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WHEN: November 14, 2000, at 9:00 a.m.

WHERE: Office of the Federal Register
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800 North Capitol Street, NW.
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RESERVATIONS: 202–523–4538

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Federal Register

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

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

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1724

RIN 0572–AB54

Electric Engineering, Architectural Services and Design Policies and Procedures

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) is amending its regulations to revise its requirements regarding RUS approval of plans and specifications for buildings. Specifically, the requirement for RUS approval of architectural plans and specifications for buildings is eliminated and instead the borrower's architect or engineer is required to state that the design complies with certain specific standards. This change is being made in order to provide better service to borrowers.

DATES: This rule will become effective on November 22, 2000.

FOR FURTHER INFORMATION CONTACT: Fred J. Gatchell, Deputy Director, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1569, 1400 Independence Ave., SW., Washington, DC 20250–1569. Telephone: (202) 720–1398. FAX: (202) 720–7491. E-mail: fgatchel@rus.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12372

This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with state and local officials. See the final rule related notice entitled ''Department Programs and Activities Excluded from Executive Order 12372,'' (50 FR 47034) advising that RUS loans and loan guarantees were not covered by Executive Order 12372.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, (1) all state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3), in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)) administrative appeals procedures, if any are required, must be exhausted prior to initiating an action against the Department or its agencies.

Regulatory Flexibility Act Certification

The Administrator of RUS has determined that this rule relating to RUS electric loan program is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and therefore, the Regulatory Flexibility Act does not apply to this rule. RUS borrowers, as a result of obtaining federal financing, receive economic costs associated with complying with RUS regulations and requirements.

National Environmental Policy Act Certification

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

Catalog of Federal Domestic Assistance

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

Information Collection and Recordkeeping Requirements

The recording and recordkeeping requirements contained in this rule were approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) under OMB control number 0572–0118.

Send questions or comments regarding this burden or any other aspect of these collections of information, including suggestions for reducing the burden, to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., SW., Room 4034 SBldg., Stop 1522, Washington, DC 20250–1522.

Unfunded Mandates

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

Background

RUS has promulgated regulations pertaining to the design and construction of RUS electric borrower's systems. These regulations are contained in 7 CFR Part 1724, Electric Engineering, Architectural Services and Design Policies and Procedures, which describes policies and procedures pertaining to RUS electric borrower procurement of architectural and engineering services for planning, design, and construction management of buildings and electric utility plant such as distribution and transmission lines, substations, communications and control systems, and generating plants. RUS has determined that continued review and approval of plans and specifications for buildings by RUS is not necessary. This will eliminate the burden on the borrowers of having to send the plans and specifications to RUS before issuing them to bidders. However, RUS will require that the borrower's architect or engineer state that the design complies with certain specific standards. This change is being

made in order to provide better service to borrowers.

We are also correcting a date in the list of contract forms.

RUS received no comments to the proposed regulation published in the **Federal Register** on April 24, 2000, at 65 FR 21671.

List of Subjects in 7 CFR Part 1724

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

For the reasons set forth in the preamble, RUS amends 7 CFR chapter XVII by amending part 1724 as follows:

PART 1724—ELECTRIC ENGINEERING, ARCHITECTURAL SERVICES AND DESIGN POLICIES AND PROCEDURES

1. The authority citation for part 1724 continues to read as follows:

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

2. Section 1724.54(f)(2) is revised to read as follows:

§ 1724.54 Requirements for RUS approval of plans and specifications.

* * * * *

(f) * * *

(2) Unless RUS approval is required by paragraph (a) of this section, plans and specifications for headquarters buildings do not require RUS approval. The borrower shall submit two copies of RUS Form 740g, Application for Headquarters Facilities. This form is available from Program Development and Regulatory Analysis, Rural Utilities Service, United States Department of Agriculture, Stop 1522, 1400 Independence Ave., SW., Washington, DC 20250–1522. The application must show floor area and estimated cost breakdown between office building space and space for equipment warehousing and service facilities, and include a one line drawing (floor plan and elevation view), to scale, of the proposed building with overall dimensions shown. The information concerning the planned building may be included in the borrower's construction work plan in lieu of submitting it with the application. (See 7 CFR part 1710, subpart F.) Prior to issuing the plans and specifications for bid, the borrower shall also submit to RUS a statement, signed by the architect or engineer, that the building design meets the Uniform Federal Accessibility Standards (See § 1724.51(e)(1)(i)).

* * * * *

3. Section 1724.74(d)(7) is revised to read as follows:

§ 1724.70 List of electric program standard contract forms.

* * * * *

(d) * * *

(7) RUS Form 284, Rev. 4–72, Final Statement of Cost for Architectural Service. This form is used for the closeout of architectural services contracts.

* * * * *

Dated: October 5, 2000.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 00–27155 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM177; Special Conditions No. 25–163–SC]

Special Conditions: Canadair Model CL–600–2B19 Series Airplanes; High-Intensity Radiated Fields (HIRF).

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Canadair Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics. These modified airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of a new Head-Up Guidance System (HGS). The HGS will utilize electrical and electronic systems that perform critical functions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of this system from the effects of high-intensity-radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is October 17, 2000. Comments must be received on or before November 22, 2000.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–114), Docket No. NM177, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: *Docket No. NM177.* Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Gerald Lakin, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–1187; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to these special conditions must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM177.'' The postcard will be date stamped and returned to the commenter.

Background

On June 26, 2000, Rockwell Collins Flight Dynamics, 16600 S.W. 72nd Avenue, Portland, OR 97224, applied for a Supplemental Type Certificate (STC) for Canadair Model CL–600–2B19 series airplanes. The Model CL–600–2B19 is a Model Regional Jet Series 100 passsenger airplane with two AVCO Lycoming ALF–502L or ALF–502L–2 engines. These airplanes will incorporate a Head-Up Guidance System (HGS), manufactured by Rockwell Collins Flight Dynamics, which displays attitude and heading information.

The HGS performs critical functions associated with the display of attitude and heading information to the pilot. These functions can be susceptible to disruption of both command and response signals as a result of electrical and magnetic interference caused by high-intensity radiated fields (HIRF) external to the airplane. This disruption of signals could result in loss of critical flight displays and annunciations, or could present misleading information to the pilot.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Rockwell Collins Flight Dynamics must show that the Model CL–600–2B19 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A21EA, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations included in the certification basis for the Model CL–600–2B19 series airplanes include Title 14, Code of Federal Regulations (14 CFR) part 25, as amended by Amendments 25–1 through 25–62, plus additional requirements listed in the type certificate data sheet that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* part 25, as amended) do not contain adequate or appropriate safety standards for the Model CL–600–2B19 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model CL–600–2B19 series airplanes must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36.

Special conditions, as appropriate, are issued in accordance with § 11.49, as required by §§ 11.28 and 11.29, and become part of the airplane's type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design features, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

As stated earlier, the Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics will incorporate a HGS system, which performs critical functions. The HGS system contains electronic equipment for which the current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for the protection of this equipment from the adverse effects of HIRF. This system may be vulnerable to HIRF external to the airplane. Accordingly, this system is considered to be a novel or unusual design feature.

Discussion

There is no specific regulation that addresses the requirements for protection of electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved that is equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Model CL–600–2B19 airplanes modified to include the Rockwell Collins Flight Dynamics HGS system. These special conditions will require that this system, which performs critical functions, be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1 or 2 below:

1. A minimum threat of 100 volts rms per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated. Both peak and average field strength components from the Table are to be demonstrated.

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300

Frequency	Field strength (volts per meter)	
	Peak	Average
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to Canadair Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics to include the Rockwell Collins Flight Dynamics HGS system. Should Rockwell Collins Flight Dynamics apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate A21EA to incorporate the same novel or unusual design features, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on Canadair Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplanes.

The substance of the special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for Canadair Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions:* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on October 17, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–27181 Filed 10–20–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30209; Amdt. No. 425]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: 0901 UTC, November 30, 2000.

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

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances required making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the

close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusions

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on October 17, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC,

1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

PART 95—[AMENDED]

2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 425 effective date, November 30, 2000]

From	To	MEA
Color Routes		
§ 95.4 Green Federal Airway 8 is Amended To Read in Part		
CAMPBELL LAKE, AK NDB	GLENNALLEN, AK NDB	13,000
§ 95.6001 Victor Routes—U.S.		
§ 95.6015 VOR Federal Airway 15 Is Amended To Read in Part		
BONHAM, TX VORTAC	*PRIZZ, OK FIX	**3,600
*7,000—MRA		
**2,100—MOCA		
PRIZZ, OK FIX	MC ALESTER, OK VORTAC	*3,000
*2,500—MOCA		
MC ALESTER, OK VORTAC	*HOFFE, OK FIX	2,700
*4,700—MRA		
HOFFE, OK FIX	OKMULGEE, OK VOR/DME	2,600
§ 95.6016 VOR Federal Airway 16 Is Amended To Read in Part		
ABILENE, TX VORTAC	*ROGEE, TX FIX	3,600
*5,000—MRA		
ROGEE, TX FIX	BOWIE, TX VORTAC	*4,500
*2,900—MOCA		
BOWIE, TX VORTAC	BONHAM, TX VORTAC	3,700
BONHAM, TX VORTAC	PARIS, TX VOR/DME	2,400
PARIS, TX VOR/DME	TEXARKANA, AR VORTAC	2,000
§ 95.6017 VOR Federal Airway 17 Is Amended To Read in Part		
MILLSAP, TX VORTAC	BOWIE, TX VORTAC	3,000
BOWIE, TX VORTAC	ARDMORE, OK VORTAC	3,000
ARDMORE, OK VORTAC	WILL ROGERS, OK VORTAC	3,000
§ 95.6020 VOR Federal Airway 20 Is Amended To Read in Part		
CORPUS CHRISTI, TX VORTAC	COPAN, TX FIX	1,800
COPAN, TX FIX	AGOJA, TX FIX	1,700
AGOJA, TX FIX	PALACIOS, TX VORTAC	2,000
*1,400—MOCA		
§ 95.6063 VOR Federal Airway 63 Is Amended To Read in Part		
BOWIE, TX VORTAC	TEXOMA, OK VOR/DME	3,000
TEXOMA, OK VOR/DME	MC ALESTER, OK VORTAC	2,800
§ 95.6066 VOR Federal Airway 66 Is Amended To Read in Part		
ABILENE, TX VORTAC	TRUSS, TX FIX	3,200

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 425 effective date, November 30, 2000]

From	To	MEA
TRUSS, TX FIX *3,100—MOCA	MILLSAP, TX VORTAC	*3,700
§ 95.6070 VOR Federal Airway 70 Is Amended To Read in Part		
CORPUS CHRISTI, TX VORTAC	COPAN, TX FIX	1,800
COPAN, TX FIX	AGOJA, TX FIX	1,700
AGOJA, TX FIX *1,400—MOCA	PALACIOS, TX VORTAC	2,000
§ 95.6078 VOR Federal Airway 78 Is Amended To Read in Part		
IRON MOUNTAIN, MI FIX	VUKFI, MI FIX	3,100
VUKFI, MI FIX *2,200—MOCA	ESCANABA, MI VORTAC	*3,000
§ 95.6114 VOR Federal Airway 114 Is Amended To Read in Part		
CARTH, FIX *1,700—MOCA	EXITE, LA FIX	*3,000
EXITE, LA FIX *1,700—MOCA	COVEX, LA FIX	*3,500
§ 95.6124 VOR Federal Airway 124 Is Amended To Read in Part		
HOT SPRINGS, AR VOR/DME	LONNS, AR FIX	3,000
LONNS, AR FIX *1,900—MOCA	LITTLE ROCK, AR VORTAC	*2,500
§ 95.6161 VOR Federal Airway 161 Is Amended To Read in Part		
MILLSAP, TX VORTAC	BOWIE, TX VORTAC	3,000
§ 95.6407 VOR Federal Airway 407 Is Amended To Read in Part		
LUFKIN, TX VORTAC *2,000—MOCA	ELM GROVE, LA VORTAC	*4,000
ELM GROVE, LA VORTAC	EL DORADO, AR VORTAC	2,000
§ 95.6430 VOR Federal Airway 430 Is Amended To Read in Part		
IRON MOUNTAIN, MI VORTAC	VUKFI, MI FIX	3,100
VUKFI, MI FIX *2,200—MOCA	ESCANABA, MI VORTAC	*3,000
§ 95.6507 VOR Federal Airway 507 Is Amended To Read in Part		
ARDMORE, OK VORTAC	WILL ROGERS, OK VORTAC	3,000
§ 95.6573 VOR Federal Airway 573 Is Amended To Read in Part		
WILL ROGERS, OK VORTAC *7,000—MRA	*ALEXX, OK FIX	3,000
ALEXX, OK FIX	ARDMORE, OK VORTAC	3,500
ARDMORE, OK VORTAC	BONHAM, TX VORTAC	3,600
BONHAM, TX VORTAC	SULPHUR SPRINGS, TX VOR/DME	2,500
SULPHUR SPRINGS, TX VOR/DME	TEXARKANA, AR VORTAC	2,000
TEXARKANA, AR VORTAC *1,800—MOCA	PIKES, AR FIX	*3,500
PIKES, AR FIX *2,100—MOCA	MARKI, AR FIX	*3,500
MARKI, AR FIX *2,500—MOCA	HOT SPRINGS, AR VOR/DME	*3,500
HOT SPRINGS, AR VOR/DME	LONNS, AR FIX	3,000
LONNS, AR FIX *1,900—MOCA	LITTLE ROCK, AR VORTAC	*2,500

[FR Doc. 00–27183 Filed 10–20–00; 8:45 am]
BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''the Commission'') amends its Appliance Labeling Rule (''the Rule'') by publishing new ranges of comparability to be used on required labels for refrigerator-freezers with automatic defrost with top-mounted freezers with through-the-door ice service (Appendix A7). The Commission also announces that the current (1998) ranges of comparability for all other categories of refrigerators, refrigerator-freezers, and freezers (Appendices A1 through A6, Appendix A8, and Appendices B1 through B3 to the Rule), which were published on December 2, 1998 (63 FR 66428), will remain in effect until further notice.

EFFECTIVE DATE: January 22, 2001.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202–326–3035); <<jmills@ftc.gov>>.

SUPPLEMENTARY INFORMATION: The Appliance Labeling Rule (''Rule'') was issued by the Commission in 1979 (44 FR 66466 (Nov. 19, 1979)) in response to a directive in the Energy Policy and Conservation Act of 1975.[1] The rule covers eight categories of major household appliances: Refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters (this category includes storage-type water heaters, instantaneous water heaters, and heat pump water heaters), room air conditioners, furnaces (this category includes boilers), and central air conditioners (this category includes heat pumps). The Rule also covers pool heaters (59 FR 49556 (Sept. 28, 1994)), and contains requirements that pertain to fluorescent lamp ballasts (54 FR 28031 (July 5, 1989)), certain plumbing products (58 FR 54955 (Oct. 25, 1993)), and certain lighting products (59 FR 25176 (May 13, 1994)).

The Rule requires manufacturers of all covered appliances and pool heaters to disclose specific energy consumption or efficiency information (derived from the DOE test procedures) at the point of sale in the form of an ''EnergyGuide'' label and in catalogs. It also requires manufacturers of furnaces, central air conditioners, and heat pumps either to provide fact sheets showing additional cost information, or to be listed in an industry directory showing the cost information for their products. The Rule requires that manufacturers include, on labels and fact sheets, an energy consumption or efficiency figure and a ''range of comparability.'' This range shows the highest and lowest energy consumption or efficiencies for all comparable appliance models so consumers can compare the energy consumption or efficiency of other models (perhaps competing brands) similar to the labeled model. The Rule requires that manufacturers also include, on labels for some products, a secondary energy usage disclosure in the form of an estimated annual operating cost based on a specified DOE national average cost for the fuel the appliance uses.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report annually (by specified dates for each product type[2]) the estimated annual energy consumption or energy efficiency ratings for the appliances derived from tests performed pursuant to the DOE test procedures. Because manufacturers regularly add new models to their lines, improve existing models, and drop others, the data base from which the ranges of comparability are calculated is constantly changing. Under Section 305.10 of the Rule, to keep the required information on labels consistent with these changes, the Commission publishes new ranges (but not more often than annually) if an analysis of the new information indicates that the upper or lower limits of the ranges have changed by 15% or more. Otherwise, the Commission publishes a statement that the prior ranges remain in effect for the next year.

The Commission has analyzed the 2000 submissions of data for refrigerators, refrigerator-freezers, and freezers, and has determined that the upper and lower limits of the ranges for refrigerator-freezers with automatic defrost with top-mounted freezers with through-the-door ice service (Appendix A7) have changed significantly. Therefore, the Commission is publishing new ranges of comparability for those products.

The Commission also has determined that the ranges of comparability for all other categories of refrigerators, refrigerator-freezers, and freezers (Appendices A1 through A6, Appendix A8, and Appendices B1 through B3 to the Rule) have not changed significantly. Therefore, the Commission is announcing that the current (1998) ranges for those products, which were published on December 2, 1998 (63 FR 66428), will remain in effect until further notice.

Today's publication of the new ranges for refrigerator-freezers with automatic defrost with top-mounted freezers with through-the-door ice service also means that, after January 22, 2001, manufacturers of these products must calculate the operating cost figures at the bottom of labels for the products using the 2000 cost for electricity (8.03 cents per kiloWatt-hour). Manufacturers must continue to calculate the operating costs at the bottom of labels for all other refrigerators, refrigerator-freezers, and freezers using the 1998 cost for electricity (8.42 cents per kiloWatt-hour), which was the cost for electricity that was in effect at the time the current (1998) ranges were published.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a ''significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 305 is amended as follows:

[1] 42 U.S.C. 6294. The statute also requires the Department of Energy (''DOE'') to develop test procedures that measure how much energy the appliances use, and to determine the representative average cost a consumer pays for the different types of energy available.

[2] Reports for refrigerators, refrigerator-freezers, and freezers are due August 1.

PART 305—RULE CONCERNING DISCLOSURES REGARDING ENERGY CONSUMPTION AND WATER USE OF CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT (''APPLIANCE LABELING RULE'')

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix A7 to Part 305 is revised to read as follows:

Appendix A7 to Part 305—Refrigerator-Freezers With Automatic Defrost With Top-Mounted Freezer With Through-the-Door Ice Service

RANGE INFORMATION

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (KWh/Yr.)	
	Low	High
Less than 10.5	502	511
10.5 to 12.4	544	544
12.5 to 14.4	544	624
14.5 to 16.4	642	642
16.5 to 18.4	(*)	(*)
18.5 to 20.4	(*)	(*)
20.5 to 22.4	680	840
22.5 to 24.4	(*)	(*)
24.5 to 26.4	905	905
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

(*) No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective January 1, 1993.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 00–27157 Filed 10–20–00; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8–R]

RIN 0720–AA53

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

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule revises the comprehensive CHAMPUS regulation pertaining to the Expanded Active Duty Dependents Benefit Plan, or more commonly referred to as the TRICARE Family Member Dental Plan (TFMDP). The TFMDP limited eligibility to eligible dependents of active duty members (under a call or order that does not specify a period of thirty (30) day or less). Concurrent with the timeframe of the publication of the proposed rule, the Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65, sec. 711) was signed into law and its provisions have been incorporated into this final rule. The Act authorized a new plan, titled the TRICARE dental program (TDP), which allows the Secretary of Defense to offer a comprehensive premium based indemnity dental insurance coverage plan to eligible dependents of active duty members (under a call or order that does not specify a period of thirty (30) days or less), eligible dependents of members of the Selected Reserve and Individual Ready Reserve, and eligible members of the Selected Reserve and Individual Ready Reserve. The Act also struck section 1076b (Selected Reserve dental insurance), or Chapter 55 of title 10, United States Code, since the affected population and the authority for that particular dental insurance plan has been incorporated in 10 U.S.C. 1076a. Consistent with the proposed rule and the provisions of the Defense Authorization Act for Fiscal Year 2000, the final rule places the responsibility for TDP enrollment and a large portion of the appeals program on the dental plan contractor; allows the dental plan contractor to bill beneficiaries for plan premiums in certain circumstances; reduces the former TFMDP enrollment period from twenty-four (24) to twelve (12) months; excludes Reserve component members ordered to active duty in support of a contingency operation from the mandatory twelve (12) month enrollment; clarifies dental plan requirements for different beneficiary populations; simplifies enrollment types and exceptions; reduces cost-shares for certain enlisted grades; adds anesthesia as a covered benefit; provides clarification on the Department's use of the Congressional waiver for surviving dependents; incorporates legislative authority for calculating the method by which premiums may be raised and allowing premium reductions for certain enlisted grades; and reduces administrative burden by reducing redundant language, referencing language appearing in other CFR sections and removing language more appropriate to the actual contract. These improvements will provide Uniformed Service members and families with numerous quality of life benefits that will improve participation in the plan, significantly reduce enrollment errors and positively effect utilization of this important dental plan. The proposed rule was titled the ''TRICARE Family Member Dental Plan''.

DATES: Effective February 1, 2001.

FOR FURTHER INFORMATION CONTACT: Major Brian K. Witt, TRICARE Management Activity, 303–676–3496.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Changes

The Basic Active Duty Dependents Dental Benefits Plan was implemented on August 1, 1987, allowing Uniformed Service personnel, on active duty for periods of greater than thirty (30) days, to voluntarily enroll their dependents in a basic dental health care plan. Under this plan, DoD shared the cost of the premium with the active duty service member. Although the plan was viewed as a major step in benefit enhancement for Uniformed Service families, there were still complaints that the enabling legislation was too restrictive in scope and that there should be expansion of services to better meet the dental needs of the Uniformed Service family.

Congress responded to these concerns by authorizing the Secretary of Defense to develop and implement an Expanded Active Duty Dependents Dental Benefit Plan [The Defense Authorization Act For Fiscal Year 1993, Public Law 102–484, sec. 701]. The provisions of this Act specified the expanded benefit structure, as well as maximum monthly premiums for enrollees. Cost-sharing levels for the expanded benefits were left up to the discretion of the Secretary of Defense after consultation with the other Administering Secretaries. The provisions of this Act were implemented on April 1, 1993.

Thereafter, Congress granted legislative authority to allow the Secretary of Defense to expand the dental plan outside the United States and to provide one (1) year of continued dental coverage for enrolled dependents of service members who die while on active duty [The Defense Authorization Act For Fiscal Year 1995, Public Law 103–337, sec. 703]. In addition, the Congress granted subsequent legislative authority to allow the Secretary of Defense to waive or reduce the cost-shares in overseas locations [The Defense Authorization Act For Fiscal Year 1998, Public Law 105–85 sec. 732].

In Fiscal Year 1999, the Congress authorized a methodology by which the enrollee's share of the premium could be increased. This methodology is tied to the lesser of the percent increase in the basic pay of active duty service

members or the basic pay for statutory pay systems plus one-half percent. In authorizing language, the Secretary of Defense could apply this premium increase methodology as if it had been in place continuously since December 31, 1993. To allow for an expanded and more comprehensive benefit, the Department will apply this premium increase methodology as authorized. The language further instructed the Secretary of Defense to advise the Congress of any plans to reduce dental plan benefits and to wait one (1) year, after notification, before any benefits could be reduced [The Defense Authorization Act For Fiscal Year 1999, Public Law 105–261, sec. 701].

In Fiscal Year 2000, the Congress authorized the establishment of the TRICARE dental program (TDP), by striking 10 U.S.C. 1076a (Dependents' dental program) and 10 U.S.C. 1076b (Selected Reserve dental insurance) and inserting a revised section 1076a, TRICARE dental program [The Defense Authorization Act For Fiscal Year 2000, Public Law 106–65, sec. 711]. Language in this revision directed the Secretary of Defense to establish a voluntary enrollment dental insurance plan for members of the Selected Reserve of the Ready Reserve (the former Selected Reserve dental insurance plan or more commonly referred to as the TRICARE Selected Reserve Dental Program or TSRDP) and for members of the Individual Ready Reserve described in 10 U.S.C. 10144(b). It also provided authorizing language to allow the Secretary of Defense to establish a dental insurance plan for eligible dependents of Uniformed Service members who are on active duty for periods of greater than thirty (30) days (the former Dependents' dental plan or more commonly referred to as the TRICARE Family Member Dental Plan or TFMDP), members of the Individual Ready Reserve as described in 10 U.S.C. 10144(a), and eligible dependents of members of the Ready Reserve of the Reserve components who are not on active duty for more than thirty (30) days. Essentially, the authorizing language combined the eligible populations of the TFMDP and TSRDP and added, as eligibles, members of the Individual Ready Reserve and dependents of members of the Selected Reserve and Individual Ready Reserve. Additionally, the Congress directed that the insurance plans for the dependents of active duty members and for the members of the Selected Reserve and Individual Ready Reserve (as described in 10 U.S.C. 10144(b)) would be premium sharing plans between the enrollee and the Government. Beneficiaries eligible to enroll in the remaining insurance plans would be required to pay the full premium as a condition of enrollment. To allow for greater participation in the TDP, the Congress allowed the member's share of the premium to be paid from their basic or reserve pay accounts or, for those who do not receive such pay, through payment procedures as specified by the Department. The Congress also authorized waiver of dental plan requirements for surviving dependents of members of the Ready Reserve if the dependent was enrolled in the dental plan on the date of death of the member. This revised the previous waiver authority that applied only to enrolled surviving dependents of active duty members.

These legislative provisions have been codified in 10 U.S.C. 1076a, TRICARE dental program, and are reflected in the regulatory provisions of this final rule. By striking 10 U.S.C. 1076b, its implementing regulation, 32 CFR 199.21, TRICARE Selected Reserve Dental Program (TSRDP), is also removed and reserved.

II. Programmatic Improvements

The below programmatic improvements will be effective once the follow-on TDP contract has been awarded and the performance period has begun. At the present time, the performance period is expected to begin on February 1, 2001.

A. Expansion of Eligible Populations

With the authorizing legislation (The National Defense Authorization Act for Fiscal Year 2000), the final rule extends TDP coverage to newly eligible populations. This is an important step towards improving Reserve member's dental readiness and in promoting proper oral health across the beneficiary population. Designed to be a uniform benefit across all enrollees, the TDP offers a comprehensive benefit package with a strong focus on preventive and diagnostic services as well as pediatric and adolescent oral health. By extending coverage to the members of the Individual Ready Reserve and the dependents of the Selected Reserve and the Individual Ready Reserve and by offering a comprehensive dental benefit to the members of the Selected Reserve (versus the limited benefit previously available under the TSRDP), the Department and the Reserve components continue on the path towards parity with dental insurance plans historically extended only to dependents of the Active component. This final rule also addresses several administrative clarifications that distinguish dental plan requirements for the different beneficiary populations.

B. Contractor Enrollment

Since the TFMDP (and its earlier versions) began, the Uniformed Services have administered the TFMDP dental plan enrollment, disenrollment and eligibility determination functions. The complexities of the dental plan, combined with a high turnover rate of relatively inexperienced Service personnel and other competing responsibilities, separate Service procedures, databases and data transfer processes, high cost and lengthy delays in software modifications, and Uniformed Service personnel downsizing, created the need for a centralized and uniform enrollment process. This can be best achieved by an experienced dental plan contractor and will allow service members to contact one (1) organization to enroll, disenroll, reenroll and discuss other TDP benefit and claims adjudication issues. By allowing the contractor to administer the enrollment function across all of the Uniformed Services, enrollment becomes portable whereas the current system supporting the TFMDP does not allow an active duty member from one (1) Service to enroll his or her family members through a separate Service. Contractor enrollment will also simplify the payroll deduction and eligibility determination process and reduce the possibility of waste and abuse at the local level. In addition, it maintains a stable, trained work force at the front end of the TDP and greatly improves customer service.

An added benefit to contractor enrollment will be the elimination of the current required TFMDP Uniformed Service enrollment forms. The complex DD Form 2494, Active Duty Dependent Dental Plan Enrollment Form, and the DD Form 2494–1, Supplemental Active Duty Dependent Dental Plan Enrollment Form, will no longer be needed and will be replaced by a standard, simplified contractor enrollment form as well as telephonic and fax enrollment options.

