitively identifying and selecting communities, in collaboration with OJJDP, that either have or will develop effective juvenile accountability-based sanctioning programs. The grantee will conduct regional workshops for interested communities to explain the selection criteria for choosing the intensive sites, review program goals and expectations, and offer assistance to those jurisdictions that seek to become juvenile sanctioning program sites. The grantee will also develop training and technical assistance protocols for creating or enhancing a continuum of graduated sanctions within the community, along with the selection or development and validation of risk and needs assessment instruments. It is anticipated that the grantee will develop partnerships with other agencies that can provide content expertise on selecting, adapting, validating, and implementing risk and needs assessment instruments and resource guidelines. It is anticipated that the latter will have a particular emphasis on juvenile courts and will build on work already done by the National Center for Juvenile Justice, the research and technical assistance arm of the National Council of Juvenile and Family Court Judges.

In the first year, applicants should budget for four regional workshops that will explain the concept, design, development, and implementation of community-based graduated juvenile sanctioning programs to interested jurisdictions. These workshops will form the genesis of the communities' applications for intensive training and technical assistance. By the end of the first year, 10 or more jurisdictions will be identified and selected by the grantee, in collaboration with OJJDP, as having the elements essential to developing and enhancing a comprehensive graduated sanctions continuum.

At the same time, the grantee will begin the process of selecting, adapting, and testing risk and needs assessment instruments and developing and testing a planning manual on graduated sanctions, which will include a chapter on risk and needs assessment instruments. Sufficient funds should also be allocated to support the development of Juvenile Justice System Resource Guidelines.

The major requirements for this application are a detailed description of how communities will be selected for the program, the overall training and technical assistance program for improving juvenile accountability-based sanctioning within the selected communities and the way in which the total program will be implemented, an explanation of how the program goals and objectives will be achieved, a timetable for program implementation, and the method proposed for addressing the need for training and technical assistance in support of the juvenile sanctioning program. The application should state specifically how the following will be accomplished:

- Development of guidelines and/or protocols for identifying successful juvenile accountability-based sanctioning programs.
- Identification and selection of sites where enhancement or creation of a juvenile accountability-based sanctioning program would aid the juvenile justice system.
- Identification of successful risk and needs assessment core data requirements, along with the development, selection, and adaptation of model risk and needs assessment instruments, a protocol for their testing and/or validation, and a plan for their implementation within a juvenile sanctioning program.
- Development of a protocol for identification and replication of support services that develop youth competencies, in association with sanctioning options.
- Involvement of victims in the design of the accountability-based sanctioning program, including the use of community mediation boards.
- Involvement of community agencies, organizations, and residents in planning the sanctioning program.
- Development of guidelines for documentation of local programs.
- Development of Juvenile Justice System Resource Guidelines.
- Development of a training curriculum on implementing and managing a graduated sanctions program.

Deliverables

In addition to those identified in the strategy and content of the training and technical assistance design, the following list identifies other specific deliverables during the 5-year period:

Year 1

- Four regional workshops that explain the concept, design, development, and implementation of a community-based graduated juvenile sanctioning program to prospective jurisdictions that want to either create or enhance their juvenile sanctioning options.
- Criteria for the selection of 10 sites for intensive training and technical assistance to either enhance existing juvenile accountability-based sanctioning programs or create new programs.
- A manual that delineates the design specifications for those specific program elements that contribute to a successful juvenile accountability-based sanctioning program, along with instructions for implementation.
- Model risk and needs assessment instruments, with a protocol for validation and/or testing on a community-by-community basis.
- A table of contents for the Juvenile Justice System Resource Guidelines, a detailed plan for how the Guidelines will be developed, and a list of key persons who will participate in their development.
- Development and distribution of three technical assistance bulletins, articles, fact sheets, or briefs about juvenile accountability-based sanctioning programs.
- A marketing plan for the juvenile sanctioning program.
- A protocol for delivery of intensive training and technical assistance to selected sites.

Year 2

- Testing and refinement of the technical assistance protocol with the targeted sites.
- A monograph that identifies and categorizes the range of juvenile accountability-based sanctioning programs in use within the juvenile justice system, identifying those programs that are most effective and should be replicated.
- Delivery of intensive training and technical assistance to the selected sites

for enhancement of existing juvenile accountability-based sanctioning programs or for the creation of new juvenile sanctioning programs.

• A first draft of the Juvenile Justice System Resource Guidelines, along with evidence of testing and review.