Contractor enrollment has proven to be a success with the TRICARE Managed Care Support contractors as well as with contracted enrollment via the TSRDP and the TRICARE Retiree Dental Program (TRDP). The Uniformed Services will continue, as with the former dental plans and current TRICARE/CHAMPUS programs, to determine eligibility for the dental plan and process any changes regarding eligibility through the Defense Enrollment Eligibility Reporting System (DEERS).

C. Contractor Direct Billing

The current TFMDP is financed through premiums jointly paid by the Government and the active duty service member. The active duty service member's share of the premiums is deduced from their payroll accounts. In certain situations, otherwise eligible dependents are precluded from enrolling in the dental plan if their sponsor does not have an active payroll account or has insufficient funds in that account. These eligible dependents include dependents of incarcerated sponsors and survivors. By allowing the contractor to directly bill these dependents for their premium share, dependents previously excluded from enrollment can now receive coverage. With the authorizing legislation (The National Defense Authorization Act for Fiscal Year 2000), this improvement eliminates a previous enrollment termination provision in the regulation where eligibility for basic pay was a deciding criterion for continued enrollment in the dental plan. The provision of contractor direct billing is also extended to those Reserve component members and family members who are in similar situations.

D. Reduction in Mandatory Enrollment Period

A mandatory enrollment period is an essential factor behind Government and contractor actuarial estimates in developing the TDP premium and provides a guarantee to the contracting community that they will collect a certain amount of premiums for the potential benefit payout. The final rule reduces the previous longstanding TFMDP twenty-four (24) month mandatory enrollment period to twelve (12) months under the TDP since this twenty-four (24) month period precluded numerous, otherwise eligible, active duty dependents from enrolling in the dental plan. These eligible dependents include newly eligible dependents of active duty members who are near the end of their active service, dependents of enlisted service members who are outside of their re-enlistment window of opportunity, and dependents of Reserve/Guard personnel called to active duty for less than twenty-four (24) months (such as Reserve/Guard personnel on active duty for training and special assignments). Reduction to a twelve (12) month enrollment period for the TDP has a precedent with other TRICARE plans, to include the TRICARE Managed Care Prime option and the TSRDP. By introducing this more liberal enrollment period, the regulation also calls for a twelve (12) month ''lock-out'' if the beneficiary disenrolls before completing the twelve (12) month enrollment period for any unauthorized reason or if the beneficiary fails to pay their premiums. A twelve (12) month lock-out period also applies to a Reserve component member who disenrolls before completing the special mandatory enrollment period for Reserve component members ordered to active duty in support of a contingency operation as provided in paragraph (c)(3)(ii)(C)(*2*) of this final rule. This ''lock-out'' period has a precedent with other commercial dental insurance plans as well as the TRICARE Managed Care Prime option, the TSRDP and the TRDP. ''Lock-out'' periods also discourage potential beneficiaries from enrolling in an insurance plan, receiving all of their benefit in a few months and then disenrolling without paying a full twelve (12) months' worth of premiums.

Beneficiaries enrolled in the TFMDP and TSRDP at the time when TDP coverage begins must complete their respective two (2) and one (1) year enrollment periods established under those superseded plans except if one of the conditions for valid disenrollment applies. Once these original enrollment periods are met, the beneficiary may continue TDP enrollment on month-to-month basis. A new one (1) year enrollment period will only be incurred if the beneficiary disenrolls and attempts to reenroll in the TDP at a later date.

E. Enrollment Period for Certain Reserve Component Sponsors

The regulations provides that the twelve (12) month enrollment period shall not apply to eligible dependents of Reserve component sponsors ordered to active duty for more than thirty (30) days but less than twelve (12) months (other than for training) in support of a contingency operation as defined in 10 U.S.C. 101(a)(13). Orders may be issued under statutory authorities for recalling Reserve component members to active duty, but must specify that the member is serving in support of a specific contingency operation under the statutory definition. This desperate treatment for certain Reserve component members is necessary because of the involuntary nature of their call to active duty and statutory limitations on their period of active duty.

By contrast, active duty members are enlisted, reenlisted or commissioned for periods of active duty longer than one (1) year. The active duty member has the option to enroll eligible dependents at any time during that period of active duty prior to the last twelve (12) months of service, and at a relatively constant premium cost. Similarly, other Reserve component members generally volunteer for call to active duty and serve for at least one (1) year; therefore they will have the option to enroll family members at any time other than in the last twelve (12) months of that service.

However Reserve component members ordered to active duty in support of a contingency operation are normally limited by statute to a period of active duty of nine (9) months or less. While 38 U.S.C. Chapter 43 provides that a Reserve component member who has coverage under a civilian employer sponsored dental program may elect to continue that coverage during a period of active duty, for up to eighteen (18) months; if serving for more than thirty (30) days, the member may be required to pay the full premium cost with employer cost-sharing no longer required. Upon release from active duty, 38 U.S.C. Chapter 43, provides that the Reserve component member may be reinstated in his or her civilian employer sponsored program without a waiting period. Without an exception to the mandatory twelve (12) month enrollment period for TDP, members who cannot afford to pay the full premium for continuing their civilian plan would be unable to provide dental insurance coverage for their family members while on active duty. This exclusion to the twelve (12) month enrollment period is therefore necessary to preclude such prejudicial treatment of Reserve component members ordered to active duty for less than twelve (12) months to support a contingency operation. In its place, a separate enrollment period is created for the Reserve component member as provided in paragraph (c)(3)(ii)(C)(*2*) if this final rule.

F. Reduction in Cost-Shares for Certain Enlisted Pay Grades

Although certain cost-shares are mandated by law, the Secretary of Defense has the prerogative to adjust cost-shares for certain types of dental procedures. Available data shows that our lower-paid enlisted families are reluctant to pursue specialized dental care because of the amount of their cost-share. To allow greater participation and dental benefit utilization among our younger enlisted families, this regulation would have a two-tiered maximum cost-share dependent on the service member's pay grade. With the rates below, this reduction for enlisted service members does not have a measurable effect on the overall premium.

[In percent]

Covered services	Cost-share for pay grade E–1, E–2, E–3 and E–4	Cost-share for all other pay grades
Diagnostic	0	0
Preventive, except Sealants	0	0
Emergency Services	0	0
Sealants	20	20
Professional Consultations	20	20
Professional Visits	20	20
Post Surgical Services	20	20
Basic Restorative (example: amalgams, resins, stainless steel crowns)	20	20
Endodontic	30	40
Periodontic	30	40
Oral and Maxillofacial Surgery	30	40
General Anesthesia	40	40
Intravenous Sedation	50	50
Other Restorative (example: crowns, onlays, casts)	50	50
Prosthodontics	50	50
Medications	50	50
Orthodontic	50	50
Miscellaneous Services	50	50

A reduction in cost-shares has been chosen over a reduction in premium rates for enlisted service members in these pay grades because the premium rates have traditionally been affordable as compared to similar dental benefits programs administered by commercial dental insurance plans and given the fact that the Government pays sixty (60) percent of the total premium for dependents of active duty members and members of the Selected Reserve and the Individual Ready Reserve (as described in 10 U.S.C. 10144(b)). As such, the greatest effect on participation and utilization can best be achieved through a reduction in cost-shares.

G. Simplification of Enrollment Options

Under the final rule, previous TFMDP enrollment options have been simplified to assist the beneficiary, Government, provider of care and the dental plan contractor. Under the TFMDP (and previous plans), dependents were asked to choose from several different enrollment options depending on whether they had children under the age of four (4). With the advance in pediatric dentistry (pedodontics), dental care for children between the ages of one (1) and four (4) is highly recommended. As such, the dental plan contractor will offer sponsors the opportunity to enroll these particular dependents when eligibility information indicates a dependent is one (1) year of age or older. Although there will continue to be two (2) separate premiums, a ''single'' premium for one (1) covered life, and a ''family'' premium for more than one (1) covered life, providing additional exceptions to this rule based on age will advance pediatric care among our beneficiary population, simplify enrollment processing by the dental plan contractor and promote greater understanding of enrollment options by all parties. A discussion of these enrollment policies and options will be found in the TDP contractor's benefit booklet.

H. Addition of Anesthesia Services

Local anesthesia, in conjunction with other covered dental procedures, is considered integral to the procedure itself and has been covered for several years. Other anesthesia services were historically excluded due to their high cost. The regulation allows the Department to add other types of anesthesia services to the TDP benefit package.

I. Congressional Waiver for Surviving Dependents

This final rule provides clarification on the Department's use of the Congressional waiver for surviving dependents. Since 1993, the Department has used the waiver authority to provide one (1) year of continued TFMDP enrollment at Government expense to eligible dependents of active duty members who die while on active duty for a period of thirty-one (31) days or more. To receive the continued enrollment at Government expense, the eligible dependents must have been enrolled in the TFMDP at the time of the active duty member's death. With the authority in the National Defense Authorization Act for Fiscal Year 2000, the final rule clarifies how the waiver will be used and extends use of the waiver to enrolled dependents of deceased members of the Selected Reserve and the Individual Ready Reserve (as described in 10 U.S.C. 10144(b)).

J. Appeals Plan

Under the TDP, the Department wishes to procure a responsive, simple, and two (or greater) tiered appeals program within the dental plan contractor's operation. We have had similar success with this approach under the TSRDP and the TRDP, where the contractors administer the first two (2) levels of the appeals program, which are termed the initial determination and the reconsideration. Under the TDP, the appealing parties would appeal adverse decisions through the contractor's established appeal process where separate parties would perform the initial determination and reconsideration reviews (whether internal or external to the organization). The final levels of review would be, as before, to the Department, subscribing to guidelines under the Formal Review and Hearing procedures listed in 32 CFR 199.10.

K. Plan Transition

The programmatic improvements are scheduled to take effect when the follow-on TDP contract to the current TFMDP contact is awarded and the performance period begins. Operations under the current TSRDP contract will also cease at that time. Considering the

magnitude of the planned improvements, the Department plans to ''phase-out'' operations under the former contractors and methods of operation to accommodate late claims processing and to allow the Uniformed Services time to process retroactive enrollment and coverage information to assist our beneficiaries. This ''phase-out'' schedule will be jointly determined between the Department and the outgoing and incoming dental plan contractors.

III. Administrative Changes

The final rule incorporates several administrative changes. There is revised language on Federal preemption of State and local laws that conforms the dental regulation language to reflect the Department's previous exercise of statutory authority in this area. Other changes include: widespread publication of premium rates; allowing the Department to modify the benefit package based on developments in common dental care practices and standard dental insurance plans; permitting the dental plan contractor to pay ''by report'' procedures by providing an additional allowance to the primary covered procedure; removing detailed descriptions of types of authorized providers in favor of more general language; updating dental terminology to be consistent with the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature; and, reorganizing and adding language on the maximum amount payable by the TDP.

The final rule incorporates plan name and other changes to reflect current terminology, such as outdated references to the former TRICARE Management Activity address, ''Active Duty Dependent Dental Plan'', ''TRICARE Family Member Dental Plan'', ''TRICARE Selected Reserve Dental Plan'' and superceded regulations. It also reduces redundant language and reduces the overall size of the regulation through cross-references to applicable language appearing in other CFR sections. This includes references to appeals, fraud and abuse, eligibility, and adjunctive dental care as well as information on the former dental plans. Items that are more appropriate for inclusion in the actual contract statement of work have also been removed and transferred to that document. This includes equality of benefit processing, coordination of benefits, participating provider lists, Government review of billing practices, and how a Dental Explanation of Benefits should be structured. Finally, the regulation has been reorganized for better flow, ease of reading and understanding.

IV. Public Comments

The proposed rule was published in the **Federal Register** on Wednesday, November 24, 1999, (64 FR 66126). We received one (1) comment letter. We thank the commenter and their organization; items raised by the commenter and our analysis of the comments are summarized below.

1. Enrollment

The commenter recognized that there were numerous problems in the current enrollment and eligibility system that supports the TFMDP. They believe though that the Department should totally absorb any increased costs related to the contractor's enrollment function under the TDP.

Response: Under the law, 10 U.S.C. 1076a, the Congress authorized that the dental plans offered will be ''premium sharing plans'' and ''full premium plans''. As such, the Department must share in the cost of all programmatic improvements, to include contractor enrollment, for the majority of the enrollees.

2. Enrollment

The commenter suggested that, if problems persist with enrollment and eligibility processing under the TDP and which cannot be swiftly handled by the dental contractor, consideration should be given to establishing some form of beneficiary counselor that would act on behalf of the beneficiary.

Response: As with the current contracts, the Department is committed to assisting TDP beneficiaries if problems occur. Representatives from the Uniformed Services (to include Health Benefits Advisors), the Finance Centers, the Defense Manpower Data Center and the TRICARE Management Activity will all be available to act on our beneficiaries' behalf, if needed.

3. Enrollment

The commenter asked if there are any provisions in the TDP to assist deployed service members with enrollment issues.

Response: Numerous options exist under the TDP to assist deployed service members. These include web-based and electronic mail capabilities, additional toll-free lines, extended hours of operation, and use of commercial business practices that allow representatives of the sponsor to act on enrollment issues during the sponsor's absence.

4. Enrollment

The commenter requested that enrollees be offered the option to enroll their children who reach the age of four (4) stating that the increase in premium by moving to a family premium will result in more junior service members opting out of the plan.

Response: Under the current TFMDP, when a child reaches four (4) years old, they are automatically enrolled. This has not been a cause of concern with current enrollees nor has it led to measurable disenrollments. Continuing this in the TDP is in keeping with the accepted standards and direction of pediatric and adolescent dentistry, which recommends early preventive and diagnostic intervention and distinct care at set age intervals.

5. Survivor Benefit

The commenter requested that the final rule contain specific language that the Government will pay premiums for enrolled survivors for the one (1) year period following the sponsor's death.

Response: We appreciate the comment and have clarified this in the final rule.

6. Eligibility

The commenter questioned eligibility language regarding a child who becomes a re-eligible for TDP benefits because the child's marriage ends before the child is twenty-one (21) years of age and who loses eligibility at twenty-one (21) years of age. The commenter stated that this language was inconsistent with eligibility up to age twenty-three (23) if the child is a full-time student.

Response: Full-time student eligibility for the TDP up to age twenty-three (23) is listed in the final rule by cross-reference to 32 CFR 199.3(b)(2)(iv)(C).

7. Alternative Delivery Systems

The commenter was opposed to language regarding the provision of alternative delivery systems and potential implementation of these systems under the TDP. Their concern was that alternative delivery systems would limit beneficiaries to a dental health maintenance organization, preclude beneficiary choice of dental providers, allow such entities as Morale, Welfare and Recreation and Exchange organizations the opportunity for increased profits if they were designated as alternative delivery systems, and that both quality and cost could be compromised by the implementation of a closed system.

Response: The alternative delivery system language has been in this regulation since 1988. To date, this provision has not been utilized as the

Department supports a traditional network-oriented dental indemnity insurance plan over other forms of managed care. The principle of provider choice is an important element of this regulation as well as the TDP contract and the Department has no immediate plans to engage in ''closed'' systems. The Department does reserve the right to explore alternative delivery systems in the form of demonstrations or pilot programs if the Congress believes this would be in the beneficiary's best interest.

V. Regulatory Procedures

Executive Order 12866 requires certain regulatory assessments for any ''significant regulatory action'' defined as one that would result in an annual effect on the economy of $100 million or more, or have other substantial impacts. The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This final rule is not a significant regulatory action under Executive Order 12866. The changes set forth in this final rule are minor revisions to the existing regulation. Since this final rule does not impose information collection requirements, it does not need to be reviewed by the Executive Office of Management and Budget under authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

List of Subjects in 32 CFR Part 199

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

Accordingly, 32 CFR Part 199 is amended as follows:

PART 199—[AMENDED]

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

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

2. Section 199.13 is revised to read as follows:

§ 199.13 TRICARE Dental Program.

(a) *General provisions*—(1) *Purpose.* This section prescribes guidelines and policies for the delivery and administration of the TRICARE Dental Program (TDP) of the Uniformed Services of the Army, the Navy, the Air Force, the Marines Corps, the Coast Guard, the Commissioned Corps of the U.S. Public Health Service (USPHS) and the National Oceanic and Atmospheric Administration (NOAA) Corps. The TDP is a premium based indemnity dental insurance coverage plan that is available to specified categories of individuals who are qualified for these benefits by virtue of their relationship to one of the seven (7) Uniformed Services and their voluntary decision to accept enrollment in the plan and cost share (when applicable) with the Government in the premium cost of the benefits. The TDP is authorized by 10 U.S.C. 1076a, TRICARE dental program, and this section was previously titled the ''Active Duty Dependents Dental Plan''. The TDP incorporates the former 10 U.S.C. 1076b, Selected Reserve dental insurance, and the section previously titled the ''TRICARE Selected Reserve Dental Program'', § 199.21.

(2) *Applicability.*—(i) *Geographic scope.* (A) The TDP is applicable geographically within the fifty (50) States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the U.S. Virgin Islands. These areas are collectively referred to as the ''CONUS (or Continental United States) service area''.

(B) *Extension of the TDP to areas outside the CONUS service area.* In accordance with the authority cited in 10 U.S.C. 1076a(h), the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) may extend the TDP to areas other than those areas specified in paragraph (a)(2)(i)(A) of this section for the eligible members and eligible dependents of members of the Uniformed Services. These areas are collectively referred to as the ''OCONUS (or outside the Continental United States) service area''. In extending the TDP outside the CONUS service area, the ASD(HA), or designee, is authorized to establish program elements, methods of administration and payment rates and procedures to providers that are different from those in effect for the CONUS service area to the extent the ASD(HA), or designee, determines necessary for the effective and efficient operation of the TDP. This includes provisions for preauthorization of care if the needed services are not available in a Uniformed Service overseas dental treatment facility and payment by the Department of certain cost-shares (or co-payments) and other portions of a provider's billed charges for certain beneficiary categories. Other differences may occur based on limitations in the availability and capabilities of the Uniformed Service overseas dental treatment facility and a particular nation's civilian sector providers in certain areas. These differences include varying licensure and certification requirements of OCONUS providers, Uniformed Service provider selection criteria and local results of provider selection, referral, beneficiary pre-authorization and marketing procedures, and care for beneficiaries residing in distant areas. The Director, Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) shall issue guidance, as necessary, to implement the provisions of paragraph (a)(2)(i)(B). Beneficiaries will be eligible for the same TDP benefits in the OCONUS service area although services may not be available or accessible in all OCONUS countries.

(ii) *Agency.* The provisions of this section apply throughout the Department of Defense (DoD), the United States Coast Guard, the USPHS and NOAA.

(iii) *Exclusion of benefit services performed in military dental care facilities.* Except for emergency treatment, dental care provided outside the United States, and services incidental to noncovered services, dependents of active duty, Selected Reserve and Individual Ready Reserve members enrolled in the TDP may not obtain those services that are benefits of the TDP in military dental care facilities, as long as those covered benefits are available for cost-sharing under the TDP. Enrolled dependents of active duty, Selected Reserve and Individual Ready Reserve members may continue to obtain noncovered services from military dental care facilities subject to the provisions for space available care.

(3) *Authority and responsibility.*—(i) *Legislative authority.*—(A) *Joint regulations.* 10 U.S.C. 1076a authorized the Secretary of Defense, in consultation with the Secretary of Health and Human Services, and the Secretary of Transportation, to prescribe regulations for the administration of the TDP.

(B) *Administration.* 10 U.S.C. 1073 authorizes the Secretary of Defense to administer the TDP for the Army, Navy, Air Force, and Marine Corps under DoD jurisdiction, the Secretary of Transportation to administer the TDP for the Coast Guard, when the Coast Guard is not operating as a service in the Navy, and the Secretary of Health and Human Services to administer the TDP for the Commissioned Corps of the USPHS and the NOAA Corps.

(ii) *Organizational delegations and assignments.*—(A) *Assistant Secretary of Defense (Health Affairs) (ASD(HA)).* The Secretary of Defense, by 32 CFR part 367, delegated authority to the ASD(HA) to provide policy guidance, management control, and coordination

as required for all DoD health and medical resources and functional areas including health benefit programs. Implementing authority is contained in 32 CFR part 367. For additional implementing authority see § 199.1. Any guidelines or policy necessary for implementation of this § 199.13 shall be issued by the Director, OCHAMPUS.

(B) *Evidence of eligibility.* DoD, through the Defense Enrollment Eligibility Reporting System (DEERS), is responsible for establishing and maintaining a listing of persons eligible to receive benefits under the TDP.

(4) *Preemption of State and local laws.*—(i) Pursuant to 10 U.S.C. 1103 and section 8025 (fourth proviso) of the Department of Defense Appropriations Act, 1994, DoD has determined that, in the administration of 10 U.S.C. chapter 55, preemption of State and local laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods is necessary to achieve important Federal interests, including, but not limited to, the assurance of uniform national health programs for Uniformed Service beneficiaries and the operation of such programs at the lowest possible cost to DoD, that have a direct and substantial effect on the conduct of military affairs and national security policy of the United States. This determination is applicable to the dental services contracts that implement this section.

(ii) Based on the determination set forth in paragraph (a)(4)(i) of this section, any State or local law relating to health or dental insurance, prepaid health or dental plans, or other health or dental care delivery or financing methods is preempted and does not apply in connection with the TDP contract. Any such law, or regulation pursuant to such law, is without any force or effect, and State or local governments have no legal authority to enforce them in relation to the TDP contract. (However, DoD may, by contract, establish legal obligations on the part of the dental plan contractor to conform with requirements similar or identical to requirements of State or local laws or regulations.)

(iii) The preemption of State and local laws set forth in paragraph (a)(4)(ii) of this section includes State and local laws imposing premium taxes on health or dental insurance carriers or underwriters or other plan managers, or similar taxes on such entities. Such laws are laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods, within the meaning of the statutes identified in paragraph (a)(4)(i) of this section. Preemption, however, does not apply to taxes, fees, or other payments on net income or profit realized by such entities in the conduct of business relating to DoD health services contracts, if those taxes, fees, or other payments are applicable to a broad range of business activity. For purposes of assessing the effect of Federal preemption of State and local taxes and fees in connection with DoD health and dental services contracts, interpretations shall be consistent with those applicable to the Federal Employees Health Benefits Program under 5 U.S.C. 8909(f).

(5) *Plan funds.*—(i) *Funding sources.* The funds used by the TDP are appropriated funds furnished by the Congress through the annual appropriation acts for DoD, the Department of Health and Human Services and the Department of Transportation and funds collected by the Uniformed Services or contractor through payroll deductions or through direct billing as premium shares from beneficiaries.

(ii) *Disposition of funds.* TDP funds are paid by the Government (or in the case of direct billing, by the beneficiary) as premiums to an insurer, service, or prepaid dental care organization under a contract negotiated by the Director, OCHAMPUS, or a designee, under the provisions of the Federal Acquisition Regulation (FAR) (48 CFR chapter 1).

(iii) *Plan.* The Director, OCHAMPUS, or designee provides an insurance policy, service plan, or prepaid contract of benefits in accordance with those prescribed by law and regulation; as interpreted and adjudicated in accord with the policy, service plan, or contract and a dental benefits brochure; and as prescribed by requirements of the dental plan contractor's contract with the Government.

(iv) *Contracting out.* The method of delivery of the TDP is through a competitively procured contract. The Director, OCHAMPUS, or a designee, is responsible for negotiating, under provisions of the FAR, a contract for dental benefits insurance or prepayment that includes responsibility for:

(A) Development, publication, and enforcement of benefit policy, exclusions, and limitations in compliance with the law, regulation, and the contract provisions;

(B) Adjudicating and processing claims; and conducting related supporting activities, such as enrollment, disenrollment, collection of premiums, eligibility verification, provider relations, and beneficiary communications.

(6) *Role of Health Benefits Advisor (HBA).* The HBA is appointed (generally by the commander of an Uniformed Services medical treatment facility) to serve as an advisor to patients and staff in matters involving the TDP. The HBA may assist beneficiaries in applying for benefits, in the preparation of claims, and in their relations with OCHAMPUS and the dental plan contractor. However, the HBA is not responsible for the TDP's policies and procedures and has no authority to make benefit determinations or obligate the TDP's funds. Advice given to beneficiaries by HBAs as to determination of benefits or level of payment is not binding on OCHAMPUS or the dental plan contractor.

(7) *Right to information.* As a condition precedent to the provision of benefits hereunder, the Director, OCHAMPUS, or designee, shall be entitled to receive information from an authorized provider or other person, institution, or organization (including a local, State, or United States Government agency) providing services or supplies to the beneficiary for which claims for benefits are submitted. While establishing enrollment and eligibility, benefits, and benefit utilization and performance reporting information standards, the Government has established and does maintain a system of records for dental information under the TDP. By contract, the Government audits the adequacy and accuracy of the dental plan contractor's system of records and requires access to information and records to meet plan accountabilities, to assist in contractor surveillance and program integrity investigations and to audit OCONUS financial transactions where the Department has a financial stake. Such information and records may relate to attendance, testing, monitoring, examination, or diagnosis of dental disease or conditions; or treatment rendered; or services and supplies furnished to a beneficiary; and shall be necessary for the accurate and efficient administration and payment of benefits under this plan. To assist in claims adjudication, grievance and fraud investigations, and the appeals process, and before an interim or final determination can be made on a claim of benefits, a beneficiary or active duty, Selected Reserve or individual Ready Reserve member must provide particular additional information relevant to the requested determination, when necessary. Failure to provide the requested information may result in denial of the claim and inability to effectively investigate the grievance or fraud or process the appeal. The recipient of such information shall in

every case hold such records confidential except when:

(i) Disclosure of such information is necessary to the determination by a provider or the dental plan contractor of beneficiary enrollment or eligibility for coverage of specific services;

(ii) Disclosure of such information is authorized specifically by the beneficiary;

(iii) Disclosure is necessary to permit authorized Government officials to investigate and prosecute criminal actions;

(iv) Disclosure constitutes a routine use of a routine use of a record which is compatible with the purpose for which it was collected. This includes a standard and acceptable business practice commonly used among dental insurers which is consistent with the principle of preserving confidentiality of personal information and detailed clinical data. For example, the release of utilization information for the purpose of determining eligibility for certain services, such as the number of dental prophylaxis procedures performed for a beneficiary, is authorized;

(v) Disclosure is pursuant to an order from a court of competent jurisdiction; or

(vi) Disclosure by the Director, OCHAMPUS, or designee, is for the purpose of determining the applicability of, and implementing the provisions of, other dental benefits coverage or entitlement.

(8) *Utilization review and quality assurance.* Claims submitted for benefits under the TDP are subject to review by the Director, OCHAMPUS, or designee, for quality of care and appropriate utilization. The Director, OCHAMPUS, or designee, is responsible for appropriate utilization review and quality assurance standards, norms, and criteria consistent with the level of benefits.

(b) *Definitions.* For most definitions applicable to the provisions of this section, refer to § 199.2. The following definitions apply only to this section:

(1) *Assignment of benefits.* Acceptance by a nonparticipating provider of payment directly from the insurer while reserving the right to charge the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for any remaining amount of the fees for services which exceeds the prevailing fee allowance of the insurer.

(2) *Authorized provider.* A dentist, dental hygienist, or certified and licensed anesthetist specifically authorized to provide benefits under the TDP in paragraph (f) of this section.

(3) *Beneficiary.* A dependent of an active duty, Selected Reserve or Individual Ready Reserve member, or a member of the Selected Reserve or Individual Ready Reserve, who has been enrolled in the TDP, and has been determined to be eligible for benefits, as set forth in paragraph (c) of this section.

(4) *Beneficiary liability.* The legal obligation of a beneficiary, his or her estate, or responsible family member to pay for the costs of dental care or treatment received. Specifically, for the purposes of services and supplies covered by the TDP, beneficiary liability includes cost-sharing amounts or any amount above the prevailing fee determination by the insurer where the provider selected by the beneficiary is not a participating provider or a provider within an approved alternative delivery system. In cases where a nonparticipating provider does not accept assignment of benefits, beneficiaries may have to pay the nonparticipating provider in full at the time of treatment and seek reimbursement directly from the insurer for all or a portion of the nonparticipating provider's fee. Beneficiary liability also includes any expenses for services and supplies not covered by the TDP, less any available discount provided as a part of the insurer's agreement with an approved alternative delivery system.

(5) *By report.* Dental procedures which are authorized as benefits only in unusual circumstances requiring justification of exceptional conditions related to otherwise authorized procedures. These services are further defined in paragraph (e) of this section.

(6) *Contingency operation.* Defined in 10 U.S.C. 101(a)(13) as a military operation designated as a contingency operation by the Secretary of Defense or a military operation that results in the exercise of authorities for ordering Reserve Component members to active duty without their consent and is therefore automatically a contingency operation.

(7) *Cost-share.* The amount of money for which the beneficiary (or active duty, Selected Reserve or Individual Ready Reserve member) is responsible in connection with otherwise covered dental services (other than disallowed amounts) as set forth in paragraph (e) of this section. A cost-share may also be referred to as a ''co-payment.''

(8) *Defense Enrollment Eligibility Reporting System (DEERS).* The automated system that is composed of two (2) phases:

(i) Enrolling all active duty, Reserve and retired service members, their dependents, and the dependents of deceased service members; and

(ii) Verifying their eligibility for health care benefits in the direct care facilities and through the TDP.

(9) *Dental hygienist.* Practitioner in rendering complete oral prophylaxis services, applying medication, performing dental radiography, and providing dental education services with a certificate, associate degree, or bachelor's degree in the field, and licensed by an appropriate authority.

(10) *Dentist.* Doctor of Dental Medicine (D.M.D.) or Doctor of Dental Surgery (D.D.S.) who is licensed to practice dentistry by an appropriate authority.

(11) *Diagnostic services.* Category of dental services including:

(i) Clinical oral examinations;

(ii) Radiographic examinations; and

(iii) Diagnostic laboratory tests and examinations provided in connection with other dental procedures authorized as benefits of the TDP and further defined in paragraph (e) of the section.

(12) *Endodontics.* The etiology, prevention, diagnosis, and treatment of diseases and injuries affecting the dental pulp, tooth root, and periapical tissue as further defined in paragraph (e) of this section.

(13) *Initial determination.* A formal written decision on a TDP claim, a request for TDP benefit pre-determination, a request by a provider for approval as an authorized provider, or a decision suspending, excluding or terminating a provider as an authorized provider under the TDP. Rejection of a claim or pre-determination, or of a request for benefit or provider authorization for failure to comply with administrative requirements, including failure to submit reasonably requested information, is not an initial determination. Responses to general or specific inquiries regarding TDP benefits are not initial determinations.

(14) *Nonparticipating provider.* A dentist or dental hygienist that furnished dental services to a TDP beneficiary, but who has not agreed to participate or to accept the insurer's fee allowances and applicable cost-share as the total charge for the services. A nonparticipating provider looks to the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for final responsibility for payment of his or her charge, but may accept payment (assignment of benefits) directly from the insurer or assist the beneficiary in filing the claim for reimbursement by the dental plan contractor. Where the nonparticipating provider does not accept payment directly from the insurer, the insurer

pays the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member, not the provider.

(15) *Oral and maxillofacial surgery.* Surgical procedures performed in the oral cavity as further defined in paragraph (e) of this section.

(16) *Orthodontics.* The supervision, guidance, and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex as further defined in paragraph (e) of this section.

(17) *Participating provider.* A dentist or dental hygienist who has agreed to accept the insurer's reasonable fee allowances or other fee arrangements as the total charge (even though less than the actual billed amount), including provision for payment to the provider by the beneficiary (or active duty, Selected Reserve or Individual Ready Reserve member) or any cost-share for covered services.

(18) *Party to the initial determination.* Includes the TDP, a beneficiary of the TDP and a participating provider of services whose interests have been adjudicated by the initial determination. In addition, provider who has been denied approval as an authorized TDP provider is a party to the initial determination, as is a provider who is suspended, excluded or terminated as an authorized provider, unless the provider is excluded or suspended by another agency of the Federal Government, a state, or a local licensing authority.

(19) *Periodontics.* The examination, diagnosis, and treatment of diseases affecting the supporting structures of the teeth as further defined in paragraph (e) of this section.

(20) *Preventive services.* Traditional prophylaxis including scaling deposits from teeth, polishing teeth, and topical application of fluoride to teeth as further defined in paragraph (e) of this section.

(21) *Prosthodontics.* The diagnosis, planning, making, insertion, adjustment, refinement, and repair of artificial devices intended for the replacement of missing teeth and associated tissues as further defined in paragraph (e) of this section.

(22) *Provider.* A dentist, dental hygienist, or certified and licensed anesthetist as specified in paragraph (f) of this section. This term, when used in relation to OCONUS service area providers, may include other recognized professions authorized to furnish care under laws of that particular country.

(23) *Restorative services.* Restoration of teeth including those procedures commonly described as amalgam restorations, resin restorations, pin retention, and stainless steel crowns for primary teeth as further defined in paragraph (e) of this section.

(24) *Sealants.* A material designed for application on specified teeth to seal the surface irregularities to prevent ingress of oral fluids, food, and debris in order to prevent tooth decay.

(c) *Eligibility and enrollment*—(1) *General.* 10 U.S.C. 1076a, 1072(2)(A), (D), or (I), 1072(6), 10143 and 10144 set forth those persons who are eligible for voluntary enrollment in the TDP. A determination that a person is eligible for voluntary enrollment does not automatically entitle that person to benefit payments. The person must be enrolled in accordance with the provisions set forth in this section and meet any additional eligibility requirements in this part in order for dental benefits to be extended.

(2) *Eligibility*—(i) *Persons eligible.* Eligibility for the TDP is continuous in situations where the sponsor or member changes status between any of these eligible categories and there is no break in service or transfer to a non-eligible status.

(A) A person who bears one of the following relationships to an active duty member (under a call or order that does not specify a period of thirty (30) days or less) or a member of the Selected Reserve (as specified in 10 U.S.C. 10143) or Individual Ready Reserve (as specified in 10 U.S.C. 10144):

(*1*) *Spouse.* A lawful husband or wife, regardless of whether or not dependent upon the active duty, Selected Reserve or Individual Ready Reserve member.

(*2*) *Child.* To be eligible, the child must be unmarried and meet the requirements set forth in § 199.3(b)(2)(iv)(A) and § 199.3(b)(2)(iv)(C).

(B) A member of the Selected Reserve of the Ready Reserve (as specified in 10 U.S.C. 10143).

(C) A member of the Individual Ready Reserve of the Ready Reserve (as specified in 10 U.S.C. 10144(b)) who is subject to being ordered to active duty involuntarily in accordance with 10 U.S.C. 12304.

(D) All other members of the Individual Ready Reserve of the Ready Reserve (as specified in 10 U.S.C. 10144(a)).

(ii) *Determination of eligibility status and evidence of eligibility.*—(A) *Eligibility determination responsibility of the Uniformed Services.* Determination of a person's eligibility for the TDP is the responsibility of the member's Uniformed Service. For the purpose of program integrity, the appropriate Uniformed Service shall, upon request of the Director, OCHAMPUS, or designee, review the eligibility of a specified person when there is reason to question the eligibility status. In such cases, a report on the result of the review and any action taken will be submitted to the Director, OCHAMPUS, or designee.

(B) *Procedures for determination of eligibility.* Uniformed Service identification cards do not distinguish eligibility for the TDP. Procedures for the determination of eligibility are identified in § 199.3(f)(2), except that Uniformed Service identification cards do not provide evidence of eligibility for the TDP. Although OCHAMPUS and the dental plan contractor must make determinations concerning a member or dependent's eligibility in order to ensure proper enrollment and proper disbursement of appropriated funds, ultimate responsibility for resolving a member or dependent's eligibility rests with the Uniformed Services.

(C) *Evidence of eligibility required.* Eligibility and enrollment in the TDP will be verified through the DEERS. Eligibility and enrollment information established and maintained in the DEERS file is the only acceptable evidence of TDP eligibility and enrollment. It is the responsibility of the active duty, Selected Reserve or Individual Ready Reserve member or TDP beneficiary, parent, or legal representative, when appropriate, to provide adequate evidence for entry into the DEERS file to establish eligibility for the TDP, and to ensure that all changes in status that may affect eligibility are reported immediately to the appropriate Uniformed Service for action. Ineligibility for benefits is presumed in the absence of prescribed eligibility evidence in the DEERS file.

(3) *Enrollment.*—(i) *Previous plans.*—(A) *Basic Active Duty Dependents Dental Benefit Plan.* The Basic Active Duty Dependents Dental Plan was effective from August 1, 1987, up to the date of implementation of the Expanded Active Duty Dependents Dental Benefit Plan. The Basic Active Duty Dependents Dental Benefit Plan terminated upon implementation of the expanded plan.

(B) *Expanded Active Duty Dependents Dental Benefit Plan.* The Expanded Active Duty Dependents Dental Benefit Plan (also known as the TRICARE Family Member Dental Plan) was effective from August 1, 1993, up to the date of implementation of the TDP. The

Expanded Active Duty Dependents Dental Benefit Plan terminates upon implementation of the TDP.

(ii) *TRICARE Dental Program (TDP).*—(A) *Election of coverage.*—(*1*) Except as provided in paragraph (c)(3)(ii)(A)(*2*) of this section, active duty, Selected Reserve and Individual Ready Reserve service members may voluntarily elect to enroll their eligible dependents and members of the Selected Reserve and Individual Ready Reserve may voluntarily elect to enroll themselves following implementation of the TDP. In order to obtain TDP coverage, written or telephonic election by the active duty, Selected Reserve or Individual Ready Reserve member must be made and will be accomplished by submission or telephonic completion of an application to the dental plan contractor. This election can also be accomplished via electronic means.

(*2*) Eligible dependents of active duty members enrolled in the Expanded Active Duty Dependents Dental Benefit Plan at the time of implementation of the TDP will automatically be enrolled in the TDP. Eligible members of the Selected Reserve enrolled in the TRICARE Selected Reserve Dental Program at the time of implementation of the TDP will automatically be enrolled in the TDP. No election to enroll in the TDP will be required by the active duty or Selected Reserve member.

(B) *Premiums.*—(*1*) Enrollment will be by either single or family premium as defined as follows:

(*i*) *Single premium.* One (1) covered eligible dependent or one (1) covered eligible Selected Reserve or Individual Ready Reserve member.

(*ii*) *Family premium.* Two (2) or more covered eligible dependents. Under the family premium, all eligible dependents of the active duty, Selected Reserve or Individual Ready Reserve member are enrolled.

(*2*) *Exceptions.*—(*i*) An active duty, Selected Reserve or Individual Ready Reserve member may elect to enroll only those eligible dependents residing in one (1) location when the active duty, Selected Reserve or Individual Ready Reserve member has eligible dependents residing in two or more geographically separate locations (*e.g.,* children living with a divorced spouse; a child attending college).

(*ii*) Instances where a dependent of an active duty member requires a hospital or special treatment environment (due to a medical, physical handicap, or mental condition) for dental care otherwise covered by the TDP, the dependent may be excluded from TDP enrollment and may continue to receive care from a military treatment facility.

(*iii*) A member of the Selected Reserve or Individual Ready Reserve may enroll separately from his or her eligible dependents. A member of the Selected Reserve or Individual Ready Reserve does not have to be enrolled in order for his or her eligible dependents to enroll under the TDP.

(C) *Enrollment period.*—(*1*) *General.* Enrollment of eligible dependents or members is for a period of one (1) year followed by month-to-month enrollment as long as the active duty, Selected Reserve or Individual Ready Reserve member chooses to continue enrollment. Active duty members may enroll their eligible dependents and eligible members of the Selected Reserve or Individual Ready Reserve may enroll themselves or their eligible dependents in the TDP provided there is an intent to remain on active duty or as a member of the Selected Reserve or Individual Ready Reserve (or any combination thereof without a break in service or transfer to a non-eligible status) for a period of not less than one (1) year by the service member and their parent Unformed Service. Beneficiaries enrolled in the TDP must remain enrolled for a minimum period of one (1) year unless one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met.

(*2*) *Special enrollment period for Reserve component members ordered to active duty in support of contingency operations.* The mandatory twelve (12) month enrollment period does not apply to Reserve component members ordered to active duty (other than for training) in support of a contingency operation as designated by the Secretary of Defense. Affected Reserve component members may enroll in the TDP only if their orders specify that they are ordered to active duty in support of a contingency operation, as defined by 10 U.S.C., for a period of thirty-one (31) days or more. An affected Reserve component member must elect to enroll in the TDP and complete the enrollment application within thirty (30) days following entry on active duty or within sixty (60) days following implementation of the TDP. Following enrollment, beneficiaries must remain enrolled, with the member paying premiums, until the end of the member's active duty period in support of the contingency operation or twelve (12) months, whichever occurs first unless one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met.

(*3*) *Continuation of enrollment from Expanded Active Duty Dependents Dental Benefit Plan.* Beneficiaries enrolled in the Expanded Active Duty Dependents Dental Benefit Plan at the time when TDP coverage begins must complete their two (2) year enrollment period established under this former plan except if one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met. Once this original two (2) year enrollment period is met, the active duty member may continue TDP enrollment on a month-to-month basis. A new one (1) year enrollment period will only be incurred if the active duty member disenrolls and attempts to reenroll in the TDP at a later date.

(*4*) *Continuation of enrollment from TRICARE Selected Reserve Dental Program.* Beneficiaries enrolled in the TRICARE Selected Reserve Dental Program at the time when TDP coverage begins must complete their one (1) year enrollment period established under this former program except if one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met. Once this original one (1) year enrollment period is met, the Selected Reserve member may continue TDP enrollment on a month-to-month basis. A new one (1) year enrollment period will only be incurred if the Selected Reserve member disenrolls and attempts to reenroll in the TDP at a later date.

(D) *Beginning dates of eligibility.* The beginning date of eligibility for TDP benefits is the first day of the month following the month in which the election of enrollment is completed, signed, and the enrollment and premium is received by the dental plan contractor, subject to a predetermined and publicized dental plan contractor monthly cut-off date, except that the date of eligibility shall not be earlier than the first day of the month in which the TDP is implemented. This includes any changes between single and family member premium coverage and coverage of newly eligible or enrolled dependents or members.

(E) *Changes in and termination of enrollment.*—(*1*) *Changes in status of active duty, Selected Reserve or Individual Ready Reserve member.* When the active duty, Selected Reserve or Individual Ready Reserve member is separated, discharged, retired, transferred to the Standby or Retired Reserve, his or her enrolled dependents and/or the enrolled Selected Reserve or Individual Ready Reserve member lose eligibility and enrollment as of 11:59 p.m. on the last day of the month in which the change in status takes place. When the Selected Reserve or Individual Ready Reserve member is ordered to active duty for a period of thirty-one (31) days or more without a break in service, the member loses their eligibility and is disenrolled, if they

were previously enrolled; however, their enrolled dependents maintain their eligibility and previous enrollment subject to eligibility, enrollment and disenrollment provisions described in this section and in the TDP contract. When the previously enrolled active duty member is transferred back to the Selected Reserve or Individual Ready Reserve without a break in service, the member regains eligibility and is reenrolled; however, their enrolled dependents maintain their eligibility and previous enrollment subject to eligibility, enrollment and disenrollment provisions described in this section and in the TDP contract. Eligible dependents of an active duty, Selected Reserve or Individual Ready Reserve member serving a sentence of confinement in conjunction with a sentence of punitive discharge are still eligible for the TDP until such time as the active duty, Selected Reserve or Individual Ready Reserve member's discharge is executed.

(*2*) *Continuation of eligibility for dependents of service members who die while on active duty or while a member of the Selected Reserve or Individual Ready Reserve.* Eligible dependents of active duty members while on active duty for a period of thirty-one (31) days or more and eligible dependents of Selected Reserve or Individual Ready Reserve members, as specified in 10 U.S.C. 10143 and 10144(b) respectively, who die on or after the implementation date of the TDP, and whose dependents are enrolled in the TDP on the date of the death of the active duty, Selected Reserve or Individual Ready Reserve member shall be eligible for continued enrollment in the TDP for up to one (1) year from the date of the active duty, Selected Reserve or Individual Ready Reserve member's death. This continued enrollment is not contingent on the Selected Reserve or Individual Ready Reserve member's own enrollment in the TDP. During the one (1) year period of continuous enrollment, the Government will pay both the Government and the beneficiary's portion of the premium share.

(*3*) *Changes in status of dependent.*—(*i*) *Divorce.* A spouse separated from an active duty, Selected Reserve or Individual Ready Reserve member by a final divorce decree loses all eligibility based on his or her former marital relationship as of 11:59 p.m. of the last day of the month in which the divorce become final. The eligibility of the active duty, Selected Reserve or Individual Ready Reserve member's own children (including adopted and eligible illegitimate children) is unaffected by the divorce. An unadopted stepchild, however, loses eligibility with the termination of the marriage, also as of 11:59 p.m. of the last day of the month in which the divorce becomes final.

(*ii*) *Annulment.* A spouse whose marriage to an active duty, Selected Reserve or Individual Ready Reserve member is dissolved by annulment loses eligibility as of 11:59 p.m. of the last day of the month in which the court grants the annulment order. The fact that the annulment legally declares the entire marriage void from its inception does not affect the termination date of eligibility. When there are children, the eligibility of the active duty, Selected Reserve or Individual Ready Reserve member's own children (including adopted and eligible illegitimate children) is unaffected by the annulment. An unadopted stepchild, however, loses eligibility with the annulment of the marriage, also as of 11:59 p.m. of the last day of the month in which the court grants the annulment order.

(*iii*) *Adoption.* A child of an active duty, Selected Reserve or Individual Ready Reserve member who is adopted by a person, other than a person whose dependents are eligible for TDP benefits while the active duty, Selected Reserve or Individual Ready Reserve member is living, thereby severing the legal relationship between the child and the active duty, Selected Reserve or Individual Ready Reserve member, loses eligibility as of 11:59 p.m. of the last day of the month in which the adoption becomes final.

(*iv*) *Marriage of child.* A child of an active duty, Selected Reserve or Individual Ready Reserve member who marries a person whose dependents are not eligible for the TDP, loses eligibility as of 11:59 p.m. on the last day of the month in which the marriage takes place. However, should the marriage be terminated by death, divorce, or annulment before the child is twenty-one (21) years old, the child again become eligible for enrollment as a dependent as of 12:00 a.m. of the first day of the month following the month in which the occurrence takes place that terminates the marriage and continues up to age twenty-one (21) if the child does not remarry before that time. If the marriage terminates after the child's 21st birthday, there is no reinstatement of eligibility.

(*v*) *Disabling illness or injury of child age 21 or 22 who has eligibility based on his or her student status.* A child twenty-one (21) or twenty-two (22) years old who is pursuing a full-time course of higher education and who, either during the school year or between semesters, suffers a disabling illness or injury with resultant inability to resume attendance at the institution remains eligible for the TDP for six (6) months after the disability is removed or until the student passes his or her 23rd birthday, whichever occurs first. However, if recovery occurs before the 23rd birthday and there is resumption of a full-time course of higher education, the TDP can be continued until the 23rd birthday. The normal vacation periods during an established school year do not change the eligibility status of a dependent child twenty-one (21) or twenty-two (22) years old in full-time student status. Unless an incapacitating condition existed before, and at the time of, a dependent child's 21st birthday, a dependent child twenty-one (21) or twenty-two (22) years old in student status does not have eligibility related to mental or physical incapacity as described in § 199.3(b)(2)(iv)(C)(*2*).

(*4*) *Other.*—(*i*) *Disenrollment because of no eligible beneficiaries.* When an active duty, Selected Reserve or Individual Ready Reserve member ceases to have any eligible beneficiaries, enrollment is terminated for those enrolled dependents.

(*ii*) *Option to disenroll as a result of a change in active duty station.* When an active duty member transfers with enrolled dependents to a duty station where space-available dental care for the enrolled dependents is readily available at the local Uniformed Service dental treatment facility, the active duty member may elect, within ninety (90) calendar days of the transfer, to disenroll their dependents from the TDP. If the active duty member is later transferred to a duty station where dental care for the dependents is not available in the local Uniformed Service dental treatment facility, the active duty member may reenroll their eligible dependents in the TDP provided the member, as of the date of reenrollment, otherwise meets the requirements for enrollment, including the intent to remain on active duty for a period of not less than one (1) year. This disenrollment provision does not apply to enrolled dependents of members of the Selected Reserve or Individual Ready Reserve or to enrolled members of the Selected Reserve or Individual Ready Reserve.

(*iii*) *Option to disenroll due to transfer to OCONUS service area.* When an enrolled dependent of an active duty, Selected Reserve or Individual Ready Reserve member or an enrolled Selected Reserve or Individual Ready Reserve member relocates to locations within the OCONUS service area, the active duty, Selected Reserve or Individual

Ready Reserve member may elect, within ninety (90) calendar days of the relocation, to disenroll their dependents from the TDP, or in the case of enrolled members of the Selected Reserve or Individual Ready Reserve, to disenroll themselves from the TDP. The active duty, Selected Reserve or Individual Ready Reserve member may reenroll their eligible dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve, may reenroll themselves in the TDP provided the member, as of the date of reenrollment, otherwise meets the requirements for enrollment, including the intent to remain on active duty or as a member of the Selected Reserve or Individual Ready Reserve (or any combination thereof without a break in service or transfer to a non-eligible status) for a period of not less than one (1) year.

(*iv*) *Option to disenroll after an initial one (1) year enrollment.* When a dependent's enrollment under an active duty, Selected Reserve or Individual Ready Reserve member or a Selected Reserve or Individual Ready Reserve member's own enrollment has been in effect for a continuous period of one (1) year, the active duty, Selected Reserve or Individual Ready Reserve member may disenroll their dependents, or in the case of enrolled members of the Selected Reserve or Individual Ready Reserve may disenroll themselves at any time following procedures as set up by the dental plan contractor. Subsequent to the disenrollment, the active duty, Selected Reserve or Individual Ready Reserve member may reenroll their eligible dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve may reenroll themselves, for another minimum period of one (1) year. If, during any one (1) year enrollment period, the active duty, Selected Reserve or Individual Ready Reserve member disenrolls their dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve disenrolls themselves, for reasons other than those listed in this paragraph (c)(3)(ii)(E) or fails to make premium payments, dependents enrolled under the active duty, Selected Reserve or Individual Ready Reserve member, or enrolled members of the Selected Reserve and Individual Ready Reserve, will be subject to a lock-out period of twelve (12) months. Following this period of time, active duty, Selected Reserve or Individual Ready Reserve members will be able to reenroll their eligible dependents, or members of the Selected Reserve or Individual Ready Reserve will be able to reenroll themselves, if they so choose. The twelve (12) month lock-out period applies to enrolled dependents of a Reserve component member who disenrolls for reasons other than those listed in this paragraph (c)(3)(ii)(E) or fails to make premium payments after the member has enrolled pursuant to paragraph (c)(3)(ii)(C) of this section.

(d) *Premium sharing*—(1) *General.* Active duty, Selected Reserve or Individual Ready Reserve members enrolling their eligible dependents, or members of the Selected Reserve or Individual Ready Reserve enrolling themselves, in the TDP shall be required to pay all or a portion of the premium cost depending on their status.

(i) *Members required to pay a portion of the premium cost.* This premium category includes active duty members (under a call or order to active duty that does not specify a period of thirty (30) days or less) on behalf of their enrolled dependents. It also includes members of the Selected Reserve (as specified in 10 U.S.C. 10143) and the Individual Ready Reserve (as specified in 10 U.S.C. 10144(b)) enrolled on their own behalf.

(ii) *Members required to pay the full premium cost.* This premium category includes members of the Selected Reserve (as specified in 10 U.S.C. 10143), and the Individual Ready Reserve (as specified in 10 U.S.C. 10144), on behalf of their enrolled dependents. It also includes members of the Individual Ready Reserve (as specified in 10 U.S.C. 10144(a)) enrolled on their own behalf.

(2) *Proportion of premium share.* The proportion of premium share to be paid by the active duty, Selected Reserve and Individual Reserve member pursuant to paragraph (d)(1)(i) of this section is established by the ASD(HA), or designee, at not more than forty (40) percent of the total premium. The proportion of premium share to be paid by the Selected Reserve and Individual Reserve member pursuant to paragraph (d)(1)(ii) of this section is established by the ASD(HA), or designee, at one hundred (100) percent of the total premium.

(3) *Provision for increases in active duty, Selected Reserve and Individual Ready Reserve member's premium share.*—(i) Although previously capped at $20 per month, the law has been amended to authorize the cap on active duty, Selected Reserve and Individual Ready Reserve member's premiums pursuant to paragraph (d)(1)(i) of this section to rise, effective as of January 1 of each year, by the percent equal to the lesser of:

(A) The percent by which the rates of basic pay of members of the Uniformed Services are increased on such date; or

(B) The sum of one-half percent and the percent computed under 5 U.S.C. 5303(a) for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.

(ii) Under the legislation authorizing an increase in the monthly premium cap, the methodology for determining the active duty, Selected Reserve and Individual Ready Reserve member's TDP premium pursuant to paragraph (d)(1)(i) of this section will be applied as if the methodology had been in continuous use since December 31, 1993.

(4) *Reduction of premium share for enlisted members.* For enlisted members in pay grades E–1 through E–4, the ASD(HA) or designee, may reduce the monthly premium these active duty, Selected Reserve and Individual Ready Reserve members pay pursuant to paragraph (d)(1)(i) of this section.

(5) *Reduction of cost-shares for enlisted members.* For enlisted members in pay grades E–1 through E–4, the ASD(HA) or designee, may reduce the cost-shares that active duty, Selected Reserve and Individual Ready Reserve members pay on behalf of their enrolled dependents and that members of the Selected Reserve and Individual Ready Reserve pay on their own behalf for selected benefits as specified in paragraph (e)(3)(i) of this section.

(6) *Premium payment method.* The active duty, Selected Reserve and Individual Ready Reserve member's premium share may be deducted from the active duty, Selected Reserve or Individual Ready Reserve member's basic pay or compensation paid under 37 U.S.C. 206, if sufficient pay is available. For members who are otherwise eligible for TDP benefits and who do not receive such pay and dependents who are otherwise eligible for TDP benefits and whose sponsors do not receive such pay, or if insufficient pay is available, the premium payment may be collected pursuant to procedures established by the Director, OCHAMPUS, or designee.

(7) *Annual notification of premium rates.* TDP premium rates will be determined as part of the competitive contracting process. Information on the premium rates will be widely distributed by the dental plan contractor and the Government.

(e) *Plan benefits*—(1) *General.*—(i) *Scope of benefits.* The TDP provides coverage for diagnostic and preventive services, sealants, restorative services, endodontics, periodontics, prosthodontics, orthodontics and oral and maxillofacial surgery.

(ii) *Authority to act for the plan.* The authority to make benefit

determinations and authorize plan payments under the TDP rests primarily with the insurance, service plan, or prepayment dental plan contractor, subject to compliance with Federal law and regulation and Government contract provisions. The Director, OCHAMPUS, or designee, provides required benefit policy decisions resulting from changes in Federal law and regulation and appeal decisions. No other persons or agents (such as dentists or Uniformed Services HBAs) have such authority.

(iii) *Dental benefits brochure.*—(A) *Content.* The Director, OCHAMPUS, or designee, shall establish a comprehensive dental benefits brochure explaining the benefits of the plan in common lay terminology. The brochure shall include the limitations and exclusions and other benefit determination rules for administering the benefits in accordance with the law and this part. The brochure shall include the rules for adjudication and payment of claims, appealable issues, and appeal procedures in sufficient detail to serve as a common basis for interpretation and understanding of the rules by providers, beneficiaries, claims examiners, correspondence specialists, employees and representatives of other Government bodies, HBAs, and other interested parties. Any conflict, which may occur between the dental benefits brochure and law or regulation, shall be resolved in favor of law and regulation.