• Training delivered at a minimum of four events, which may include presentations at local, regional, State, or national training conferences, about the juvenile sanctioning program.

• A summary report on training evaluations by participants to improve future delivery of training and technical assistance.

Year 3

• A final draft of the Juvenile Justice System Resource Guidelines, with revisions, publication plan, and dissemination plan for the guidelines.

• Assessments of sites' progress in implementing or enhancing their juvenile sanctioning programs along with site-specific plans for corrective action.

• Additional deliverables will be identified based on the needs of the sites.

Years 4 and 5

• Selection of additional sites for implementation of the juvenile sanctioning program.

• Additional deliverables to be determined as sites move forward in implementing the program and as other national needs become apparent.

Applicants are encouraged to be realistic in costing out the deliverables and in outlining the implementation schedule. Applicants are also encouraged to be innovative in their ideas because OJJDP is open to consideration of alternative approaches to the delivery of training and technical assistance as long as the objectives and overall goals of the program are achieved at a high level, consistent with the guiding principles listed below.

Guiding Principles

Technical assistance and training will be developed consistent with the following principles:

Design and deliver the training and technical assistance in a manner that supports empowerment of local communities to implement programs.

• Be proactive and comprehensive.

• Be user-friendly and consumer driven.

• Use uniform protocols for needs assessment, delivery of training and technical assistance, evaluation, tracking, and followup.

• Base curriculum development on adult learning theory and deliver the curriculum within the context of an interactive structure.

• Coordinate the training and technical assistance to effectively and efficiently use the expertise of a range of grantees, including the national JAIBG training and technical assistance coordinator, currently Development Services Group, Inc., of Bethesda, Maryland.

• Be sensitive to diverse cultural and ethnic needs.

• Incorporate sound youth development and juvenile justice principles.

Eligibility Requirements

OJJDP invites applications from public and private agencies, organizations, institutions, or individuals. Private, for-profit organizations must agree to waive any profit or fee.

Selection Criteria

Applications will be rated by a peer review panel according to the criteria outlined below. A site visit may be conducted to confirm information provided in the application.

Need(s) To Be Addressed (15 points)

Applicants must clearly demonstrate an understanding of the need(s) to be addressed by the program and the issues relevant to current juvenile accountability-based sanctioning programs and practices. Specific attention should be given to demonstrating an understanding of the problems associated with risk and needs assessments.

Goals and Objectives (10 points)

Applicants must provide succinct statements that demonstrate an understanding of the goals and objectives associated with the program. Training and technical assistance related to the objectives must be clearly stated and measurable.

Project Design (30 points)

Applicants must present a project design that is specific and constitutes an effective approach to meeting the goals and objectives of this program. The design must include a detailed workplan with timelines that link the training and technical assistance tasks to each of the program's stated objectives. Applicants must demonstrate how these activities can be expected to achieve the program's overall goal. The design must provide protocols for assessment of technical assistance and training needs and protocols that will be used in the delivery of technical assistance. It must also describe the process and structure that will be used for curriculum development and demonstrate how adult learning theory will be employed in its design. Specificity should be provided with respect to how the problems associated with development of risk and needs assessment instruments will be overcome and what approach will be used to inventory the range of juvenile accountability-based sanctioning programs. Specificity should also be provided regarding the applicant's understanding of the intended use of the Juvenile Justice System Resource Guidelines and the potential approaches to their development.

Competitiveness will be enhanced by clearly discussing how training and technical assistance will be delivered in each of the identified juvenile sanctioning program areas in the program strategy outlined above.

Project Management (25 points)

The application must include a discussion of how the grantee will coordinate and manage this program to achieve the training and technical assistance objectives. Applicant's management structure and staffing must be adequate and appropriate for the successful implementation of the project and must identify a program manager experienced in successfully delivering training and technical assistance. Applicants must describe an organizational framework, managerial structure, and staffing approach that is capable of effectively executing the juvenile sanctioning initiative. Applicants need to have a pool of consultants available with high levels of expertise in juvenile sanctioning programs and must be able to identify responsible individuals, their time commitment, and assignment of major tasks under this project. A key element to be considered in identifying consultants is their organizational experience in designing and delivering training and technical assistance on a national level. Key staff should have significant experience with the delivery of training and technical assistance and some combination of experience with community-based youth accountability-oriented programs, *e.g.,* restitution, probation, restorative justice, victims services.