(B) *Distribution.* The dental benefits brochure will be available through the dental plan contractor and will be distributed with the assistance of the Uniformed Services HBAs and major personnel centers at Uniformed Service installations and headquarters to all members enrolling themselves or their eligible dependents.

(iv) *Alternative course of treatment policy.* The Director, OCHAMPUS, or designee, may establish, in accordance with generally accepted dental benefit practices, an alternative course of treatment policy which provides reimbursement in instances where the dentist and beneficiary select a more expensive service, procedure, or course of treatment than is customarily provided. The alternative course of treatment policy must meet following conditions:

(A) The service, procedure, or course of treatment must be consistent with sound professional standards of dental practice for the dental condition concerned.

(B) The service, procedure, or course of treatment must be a generally accepted alternative for a service or procedure covered by the TDP for the dental condition.

(C) Payment for the alternative service or procedure may not exceed the lower of the prevailing limits for the alternative procedure, the prevailing limits or dental plan contractor's scheduled allowance for the otherwise authorized benefit procedure for which the alternative is substituted, or the actual charge for the alternative procedure.

(2) *Benefits.* The following benefits are defined (subject to the TDP's exclusions, limitations, and benefit determination rules approved by OCHAMPUS) using the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature. The Director, OCHAMPUS, or designee, may modify these services, to the extent determined appropriate based on developments in common dental care practices and standard dental insurance programs.

(i) *Diagnostic and preventive services.* Benefits may be extended for those dental services described as oral examination, diagnostic, and preventive services defined as traditional prophylaxis (*i.e.,* scaling deposits from teeth, polishing teeth, and topical application of fluoride to teeth) when performed directly by dentists and dental hygienists as authorized under paragraph (f) of this section. These include the following categories of service:

(A) *Diagnostic services.*—(*1*) Clinical oral examinations.

(*2*) Radiographs and diagnostic imaging.

(*3*) Tests and laboratory examinations.

(B) *Preventive services.*—(*1*) Dental prophylaxis.

(*2*) Topical fluoride treatment (office procedure).

(*3*) Other preventive services.

(*4*) Space maintenance (passive appliances).

(ii) *General services and services ''by report''.* The following categories of services are authorized when performed directly by dentists or dental hygienists, as authorized under paragraph (f) of this section, only in unusual circumstances requiring justification of exceptional conditions directly related to otherwise authorized procedures. Use of the procedures may not result in the fragmentation of services normally included in a single procedure. The dental plan contractor may recognize a ''by report'' condition by providing additional allowance to the primary covered procedure instead of recognizing or permitting a distinct billing for the ''by report'' service. These include the following categories of general services:

(A) Unclassified treatment.

(B) Anesthesia.

(C) Professional consultation.

(D) Professional visits.

(E) Drugs.

(F) Miscellaneous services.

(iii) *Restorative services.* Benefits may be extended for restorative services when performed directly by dentists or dental hygienists, or under orders and supervision by dentists, as authorized under paragraph (f) of this section. These include the following categories of restorative services:

(A) Amalgam restorations.

(B) Resin restorations.

(C) Inlay and onlay restorations.

(D) Crowns.

(E) Other restorative services.

(iv) *Endodontic services.* Benefits may be extended for those dental services involved in treatment of diseases and injuries affecting the dental pulp, tooth root, and periapical tissue when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of endodontic services:

(A) Pulp capping.

(B) Pulpotomy and pulpectomy.

(C) Endodontic therapy.

(D) Apexification and recalcification procedures.

(E) Apicoectomy and periradicular services.

(F) Other endodontic procedures.

(v) *Periodontic services.* Benefits may be extended for those dental services involved in prevention and treatment of diseases affecting the supporting structures of the teeth to include periodontal prophylaxis, gingivectomy or gingivoplasty, gingival curettage, etc., when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of periodontic services:

(A) Surgical services.

(B) Periodontal services.

(C) Other periodontal services.

(vi) *Prosthodontic services.* Benefits may be extended for those dental services involved in fabrication, insertion adjustment, relinement, and repair of artificial teeth and associated tissues to include removable complete and partial dentures, fixed crowns and bridges when performed directly by dentists as authorized under paragraph (4) of this section. These include the following categories of prosthodontic services:

(A) *Prosthodontics (removable).*

(*1*) Complete and partial dentures.

(*2*) Adjustments to dentures.

(*3*) Repairs to complete and partial dentures.

(*4*) Denture rebase procedures.

(*5*) Denture reline procedures.

(*6*) Other removable prosthetic services.

(B) *Prosthodontics (fixed).*

(*1*) Fixed partial denture pontics.

(*2*) Fixed partial denture retainers.

(*3*) Other partial denture services.

(vii) *Orthodontic services.* Benefits may be extended for the supervision, guidance, and correction of growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations through the use of orthodontic procedures and devices when performed directly by dentists as authorized under paragraph (f) of this section to include in-process orthodontics. These include the following categories of orthodontic services:

(A) Limited orthodontic treatment.

(B) Minor treatment to control harmful habits.

(C) Interceptive orthodontic treatment.

(D) Comprehensive orthodontic treatment.

(E) Other orthodontic services.

(viii) *Oral and maxillofacial surgery services.* Benefits may be extended for basic surgical procedure of the extraction, reimplantation, stabilization and repositioning of teeth, alveoloplasties, incision and drainage of abscesses, suturing of wounds, biopsies, etc., when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of oral and maxillofacial surgery services:

(A) Extractions.

(B) Surgical extractions.

(C) Other surgical procedures.

(D) Alveoloplasty—surgical preparation of ridge for denture.

(E) Surgical incision.

(F) Repair of traumatic wounds.

(G) Complicated suturing.

(H) Other repair procedures.

(ix) *Exclusion of adjunctive dental care.* Adjunctive dental care benefits are excluded under the TDP. For further information on adjunctive dental care benefits under TRICARE/CHAMPUS, see § 199.4(e)(10).

(x) *Benefit limitations and exclusions.* The Director, OCHAMPUS, or designee, may establish such exclusions and limitations as are consistent with those established by dental insurance and prepayment plans to control utilization and quality of care for the services and items covered by the TDP.

(xi) *Limitation on reduction of benefits.* If a reduction in benefits is planned, the Secretary of Defense, or designee, may not reduce TDP benefits without notifying the appropriate Congressional committees. If a reduction is approved, the Secretary of Defense, or designee, must wait one (1) year from the date of notice before a benefit reduction can be implemented.

(3) *Cost-shares, liability and maximum coverage.*—(i) *Cost-shares.* The following table lists maximum active duty, Selected Reserve and Individual Ready Reserve member and dependent cost-shares for covered services for participating and nonparticipating providers of care (see paragraph (f)(6) of this section for additional active duty, Selected Reserve and Individual Ready Reserve costs). These are percentages of the dental plan contractor's determined allowable amount that the active duty, Selected Reserve and Individual Ready Reserve member or beneficiary must pay to these providers. For care received in the OCONUS service area, the ASD(HA), or designee, may pay certain cost-shares and other portions of a provider's billed charge for enrolled dependents of active duty members (under a call or order that does not specify a period of thirty (30) days or less), and for members of the Selected Reserve (as specified in 10 U.S.C. 10143) and Individual Ready Reserve (as specified in 10 U.S.C. 10144(b)) enrolled on their own behalf.

[In percent]

Covered services	Cost-share for pay grades E–1, E–2, E–3 and E–4	Cost-share for all other pay grades
Diagnostic	0	0
Preventive, except Sealants	0	0
Emergency Services	0	0
Sealants	20	20
Professional Consultations	20	20
Professional Visits	20	20
Post Surgical Services	20	20
Basic Restorative (example: amalgams, resins, stainless steel crowns)	20	20
Endodontic	30	40
Periodontic	30	40
Oral and Maxilllofacial Surgery	30	40
General Anesthesia	40	40
Intravenous Sedation	50	50
Other Restorative (example: crowns, onlays, casts)	50	50
Prosthodontics	50	50
Medications	50	50
Orthodontic	50	50
Miscellaneous	50	50

(ii) *Dental plan contractor liability.* When more than twenty-five (25) percent or more than two hundred (200) enrollees in a specific five (5) digit zip code area are unable to obtain a periodic or initial (non-emergency) dentistry appointment with a network provider within twenty-one (21) calendar days and within thirty-five (35) miles of the enrollee's place of residence, then the TRICARE Management Activity (TMA) will designate that area as ''non-compliant with the access standard.'' Once so designated, the dental program contractor will reimburse the beneficiary, or active duty, Selected Reserve or Individual Ready Reserve member, or the nonparticipating provider selected by enrollees in that area (or a subset of the area or nearby zip codes in other five (5) digit zip code areas as determined by TMA) at the level of the provider's usual fees less the applicable enrollee cost-share, if any. TMA shall determine when such area becomes compliant with the access standards. This access standard and associated liability does not apply to care received in the OCONUS service area.

(iii) *Maximum coverage amounts.* Beneficiaries are subject to an annual maximum coverage amount for non-orthodontic dental benefits and a lifetime maximum coverage amount for orthodontics as established by the ASD (HA) or designee.

(f) *Authorized providers*—(1) *General.* Beneficiaries may seek covered services from any provider who is fully licensed and approved to provide dental care or covered anesthesia benefits in the state where the provider is located. This includes licensed dental hygienists, practicing within the scope of their licensure, subject to any restrictions a state licensure or legislative body imposes regarding their status as independent providers of care.

(2) *Authorized provider status does not guarantee payment of benefits.* The fact that a provider is ''authorized'' is not to be construed to mean that the TDP will automatically pay a claim for services or supplies provided by such a provider. The Director, OCHAMPUS, or designee, also must determine if the

patient is an eligible beneficiary, whether the services or supplies billed are authorized and medically necessary, and whether any of the authorized exclusions of otherwise qualified providers presented in this section apply.

(3) *Utilization review and quality assurance.* Services and supplies furnished by providers of care shall be subject to utilization review and quality assurance standards, norms, and criteria established under the TDP. Utilization review and quality assurance assessments shall be performed under the TDP consistent with the nature and level of benefits of the plan, and shall include analysis of the data and findings by the dental plan contractor from other dental accounts.

(4) *Provider required.* In order to be considered benefits, all services and supplies shall be rendered by, prescribed by, or furnished at the direction of, or on the order of a TDP authorized provider practicing within the scope of his or her license.

(5) *Participating provider.* An authorized provider may elect to participate for all TDP beneficiaries and accept the fee or charge determinations as established and made known to the provider by the dental plan contractor. The fee or charge determinations are binding upon the provider in accordance with the dental plan contractor's procedures for participation. The authorized provider may not participate on a claim-by-claim basis. The participating provider must agree to accept, within one (1) day of a request for appointment, beneficiaries in need of emergency palliative treatment. Payment to the participating provider is based on the lower of the actual charge or the dental plan contractor's determination of the allowable charge; however, payments to participating providers shall be in accordance with the methodology specified in paragraph (g)(2)(ii) of this section. Payment is made directly to the participating provider, and the participating provider may only charge the beneficiary the percent cost-share of the dental plan contractor's allowable charge for those benefit categories as specified in paragraph (e) of this section, in addition to the full charges for any services not authorized as benefits.

(6) *Nonparticipating provider.* An authorized provider may elect to not participate for all TDP beneficiaries and request the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member to pay any amount of the provider's billed charge in excess of the dental plan contractor's determination of allowable charges (to include the appropriate cost-share). Neither the Government nor the dental plan contractor shall have any responsibility for any amounts over the allowable charges as determined by the dental plan contractor, except where the dental plan contractor is unable to identify a participating provider of care within thirty-five (35) miles of the beneficiary's place of residence with appointment availability within twenty-one (21) calendar days. In such instances of the nonavailability of a participating provider and in accordance with the provisions of the dental contract, the nonparticipating provider located within thirty-five (35) miles of the beneficiary's place of residence shall be paid his or her usual fees (either by the beneficiary or the dental plan contractor if the beneficiary elected assignment of benefits), less the percent cost-share as specified in paragraph (e)(3)(i) of this section.

(i) *Assignment of benefits.* A nonparticipating provider may accept assignment of benefits for claims (for beneficiaries certifying their willingness to make such assignment of benefits) by filing the claims completed with the assistance of the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for direct payment by the dental plan contractor to the provider.

(ii) *No assignment of benefits.* A nonparticipating provider for all beneficiaries may request that the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member file the claim directly with the dental plan contractor, making arrangements with the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for direct payment by the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member.

(7) *Alternative delivery system.*—(i) *General.* Alternative delivery systems may be established by the Director, OCHAMPUS, or designee, as authorized providers. Only dentists, dental hygienists and licensed anesthetists shall be authorized to provide or direct the provision of authorized services and supplies in an approved alternative delivery system.

(ii) *Defined.* An alternative delivery system may be any approved arrangement for a preferred provider organization, capitation plan, dental health maintenance or clinic organization, or other contracted arrangement which is approved by OCHAMPUS in accordance with requirements and guidelines.

(iii) *Elective or exclusive arrangement.* Alternative delivery systems may be established by contract or other arrangement on either an elective or exclusive basis for beneficiary selection of participating and authorized providers in accordance with contractual requirements and guidelines.

(iv) *Provider election of participation.* Otherwise authorized providers must be provided with the opportunity of applying for participation in an alternative delivery system and of achieving participation status based on reasonable criteria for timeliness of application, quality of care, cost containment, geographic location, patient availability, and acceptance of reimbursement allowance.

(v) *Limitation on authorized providers:* Where exclusive alternative delivery systems are established, only providers participating in the alternative delivery system are authorized providers of care. In such instances, the TDP shall continue to pay beneficiary claims for services rendered by otherwise authorized providers in accordance with established rules for reimbursement of nonparticipating providers where the beneficiary has established a patient relationship with the nonparticipating provider prior to the TDP's proposal to subcontract with the alternative delivery system.

(vi) *Charge agreements.* Where the alternative delivery system employs a discounted fee-for-service reimbursement methodology or schedule of charges or rates which includes all or most dental services and procedures recognized by the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature, the discounts or schedule of charges or rates for all dental services and procedures shall be extended by its participating providers to beneficiaries of the TDP as an incentive for beneficiary participation in the alternative delivery system.

(g) *Benefit payment*—(1) *General.* TDP benefits payments are made either directly to the provider or to the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member, depending on the manner in which the claim is submitted or the terms of the subcontract of an alternative delivery system with the dental plan contractor.

(2) *Benefit payment.* Beneficiaries are not required to utilize participating providers. For beneficiaries who do use these participating providers, however, these providers shall not balance bill any amount in excess of the maximum payment allowed by the dental plan contractor for covered services.

Beneficiaries using nonparticipating providers may be balance-billed amounts in excess of the dental plan contractor's determination of allowable charges. The following general requirements for the TDP benefit payment methodology shall be met, subject to modifications and exceptions approved by the Director, OCHAMPUS, or designee:

(i) Nonparticipating providers (or the Beneficiaries or active duty, Selected Reserve or Individual Ready Reserve members for unassigned claims) shall be reimbursed at the equivalent of not less than the 50th percentile of prevailing charges made for similar services in the same locality (region) or state, or the provider's actual charge, whichever is lower, subject to the exception listed in paragraph (e)(3)(ii) of this section, less any cost-share amount due for authorized services.

(ii) Participating providers shall be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or state as to constitute a significant financial incentive for participation, or the provider's actual charge, whichever is lower, less any cost-share amount due for authorized services.

(3) *Fraud, abuse, and conflict of interest.* The provisions of § 199.9 shall apply except for § 199.9(e). All references to ''CHAMPUS contractors'', ''CHAMPUS beneficiaries'' and ''CHAMPUS providers'' in § 199.9 shall be construed to mean the ''dental plan contractor'', ''TDP beneficiaries'' and ''TPD providers'' respectively for the purposes of this section. Examples of fraud include situations in which ineligible persons not enrolled in the TDP obtain care and file claims for benefits under the name and identification of a beneficiary; or when providers submit claims for services and supplies not rendered to Beneficiaries; or when a participating provider bills the beneficiary for amounts over the dental plan contractor's determination of allowable charges; or when a provider fails to collect the specified patient cost-share amount.

(h) *Appeal and hearing procedures.* The provisions of § 199.10 shall apply except where noted in this section. All references to ''CHAMPUS contractors'', ''CHAMPUS beneficiaries'', ''CAMPUS participating providers'' and ''CHAMPUS Explanation of Benefits'' in § 199.10 shall be construed to mean the ''dental plan contractor'', ''TDP beneficiaries'', ''TDP participating providers'' and ''Dental Explanation of Benefits or DEOB'' respectively for the purposes of this section. References to ''OCHAMPUSEUR'' in § 199.10 are not applicable to the TDP or this section.

(1) *General.* See § 199.10(a).

(i) *Initial determination.*—(A) *Notice of initial determination and right to appeal.* See § 199.10(a)(1)(i).

(B) *Effect of initial determination.* See § 199.10(a)(1)(ii).

(ii) *Participation in an appeal.* Participation in an appeal is limited to any party to the initial determination, including OCHAMPUS, the dental plan contractor, and authorized representatives of the parties. Any party to the initial determination, except OCHAMPUS and the dental plan contractor, may appeal an adverse determination. The appealing party is the party who actually files the appeal.

(A) *Parties to the initial determination.* See § 199.10(a)(2)(i) and § 199.10(a)(2)(i)(A), (B), (C) and (E). In addition, a third party other than the dental plan contractor, such as an insurance company, is not a party to the initial determination and is not entitled to appeal, even though it may have an indirect interest in the initial determination.

(B) *Representative.* See § 199.10(a)(2)(ii).

(iii) *Burden of proof.* See § 199.10(a)(3).

(iv) *Evidence in appeal and hearing cases.* See § 199.10(a)(4).

(v) *Late filing.* If a request for reconsideration, formal review, or hearing is filed after the time permitted in this section, written notice shall be issued denying the request. Late filing may be permitted only if the appealing party reasonably can demonstrate to the satisfaction of the dental plan contractor, or the Director, OCHAMPUS, or designee, that timely filing of the request was not feasible due to extraordinary circumstances over which the appealing party had no practical control. Each request for an exception to the filing requirement will be considered on its own merits. The decision of the Director, OCHAMPUS, or a designee, on the request for an exception to the filing requirement shall be final.

(vi) *Appealable issue.* See § 199.10(a)(6), § 199.10(a)(6)(i), § 199.10(a)(6)(iv), including § 199.10(a)(6)(iv) (A) and (C), and § 199.10(a)(6)(v) for an explanation and examples of non-appealable issues. Other examples of issues that are not appealable under this section include:

(A) The amount of the dental plan contractor-determined allowable charge since the methodology constitutes a limitation on benefits under the provisions of this section.

(B) Certain other issues on the basis that the authority for the initial determination is not vested in OCHAMPUS. Such issues include but are not limited to the following examples:

(*1*) A determination of a person's enrollment in the TDP is the responsibility of the dental plan contractor and ultimate responsibility for resolving a beneficiary's enrollment rests with the dental plan contractor. Accordingly, a disputed question of fact concerning a beneficiary's enrollment will not be considered an appealable issue under the provisions of this section, but shall be resolved in accordance with paragraph (c) of this section and the dental plan contractor's enrollment policies and procedures.

(*2*) Decisions relating to the issuance of a nonavailability statement (NAS) in each case are made by the Uniformed Services. Disputes over the need for an NAS or a refusal to issue an NAS are not appealable under this section. The one exception is when a dispute arises over whether the facts of the case demonstrate a dental emergency for which an NAS is not required. Denial of payment in this one situation is an appealable issue.

(*3*) Any decision or action on the part of the dental plan contractor to include a provider in their network or to designate a provider as participating is not appealable under this section. Similarly, any decision or action on the part of the dental plan contractor to exclude a provider from their network or to deny participating provider status is not appealable under this section.

(vii) *Amount in dispute.*—(A) *General.* An amount in dispute is required for an adverse determination to be appealed under the provisions of this section, except as set forth or further explained in § 199.10(a)(7)(ii), (iii) and (iv).

(B) *Calculated amount.* The amount in dispute is calculated as the amount of money the dental plan contractor would pay if the services involved in the dispute were determined to be authorized benefits of the TDP. Examples of amounts of money that are excluded by this section from payments for authorized benefits include, but are not limited to:

(*1*) Amounts in excess of the dental plan contractor's— determined allowable charge.

(*2*) The beneficiary's cost-share amounts.

(*3*) Amounts that the beneficiary, or parent, guardian, or other responsible person has no legal obligation to pay.

(*4*) Amounts excluded under the provisions of § 199.8 of this part.

(viii) *Levels of appeal.* See § 199.10(a)(8)(i). Initial determinations involving the sanctioning (exclusion, suspension, or termination) of TDP providers shall be appealed directly to the hearing level.

(ix) *Appeal decision.* See § 199.10(a)(9).

(2) *Reconsideration.* See § 199.10(b).

(3) *Formal review.* See § 199.10(c).

(4) *Hearing.* (i) *General.* See § 1.99.10(d) and § 199.10(d)(1) through (d)(5) and (d0(7) through (d)(12) for information on the hearing process.

(ii) *Authority of the hearing officer.* The hearing officer, in exercising the authority to conduct a hearing under this part, will be bound by 10 U.S.C., chapter 55, and this part. The hearing officer in addressing substantive, appealable issues shall be bound by the dental benefits brochure applicable for the date(s) of service, policies, procedures, instructions and other guidelines issued by the ASD(HA), or a designee, or by the Director, OCHAMPUS, or a designee, in effect for the period in which the matter in dispute arose. A hearing officer may not establish or amend the dental benefits brochure, policy, procedures, instructions, or guidelines. However, the hearing officer may recommend reconsideration of the policy, procedures, instructions or guidelines by the ASD (HA), or a designee, when the final decisions is issued in the case.

(5) *Final decision.* See § 199.10(e)(1) and § 199.10(e)(1)(i) for information on final decisions in the appeal and hearing process, with the exception that no recommended decision shall be referred for review by ASD(HA).

§ 199.21 [Removed and Reserved]

3. Section 199.21 is removed and resrved.

Dated: October 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27016 Filed 10–20–00; 8:45 am]

BILLING CODE 5001–10–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6889–5]

Indiana: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of immediate final rule.

SUMMARY: We are withdrawing the immediate final rule for Indiana: Final Authorization of State Hazardous Waste Management Program Revision published on July 26, 2000, which approved changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). We stated in the immediate final rule that if we received written comments that oppose this authorization during the comment period, we would publish a timely notice of withdrawal in the **Federal Register**. Subsequently, we received comments that oppose this action. We will address these comments in a subsequent final action based on the proposed rule also published on July 26, 2000, at 65 FR 45955.

DATES: As of October 23, 2000, we withdraw the immediate final rule published on July 26, 2000 at 65 FR 45925.

FOR FURTHER INFORMATION CONTACT: Gary Westefer, Indiana Regulatory Specialist, U.S. EPA Region 5, DM–7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7450.

SUPPLEMENTARY INFORMATION: Because we received written comments that oppose this authorization, we are withdrawing the immediate final rule for Indiana: Final Authorization of State Hazardous Waste Management Program Revision published on July 26, 2000, at 65 FR 45925, which intended to grant authorization for revision to Indiana's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). We stated in the immediate final rule that if we received written comments that oppose this authorization during the comment period, we would publish a timely notice of withdrawal in the **Federal Register**. Subsequently, we received comments that oppose this action. We will address all comments in a subsequent final action based on the proposed rule previously published on July 26, 2000, at 65 FR 45955. We will not provide for additional comment during the final action.

Dated: October 6, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 00–27154 Filed 10–20–00; 8:45 am]

BILLING CODE 6560–50–P

Rules and Regulations

Federal Register

Vol. 65, No. 205

Monday, October 23, 2000

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

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

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1724

RIN 0572–AB54

Electric Engineering, Architectural Services and Design Policies and Procedures

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) is amending its regulations to revise its requirements regarding RUS approval of plans and specifications for buildings. Specifically, the requirement for RUS approval of architectural plans and specifications for buildings is eliminated and instead the borrower's architect or engineer is required to state that the design complies with certain specific standards. This change is being made in order to provide better service to borrowers.

DATES: This rule will become effective on November 22, 2000.

FOR FURTHER INFORMATION CONTACT: Fred J. Gatchell, Deputy Director, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1569, 1400 Independence Ave., SW., Washington, DC 20250–1569. Telephone: (202) 720–1398. FAX: (202) 720–7491. E-mail: fgatchel@rus.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12372

This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with state and local officials. See the final rule related notice entitled ''Department Programs and Activities Excluded from Executive Order 12372,'' (50 FR 47034) advising that RUS loans and loan guarantees were not covered by Executive Order 12372.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, (1) all state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3), in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)) administrative appeals procedures, if any are required, must be exhausted prior to initiating an action against the Department or its agencies.

Regulatory Flexibility Act Certification

The Administrator of RUS has determined that this rule relating to RUS electric loan program is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and therefore, the Regulatory Flexibility Act does not apply to this rule. RUS borrowers, as a result of obtaining federal financing, receive economic costs associated with complying with RUS regulations and requirements.

National Environmental Policy Act Certification

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

Catalog of Federal Domestic Assistance

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

Information Collection and Recordkeeping Requirements

The recording and recordkeeping requirements contained in this rule were approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) under OMB control number 0572–0118.

Send questions or comments regarding this burden or any other aspect of these collections of information, including suggestions for reducing the burden, to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., SW., Room 4034 SBldg., Stop 1522, Washington, DC 20250–1522.

Unfunded Mandates

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

Background

RUS has promulgated regulations pertaining to the design and construction of RUS electric borrower's systems. These regulations are contained in 7 CFR Part 1724, Electric Engineering, Architectural Services and Design Policies and Procedures, which describes policies and procedures pertaining to RUS electric borrower procurement of architectural and engineering services for planning, design, and construction management of buildings and electric utility plant such as distribution and transmission lines, substations, communications and control systems, and generating plants. RUS has determined that continued review and approval of plans and specifications for buildings by RUS is not necessary. This will eliminate the burden on the borrowers of having to send the plans and specifications to RUS before issuing them to bidders. However, RUS will require that the borrower's architect or engineer state that the design complies with certain specific standards. This change is being

made in order to provide better service to borrowers.

We are also correcting a date in the list of contract forms.

RUS received no comments to the proposed regulation published in the **Federal Register** on April 24, 2000, at 65 FR 21671.

List of Subjects in 7 CFR Part 1724

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

For the reasons set forth in the preamble, RUS amends 7 CFR chapter XVII by amending part 1724 as follows:

PART 1724—ELECTRIC ENGINEERING, ARCHITECTURAL SERVICES AND DESIGN POLICIES AND PROCEDURES

1. The authority citation for part 1724 continues to read as follows:

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

2. Section 1724.54(f)(2) is revised to read as follows:

§ 1724.54 Requirements for RUS approval of plans and specifications.

* * * * *

(f) * * *

(2) Unless RUS approval is required by paragraph (a) of this section, plans and specifications for headquarters buildings do not require RUS approval. The borrower shall submit two copies of RUS Form 740g, Application for Headquarters Facilities. This form is available from Program Development and Regulatory Analysis, Rural Utilities Service, United States Department of Agriculture, Stop 1522, 1400 Independence Ave., SW., Washington, DC 20250–1522. The application must show floor area and estimated cost breakdown between office building space and space for equipment warehousing and service facilities, and include a one line drawing (floor plan and elevation view), to scale, of the proposed building with overall dimensions shown. The information concerning the planned building may be included in the borrower's construction work plan in lieu of submitting it with the application. (See 7 CFR part 1710, subpart F.) Prior to issuing the plans and specifications for bid, the borrower shall also submit to RUS a statement, signed by the architect or engineer, that the building design meets the Uniform Federal Accessibility Standards (See § 1724.51(e)(1)(i)).

* * * * *

3. Section 1724.74(d)(7) is revised to read as follows:

§ 1724.70 List of electric program standard contract forms.

* * * * *

(d) * * *

(7) RUS Form 284, Rev. 4–72, Final Statement of Cost for Architectural Service. This form is used for the closeout of architectural services contracts.

* * * * *

Dated: October 5, 2000.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 00–27155 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM177; Special Conditions No. 25–163–SC]

Special Conditions: Canadair Model CL–600–2B19 Series Airplanes; High-Intensity Radiated Fields (HIRF).

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Canadair Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics. These modified airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of a new Head-Up Guidance System (HGS). The HGS will utilize electrical and electronic systems that perform critical functions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of this system from the effects of high-intensity-radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is October 17, 2000. Comments must be received on or before November 22, 2000.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–114), Docket No. NM177, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: *Docket No. NM177.* Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Gerald Lakin, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–1187; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to these special conditions must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM177.'' The postcard will be date stamped and returned to the commenter.

Background

On June 26, 2000, Rockwell Collins Flight Dynamics, 16600 S.W. 72nd Avenue, Portland, OR 97224, applied for a Supplemental Type Certificate (STC) for Canadair Model CL–600–2B19 series airplanes. The Model CL–600–2B19 is a Model Regional Jet Series 100 passsenger airplane with two AVCO Lycoming ALF–502L or ALF–502L–2 engines. These airplanes will incorporate a Head-Up Guidance System (HGS), manufactured by Rockwell Collins Flight Dynamics, which displays attitude and heading information.

The HGS performs critical functions associated with the display of attitude and heading information to the pilot. These functions can be susceptible to disruption of both command and response signals as a result of electrical and magnetic interference caused by high-intensity radiated fields (HIRF) external to the airplane. This disruption of signals could result in loss of critical flight displays and annunciations, or could present misleading information to the pilot.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Rockwell Collins Flight Dynamics must show that the Model CL–600–2B19 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A21EA, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations included in the certification basis for the Model CL–600–2B19 series airplanes include Title 14, Code of Federal Regulations (14 CFR) part 25, as amended by Amendments 25–1 through 25–62, plus additional requirements listed in the type certificate data sheet that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* part 25, as amended) do not contain adequate or appropriate safety standards for the Model CL–600–2B19 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model CL–600–2B19 series airplanes must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36.

Special conditions, as appropriate, are issued in accordance with § 11.49, as required by §§ 11.28 and 11.29, and become part of the airplane's type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design features, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

As stated earlier, the Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics will incorporate a HGS system, which performs critical functions. The HGS system contains electronic equipment for which the current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for the protection of this equipment from the adverse effects of HIRF. This system may be vulnerable to HIRF external to the airplane. Accordingly, this system is considered to be a novel or unusual design feature.

Discussion

There is no specific regulation that addresses the requirements for protection of electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved that is equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Model CL–600–2B19 airplanes modified to include the Rockwell Collins Flight Dynamics HGS system. These special conditions will require that this system, which performs critical functions, be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1 or 2 below:

1. A minimum threat of 100 volts rms per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated. Both peak and average field strength components from the Table are to be demonstrated.

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300

Frequency	Field strength (volts per meter)	
	Peak	Average
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to Canadair Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics to include the Rockwell Collins Flight Dynamics HGS system. Should Rockwell Collins Flight Dynamics apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate A21EA to incorporate the same novel or unusual design features, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on Canadair Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplanes.

The substance of the special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for Canadair Model CL–600–2B19 series airplanes modified by Rockwell Collins Flight Dynamics.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions:* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on October 17, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–27181 Filed 10–20–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30209; Amdt. No. 425]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: 0901 UTC, November 30, 2000.

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

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances required making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the

close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusions

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on October 17, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC,

1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

PART 95—[AMENDED]

2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 425 effective date, November 30, 2000]

From	To	MEA
Color Routes		
§ 95.4 Green Federal Airway 8 is Amended To Read in Part		
CAMPBELL LAKE, AK NDB	GLENNALLEN, AK NDB	13,000
§ 95.6001 Victor Routes—U.S.		
§ 95.6015 VOR Federal Airway 15 Is Amended To Read in Part		
BONHAM, TX VORTAC	*PRIZZ, OK FIX	**3,600
*7,000—MRA		
**2,100—MOCA		
PRIZZ, OK FIX	MC ALESTER, OK VORTAC	*3,000
*2,500—MOCA		
MC ALESTER, OK VORTAC	*HOFFE, OK FIX	2,700
*4,700—MRA		
HOFFE, OK FIX	OKMULGEE, OK VOR/DME	2,600
§ 95.6016 VOR Federal Airway 16 Is Amended To Read in Part		
ABILENE, TX VORTAC	*ROGEE, TX FIX	3,600
*5,000—MRA		
ROGEE, TX FIX	BOWIE, TX VORTAC	*4,500
*2,900—MOCA		
BOWIE, TX VORTAC	BONHAM, TX VORTAC	3,700
BONHAM, TX VORTAC	PARIS, TX VOR/DME	2,400
PARIS, TX VOR/DME	TEXARKANA, AR VORTAC	2,000
§ 95.6017 VOR Federal Airway 17 Is Amended To Read in Part		
MILLSAP, TX VORTAC	BOWIE, TX VORTAC	3,000
BOWIE, TX VORTAC	ARDMORE, OK VORTAC	3,000
ARDMORE, OK VORTAC	WILL ROGERS, OK VORTAC	3,000
§ 95.6020 VOR Federal Airway 20 Is Amended To Read in Part		
CORPUS CHRISTI, TX VORTAC	COPAN, TX FIX	1,800
COPAN, TX FIX	AGOJA, TX FIX	1,700
AGOJA, TX FIX	PALACIOS, TX VORTAC	2,000
*1,400—MOCA		
§ 95.6063 VOR Federal Airway 63 Is Amended To Read in Part		
BOWIE, TX VORTAC	TEXOMA, OK VOR/DME	3,000
TEXOMA, OK VOR/DME	MC ALESTER, OK VORTAC	2,800
§ 95.6066 VOR Federal Airway 66 Is Amended To Read in Part		
ABILENE, TX VORTAC	TRUSS, TX FIX	3,200

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 425 effective date, November 30, 2000]

From	To	MEA
TRUSS, TX FIX *3,100—MOCA	MILLSAP, TX VORTAC	*3,700
§ 95.6070 VOR Federal Airway 70 Is Amended To Read in Part		
CORPUS CHRISTI, TX VORTAC	COPAN, TX FIX	1,800
COPAN, TX FIX	AGOJA, TX FIX	1,700
AGOJA, TX FIX *1,400—MOCA	PALACIOS, TX VORTAC	2,000
§ 95.6078 VOR Federal Airway 78 Is Amended To Read in Part		
IRON MOUNTAIN, MI FIX	VUKFI, MI FIX	3,100
VUKFI, MI FIX *2,200—MOCA	ESCANABA, MI VORTAC	*3,000
§ 95.6114 VOR Federal Airway 114 Is Amended To Read in Part		
CARTH, FIX *1,700—MOCA	EXITE, LA FIX	*3,000
EXITE, LA FIX *1,700—MOCA	COVEX, LA FIX	*3,500
§ 95.6124 VOR Federal Airway 124 Is Amended To Read in Part		
HOT SPRINGS, AR VOR/DME	LONNS, AR FIX	3,000
LONNS, AR FIX *1,900—MOCA	LITTLE ROCK, AR VORTAC	*2,500
§ 95.6161 VOR Federal Airway 161 Is Amended To Read in Part		
MILLSAP, TX VORTAC	BOWIE, TX VORTAC	3,000
§ 95.6407 VOR Federal Airway 407 Is Amended To Read in Part		
LUFKIN, TX VORTAC *2,000—MOCA	ELM GROVE, LA VORTAC	*4,000
ELM GROVE, LA VORTAC	EL DORADO, AR VORTAC	2,000
§ 95.6430 VOR Federal Airway 430 Is Amended To Read in Part		
IRON MOUNTAIN, MI VORTAC	VUKFI, MI FIX	3,100
VUKFI, MI FIX *2,200—MOCA	ESCANABA, MI VORTAC	*3,000
§ 95.6507 VOR Federal Airway 507 Is Amended To Read in Part		
ARDMORE, OK VORTAC	WILL ROGERS, OK VORTAC	3,000
§ 95.6573 VOR Federal Airway 573 Is Amended To Read in Part		
WILL ROGERS, OK VORTAC *7,000—MRA	*ALEXX, OK FIX	3,000
ALEXX, OK FIX	ARDMORE, OK VORTAC	3,500
ARDMORE, OK VORTAC	BONHAM, TX VORTAC	3,600
BONHAM, TX VORTAC	SULPHUR SPRINGS, TX VOR/DME	2,500
SULPHUR SPRINGS, TX VOR/DME	TEXARKANA, AR VORTAC	2,000
TEXARKANA, AR VORTAC *1,800—MOCA	PIKES, AR FIX	*3,500
PIKES, AR FIX *2,100—MOCA	MARKI, AR FIX	*3,500
MARKI, AR FIX *2,500—MOCA	HOT SPRINGS, AR VOR/DME	*3,500
HOT SPRINGS, AR VOR/DME	LONNS, AR FIX	3,000
LONNS, AR FIX *1,900—MOCA	LITTLE ROCK, AR VORTAC	*2,500

[FR Doc. 00–27183 Filed 10–20–00; 8:45 am]
BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''the Commission'') amends its Appliance Labeling Rule (''the Rule'') by publishing new ranges of comparability to be used on required labels for refrigerator-freezers with automatic defrost with top-mounted freezers with through-the-door ice service (Appendix A7). The Commission also announces that the current (1998) ranges of comparability for all other categories of refrigerators, refrigerator-freezers, and freezers (Appendices A1 through A6, Appendix A8, and Appendices B1 through B3 to the Rule), which were published on December 2, 1998 (63 FR 66428), will remain in effect until further notice.

EFFECTIVE DATE: January 22, 2001.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202–326–3035); <<jmills@ftc.gov>>.

SUPPLEMENTARY INFORMATION: The Appliance Labeling Rule (''Rule'') was issued by the Commission in 1979 (44 FR 66466 (Nov. 19, 1979)) in response to a directive in the Energy Policy and Conservation Act of 1975.[1] The rule covers eight categories of major household appliances: Refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters (this category includes storage-type water heaters, instantaneous water heaters, and heat pump water heaters), room air conditioners, furnaces (this category includes boilers), and central air conditioners (this category includes heat pumps). The Rule also covers pool heaters (59 FR 49556 (Sept. 28, 1994)), and contains requirements that pertain to fluorescent lamp ballasts (54 FR 28031 (July 5, 1989)), certain plumbing products (58 FR 54955 (Oct. 25, 1993)), and certain lighting products (59 FR 25176 (May 13, 1994)).

The Rule requires manufacturers of all covered appliances and pool heaters to disclose specific energy consumption or efficiency information (derived from the DOE test procedures) at the point of sale in the form of an ''EnergyGuide'' label and in catalogs. It also requires manufacturers of furnaces, central air conditioners, and heat pumps either to provide fact sheets showing additional cost information, or to be listed in an industry directory showing the cost information for their products. The Rule requires that manufacturers include, on labels and fact sheets, an energy consumption or efficiency figure and a ''range of comparability.'' This range shows the highest and lowest energy consumption or efficiencies for all comparable appliance models so consumers can compare the energy consumption or efficiency of other models (perhaps competing brands) similar to the labeled model. The Rule requires that manufacturers also include, on labels for some products, a secondary energy usage disclosure in the form of an estimated annual operating cost based on a specified DOE national average cost for the fuel the appliance uses.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report annually (by specified dates for each product type[2]) the estimated annual energy consumption or energy efficiency ratings for the appliances derived from tests performed pursuant to the DOE test procedures. Because manufacturers regularly add new models to their lines, improve existing models, and drop others, the data base from which the ranges of comparability are calculated is constantly changing. Under Section 305.10 of the Rule, to keep the required information on labels consistent with these changes, the Commission publishes new ranges (but not more often than annually) if an analysis of the new information indicates that the upper or lower limits of the ranges have changed by 15% or more. Otherwise, the Commission publishes a statement that the prior ranges remain in effect for the next year.

The Commission has analyzed the 2000 submissions of data for refrigerators, refrigerator-freezers, and freezers, and has determined that the upper and lower limits of the ranges for refrigerator-freezers with automatic defrost with top-mounted freezers with through-the-door ice service (Appendix A7) have changed significantly. Therefore, the Commission is publishing new ranges of comparability for those products.

The Commission also has determined that the ranges of comparability for all other categories of refrigerators, refrigerator-freezers, and freezers (Appendices A1 through A6, Appendix A8, and Appendices B1 through B3 to the Rule) have not changed significantly. Therefore, the Commission is announcing that the current (1998) ranges for those products, which were published on December 2, 1998 (63 FR 66428), will remain in effect until further notice.

Today's publication of the new ranges for refrigerator-freezers with automatic defrost with top-mounted freezers with through-the-door ice service also means that, after January 22, 2001, manufacturers of these products must calculate the operating cost figures at the bottom of labels for the products using the 2000 cost for electricity (8.03 cents per kiloWatt-hour). Manufacturers must continue to calculate the operating costs at the bottom of labels for all other refrigerators, refrigerator-freezers, and freezers using the 1998 cost for electricity (8.42 cents per kiloWatt-hour), which was the cost for electricity that was in effect at the time the current (1998) ranges were published.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do not impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a ''significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 305 is amended as follows:

[1] 42 U.S.C. 6294. The statute also requires the Department of Energy (''DOE'') to develop test procedures that measure how much energy the appliances use, and to determine the representative average cost a consumer pays for the different types of energy available.

[2] Reports for refrigerators, refrigerator-freezers, and freezers are due August 1.

PART 305—RULE CONCERNING DISCLOSURES REGARDING ENERGY CONSUMPTION AND WATER USE OF CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT (''APPLIANCE LABELING RULE'')

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix A7 to Part 305 is revised to read as follows:

Appendix A7 to Part 305—Refrigerator-Freezers With Automatic Defrost With Top-Mounted Freezer With Through-the-Door Ice Service

RANGE INFORMATION

Manufacturer's rated total refrigerated volume in cubic feet	Range of estimated annual energy consumption (KWh/Yr.)	
	Low	High
Less than 10.5	502	511
10.5 to 12.4	544	544
12.5 to 14.4	544	624
14.5 to 16.4	642	642
16.5 to 18.4	(*)	(*)
18.5 to 20.4	(*)	(*)
20.5 to 22.4	680	840
22.5 to 24.4	(*)	(*)
24.5 to 26.4	905	905
26.5 to 28.4	(*)	(*)
28.5 and over	(*)	(*)

(*) No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective January 1, 1993.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 00–27157 Filed 10–20–00; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8–R]

RIN 0720–AA53

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

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule revises the comprehensive CHAMPUS regulation pertaining to the Expanded Active Duty Dependents Benefit Plan, or more commonly referred to as the TRICARE Family Member Dental Plan (TFMDP). The TFMDP limited eligibility to eligible dependents of active duty members (under a call or order that does not specify a period of thirty (30) day or less). Concurrent with the timeframe of the publication of the proposed rule, the Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65, sec. 711) was signed into law and its provisions have been incorporated into this final rule. The Act authorized a new plan, titled the TRICARE dental program (TDP), which allows the Secretary of Defense to offer a comprehensive premium based indemnity dental insurance coverage plan to eligible dependents of active duty members (under a call or order that does not specify a period of thirty (30) days or less), eligible dependents of members of the Selected Reserve and Individual Ready Reserve, and eligible members of the Selected Reserve and Individual Ready Reserve. The Act also struck section 1076b (Selected Reserve dental insurance), or Chapter 55 of title 10, United States Code, since the affected population and the authority for that particular dental insurance plan has been incorporated in 10 U.S.C. 1076a. Consistent with the proposed rule and the provisions of the Defense Authorization Act for Fiscal Year 2000, the final rule places the responsibility for TDP enrollment and a large portion of the appeals program on the dental plan contractor; allows the dental plan contractor to bill beneficiaries for plan premiums in certain circumstances; reduces the former TFMDP enrollment period from twenty-four (24) to twelve (12) months; excludes Reserve component members ordered to active duty in support of a contingency operation from the mandatory twelve (12) month enrollment; clarifies dental plan requirements for different beneficiary populations; simplifies enrollment types and exceptions; reduces cost-shares for certain enlisted grades; adds anesthesia as a covered benefit; provides clarification on the Department's use of the Congressional waiver for surviving dependents; incorporates legislative authority for calculating the method by which premiums may be raised and allowing premium reductions for certain enlisted grades; and reduces administrative burden by reducing redundant language, referencing language appearing in other CFR sections and removing language more appropriate to the actual contract. These improvements will provide Uniformed Service members and families with numerous quality of life benefits that will improve participation in the plan, significantly reduce enrollment errors and positively effect utilization of this important dental plan. The proposed rule was titled the ''TRICARE Family Member Dental Plan''.

DATES: Effective February 1, 2001.

FOR FURTHER INFORMATION CONTACT: Major Brian K. Witt, TRICARE Management Activity, 303–676–3496.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Changes

The Basic Active Duty Dependents Dental Benefits Plan was implemented on August 1, 1987, allowing Uniformed Service personnel, on active duty for periods of greater than thirty (30) days, to voluntarily enroll their dependents in a basic dental health care plan. Under this plan, DoD shared the cost of the premium with the active duty service member. Although the plan was viewed as a major step in benefit enhancement for Uniformed Service families, there were still complaints that the enabling legislation was too restrictive in scope and that there should be expansion of services to better meet the dental needs of the Uniformed Service family.

Congress responded to these concerns by authorizing the Secretary of Defense to develop and implement an Expanded Active Duty Dependents Dental Benefit Plan [The Defense Authorization Act For Fiscal Year 1993, Public Law 102–484, sec. 701]. The provisions of this Act specified the expanded benefit structure, as well as maximum monthly premiums for enrollees. Cost-sharing levels for the expanded benefits were left up to the discretion of the Secretary of Defense after consultation with the other Administering Secretaries. The provisions of this Act were implemented on April 1, 1993.

Thereafter, Congress granted legislative authority to allow the Secretary of Defense to expand the dental plan outside the United States and to provide one (1) year of continued dental coverage for enrolled dependents of service members who die while on active duty [The Defense Authorization Act For Fiscal Year 1995, Public Law 103–337, sec. 703]. In addition, the Congress granted subsequent legislative authority to allow the Secretary of Defense to waive or reduce the cost-shares in overseas locations [The Defense Authorization Act For Fiscal Year 1998, Public Law 105–85 sec. 732].

In Fiscal Year 1999, the Congress authorized a methodology by which the enrollee's share of the premium could be increased. This methodology is tied to the lesser of the percent increase in the basic pay of active duty service

members or the basic pay for statutory pay systems plus one-half percent. In authorizing language, the Secretary of Defense could apply this premium increase methodology as if it had been in place continuously since December 31, 1993. To allow for an expanded and more comprehensive benefit, the Department will apply this premium increase methodology as authorized. The language further instructed the Secretary of Defense to advise the Congress of any plans to reduce dental plan benefits and to wait one (1) year, after notification, before any benefits could be reduced [The Defense Authorization Act For Fiscal Year 1999, Public Law 105–261, sec. 701].

In Fiscal Year 2000, the Congress authorized the establishment of the TRICARE dental program (TDP), by striking 10 U.S.C. 1076a (Dependents' dental program) and 10 U.S.C. 1076b (Selected Reserve dental insurance) and inserting a revised section 1076a, TRICARE dental program [The Defense Authorization Act For Fiscal Year 2000, Public Law 106–65, sec. 711]. Language in this revision directed the Secretary of Defense to establish a voluntary enrollment dental insurance plan for members of the Selected Reserve of the Ready Reserve (the former Selected Reserve dental insurance plan or more commonly referred to as the TRICARE Selected Reserve Dental Program or TSRDP) and for members of the Individual Ready Reserve described in 10 U.S.C. 10144(b). It also provided authorizing language to allow the Secretary of Defense to establish a dental insurance plan for eligible dependents of Uniformed Service members who are on active duty for periods of greater than thirty (30) days (the former Dependents' dental plan or more commonly referred to as the TRICARE Family Member Dental Plan or TFMDP), members of the Individual Ready Reserve as described in 10 U.S.C. 10144(a), and eligible dependents of members of the Ready Reserve of the Reserve components who are not on active duty for more than thirty (30) days. Essentially, the authorizing language combined the eligible populations of the TFMDP and TSRDP and added, as eligibles, members of the Individual Ready Reserve and dependents of members of the Selected Reserve and Individual Ready Reserve. Additionally, the Congress directed that the insurance plans for the dependents of active duty members and for the members of the Selected Reserve and Individual Ready Reserve (as described in 10 U.S.C. 10144(b)) would be premium sharing plans between the enrollee and the Government. Beneficiaries eligible to enroll in the remaining insurance plans would be required to pay the full premium as a condition of enrollment. To allow for greater participation in the TDP, the Congress allowed the member's share of the premium to be paid from their basic or reserve pay accounts or, for those who do not receive such pay, through payment procedures as specified by the Department. The Congress also authorized waiver of dental plan requirements for surviving dependents of members of the Ready Reserve if the dependent was enrolled in the dental plan on the date of death of the member. This revised the previous waiver authority that applied only to enrolled surviving dependents of active duty members.

These legislative provisions have been codified in 10 U.S.C. 1076a, TRICARE dental program, and are reflected in the regulatory provisions of this final rule. By striking 10 U.S.C. 1076b, its implementing regulation, 32 CFR 199.21, TRICARE Selected Reserve Dental Program (TSRDP), is also removed and reserved.

II. Programmatic Improvements

The below programmatic improvements will be effective once the follow-on TDP contract has been awarded and the performance period has begun. At the present time, the performance period is expected to begin on February 1, 2001.

A. Expansion of Eligible Populations

With the authorizing legislation (The National Defense Authorization Act for Fiscal Year 2000), the final rule extends TDP coverage to newly eligible populations. This is an important step towards improving Reserve member's dental readiness and in promoting proper oral health across the beneficiary population. Designed to be a uniform benefit across all enrollees, the TDP offers a comprehensive benefit package with a strong focus on preventive and diagnostic services as well as pediatric and adolescent oral health. By extending coverage to the members of the Individual Ready Reserve and the dependents of the Selected Reserve and the Individual Ready Reserve and by offering a comprehensive dental benefit to the members of the Selected Reserve (versus the limited benefit previously available under the TSRDP), the Department and the Reserve components continue on the path towards parity with dental insurance plans historically extended only to dependents of the Active component. This final rule also addresses several administrative clarifications that distinguish dental plan requirements for the different beneficiary populations.

B. Contractor Enrollment

Since the TFMDP (and its earlier versions) began, the Uniformed Services have administered the TFMDP dental plan enrollment, disenrollment and eligibility determination functions. The complexities of the dental plan, combined with a high turnover rate of relatively inexperienced Service personnel and other competing responsibilities, separate Service procedures, databases and data transfer processes, high cost and lengthy delays in software modifications, and Uniformed Service personnel downsizing, created the need for a centralized and uniform enrollment process. This can be best achieved by an experienced dental plan contractor and will allow service members to contact one (1) organization to enroll, disenroll, reenroll and discuss other TDP benefit and claims adjudication issues. By allowing the contractor to administer the enrollment function across all of the Uniformed Services, enrollment becomes portable whereas the current system supporting the TFMDP does not allow an active duty member from one (1) Service to enroll his or her family members through a separate Service. Contractor enrollment will also simplify the payroll deduction and eligibility determination process and reduce the possibility of waste and abuse at the local level. In addition, it maintains a stable, trained work force at the front end of the TDP and greatly improves customer service.

An added benefit to contractor enrollment will be the elimination of the current required TFMDP Uniformed Service enrollment forms. The complex DD Form 2494, Active Duty Dependent Dental Plan Enrollment Form, and the DD Form 2494–1, Supplemental Active Duty Dependent Dental Plan Enrollment Form, will no longer be needed and will be replaced by a standard, simplified contractor enrollment form as well as telephonic and fax enrollment options.

Contractor enrollment has proven to be a success with the TRICARE Managed Care Support contractors as well as with contracted enrollment via the TSRDP and the TRICARE Retiree Dental Program (TRDP). The Uniformed Services will continue, as with the former dental plans and current TRICARE/CHAMPUS programs, to determine eligibility for the dental plan and process any changes regarding eligibility through the Defense Enrollment Eligibility Reporting System (DEERS).

C. Contractor Direct Billing

The current TFMDP is financed through premiums jointly paid by the Government and the active duty service member. The active duty service member's share of the premiums is deduced from their payroll accounts. In certain situations, otherwise eligible dependents are precluded from enrolling in the dental plan if their sponsor does not have an active payroll account or has insufficient funds in that account. These eligible dependents include dependents of incarcerated sponsors and survivors. By allowing the contractor to directly bill these dependents for their premium share, dependents previously excluded from enrollment can now receive coverage. With the authorizing legislation (The National Defense Authorization Act for Fiscal Year 2000), this improvement eliminates a previous enrollment termination provision in the regulation where eligibility for basic pay was a deciding criterion for continued enrollment in the dental plan. The provision of contractor direct billing is also extended to those Reserve component members and family members who are in similar situations.

D. Reduction in Mandatory Enrollment Period

A mandatory enrollment period is an essential factor behind Government and contractor actuarial estimates in developing the TDP premium and provides a guarantee to the contracting community that they will collect a certain amount of premiums for the potential benefit payout. The final rule reduces the previous longstanding TFMDP twenty-four (24) month mandatory enrollment period to twelve (12) months under the TDP since this twenty-four (24) month period precluded numerous, otherwise eligible, active duty dependents from enrolling in the dental plan. These eligible dependents include newly eligible dependents of active duty members who are near the end of their active service, dependents of enlisted service members who are outside of their re-enlistment window of opportunity, and dependents of Reserve/Guard personnel called to active duty for less than twenty-four (24) months (such as Reserve/Guard personnel on active duty for training and special assignments). Reduction to a twelve (12) month enrollment period for the TDP has a precedent with other TRICARE plans, to include the TRICARE Managed Care Prime option and the TSRDP. By introducing this more liberal enrollment period, the regulation also calls for a twelve (12) month ''lock-out'' if the beneficiary disenrolls before completing the twelve (12) month enrollment period for any unauthorized reason or if the beneficiary fails to pay their premiums. A twelve (12) month lock-out period also applies to a Reserve component member who disenrolls before completing the special mandatory enrollment period for Reserve component members ordered to active duty in support of a contingency operation as provided in paragraph (c)(3)(ii)(C)(*2*) of this final rule. This ''lock-out'' period has a precedent with other commercial dental insurance plans as well as the TRICARE Managed Care Prime option, the TSRDP and the TRDP. ''Lock-out'' periods also discourage potential beneficiaries from enrolling in an insurance plan, receiving all of their benefit in a few months and then disenrolling without paying a full twelve (12) months' worth of premiums.

Beneficiaries enrolled in the TFMDP and TSRDP at the time when TDP coverage begins must complete their respective two (2) and one (1) year enrollment periods established under those superseded plans except if one of the conditions for valid disenrollment applies. Once these original enrollment periods are met, the beneficiary may continue TDP enrollment on month-to-month basis. A new one (1) year enrollment period will only be incurred if the beneficiary disenrolls and attempts to reenroll in the TDP at a later date.

E. Enrollment Period for Certain Reserve Component Sponsors

The regulations provides that the twelve (12) month enrollment period shall not apply to eligible dependents of Reserve component sponsors ordered to active duty for more than thirty (30) days but less than twelve (12) months (other than for training) in support of a contingency operation as defined in 10 U.S.C. 101(a)(13). Orders may be issued under statutory authorities for recalling Reserve component members to active duty, but must specify that the member is serving in support of a specific contingency operation under the statutory definition. This desperate treatment for certain Reserve component members is necessary because of the involuntary nature of their call to active duty and statutory limitations on their period of active duty.