Experience in managing juvenile justice programs is not essential to successful management of this project; competitiveness will be enhanced, however, by clearly demonstrating the ability to attract seasoned experts with a knowledge of current juvenile justice accountability-based sanctioning programs, the ability to develop

program materials, the capability for printing materials in-house, and a management structure that supports the deployment of consultants and delivery of services. The development of partnerships with other agencies and organizations having expertise that expands the knowledge and experience base of the grantee and prior experience in management of multifaceted projects employing the use of one or more contractors will enhance the applicant's competitiveness.

Organizational Capability (10 points)

The ability to administer the initiative effectively should be clearly demonstrated in the application. Documentation should include organizational and/or staff experience in the subject areas described under the ''Program Strategy'' section, and successful experience in financial management of Federal grants and cooperative agreements. The application should also clearly describe how the grant will be managed as a free-standing operation within the applicant's organization.

Applicants must also describe and demonstrate professional competency to offer cutting edge technical assistance approaches and an organizational infrastructure that would support the technological and resource requirements of this program. Applicants may find it more cost effective to establish contractual relations for development of some of the required technical or specialized products.

Budget (10 points)

Applicants must provide a proposed budget that is detailed, reasonable, and cost effective for the activities to be undertaken. Competitiveness will be enhanced by those applicants that budget for tangible training resources for program participants to assist with daily operation of juvenile sanctioning programs (e.g., software, training manuals, technical assistance bulletins, and so forth) and for support of selected program sites.

Format

The application narrative must not exceed 30 pages in length (excluding forms, assurances, and appendixes) and must be submitted on 8½ by 11-inch paper, double spaced on one side of the paper, in a standard 12-point font. This is necessary to maintain fair and uniform standards among all applicants. If the narrative does not conform to these standards, OJJDP will deem the application ineligible for consideration.

Award Period

The project will be funded for 5 years in five 1-year budget periods. Funding after the first budget period depends on availability of funds, grantee performance, and other criteria established at the time of award.

Award Amount

Up to $1 million is available for the first year of the budget period.

Catalog of Federal Domestic Assistance (CFDA) Number

For this program, the CFDA number, which is required on Standard Form 424, Application for Federal Assistance, is 16.542. This form is included in the *OJJDP Application Kit*, which can be obtained by calling the Juvenile Justice Clearinghouse at 800–638–8736 or sending an e-mail request to puborder@ncjrs.org. The *Application Kit* is also available online at www.ojjdp.ncjrs.org/grants/about.html#kit.

Coordination of Federal Efforts

To encourage better coordination among Federal agencies in addressing State and local needs, the U.S. Department of Justice (DOJ) is requiring applicants to provide information on the following: (1) Active Federal grant award(s) supporting this or related efforts, including awards from DOJ; (2) any pending application(s) for Federal funds for this or related efforts; and (3) plans for coordinating any funds described in items (1) or (2) with the funding sought by this application. For each Federal award, applicants must include the program or project title, the Federal grantor agency, the amount of the award, and a brief description of its purpose.

The term ''related efforts'' is defined for these purposes as one of the following:

1. Efforts for the same purpose (*i.e.,* the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).
2. Another phase or component of the same program or project (e.g., to implement a planning effort funded by other Federal funds or to provide a substance abuse treatment or education component within a criminal justice project).
3. Services of some kind (e.g., technical assistance, research, or evaluation) to the program or project described in the application.

Delivery Instructions

All application packages must be mailed or delivered to the Office of Juvenile Justice and Delinquency, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301–519–5535. Faxed or e-mailed applications will not be accepted.

Note: *In the lower left-hand corner of the envelope, you must clearly write ''Improving Juvenile Sanctioning: An Intensive Training and Technical Assistance Delivery Program.''*

Due Date

Applicants are responsible for ensuring that an original and five copies of the application package are received by 5 p.m. ET on November 6, 2000.

Contact

For further information, contact Dennis D. Barron, Program Manager, Training and Technical Assistance Division, Office of Juvenile Justice and Delinquency Prevention, at 202–616–2942, or send an e-mail inquiry to barrond@ojp.usdoj.gov.

References

Coleman, P.K., Felton-Green, J., and Oliver, G. 1998 (October). *Connecticut's Alternative Sanctions Program.* Practitioner Perspectives. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

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Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Dated: August 30, 2000.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

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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)

Last List August 22, 2000

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