By contrast, active duty members are enlisted, reenlisted or commissioned for periods of active duty longer than one (1) year. The active duty member has the option to enroll eligible dependents at any time during that period of active duty prior to the last twelve (12) months of service, and at a relatively constant premium cost. Similarly, other Reserve component members generally volunteer for call to active duty and serve for at least one (1) year; therefore they will have the option to enroll family members at any time other than in the last twelve (12) months of that service.

However Reserve component members ordered to active duty in support of a contingency operation are normally limited by statute to a period of active duty of nine (9) months or less. While 38 U.S.C. Chapter 43 provides that a Reserve component member who has coverage under a civilian employer sponsored dental program may elect to continue that coverage during a period of active duty, for up to eighteen (18) months; if serving for more than thirty (30) days, the member may be required to pay the full premium cost with employer cost-sharing no longer required. Upon release from active duty, 38 U.S.C. Chapter 43, provides that the Reserve component member may be reinstated in his or her civilian employer sponsored program without a waiting period. Without an exception to the mandatory twelve (12) month enrollment period for TDP, members who cannot afford to pay the full premium for continuing their civilian plan would be unable to provide dental insurance coverage for their family members while on active duty. This exclusion to the twelve (12) month enrollment period is therefore necessary to preclude such prejudicial treatment of Reserve component members ordered to active duty for less than twelve (12) months to support a contingency operation. In its place, a separate enrollment period is created for the Reserve component member as provided in paragraph (c)(3)(ii)(C)(*2*) if this final rule.

F. Reduction in Cost-Shares for Certain Enlisted Pay Grades

Although certain cost-shares are mandated by law, the Secretary of Defense has the prerogative to adjust cost-shares for certain types of dental procedures. Available data shows that our lower-paid enlisted families are reluctant to pursue specialized dental care because of the amount of their cost-share. To allow greater participation and dental benefit utilization among our younger enlisted families, this regulation would have a two-tiered maximum cost-share dependent on the service member's pay grade. With the rates below, this reduction for enlisted service members does not have a measurable effect on the overall premium.

[In percent]

Covered services	Cost-share for pay grade E–1, E–2, E–3 and E–4	Cost-share for all other pay grades
Diagnostic	0	0
Preventive, except Sealants	0	0
Emergency Services	0	0
Sealants	20	20
Professional Consultations	20	20
Professional Visits	20	20
Post Surgical Services	20	20
Basic Restorative (example: amalgams, resins, stainless steel crowns)	20	20
Endodontic	30	40
Periodontic	30	40
Oral and Maxillofacial Surgery	30	40
General Anesthesia	40	40
Intravenous Sedation	50	50
Other Restorative (example: crowns, onlays, casts)	50	50
Prosthodontics	50	50
Medications	50	50
Orthodontic	50	50
Miscellaneous Services	50	50

A reduction in cost-shares has been chosen over a reduction in premium rates for enlisted service members in these pay grades because the premium rates have traditionally been affordable as compared to similar dental benefits programs administered by commercial dental insurance plans and given the fact that the Government pays sixty (60) percent of the total premium for dependents of active duty members and members of the Selected Reserve and the Individual Ready Reserve (as described in 10 U.S.C. 10144(b)). As such, the greatest effect on participation and utilization can best be achieved through a reduction in cost-shares.

G. Simplification of Enrollment Options

Under the final rule, previous TFMDP enrollment options have been simplified to assist the beneficiary, Government, provider of care and the dental plan contractor. Under the TFMDP (and previous plans), dependents were asked to choose from several different enrollment options depending on whether they had children under the age of four (4). With the advance in pediatric dentistry (pedodontics), dental care for children between the ages of one (1) and four (4) is highly recommended. As such, the dental plan contractor will offer sponsors the opportunity to enroll these particular dependents when eligibility information indicates a dependent is one (1) year of age or older. Although there will continue to be two (2) separate premiums, a ''single'' premium for one (1) covered life, and a ''family'' premium for more than one (1) covered life, providing additional exceptions to this rule based on age will advance pediatric care among our beneficiary population, simplify enrollment processing by the dental plan contractor and promote greater understanding of enrollment options by all parties. A discussion of these enrollment policies and options will be found in the TDP contractor's benefit booklet.

H. Addition of Anesthesia Services

Local anesthesia, in conjunction with other covered dental procedures, is considered integral to the procedure itself and has been covered for several years. Other anesthesia services were historically excluded due to their high cost. The regulation allows the Department to add other types of anesthesia services to the TDP benefit package.

I. Congressional Waiver for Surviving Dependents

This final rule provides clarification on the Department's use of the Congressional waiver for surviving dependents. Since 1993, the Department has used the waiver authority to provide one (1) year of continued TFMDP enrollment at Government expense to eligible dependents of active duty members who die while on active duty for a period of thirty-one (31) days or more. To receive the continued enrollment at Government expense, the eligible dependents must have been enrolled in the TFMDP at the time of the active duty member's death. With the authority in the National Defense Authorization Act for Fiscal Year 2000, the final rule clarifies how the waiver will be used and extends use of the waiver to enrolled dependents of deceased members of the Selected Reserve and the Individual Ready Reserve (as described in 10 U.S.C. 10144(b)).

J. Appeals Plan

Under the TDP, the Department wishes to procure a responsive, simple, and two (or greater) tiered appeals program within the dental plan contractor's operation. We have had similar success with this approach under the TSRDP and the TRDP, where the contractors administer the first two (2) levels of the appeals program, which are termed the initial determination and the reconsideration. Under the TDP, the appealing parties would appeal adverse decisions through the contractor's established appeal process where separate parties would perform the initial determination and reconsideration reviews (whether internal or external to the organization). The final levels of review would be, as before, to the Department, subscribing to guidelines under the Formal Review and Hearing procedures listed in 32 CFR 199.10.

K. Plan Transition

The programmatic improvements are scheduled to take effect when the follow-on TDP contract to the current TFMDP contact is awarded and the performance period begins. Operations under the current TSRDP contract will also cease at that time. Considering the

magnitude of the planned improvements, the Department plans to ''phase-out'' operations under the former contractors and methods of operation to accommodate late claims processing and to allow the Uniformed Services time to process retroactive enrollment and coverage information to assist our beneficiaries. This ''phase-out'' schedule will be jointly determined between the Department and the outgoing and incoming dental plan contractors.

III. Administrative Changes

The final rule incorporates several administrative changes. There is revised language on Federal preemption of State and local laws that conforms the dental regulation language to reflect the Department's previous exercise of statutory authority in this area. Other changes include: widespread publication of premium rates; allowing the Department to modify the benefit package based on developments in common dental care practices and standard dental insurance plans; permitting the dental plan contractor to pay ''by report'' procedures by providing an additional allowance to the primary covered procedure; removing detailed descriptions of types of authorized providers in favor of more general language; updating dental terminology to be consistent with the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature; and, reorganizing and adding language on the maximum amount payable by the TDP.

The final rule incorporates plan name and other changes to reflect current terminology, such as outdated references to the former TRICARE Management Activity address, ''Active Duty Dependent Dental Plan'', ''TRICARE Family Member Dental Plan'', ''TRICARE Selected Reserve Dental Plan'' and superceded regulations. It also reduces redundant language and reduces the overall size of the regulation through cross-references to applicable language appearing in other CFR sections. This includes references to appeals, fraud and abuse, eligibility, and adjunctive dental care as well as information on the former dental plans. Items that are more appropriate for inclusion in the actual contract statement of work have also been removed and transferred to that document. This includes equality of benefit processing, coordination of benefits, participating provider lists, Government review of billing practices, and how a Dental Explanation of Benefits should be structured. Finally, the regulation has been reorganized for better flow, ease of reading and understanding.

IV. Public Comments

The proposed rule was published in the **Federal Register** on Wednesday, November 24, 1999, (64 FR 66126). We received one (1) comment letter. We thank the commenter and their organization; items raised by the commenter and our analysis of the comments are summarized below.

1. Enrollment

The commenter recognized that there were numerous problems in the current enrollment and eligibility system that supports the TFMDP. They believe though that the Department should totally absorb any increased costs related to the contractor's enrollment function under the TDP.

Response: Under the law, 10 U.S.C. 1076a, the Congress authorized that the dental plans offered will be ''premium sharing plans'' and ''full premium plans''. As such, the Department must share in the cost of all programmatic improvements, to include contractor enrollment, for the majority of the enrollees.

2. Enrollment

The commenter suggested that, if problems persist with enrollment and eligibility processing under the TDP and which cannot be swiftly handled by the dental contractor, consideration should be given to establishing some form of beneficiary counselor that would act on behalf of the beneficiary.

Response: As with the current contracts, the Department is committed to assisting TDP beneficiaries if problems occur. Representatives from the Uniformed Services (to include Health Benefits Advisors), the Finance Centers, the Defense Manpower Data Center and the TRICARE Management Activity will all be available to act on our beneficiaries' behalf, if needed.

3. Enrollment

The commenter asked if there are any provisions in the TDP to assist deployed service members with enrollment issues.

Response: Numerous options exist under the TDP to assist deployed service members. These include web-based and electronic mail capabilities, additional toll-free lines, extended hours of operation, and use of commercial business practices that allow representatives of the sponsor to act on enrollment issues during the sponsor's absence.

4. Enrollment

The commenter requested that enrollees be offered the option to enroll their children who reach the age of four (4) stating that the increase in premium by moving to a family premium will result in more junior service members opting out of the plan.

Response: Under the current TFMDP, when a child reaches four (4) years old, they are automatically enrolled. This has not been a cause of concern with current enrollees nor has it led to measurable disenrollments. Continuing this in the TDP is in keeping with the accepted standards and direction of pediatric and adolescent dentistry, which recommends early preventive and diagnostic intervention and distinct care at set age intervals.

5. Survivor Benefit

The commenter requested that the final rule contain specific language that the Government will pay premiums for enrolled survivors for the one (1) year period following the sponsor's death.

Response: We appreciate the comment and have clarified this in the final rule.

6. Eligibility

The commenter questioned eligibility language regarding a child who becomes a re-eligible for TDP benefits because the child's marriage ends before the child is twenty-one (21) years of age and who loses eligibility at twenty-one (21) years of age. The commenter stated that this language was inconsistent with eligibility up to age twenty-three (23) if the child is a full-time student.

Response: Full-time student eligibility for the TDP up to age twenty-three (23) is listed in the final rule by cross-reference to 32 CFR 199.3(b)(2)(iv)(C).

7. Alternative Delivery Systems

The commenter was opposed to language regarding the provision of alternative delivery systems and potential implementation of these systems under the TDP. Their concern was that alternative delivery systems would limit beneficiaries to a dental health maintenance organization, preclude beneficiary choice of dental providers, allow such entities as Morale, Welfare and Recreation and Exchange organizations the opportunity for increased profits if they were designated as alternative delivery systems, and that both quality and cost could be compromised by the implementation of a closed system.

Response: The alternative delivery system language has been in this regulation since 1988. To date, this provision has not been utilized as the

Department supports a traditional network-oriented dental indemnity insurance plan over other forms of managed care. The principle of provider choice is an important element of this regulation as well as the TDP contract and the Department has no immediate plans to engage in ''closed'' systems. The Department does reserve the right to explore alternative delivery systems in the form of demonstrations or pilot programs if the Congress believes this would be in the beneficiary's best interest.

V. Regulatory Procedures

Executive Order 12866 requires certain regulatory assessments for any ''significant regulatory action'' defined as one that would result in an annual effect on the economy of $100 million or more, or have other substantial impacts. The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This final rule is not a significant regulatory action under Executive Order 12866. The changes set forth in this final rule are minor revisions to the existing regulation. Since this final rule does not impose information collection requirements, it does not need to be reviewed by the Executive Office of Management and Budget under authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

List of Subjects in 32 CFR Part 199

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

Accordingly, 32 CFR Part 199 is amended as follows:

PART 199—[AMENDED]

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

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

2. Section 199.13 is revised to read as follows:

§ 199.13 TRICARE Dental Program.

(a) *General provisions*—(1) *Purpose.* This section prescribes guidelines and policies for the delivery and administration of the TRICARE Dental Program (TDP) of the Uniformed Services of the Army, the Navy, the Air Force, the Marines Corps, the Coast Guard, the Commissioned Corps of the U.S. Public Health Service (USPHS) and the National Oceanic and Atmospheric Administration (NOAA) Corps. The TDP is a premium based indemnity dental insurance coverage plan that is available to specified categories of individuals who are qualified for these benefits by virtue of their relationship to one of the seven (7) Uniformed Services and their voluntary decision to accept enrollment in the plan and cost share (when applicable) with the Government in the premium cost of the benefits. The TDP is authorized by 10 U.S.C. 1076a, TRICARE dental program, and this section was previously titled the ''Active Duty Dependents Dental Plan''. The TDP incorporates the former 10 U.S.C. 1076b, Selected Reserve dental insurance, and the section previously titled the ''TRICARE Selected Reserve Dental Program'', § 199.21.

(2) *Applicability.*—(i) *Geographic scope.* (A) The TDP is applicable geographically within the fifty (50) States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the U.S. Virgin Islands. These areas are collectively referred to as the ''CONUS (or Continental United States) service area''.

(B) *Extension of the TDP to areas outside the CONUS service area.* In accordance with the authority cited in 10 U.S.C. 1076a(h), the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) may extend the TDP to areas other than those areas specified in paragraph (a)(2)(i)(A) of this section for the eligible members and eligible dependents of members of the Uniformed Services. These areas are collectively referred to as the ''OCONUS (or outside the Continental United States) service area''. In extending the TDP outside the CONUS service area, the ASD(HA), or designee, is authorized to establish program elements, methods of administration and payment rates and procedures to providers that are different from those in effect for the CONUS service area to the extent the ASD(HA), or designee, determines necessary for the effective and efficient operation of the TDP. This includes provisions for preauthorization of care if the needed services are not available in a Uniformed Service overseas dental treatment facility and payment by the Department of certain cost-shares (or co-payments) and other portions of a provider's billed charges for certain beneficiary categories. Other differences may occur based on limitations in the availability and capabilities of the Uniformed Service overseas dental treatment facility and a particular nation's civilian sector providers in certain areas. These differences include varying licensure and certification requirements of OCONUS providers, Uniformed Service provider selection criteria and local results of provider selection, referral, beneficiary pre-authorization and marketing procedures, and care for beneficiaries residing in distant areas. The Director, Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) shall issue guidance, as necessary, to implement the provisions of paragraph (a)(2)(i)(B). Beneficiaries will be eligible for the same TDP benefits in the OCONUS service area although services may not be available or accessible in all OCONUS countries.

(ii) *Agency.* The provisions of this section apply throughout the Department of Defense (DoD), the United States Coast Guard, the USPHS and NOAA.

(iii) *Exclusion of benefit services performed in military dental care facilities.* Except for emergency treatment, dental care provided outside the United States, and services incidental to noncovered services, dependents of active duty, Selected Reserve and Individual Ready Reserve members enrolled in the TDP may not obtain those services that are benefits of the TDP in military dental care facilities, as long as those covered benefits are available for cost-sharing under the TDP. Enrolled dependents of active duty, Selected Reserve and Individual Ready Reserve members may continue to obtain noncovered services from military dental care facilities subject to the provisions for space available care.

(3) *Authority and responsibility.*—(i) *Legislative authority.*—(A) *Joint regulations.* 10 U.S.C. 1076a authorized the Secretary of Defense, in consultation with the Secretary of Health and Human Services, and the Secretary of Transportation, to prescribe regulations for the administration of the TDP.

(B) *Administration.* 10 U.S.C. 1073 authorizes the Secretary of Defense to administer the TDP for the Army, Navy, Air Force, and Marine Corps under DoD jurisdiction, the Secretary of Transportation to administer the TDP for the Coast Guard, when the Coast Guard is not operating as a service in the Navy, and the Secretary of Health and Human Services to administer the TDP for the Commissioned Corps of the USPHS and the NOAA Corps.

(ii) *Organizational delegations and assignments.*—(A) *Assistant Secretary of Defense (Health Affairs) (ASD(HA)).* The Secretary of Defense, by 32 CFR part 367, delegated authority to the ASD(HA) to provide policy guidance, management control, and coordination

as required for all DoD health and medical resources and functional areas including health benefit programs. Implementing authority is contained in 32 CFR part 367. For additional implementing authority see § 199.1. Any guidelines or policy necessary for implementation of this § 199.13 shall be issued by the Director, OCHAMPUS.

(B) *Evidence of eligibility.* DoD, through the Defense Enrollment Eligibility Reporting System (DEERS), is responsible for establishing and maintaining a listing of persons eligible to receive benefits under the TDP.

(4) *Preemption of State and local laws.*—(i) Pursuant to 10 U.S.C. 1103 and section 8025 (fourth proviso) of the Department of Defense Appropriations Act, 1994, DoD has determined that, in the administration of 10 U.S.C. chapter 55, preemption of State and local laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods is necessary to achieve important Federal interests, including, but not limited to, the assurance of uniform national health programs for Uniformed Service beneficiaries and the operation of such programs at the lowest possible cost to DoD, that have a direct and substantial effect on the conduct of military affairs and national security policy of the United States. This determination is applicable to the dental services contracts that implement this section.

(ii) Based on the determination set forth in paragraph (a)(4)(i) of this section, any State or local law relating to health or dental insurance, prepaid health or dental plans, or other health or dental care delivery or financing methods is preempted and does not apply in connection with the TDP contract. Any such law, or regulation pursuant to such law, is without any force or effect, and State or local governments have no legal authority to enforce them in relation to the TDP contract. (However, DoD may, by contract, establish legal obligations on the part of the dental plan contractor to conform with requirements similar or identical to requirements of State or local laws or regulations.)

(iii) The preemption of State and local laws set forth in paragraph (a)(4)(ii) of this section includes State and local laws imposing premium taxes on health or dental insurance carriers or underwriters or other plan managers, or similar taxes on such entities. Such laws are laws relating to health insurance, prepaid health plans, or other health care delivery or financing methods, within the meaning of the statutes identified in paragraph (a)(4)(i) of this section. Preemption, however, does not apply to taxes, fees, or other payments on net income or profit realized by such entities in the conduct of business relating to DoD health services contracts, if those taxes, fees, or other payments are applicable to a broad range of business activity. For purposes of assessing the effect of Federal preemption of State and local taxes and fees in connection with DoD health and dental services contracts, interpretations shall be consistent with those applicable to the Federal Employees Health Benefits Program under 5 U.S.C. 8909(f).

(5) *Plan funds.*—(i) *Funding sources.* The funds used by the TDP are appropriated funds furnished by the Congress through the annual appropriation acts for DoD, the Department of Health and Human Services and the Department of Transportation and funds collected by the Uniformed Services or contractor through payroll deductions or through direct billing as premium shares from beneficiaries.

(ii) *Disposition of funds.* TDP funds are paid by the Government (or in the case of direct billing, by the beneficiary) as premiums to an insurer, service, or prepaid dental care organization under a contract negotiated by the Director, OCHAMPUS, or a designee, under the provisions of the Federal Acquisition Regulation (FAR) (48 CFR chapter 1).

(iii) *Plan.* The Director, OCHAMPUS, or designee provides an insurance policy, service plan, or prepaid contract of benefits in accordance with those prescribed by law and regulation; as interpreted and adjudicated in accord with the policy, service plan, or contract and a dental benefits brochure; and as prescribed by requirements of the dental plan contractor's contract with the Government.

(iv) *Contracting out.* The method of delivery of the TDP is through a competitively procured contract. The Director, OCHAMPUS, or a designee, is responsible for negotiating, under provisions of the FAR, a contract for dental benefits insurance or prepayment that includes responsibility for:

(A) Development, publication, and enforcement of benefit policy, exclusions, and limitations in compliance with the law, regulation, and the contract provisions;

(B) Adjudicating and processing claims; and conducting related supporting activities, such as enrollment, disenrollment, collection of premiums, eligibility verification, provider relations, and beneficiary communications.

(6) *Role of Health Benefits Advisor (HBA).* The HBA is appointed (generally by the commander of an Uniformed Services medical treatment facility) to serve as an advisor to patients and staff in matters involving the TDP. The HBA may assist beneficiaries in applying for benefits, in the preparation of claims, and in their relations with OCHAMPUS and the dental plan contractor. However, the HBA is not responsible for the TDP's policies and procedures and has no authority to make benefit determinations or obligate the TDP's funds. Advice given to beneficiaries by HBAs as to determination of benefits or level of payment is not binding on OCHAMPUS or the dental plan contractor.

(7) *Right to information.* As a condition precedent to the provision of benefits hereunder, the Director, OCHAMPUS, or designee, shall be entitled to receive information from an authorized provider or other person, institution, or organization (including a local, State, or United States Government agency) providing services or supplies to the beneficiary for which claims for benefits are submitted. While establishing enrollment and eligibility, benefits, and benefit utilization and performance reporting information standards, the Government has established and does maintain a system of records for dental information under the TDP. By contract, the Government audits the adequacy and accuracy of the dental plan contractor's system of records and requires access to information and records to meet plan accountabilities, to assist in contractor surveillance and program integrity investigations and to audit OCONUS financial transactions where the Department has a financial stake. Such information and records may relate to attendance, testing, monitoring, examination, or diagnosis of dental disease or conditions; or treatment rendered; or services and supplies furnished to a beneficiary; and shall be necessary for the accurate and efficient administration and payment of benefits under this plan. To assist in claims adjudication, grievance and fraud investigations, and the appeals process, and before an interim or final determination can be made on a claim of benefits, a beneficiary or active duty, Selected Reserve or individual Ready Reserve member must provide particular additional information relevant to the requested determination, when necessary. Failure to provide the requested information may result in denial of the claim and inability to effectively investigate the grievance or fraud or process the appeal. The recipient of such information shall in

every case hold such records confidential except when:

(i) Disclosure of such information is necessary to the determination by a provider or the dental plan contractor of beneficiary enrollment or eligibility for coverage of specific services;

(ii) Disclosure of such information is authorized specifically by the beneficiary;

(iii) Disclosure is necessary to permit authorized Government officials to investigate and prosecute criminal actions;

(iv) Disclosure constitutes a routine use of a routine use of a record which is compatible with the purpose for which it was collected. This includes a standard and acceptable business practice commonly used among dental insurers which is consistent with the principle of preserving confidentiality of personal information and detailed clinical data. For example, the release of utilization information for the purpose of determining eligibility for certain services, such as the number of dental prophylaxis procedures performed for a beneficiary, is authorized;

(v) Disclosure is pursuant to an order from a court of competent jurisdiction; or

(vi) Disclosure by the Director, OCHAMPUS, or designee, is for the purpose of determining the applicability of, and implementing the provisions of, other dental benefits coverage or entitlement.

(8) *Utilization review and quality assurance.* Claims submitted for benefits under the TDP are subject to review by the Director, OCHAMPUS, or designee, for quality of care and appropriate utilization. The Director, OCHAMPUS, or designee, is responsible for appropriate utilization review and quality assurance standards, norms, and criteria consistent with the level of benefits.

(b) *Definitions.* For most definitions applicable to the provisions of this section, refer to § 199.2. The following definitions apply only to this section:

(1) *Assignment of benefits.* Acceptance by a nonparticipating provider of payment directly from the insurer while reserving the right to charge the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for any remaining amount of the fees for services which exceeds the prevailing fee allowance of the insurer.

(2) *Authorized provider.* A dentist, dental hygienist, or certified and licensed anesthetist specifically authorized to provide benefits under the TDP in paragraph (f) of this section.

(3) *Beneficiary.* A dependent of an active duty, Selected Reserve or Individual Ready Reserve member, or a member of the Selected Reserve or Individual Ready Reserve, who has been enrolled in the TDP, and has been determined to be eligible for benefits, as set forth in paragraph (c) of this section.

(4) *Beneficiary liability.* The legal obligation of a beneficiary, his or her estate, or responsible family member to pay for the costs of dental care or treatment received. Specifically, for the purposes of services and supplies covered by the TDP, beneficiary liability includes cost-sharing amounts or any amount above the prevailing fee determination by the insurer where the provider selected by the beneficiary is not a participating provider or a provider within an approved alternative delivery system. In cases where a nonparticipating provider does not accept assignment of benefits, beneficiaries may have to pay the nonparticipating provider in full at the time of treatment and seek reimbursement directly from the insurer for all or a portion of the nonparticipating provider's fee. Beneficiary liability also includes any expenses for services and supplies not covered by the TDP, less any available discount provided as a part of the insurer's agreement with an approved alternative delivery system.

(5) *By report.* Dental procedures which are authorized as benefits only in unusual circumstances requiring justification of exceptional conditions related to otherwise authorized procedures. These services are further defined in paragraph (e) of this section.

(6) *Contingency operation.* Defined in 10 U.S.C. 101(a)(13) as a military operation designated as a contingency operation by the Secretary of Defense or a military operation that results in the exercise of authorities for ordering Reserve Component members to active duty without their consent and is therefore automatically a contingency operation.

(7) *Cost-share.* The amount of money for which the beneficiary (or active duty, Selected Reserve or Individual Ready Reserve member) is responsible in connection with otherwise covered dental services (other than disallowed amounts) as set forth in paragraph (e) of this section. A cost-share may also be referred to as a ''co-payment.''

(8) *Defense Enrollment Eligibility Reporting System (DEERS).* The automated system that is composed of two (2) phases:

(i) Enrolling all active duty, Reserve and retired service members, their dependents, and the dependents of deceased service members; and

(ii) Verifying their eligibility for health care benefits in the direct care facilities and through the TDP.

(9) *Dental hygienist.* Practitioner in rendering complete oral prophylaxis services, applying medication, performing dental radiography, and providing dental education services with a certificate, associate degree, or bachelor's degree in the field, and licensed by an appropriate authority.

(10) *Dentist.* Doctor of Dental Medicine (D.M.D.) or Doctor of Dental Surgery (D.D.S.) who is licensed to practice dentistry by an appropriate authority.

(11) *Diagnostic services.* Category of dental services including:

(i) Clinical oral examinations;

(ii) Radiographic examinations; and

(iii) Diagnostic laboratory tests and examinations provided in connection with other dental procedures authorized as benefits of the TDP and further defined in paragraph (e) of the section.

(12) *Endodontics.* The etiology, prevention, diagnosis, and treatment of diseases and injuries affecting the dental pulp, tooth root, and periapical tissue as further defined in paragraph (e) of this section.

(13) *Initial determination.* A formal written decision on a TDP claim, a request for TDP benefit pre-determination, a request by a provider for approval as an authorized provider, or a decision suspending, excluding or terminating a provider as an authorized provider under the TDP. Rejection of a claim or pre-determination, or of a request for benefit or provider authorization for failure to comply with administrative requirements, including failure to submit reasonably requested information, is not an initial determination. Responses to general or specific inquiries regarding TDP benefits are not initial determinations.

(14) *Nonparticipating provider.* A dentist or dental hygienist that furnished dental services to a TDP beneficiary, but who has not agreed to participate or to accept the insurer's fee allowances and applicable cost-share as the total charge for the services. A nonparticipating provider looks to the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for final responsibility for payment of his or her charge, but may accept payment (assignment of benefits) directly from the insurer or assist the beneficiary in filing the claim for reimbursement by the dental plan contractor. Where the nonparticipating provider does not accept payment directly from the insurer, the insurer

pays the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member, not the provider.

(15) *Oral and maxillofacial surgery.* Surgical procedures performed in the oral cavity as further defined in paragraph (e) of this section.

(16) *Orthodontics.* The supervision, guidance, and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex as further defined in paragraph (e) of this section.

(17) *Participating provider.* A dentist or dental hygienist who has agreed to accept the insurer's reasonable fee allowances or other fee arrangements as the total charge (even though less than the actual billed amount), including provision for payment to the provider by the beneficiary (or active duty, Selected Reserve or Individual Ready Reserve member) or any cost-share for covered services.

(18) *Party to the initial determination.* Includes the TDP, a beneficiary of the TDP and a participating provider of services whose interests have been adjudicated by the initial determination. In addition, provider who has been denied approval as an authorized TDP provider is a party to the initial determination, as is a provider who is suspended, excluded or terminated as an authorized provider, unless the provider is excluded or suspended by another agency of the Federal Government, a state, or a local licensing authority.

(19) *Periodontics.* The examination, diagnosis, and treatment of diseases affecting the supporting structures of the teeth as further defined in paragraph (e) of this section.

(20) *Preventive services.* Traditional prophylaxis including scaling deposits from teeth, polishing teeth, and topical application of fluoride to teeth as further defined in paragraph (e) of this section.

(21) *Prosthodontics.* The diagnosis, planning, making, insertion, adjustment, refinement, and repair of artificial devices intended for the replacement of missing teeth and associated tissues as further defined in paragraph (e) of this section.

(22) *Provider.* A dentist, dental hygienist, or certified and licensed anesthetist as specified in paragraph (f) of this section. This term, when used in relation to OCONUS service area providers, may include other recognized professions authorized to furnish care under laws of that particular country.

(23) *Restorative services.* Restoration of teeth including those procedures commonly described as amalgam restorations, resin restorations, pin retention, and stainless steel crowns for primary teeth as further defined in paragraph (e) of this section.

(24) *Sealants.* A material designed for application on specified teeth to seal the surface irregularities to prevent ingress of oral fluids, food, and debris in order to prevent tooth decay.

(c) *Eligibility and enrollment*—(1) *General.* 10 U.S.C. 1076a, 1072(2)(A), (D), or (I), 1072(6), 10143 and 10144 set forth those persons who are eligible for voluntary enrollment in the TDP. A determination that a person is eligible for voluntary enrollment does not automatically entitle that person to benefit payments. The person must be enrolled in accordance with the provisions set forth in this section and meet any additional eligibility requirements in this part in order for dental benefits to be extended.

(2) *Eligibility*—(i) *Persons eligible.* Eligibility for the TDP is continuous in situations where the sponsor or member changes status between any of these eligible categories and there is no break in service or transfer to a non-eligible status.

(A) A person who bears one of the following relationships to an active duty member (under a call or order that does not specify a period of thirty (30) days or less) or a member of the Selected Reserve (as specified in 10 U.S.C. 10143) or Individual Ready Reserve (as specified in 10 U.S.C. 10144):

(*1*) *Spouse.* A lawful husband or wife, regardless of whether or not dependent upon the active duty, Selected Reserve or Individual Ready Reserve member.

(*2*) *Child.* To be eligible, the child must be unmarried and meet the requirements set forth in § 199.3(b)(2)(iv)(A) and § 199.3(b)(2)(iv)(C).

(B) A member of the Selected Reserve of the Ready Reserve (as specified in 10 U.S.C. 10143).

(C) A member of the Individual Ready Reserve of the Ready Reserve (as specified in 10 U.S.C. 10144(b)) who is subject to being ordered to active duty involuntarily in accordance with 10 U.S.C. 12304.

(D) All other members of the Individual Ready Reserve of the Ready Reserve (as specified in 10 U.S.C. 10144(a)).

(ii) *Determination of eligibility status and evidence of eligibility.*—(A) *Eligibility determination responsibility of the Uniformed Services.* Determination of a person's eligibility for the TDP is the responsibility of the member's Uniformed Service. For the purpose of program integrity, the appropriate Uniformed Service shall, upon request of the Director, OCHAMPUS, or designee, review the eligibility of a specified person when there is reason to question the eligibility status. In such cases, a report on the result of the review and any action taken will be submitted to the Director, OCHAMPUS, or designee.

(B) *Procedures for determination of eligibility.* Uniformed Service identification cards do not distinguish eligibility for the TDP. Procedures for the determination of eligibility are identified in § 199.3(f)(2), except that Uniformed Service identification cards do not provide evidence of eligibility for the TDP. Although OCHAMPUS and the dental plan contractor must make determinations concerning a member or dependent's eligibility in order to ensure proper enrollment and proper disbursement of appropriated funds, ultimate responsibility for resolving a member or dependent's eligibility rests with the Uniformed Services.

(C) *Evidence of eligibility required.* Eligibility and enrollment in the TDP will be verified through the DEERS. Eligibility and enrollment information established and maintained in the DEERS file is the only acceptable evidence of TDP eligibility and enrollment. It is the responsibility of the active duty, Selected Reserve or Individual Ready Reserve member or TDP beneficiary, parent, or legal representative, when appropriate, to provide adequate evidence for entry into the DEERS file to establish eligibility for the TDP, and to ensure that all changes in status that may affect eligibility are reported immediately to the appropriate Uniformed Service for action. Ineligibility for benefits is presumed in the absence of prescribed eligibility evidence in the DEERS file.

(3) *Enrollment.*—(i) *Previous plans.*—(A) *Basic Active Duty Dependents Dental Benefit Plan.* The Basic Active Duty Dependents Dental Plan was effective from August 1, 1987, up to the date of implementation of the Expanded Active Duty Dependents Dental Benefit Plan. The Basic Active Duty Dependents Dental Benefit Plan terminated upon implementation of the expanded plan.

(B) *Expanded Active Duty Dependents Dental Benefit Plan.* The Expanded Active Duty Dependents Dental Benefit Plan (also known as the TRICARE Family Member Dental Plan) was effective from August 1, 1993, up to the date of implementation of the TDP. The

Expanded Active Duty Dependents Dental Benefit Plan terminates upon implementation of the TDP.

(ii) *TRICARE Dental Program (TDP).*—(A) *Election of coverage.*—(*1*) Except as provided in paragraph (c)(3)(ii)(A)(*2*) of this section, active duty, Selected Reserve and Individual Ready Reserve service members may voluntarily elect to enroll their eligible dependents and members of the Selected Reserve and Individual Ready Reserve may voluntarily elect to enroll themselves following implementation of the TDP. In order to obtain TDP coverage, written or telephonic election by the active duty, Selected Reserve or Individual Ready Reserve member must be made and will be accomplished by submission or telephonic completion of an application to the dental plan contractor. This election can also be accomplished via electronic means.

(*2*) Eligible dependents of active duty members enrolled in the Expanded Active Duty Dependents Dental Benefit Plan at the time of implementation of the TDP will automatically be enrolled in the TDP. Eligible members of the Selected Reserve enrolled in the TRICARE Selected Reserve Dental Program at the time of implementation of the TDP will automatically be enrolled in the TDP. No election to enroll in the TDP will be required by the active duty or Selected Reserve member.

(B) *Premiums.*—(*1*) Enrollment will be by either single or family premium as defined as follows:

(*i*) *Single premium.* One (1) covered eligible dependent or one (1) covered eligible Selected Reserve or Individual Ready Reserve member.

(*ii*) *Family premium.* Two (2) or more covered eligible dependents. Under the family premium, all eligible dependents of the active duty, Selected Reserve or Individual Ready Reserve member are enrolled.

(*2*) *Exceptions.*—(*i*) An active duty, Selected Reserve or Individual Ready Reserve member may elect to enroll only those eligible dependents residing in one (1) location when the active duty, Selected Reserve or Individual Ready Reserve member has eligible dependents residing in two or more geographically separate locations (*e.g.,* children living with a divorced spouse; a child attending college).

(*ii*) Instances where a dependent of an active duty member requires a hospital or special treatment environment (due to a medical, physical handicap, or mental condition) for dental care otherwise covered by the TDP, the dependent may be excluded from TDP enrollment and may continue to receive care from a military treatment facility.

(*iii*) A member of the Selected Reserve or Individual Ready Reserve may enroll separately from his or her eligible dependents. A member of the Selected Reserve or Individual Ready Reserve does not have to be enrolled in order for his or her eligible dependents to enroll under the TDP.

(C) *Enrollment period.*—(*1*) *General.* Enrollment of eligible dependents or members is for a period of one (1) year followed by month-to-month enrollment as long as the active duty, Selected Reserve or Individual Ready Reserve member chooses to continue enrollment. Active duty members may enroll their eligible dependents and eligible members of the Selected Reserve or Individual Ready Reserve may enroll themselves or their eligible dependents in the TDP provided there is an intent to remain on active duty or as a member of the Selected Reserve or Individual Ready Reserve (or any combination thereof without a break in service or transfer to a non-eligible status) for a period of not less than one (1) year by the service member and their parent Unformed Service. Beneficiaries enrolled in the TDP must remain enrolled for a minimum period of one (1) year unless one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met.

(*2*) *Special enrollment period for Reserve component members ordered to active duty in support of contingency operations.* The mandatory twelve (12) month enrollment period does not apply to Reserve component members ordered to active duty (other than for training) in support of a contingency operation as designated by the Secretary of Defense. Affected Reserve component members may enroll in the TDP only if their orders specify that they are ordered to active duty in support of a contingency operation, as defined by 10 U.S.C., for a period of thirty-one (31) days or more. An affected Reserve component member must elect to enroll in the TDP and complete the enrollment application within thirty (30) days following entry on active duty or within sixty (60) days following implementation of the TDP. Following enrollment, beneficiaries must remain enrolled, with the member paying premiums, until the end of the member's active duty period in support of the contingency operation or twelve (12) months, whichever occurs first unless one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met.

(*3*) *Continuation of enrollment from Expanded Active Duty Dependents Dental Benefit Plan.* Beneficiaries enrolled in the Expanded Active Duty Dependents Dental Benefit Plan at the time when TDP coverage begins must complete their two (2) year enrollment period established under this former plan except if one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met. Once this original two (2) year enrollment period is met, the active duty member may continue TDP enrollment on a month-to-month basis. A new one (1) year enrollment period will only be incurred if the active duty member disenrolls and attempts to reenroll in the TDP at a later date.

(*4*) *Continuation of enrollment from TRICARE Selected Reserve Dental Program.* Beneficiaries enrolled in the TRICARE Selected Reserve Dental Program at the time when TDP coverage begins must complete their one (1) year enrollment period established under this former program except if one of the conditions for disenrollment specified in paragraph (c)(3)(ii)(E) of this section is met. Once this original one (1) year enrollment period is met, the Selected Reserve member may continue TDP enrollment on a month-to-month basis. A new one (1) year enrollment period will only be incurred if the Selected Reserve member disenrolls and attempts to reenroll in the TDP at a later date.

(D) *Beginning dates of eligibility.* The beginning date of eligibility for TDP benefits is the first day of the month following the month in which the election of enrollment is completed, signed, and the enrollment and premium is received by the dental plan contractor, subject to a predetermined and publicized dental plan contractor monthly cut-off date, except that the date of eligibility shall not be earlier than the first day of the month in which the TDP is implemented. This includes any changes between single and family member premium coverage and coverage of newly eligible or enrolled dependents or members.

(E) *Changes in and termination of enrollment.*—(*1*) *Changes in status of active duty, Selected Reserve or Individual Ready Reserve member.* When the active duty, Selected Reserve or Individual Ready Reserve member is separated, discharged, retired, transferred to the Standby or Retired Reserve, his or her enrolled dependents and/or the enrolled Selected Reserve or Individual Ready Reserve member lose eligibility and enrollment as of 11:59 p.m. on the last day of the month in which the change in status takes place. When the Selected Reserve or Individual Ready Reserve member is ordered to active duty for a period of thirty-one (31) days or more without a break in service, the member loses their eligibility and is disenrolled, if they

were previously enrolled; however, their enrolled dependents maintain their eligibility and previous enrollment subject to eligibility, enrollment and disenrollment provisions described in this section and in the TDP contract. When the previously enrolled active duty member is transferred back to the Selected Reserve or Individual Ready Reserve without a break in service, the member regains eligibility and is reenrolled; however, their enrolled dependents maintain their eligibility and previous enrollment subject to eligibility, enrollment and disenrollment provisions described in this section and in the TDP contract. Eligible dependents of an active duty, Selected Reserve or Individual Ready Reserve member serving a sentence of confinement in conjunction with a sentence of punitive discharge are still eligible for the TDP until such time as the active duty, Selected Reserve or Individual Ready Reserve member's discharge is executed.

(*2*) *Continuation of eligibility for dependents of service members who die while on active duty or while a member of the Selected Reserve or Individual Ready Reserve.* Eligible dependents of active duty members while on active duty for a period of thirty-one (31) days or more and eligible dependents of Selected Reserve or Individual Ready Reserve members, as specified in 10 U.S.C. 10143 and 10144(b) respectively, who die on or after the implementation date of the TDP, and whose dependents are enrolled in the TDP on the date of the death of the active duty, Selected Reserve or Individual Ready Reserve member shall be eligible for continued enrollment in the TDP for up to one (1) year from the date of the active duty, Selected Reserve or Individual Ready Reserve member's death. This continued enrollment is not contingent on the Selected Reserve or Individual Ready Reserve member's own enrollment in the TDP. During the one (1) year period of continuous enrollment, the Government will pay both the Government and the beneficiary's portion of the premium share.

(*3*) *Changes in status of dependent.*—(*i*) *Divorce.* A spouse separated from an active duty, Selected Reserve or Individual Ready Reserve member by a final divorce decree loses all eligibility based on his or her former marital relationship as of 11:59 p.m. of the last day of the month in which the divorce become final. The eligibility of the active duty, Selected Reserve or Individual Ready Reserve member's own children (including adopted and eligible illegitimate children) is unaffected by the divorce. An unadopted stepchild, however, loses eligibility with the termination of the marriage, also as of 11:59 p.m. of the last day of the month in which the divorce becomes final.

(*ii*) *Annulment.* A spouse whose marriage to an active duty, Selected Reserve or Individual Ready Reserve member is dissolved by annulment loses eligibility as of 11:59 p.m. of the last day of the month in which the court grants the annulment order. The fact that the annulment legally declares the entire marriage void from its inception does not affect the termination date of eligibility. When there are children, the eligibility of the active duty, Selected Reserve or Individual Ready Reserve member's own children (including adopted and eligible illegitimate children) is unaffected by the annulment. An unadopted stepchild, however, loses eligibility with the annulment of the marriage, also as of 11:59 p.m. of the last day of the month in which the court grants the annulment order.

(*iii*) *Adoption.* A child of an active duty, Selected Reserve or Individual Ready Reserve member who is adopted by a person, other than a person whose dependents are eligible for TDP benefits while the active duty, Selected Reserve or Individual Ready Reserve member is living, thereby severing the legal relationship between the child and the active duty, Selected Reserve or Individual Ready Reserve member, loses eligibility as of 11:59 p.m. of the last day of the month in which the adoption becomes final.

(*iv*) *Marriage of child.* A child of an active duty, Selected Reserve or Individual Ready Reserve member who marries a person whose dependents are not eligible for the TDP, loses eligibility as of 11:59 p.m. on the last day of the month in which the marriage takes place. However, should the marriage be terminated by death, divorce, or annulment before the child is twenty-one (21) years old, the child again become eligible for enrollment as a dependent as of 12:00 a.m. of the first day of the month following the month in which the occurrence takes place that terminates the marriage and continues up to age twenty-one (21) if the child does not remarry before that time. If the marriage terminates after the child's 21st birthday, there is no reinstatement of eligibility.

(*v*) *Disabling illness or injury of child age 21 or 22 who has eligibility based on his or her student status.* A child twenty-one (21) or twenty-two (22) years old who is pursuing a full-time course of higher education and who, either during the school year or between semesters, suffers a disabling illness or injury with resultant inability to resume attendance at the institution remains eligible for the TDP for six (6) months after the disability is removed or until the student passes his or her 23rd birthday, whichever occurs first. However, if recovery occurs before the 23rd birthday and there is resumption of a full-time course of higher education, the TDP can be continued until the 23rd birthday. The normal vacation periods during an established school year do not change the eligibility status of a dependent child twenty-one (21) or twenty-two (22) years old in full-time student status. Unless an incapacitating condition existed before, and at the time of, a dependent child's 21st birthday, a dependent child twenty-one (21) or twenty-two (22) years old in student status does not have eligibility related to mental or physical incapacity as described in § 199.3(b)(2)(iv)(C)(*2*).

(*4*) *Other.*—(*i*) *Disenrollment because of no eligible beneficiaries.* When an active duty, Selected Reserve or Individual Ready Reserve member ceases to have any eligible beneficiaries, enrollment is terminated for those enrolled dependents.

(*ii*) *Option to disenroll as a result of a change in active duty station.* When an active duty member transfers with enrolled dependents to a duty station where space-available dental care for the enrolled dependents is readily available at the local Uniformed Service dental treatment facility, the active duty member may elect, within ninety (90) calendar days of the transfer, to disenroll their dependents from the TDP. If the active duty member is later transferred to a duty station where dental care for the dependents is not available in the local Uniformed Service dental treatment facility, the active duty member may reenroll their eligible dependents in the TDP provided the member, as of the date of reenrollment, otherwise meets the requirements for enrollment, including the intent to remain on active duty for a period of not less than one (1) year. This disenrollment provision does not apply to enrolled dependents of members of the Selected Reserve or Individual Ready Reserve or to enrolled members of the Selected Reserve or Individual Ready Reserve.

(*iii*) *Option to disenroll due to transfer to OCONUS service area.* When an enrolled dependent of an active duty, Selected Reserve or Individual Ready Reserve member or an enrolled Selected Reserve or Individual Ready Reserve member relocates to locations within the OCONUS service area, the active duty, Selected Reserve or Individual

Ready Reserve member may elect, within ninety (90) calendar days of the relocation, to disenroll their dependents from the TDP, or in the case of enrolled members of the Selected Reserve or Individual Ready Reserve, to disenroll themselves from the TDP. The active duty, Selected Reserve or Individual Ready Reserve member may reenroll their eligible dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve, may reenroll themselves in the TDP provided the member, as of the date of reenrollment, otherwise meets the requirements for enrollment, including the intent to remain on active duty or as a member of the Selected Reserve or Individual Ready Reserve (or any combination thereof without a break in service or transfer to a non-eligible status) for a period of not less than one (1) year.

(*iv*) *Option to disenroll after an initial one (1) year enrollment.* When a dependent's enrollment under an active duty, Selected Reserve or Individual Ready Reserve member or a Selected Reserve or Individual Ready Reserve member's own enrollment has been in effect for a continuous period of one (1) year, the active duty, Selected Reserve or Individual Ready Reserve member may disenroll their dependents, or in the case of enrolled members of the Selected Reserve or Individual Ready Reserve may disenroll themselves at any time following procedures as set up by the dental plan contractor. Subsequent to the disenrollment, the active duty, Selected Reserve or Individual Ready Reserve member may reenroll their eligible dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve may reenroll themselves, for another minimum period of one (1) year. If, during any one (1) year enrollment period, the active duty, Selected Reserve or Individual Ready Reserve member disenrolls their dependents, or in the case of members of the Selected Reserve or Individual Ready Reserve disenrolls themselves, for reasons other than those listed in this paragraph (c)(3)(ii)(E) or fails to make premium payments, dependents enrolled under the active duty, Selected Reserve or Individual Ready Reserve member, or enrolled members of the Selected Reserve and Individual Ready Reserve, will be subject to a lock-out period of twelve (12) months. Following this period of time, active duty, Selected Reserve or Individual Ready Reserve members will be able to reenroll their eligible dependents, or members of the Selected Reserve or Individual Ready Reserve will be able to reenroll themselves, if they so choose. The twelve (12) month lock-out period applies to enrolled dependents of a Reserve component member who disenrolls for reasons other than those listed in this paragraph (c)(3)(ii)(E) or fails to make premium payments after the member has enrolled pursuant to paragraph (c)(3)(ii)(C) of this section.

(d) *Premium sharing*—(1) *General.* Active duty, Selected Reserve or Individual Ready Reserve members enrolling their eligible dependents, or members of the Selected Reserve or Individual Ready Reserve enrolling themselves, in the TDP shall be required to pay all or a portion of the premium cost depending on their status.

(i) *Members required to pay a portion of the premium cost.* This premium category includes active duty members (under a call or order to active duty that does not specify a period of thirty (30) days or less) on behalf of their enrolled dependents. It also includes members of the Selected Reserve (as specified in 10 U.S.C. 10143) and the Individual Ready Reserve (as specified in 10 U.S.C. 10144(b)) enrolled on their own behalf.

(ii) *Members required to pay the full premium cost.* This premium category includes members of the Selected Reserve (as specified in 10 U.S.C. 10143), and the Individual Ready Reserve (as specified in 10 U.S.C. 10144), on behalf of their enrolled dependents. It also includes members of the Individual Ready Reserve (as specified in 10 U.S.C. 10144(a)) enrolled on their own behalf.

(2) *Proportion of premium share.* The proportion of premium share to be paid by the active duty, Selected Reserve and Individual Reserve member pursuant to paragraph (d)(1)(i) of this section is established by the ASD(HA), or designee, at not more than forty (40) percent of the total premium. The proportion of premium share to be paid by the Selected Reserve and Individual Reserve member pursuant to paragraph (d)(1)(ii) of this section is established by the ASD(HA), or designee, at one hundred (100) percent of the total premium.

(3) *Provision for increases in active duty, Selected Reserve and Individual Ready Reserve member's premium share.*—(i) Although previously capped at $20 per month, the law has been amended to authorize the cap on active duty, Selected Reserve and Individual Ready Reserve member's premiums pursuant to paragraph (d)(1)(i) of this section to rise, effective as of January 1 of each year, by the percent equal to the lesser of:

(A) The percent by which the rates of basic pay of members of the Uniformed Services are increased on such date; or

(B) The sum of one-half percent and the percent computed under 5 U.S.C. 5303(a) for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.

(ii) Under the legislation authorizing an increase in the monthly premium cap, the methodology for determining the active duty, Selected Reserve and Individual Ready Reserve member's TDP premium pursuant to paragraph (d)(1)(i) of this section will be applied as if the methodology had been in continuous use since December 31, 1993.

(4) *Reduction of premium share for enlisted members.* For enlisted members in pay grades E–1 through E–4, the ASD(HA) or designee, may reduce the monthly premium these active duty, Selected Reserve and Individual Ready Reserve members pay pursuant to paragraph (d)(1)(i) of this section.

(5) *Reduction of cost-shares for enlisted members.* For enlisted members in pay grades E–1 through E–4, the ASD(HA) or designee, may reduce the cost-shares that active duty, Selected Reserve and Individual Ready Reserve members pay on behalf of their enrolled dependents and that members of the Selected Reserve and Individual Ready Reserve pay on their own behalf for selected benefits as specified in paragraph (e)(3)(i) of this section.

(6) *Premium payment method.* The active duty, Selected Reserve and Individual Ready Reserve member's premium share may be deducted from the active duty, Selected Reserve or Individual Ready Reserve member's basic pay or compensation paid under 37 U.S.C. 206, if sufficient pay is available. For members who are otherwise eligible for TDP benefits and who do not receive such pay and dependents who are otherwise eligible for TDP benefits and whose sponsors do not receive such pay, or if insufficient pay is available, the premium payment may be collected pursuant to procedures established by the Director, OCHAMPUS, or designee.

(7) *Annual notification of premium rates.* TDP premium rates will be determined as part of the competitive contracting process. Information on the premium rates will be widely distributed by the dental plan contractor and the Government.

(e) *Plan benefits*—(1) *General.*—(i) *Scope of benefits.* The TDP provides coverage for diagnostic and preventive services, sealants, restorative services, endodontics, periodontics, prosthodontics, orthodontics and oral and maxillofacial surgery.

(ii) *Authority to act for the plan.* The authority to make benefit

determinations and authorize plan payments under the TDP rests primarily with the insurance, service plan, or prepayment dental plan contractor, subject to compliance with Federal law and regulation and Government contract provisions. The Director, OCHAMPUS, or designee, provides required benefit policy decisions resulting from changes in Federal law and regulation and appeal decisions. No other persons or agents (such as dentists or Uniformed Services HBAs) have such authority.

(iii) *Dental benefits brochure.*—(A) *Content.* The Director, OCHAMPUS, or designee, shall establish a comprehensive dental benefits brochure explaining the benefits of the plan in common lay terminology. The brochure shall include the limitations and exclusions and other benefit determination rules for administering the benefits in accordance with the law and this part. The brochure shall include the rules for adjudication and payment of claims, appealable issues, and appeal procedures in sufficient detail to serve as a common basis for interpretation and understanding of the rules by providers, beneficiaries, claims examiners, correspondence specialists, employees and representatives of other Government bodies, HBAs, and other interested parties. Any conflict, which may occur between the dental benefits brochure and law or regulation, shall be resolved in favor of law and regulation.

(B) *Distribution.* The dental benefits brochure will be available through the dental plan contractor and will be distributed with the assistance of the Uniformed Services HBAs and major personnel centers at Uniformed Service installations and headquarters to all members enrolling themselves or their eligible dependents.

(iv) *Alternative course of treatment policy.* The Director, OCHAMPUS, or designee, may establish, in accordance with generally accepted dental benefit practices, an alternative course of treatment policy which provides reimbursement in instances where the dentist and beneficiary select a more expensive service, procedure, or course of treatment than is customarily provided. The alternative course of treatment policy must meet following conditions:

(A) The service, procedure, or course of treatment must be consistent with sound professional standards of dental practice for the dental condition concerned.

(B) The service, procedure, or course of treatment must be a generally accepted alternative for a service or procedure covered by the TDP for the dental condition.

(C) Payment for the alternative service or procedure may not exceed the lower of the prevailing limits for the alternative procedure, the prevailing limits or dental plan contractor's scheduled allowance for the otherwise authorized benefit procedure for which the alternative is substituted, or the actual charge for the alternative procedure.

(2) *Benefits.* The following benefits are defined (subject to the TDP's exclusions, limitations, and benefit determination rules approved by OCHAMPUS) using the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature. The Director, OCHAMPUS, or designee, may modify these services, to the extent determined appropriate based on developments in common dental care practices and standard dental insurance programs.

(i) *Diagnostic and preventive services.* Benefits may be extended for those dental services described as oral examination, diagnostic, and preventive services defined as traditional prophylaxis (*i.e.,* scaling deposits from teeth, polishing teeth, and topical application of fluoride to teeth) when performed directly by dentists and dental hygienists as authorized under paragraph (f) of this section. These include the following categories of service:

(A) *Diagnostic services.*—(*1*) Clinical oral examinations.

(*2*) Radiographs and diagnostic imaging.

(*3*) Tests and laboratory examinations.

(B) *Preventive services.*—(*1*) Dental prophylaxis.

(*2*) Topical fluoride treatment (office procedure).

(*3*) Other preventive services.

(*4*) Space maintenance (passive appliances).

(ii) *General services and services ''by report''.* The following categories of services are authorized when performed directly by dentists or dental hygienists, as authorized under paragraph (f) of this section, only in unusual circumstances requiring justification of exceptional conditions directly related to otherwise authorized procedures. Use of the procedures may not result in the fragmentation of services normally included in a single procedure. The dental plan contractor may recognize a ''by report'' condition by providing additional allowance to the primary covered procedure instead of recognizing or permitting a distinct billing for the ''by report'' service. These include the following categories of general services:

(A) Unclassified treatment.

(B) Anesthesia.

(C) Professional consultation.

(D) Professional visits.

(E) Drugs.

(F) Miscellaneous services.

(iii) *Restorative services.* Benefits may be extended for restorative services when performed directly by dentists or dental hygienists, or under orders and supervision by dentists, as authorized under paragraph (f) of this section. These include the following categories of restorative services:

(A) Amalgam restorations.

(B) Resin restorations.

(C) Inlay and onlay restorations.

(D) Crowns.

(E) Other restorative services.

(iv) *Endodontic services.* Benefits may be extended for those dental services involved in treatment of diseases and injuries affecting the dental pulp, tooth root, and periapical tissue when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of endodontic services:

(A) Pulp capping.

(B) Pulpotomy and pulpectomy.

(C) Endodontic therapy.

(D) Apexification and recalcification procedures.

(E) Apicoectomy and periradicular services.

(F) Other endodontic procedures.

(v) *Periodontic services.* Benefits may be extended for those dental services involved in prevention and treatment of diseases affecting the supporting structures of the teeth to include periodontal prophylaxis, gingivectomy or gingivoplasty, gingival curettage, etc., when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of periodontic services:

(A) Surgical services.

(B) Periodontal services.

(C) Other periodontal services.

(vi) *Prosthodontic services.* Benefits may be extended for those dental services involved in fabrication, insertion adjustment, relinement, and repair of artificial teeth and associated tissues to include removable complete and partial dentures, fixed crowns and bridges when performed directly by dentists as authorized under paragraph (4) of this section. These include the following categories of prosthodontic services:

(A) *Prosthodontics (removable).*

(*1*) Complete and partial dentures.

(*2*) Adjustments to dentures.

(*3*) Repairs to complete and partial dentures.

(*4*) Denture rebase procedures.

(*5*) Denture reline procedures.

(*6*) Other removable prosthetic services.

(B) *Prosthodontics (fixed).*

(*1*) Fixed partial denture pontics.

(*2*) Fixed partial denture retainers.

(*3*) Other partial denture services.

(vii) *Orthodontic services.* Benefits may be extended for the supervision, guidance, and correction of growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations through the use of orthodontic procedures and devices when performed directly by dentists as authorized under paragraph (f) of this section to include in-process orthodontics. These include the following categories of orthodontic services:

(A) Limited orthodontic treatment.

(B) Minor treatment to control harmful habits.

(C) Interceptive orthodontic treatment.

(D) Comprehensive orthodontic treatment.

(E) Other orthodontic services.

(viii) *Oral and maxillofacial surgery services.* Benefits may be extended for basic surgical procedure of the extraction, reimplantation, stabilization and repositioning of teeth, alveoloplasties, incision and drainage of abscesses, suturing of wounds, biopsies, etc., when performed directly by dentists as authorized under paragraph (f) of this section. These include the following categories of oral and maxillofacial surgery services:

(A) Extractions.

(B) Surgical extractions.

(C) Other surgical procedures.

(D) Alveoloplasty—surgical preparation of ridge for denture.

(E) Surgical incision.

(F) Repair of traumatic wounds.

(G) Complicated suturing.

(H) Other repair procedures.

(ix) *Exclusion of adjunctive dental care.* Adjunctive dental care benefits are excluded under the TDP. For further information on adjunctive dental care benefits under TRICARE/CHAMPUS, see § 199.4(e)(10).

(x) *Benefit limitations and exclusions.* The Director, OCHAMPUS, or designee, may establish such exclusions and limitations as are consistent with those established by dental insurance and prepayment plans to control utilization and quality of care for the services and items covered by the TDP.

(xi) *Limitation on reduction of benefits.* If a reduction in benefits is planned, the Secretary of Defense, or designee, may not reduce TDP benefits without notifying the appropriate Congressional committees. If a reduction is approved, the Secretary of Defense, or designee, must wait one (1) year from the date of notice before a benefit reduction can be implemented.

(3) *Cost-shares, liability and maximum coverage.*—(i) *Cost-shares.* The following table lists maximum active duty, Selected Reserve and Individual Ready Reserve member and dependent cost-shares for covered services for participating and nonparticipating providers of care (see paragraph (f)(6) of this section for additional active duty, Selected Reserve and Individual Ready Reserve costs). These are percentages of the dental plan contractor's determined allowable amount that the active duty, Selected Reserve and Individual Ready Reserve member or beneficiary must pay to these providers. For care received in the OCONUS service area, the ASD(HA), or designee, may pay certain cost-shares and other portions of a provider's billed charge for enrolled dependents of active duty members (under a call or order that does not specify a period of thirty (30) days or less), and for members of the Selected Reserve (as specified in 10 U.S.C. 10143) and Individual Ready Reserve (as specified in 10 U.S.C. 10144(b)) enrolled on their own behalf.

[In percent]

Covered services	Cost-share for pay grades E–1, E–2, E–3 and E–4	Cost-share for all other pay grades
Diagnostic	0	0
Preventive, except Sealants	0	0
Emergency Services	0	0
Sealants	20	20
Professional Consultations	20	20
Professional Visits	20	20
Post Surgical Services	20	20
Basic Restorative (example: amalgams, resins, stainless steel crowns)	20	20
Endodontic	30	40
Periodontic	30	40
Oral and Maxilllofacial Surgery	30	40
General Anesthesia	40	40
Intravenous Sedation	50	50
Other Restorative (example: crowns, onlays, casts)	50	50
Prosthodontics	50	50
Medications	50	50
Orthodontic	50	50
Miscellaneous	50	50

(ii) *Dental plan contractor liability.* When more than twenty-five (25) percent or more than two hundred (200) enrollees in a specific five (5) digit zip code area are unable to obtain a periodic or initial (non-emergency) dentistry appointment with a network provider within twenty-one (21) calendar days and within thirty-five (35) miles of the enrollee's place of residence, then the TRICARE Management Activity (TMA) will designate that area as ''non-compliant with the access standard.'' Once so designated, the dental program contractor will reimburse the beneficiary, or active duty, Selected Reserve or Individual Ready Reserve member, or the nonparticipating provider selected by enrollees in that area (or a subset of the area or nearby zip codes in other five (5) digit zip code areas as determined by TMA) at the level of the provider's usual fees less the applicable enrollee cost-share, if any. TMA shall determine when such area becomes compliant with the access standards. This access standard and associated liability does not apply to care received in the OCONUS service area.

(iii) *Maximum coverage amounts.* Beneficiaries are subject to an annual maximum coverage amount for non-orthodontic dental benefits and a lifetime maximum coverage amount for orthodontics as established by the ASD (HA) or designee.

(f) *Authorized providers*—(1) *General.* Beneficiaries may seek covered services from any provider who is fully licensed and approved to provide dental care or covered anesthesia benefits in the state where the provider is located. This includes licensed dental hygienists, practicing within the scope of their licensure, subject to any restrictions a state licensure or legislative body imposes regarding their status as independent providers of care.

(2) *Authorized provider status does not guarantee payment of benefits.* The fact that a provider is ''authorized'' is not to be construed to mean that the TDP will automatically pay a claim for services or supplies provided by such a provider. The Director, OCHAMPUS, or designee, also must determine if the

patient is an eligible beneficiary, whether the services or supplies billed are authorized and medically necessary, and whether any of the authorized exclusions of otherwise qualified providers presented in this section apply.

(3) *Utilization review and quality assurance.* Services and supplies furnished by providers of care shall be subject to utilization review and quality assurance standards, norms, and criteria established under the TDP. Utilization review and quality assurance assessments shall be performed under the TDP consistent with the nature and level of benefits of the plan, and shall include analysis of the data and findings by the dental plan contractor from other dental accounts.

(4) *Provider required.* In order to be considered benefits, all services and supplies shall be rendered by, prescribed by, or furnished at the direction of, or on the order of a TDP authorized provider practicing within the scope of his or her license.

(5) *Participating provider.* An authorized provider may elect to participate for all TDP beneficiaries and accept the fee or charge determinations as established and made known to the provider by the dental plan contractor. The fee or charge determinations are binding upon the provider in accordance with the dental plan contractor's procedures for participation. The authorized provider may not participate on a claim-by-claim basis. The participating provider must agree to accept, within one (1) day of a request for appointment, beneficiaries in need of emergency palliative treatment. Payment to the participating provider is based on the lower of the actual charge or the dental plan contractor's determination of the allowable charge; however, payments to participating providers shall be in accordance with the methodology specified in paragraph (g)(2)(ii) of this section. Payment is made directly to the participating provider, and the participating provider may only charge the beneficiary the percent cost-share of the dental plan contractor's allowable charge for those benefit categories as specified in paragraph (e) of this section, in addition to the full charges for any services not authorized as benefits.

(6) *Nonparticipating provider.* An authorized provider may elect to not participate for all TDP beneficiaries and request the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member to pay any amount of the provider's billed charge in excess of the dental plan contractor's determination of allowable charges (to include the appropriate cost-share). Neither the Government nor the dental plan contractor shall have any responsibility for any amounts over the allowable charges as determined by the dental plan contractor, except where the dental plan contractor is unable to identify a participating provider of care within thirty-five (35) miles of the beneficiary's place of residence with appointment availability within twenty-one (21) calendar days. In such instances of the nonavailability of a participating provider and in accordance with the provisions of the dental contract, the nonparticipating provider located within thirty-five (35) miles of the beneficiary's place of residence shall be paid his or her usual fees (either by the beneficiary or the dental plan contractor if the beneficiary elected assignment of benefits), less the percent cost-share as specified in paragraph (e)(3)(i) of this section.

(i) *Assignment of benefits.* A nonparticipating provider may accept assignment of benefits for claims (for beneficiaries certifying their willingness to make such assignment of benefits) by filing the claims completed with the assistance of the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for direct payment by the dental plan contractor to the provider.

(ii) *No assignment of benefits.* A nonparticipating provider for all beneficiaries may request that the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member file the claim directly with the dental plan contractor, making arrangements with the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member for direct payment by the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member.

(7) *Alternative delivery system.*—(i) *General.* Alternative delivery systems may be established by the Director, OCHAMPUS, or designee, as authorized providers. Only dentists, dental hygienists and licensed anesthetists shall be authorized to provide or direct the provision of authorized services and supplies in an approved alternative delivery system.

(ii) *Defined.* An alternative delivery system may be any approved arrangement for a preferred provider organization, capitation plan, dental health maintenance or clinic organization, or other contracted arrangement which is approved by OCHAMPUS in accordance with requirements and guidelines.

(iii) *Elective or exclusive arrangement.* Alternative delivery systems may be established by contract or other arrangement on either an elective or exclusive basis for beneficiary selection of participating and authorized providers in accordance with contractual requirements and guidelines.

(iv) *Provider election of participation.* Otherwise authorized providers must be provided with the opportunity of applying for participation in an alternative delivery system and of achieving participation status based on reasonable criteria for timeliness of application, quality of care, cost containment, geographic location, patient availability, and acceptance of reimbursement allowance.

(v) *Limitation on authorized providers:* Where exclusive alternative delivery systems are established, only providers participating in the alternative delivery system are authorized providers of care. In such instances, the TDP shall continue to pay beneficiary claims for services rendered by otherwise authorized providers in accordance with established rules for reimbursement of nonparticipating providers where the beneficiary has established a patient relationship with the nonparticipating provider prior to the TDP's proposal to subcontract with the alternative delivery system.

(vi) *Charge agreements.* Where the alternative delivery system employs a discounted fee-for-service reimbursement methodology or schedule of charges or rates which includes all or most dental services and procedures recognized by the American Dental Association's Council on Dental Care Program's Code on Dental Procedures and Nomenclature, the discounts or schedule of charges or rates for all dental services and procedures shall be extended by its participating providers to beneficiaries of the TDP as an incentive for beneficiary participation in the alternative delivery system.

(g) *Benefit payment*—(1) *General.* TDP benefits payments are made either directly to the provider or to the beneficiary or active duty, Selected Reserve or Individual Ready Reserve member, depending on the manner in which the claim is submitted or the terms of the subcontract of an alternative delivery system with the dental plan contractor.

(2) *Benefit payment.* Beneficiaries are not required to utilize participating providers. For beneficiaries who do use these participating providers, however, these providers shall not balance bill any amount in excess of the maximum payment allowed by the dental plan contractor for covered services.

Beneficiaries using nonparticipating providers may be balance-billed amounts in excess of the dental plan contractor's determination of allowable charges. The following general requirements for the TDP benefit payment methodology shall be met, subject to modifications and exceptions approved by the Director, OCHAMPUS, or designee:

(i) Nonparticipating providers (or the Beneficiaries or active duty, Selected Reserve or Individual Ready Reserve members for unassigned claims) shall be reimbursed at the equivalent of not less than the 50th percentile of prevailing charges made for similar services in the same locality (region) or state, or the provider's actual charge, whichever is lower, subject to the exception listed in paragraph (e)(3)(ii) of this section, less any cost-share amount due for authorized services.

(ii) Participating providers shall be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or state as to constitute a significant financial incentive for participation, or the provider's actual charge, whichever is lower, less any cost-share amount due for authorized services.

(3) *Fraud, abuse, and conflict of interest.* The provisions of § 199.9 shall apply except for § 199.9(e). All references to ''CHAMPUS contractors'', ''CHAMPUS beneficiaries'' and ''CHAMPUS providers'' in § 199.9 shall be construed to mean the ''dental plan contractor'', ''TDP beneficiaries'' and ''TPD providers'' respectively for the purposes of this section. Examples of fraud include situations in which ineligible persons not enrolled in the TDP obtain care and file claims for benefits under the name and identification of a beneficiary; or when providers submit claims for services and supplies not rendered to Beneficiaries; or when a participating provider bills the beneficiary for amounts over the dental plan contractor's determination of allowable charges; or when a provider fails to collect the specified patient cost-share amount.

(h) *Appeal and hearing procedures.* The provisions of § 199.10 shall apply except where noted in this section. All references to ''CHAMPUS contractors'', ''CHAMPUS beneficiaries'', ''CAMPUS participating providers'' and ''CHAMPUS Explanation of Benefits'' in § 199.10 shall be construed to mean the ''dental plan contractor'', ''TDP beneficiaries'', ''TDP participating providers'' and ''Dental Explanation of Benefits or DEOB'' respectively for the purposes of this section. References to ''OCHAMPUSEUR'' in § 199.10 are not applicable to the TDP or this section.

(1) *General.* See § 199.10(a).

(i) *Initial determination.*—(A) *Notice of initial determination and right to appeal.* See § 199.10(a)(1)(i).

(B) *Effect of initial determination.* See § 199.10(a)(1)(ii).

(ii) *Participation in an appeal.* Participation in an appeal is limited to any party to the initial determination, including OCHAMPUS, the dental plan contractor, and authorized representatives of the parties. Any party to the initial determination, except OCHAMPUS and the dental plan contractor, may appeal an adverse determination. The appealing party is the party who actually files the appeal.

(A) *Parties to the initial determination.* See § 199.10(a)(2)(i) and § 199.10(a)(2)(i)(A), (B), (C) and (E). In addition, a third party other than the dental plan contractor, such as an insurance company, is not a party to the initial determination and is not entitled to appeal, even though it may have an indirect interest in the initial determination.

(B) *Representative.* See § 199.10(a)(2)(ii).

(iii) *Burden of proof.* See § 199.10(a)(3).

(iv) *Evidence in appeal and hearing cases.* See § 199.10(a)(4).

(v) *Late filing.* If a request for reconsideration, formal review, or hearing is filed after the time permitted in this section, written notice shall be issued denying the request. Late filing may be permitted only if the appealing party reasonably can demonstrate to the satisfaction of the dental plan contractor, or the Director, OCHAMPUS, or designee, that timely filing of the request was not feasible due to extraordinary circumstances over which the appealing party had no practical control. Each request for an exception to the filing requirement will be considered on its own merits. The decision of the Director, OCHAMPUS, or a designee, on the request for an exception to the filing requirement shall be final.

(vi) *Appealable issue.* See § 199.10(a)(6), § 199.10(a)(6)(i), § 199.10(a)(6)(iv), including § 199.10(a)(6)(iv) (A) and (C), and § 199.10(a)(6)(v) for an explanation and examples of non-appealable issues. Other examples of issues that are not appealable under this section include:

(A) The amount of the dental plan contractor-determined allowable charge since the methodology constitutes a limitation on benefits under the provisions of this section.

(B) Certain other issues on the basis that the authority for the initial determination is not vested in OCHAMPUS. Such issues include but are not limited to the following examples:

(*1*) A determination of a person's enrollment in the TDP is the responsibility of the dental plan contractor and ultimate responsibility for resolving a beneficiary's enrollment rests with the dental plan contractor. Accordingly, a disputed question of fact concerning a beneficiary's enrollment will not be considered an appealable issue under the provisions of this section, but shall be resolved in accordance with paragraph (c) of this section and the dental plan contractor's enrollment policies and procedures.

(*2*) Decisions relating to the issuance of a nonavailability statement (NAS) in each case are made by the Uniformed Services. Disputes over the need for an NAS or a refusal to issue an NAS are not appealable under this section. The one exception is when a dispute arises over whether the facts of the case demonstrate a dental emergency for which an NAS is not required. Denial of payment in this one situation is an appealable issue.

(*3*) Any decision or action on the part of the dental plan contractor to include a provider in their network or to designate a provider as participating is not appealable under this section. Similarly, any decision or action on the part of the dental plan contractor to exclude a provider from their network or to deny participating provider status is not appealable under this section.

(vii) *Amount in dispute.*—(A) *General.* An amount in dispute is required for an adverse determination to be appealed under the provisions of this section, except as set forth or further explained in § 199.10(a)(7)(ii), (iii) and (iv).

(B) *Calculated amount.* The amount in dispute is calculated as the amount of money the dental plan contractor would pay if the services involved in the dispute were determined to be authorized benefits of the TDP. Examples of amounts of money that are excluded by this section from payments for authorized benefits include, but are not limited to:

(*1*) Amounts in excess of the dental plan contractor's— determined allowable charge.

(*2*) The beneficiary's cost-share amounts.

(*3*) Amounts that the beneficiary, or parent, guardian, or other responsible person has no legal obligation to pay.

(*4*) Amounts excluded under the provisions of § 199.8 of this part.

(viii) *Levels of appeal.* See § 199.10(a)(8)(i). Initial determinations involving the sanctioning (exclusion, suspension, or termination) of TDP providers shall be appealed directly to the hearing level.

(ix) *Appeal decision.* See § 199.10(a)(9).

(2) *Reconsideration.* See § 199.10(b).

(3) *Formal review.* See § 199.10(c).

(4) *Hearing.* (i) *General.* See § 1.99.10(d) and § 199.10(d)(1) through (d)(5) and (d0(7) through (d)(12) for information on the hearing process.

(ii) *Authority of the hearing officer.* The hearing officer, in exercising the authority to conduct a hearing under this part, will be bound by 10 U.S.C., chapter 55, and this part. The hearing officer in addressing substantive, appealable issues shall be bound by the dental benefits brochure applicable for the date(s) of service, policies, procedures, instructions and other guidelines issued by the ASD(HA), or a designee, or by the Director, OCHAMPUS, or a designee, in effect for the period in which the matter in dispute arose. A hearing officer may not establish or amend the dental benefits brochure, policy, procedures, instructions, or guidelines. However, the hearing officer may recommend reconsideration of the policy, procedures, instructions or guidelines by the ASD (HA), or a designee, when the final decisions is issued in the case.

(5) *Final decision.* See § 199.10(e)(1) and § 199.10(e)(1)(i) for information on final decisions in the appeal and hearing process, with the exception that no recommended decision shall be referred for review by ASD(HA).

§ 199.21 [Removed and Reserved]

3. Section 199.21 is removed and resrved.

Dated: October 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–27016 Filed 10–20–00; 8:45 am]

BILLING CODE 5001–10–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6889–5]

Indiana: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of immediate final rule.

SUMMARY: We are withdrawing the immediate final rule for Indiana: Final Authorization of State Hazardous Waste Management Program Revision published on July 26, 2000, which approved changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). We stated in the immediate final rule that if we received written comments that oppose this authorization during the comment period, we would publish a timely notice of withdrawal in the **Federal Register**. Subsequently, we received comments that oppose this action. We will address these comments in a subsequent final action based on the proposed rule also published on July 26, 2000, at 65 FR 45955.

DATES: As of October 23, 2000, we withdraw the immediate final rule published on July 26, 2000 at 65 FR 45925.

FOR FURTHER INFORMATION CONTACT: Gary Westefer, Indiana Regulatory Specialist, U.S. EPA Region 5, DM–7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7450.

SUPPLEMENTARY INFORMATION: Because we received written comments that oppose this authorization, we are withdrawing the immediate final rule for Indiana: Final Authorization of State Hazardous Waste Management Program Revision published on July 26, 2000, at 65 FR 45925, which intended to grant authorization for revision to Indiana's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). We stated in the immediate final rule that if we received written comments that oppose this authorization during the comment period, we would publish a timely notice of withdrawal in the **Federal Register**. Subsequently, we received comments that oppose this action. We will address all comments in a subsequent final action based on the proposed rule previously published on July 26, 2000, at 65 FR 45955. We will not provide for additional comment during the final action.

Dated: October 6, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 00–27154 Filed 10–20–00; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 65, No. 205
Monday, October 23, 2000

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Docket No. FV00–984–2 PR]

Walnuts Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the Walnut Marketing Board (Board) for the 2000–01 and subsequent marketing years from $0.0118 to $0.0134 per kernelweight pound of assessable walnuts. The $0.0016 increase is necessary because this year's estimate of assessable walnuts is about 13 percent less than last year's estimate. The Board locally administers the Federal marketing order which regulates the handling of walnuts grown in California (order). Authorization to assess walnut handlers enables the Board to incur expenses that are reasonable and necessary to administer the program. The marketing year runs from August 1 through July 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by November 22, 2000.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: *moab.docketclerk@usda.gov*. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, or Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 984 (7 CFR part 984), both as amended, regulating the handling of walnuts grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable walnuts beginning on August 1, 2000, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Board for the 2000–01 and subsequent marketing years from $0.0118 to $0.0134 per kernelweight pound of assessable walnuts. The $0.0016 increase is necessary because this year's estimate of assessable walnuts is about 13 percent less than last year's estimate. Thus, sufficient income would not be generated at the current assessment rate for the Board to meet its anticipated expenses.

The order provides authority for the Board, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1999–2000 and subsequent marketing years, the Board recommended, and the Department approved, an assessment rate of $0.0118 per kernelweight pound of assessable walnuts that would continue in effect from year to year unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Board or other information available to the Secretary.

The Board met on September 8, 2000, and unanimously recommended 2000-01 expenditures of $2,937,885 and an assessment rate of $0.0134 per kernelweight pound of assessable walnuts. In comparison, last year's budgeted expenditures were $2,967,356. The recommended assessment rate is $0.0016 higher than the $0.0118 rate currently in effect. The higher assessment rate is necessary because this year's crop is estimated by the California Agricultural Statistics Service (CASS) to be 245,000 tons (220,500,000 kernelweight pounds merchantable), which is about 13 percent less than last year's estimate. Thus, sufficient income would not be generated at the current rate for the Board to meet its anticipated expenses.

Major expenditures recommended by the Board for the 2000–01 year include $2,382,455 for marketing and production research projects, $305,250 for general expenses such as administrative salaries and insurance, $165,380 for office expenses, $59,800 for a production research director, and $25,000 as a contingency. Budgeted expenses for these items last year were $2,413,038 for marketing and production research projects, $289,709 for general expenses, $179,809 for office expenses, $59,800 for a production research director, and $25,000 as a contingency, respectively.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of California walnuts certified as merchantable. Merchantable shipments for the year are estimated at 220,500,000 kernelweight pounds which should provide $2,954,700 in assessment income and allow the Board to cover its expenses. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year (§ 984.69). The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and other information submitted by the Board or other available information.

Although this assessment rate would be in effect for an indefinite period, the Board would continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or the Department. Board meetings are open to the public and interested persons may express their views at these meetings. The Department would evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's 2000–01 budget and those for subsequent marketing years will be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 5,000 producers of walnuts in the production area and about 48 handlers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those having annual receipts of less than $5,000,000.

Using an average f.o.b. price of $2.10 per kernelweight pound of walnuts for the 1999–2000 marketing year, handlers would have had to ship more 2,380,953 pounds of walnuts to exceed sales of $5,000,000.

Approximately 33 percent of the handlers shipped over 2,380,953 kernelweight pounds of walnuts and 67 percent shipped less than that amount during the 1999–2000 marketing year. Based on the foregoing, it can be concluded that the majority of California walnut handlers may be classified as small entities, excluding receipts from other sources. A majority of the California walnut growers also may be classified as small entities.

This rule would increase the assessment rate established for the Board and collected from handlers for the 2000–01 and subsequent marketing years from $0.0118 to $0.0134 per kernelweight pound of assessable walnuts. The Board unanimously recommended 2000–01 expenses of $2,937,885. The recommended $0.0016 increase in the assessment rate is necessary because this year's estimate of assessable walnuts is about 13 percent less than last year's estimate. Thus, sufficient income would not be generated at the current rate for the Board to meet its anticipated expenses.

Major expenditures recommended by the Board for the 2000–01 year include $2,382,455 for marketing and production research projects, $305,250 for general expenses such as administrative salaries and insurance, $165,380 for office expenses, $59,800 for a production research director, and $25,000 as a contingency. Budgeted expenses for these items last year were $2,413,038 for marketing and production research projects, $289,709 for general expenses, $179,809 for office expenses, $59,800 for a production research director, and $25,000 as a contingency, respectively.

Prior to arriving at this budget, the Board considered information from various sources, such as the Board's Budget and Personnel Committee, Research Committee, and Marketing Development Committee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the walnut industry. The recommended $0.0134 per kernelweight pound assessment rate was then determined by dividing the total recommended budget by the 220,500,000 kernelweight pound estimate of assessable walnuts for the year. This is approximately $16,815 above the anticipated expenses, which the Board determined to be acceptable. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year (§ 984.69).

A review of historical information and preliminary information pertaining to the current marketing year indicates that the grower price for 2000–01 could range between $0.50 and $0.70 per kernelweight pound of assessable walnuts. Therefore, the estimated assessment revenue for the 2000–01 year as a percentage of total grower revenue could range between 2.0 and 2.7 percent.

Regarding the impact of this action on affected entities, this action would increase the assessment rate currently imposed on walnut handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order.

In addition, the Board's meeting was widely publicized throughout the walnut industry and all interested persons were invited to attend and participate in Board deliberations on all issues. Like all Board meetings, the September 8, 2000, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, all interested persons are invited to submit information on the regulatory and information impact of this action on small businesses.

This rule would impose no additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors agencies. Finally, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2000–01 marketing year began on August 1, 2000, and the order requires that the rate of assessment for each marketing year apply to all merchantable walnuts handled during the year; (2) the Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is proposed to be amended as followed:

PART 984—WALNUTS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

1. Section 984.347 is revised to read as follows:

§ 984.347 Assessment rate.

On and after August 1, 2000, an assessment rate of $0.0134 per kernelweight pound is established for California merchantable walnuts.

Dated: October 17, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–27107 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 140

[Docket No. PRM–140–1]

RIN 3150–AB01

Criteria for an Extraordinary Nuclear Occurrence; Withdrawal of Proposed Rule and Denial of Petition for Rulemaking Submitted by the Public Citizen Litigation Group and Critical Mass Energy Project; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of a proposed rule and denial of petition for rulemaking; correction.

SUMMARY: This document corrects a notice of withdrawal of a proposed rule and denial of a petition for rulemaking, relating to criteria for an extraordinary nuclear occurrence, appearing in the **Federal Register** on October 17, 2000 (65 FR 61283). This action is necessary to correct a reference to the NRC's rulemaking website appearing in the **ADDRESSES** paragraph.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Chief Rules and Directives Branch Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone 301–415–7162 (e-mail: *dlm@nrc.gov*).

Accordingly, in FR Doc. 00–26642, published at 65 FR 61283 on October 17, 2000, make the following correction:

1. On page 61283, column one, the last sentence in the **ADDRESSES** paragraph, the rulemaking website is corrected to read as follows: *http://ruleforum.llnl.gov.*

Dated at Rockville, Maryland, this 19th day of October, 2000.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 00–27254 Filed 10–19–00; 2:39 pm]

BILLING CODE 7590–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 416 and 422

RIN 0960–AF31

Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments

AGENCY: Social Security Administration.

ACTION: Proposed rules.

SUMMARY: We propose to modify the regulations dealing with the recovery of supplemental security income (SSI) overpayments made under title XVI of the Social Security Act (the Act). The modifications reflect statutory authority for the Social Security Administration (SSA) to selectively refer information about SSI overpayments to consumer reporting agencies and to recover SSI overpayments through administrative offset by the Department of the Treasury against other Federal payments to which the overpaid individual may be entitled. These collection practices would be limited to overpayments made to a person after he or she attained age 18 that are determined to be otherwise unrecoverable under section 1631(b) of the Act after the individual ceases to be a beneficiary under title XVI of the Act.

DATES: To be sure your comments are considered, we must receive them no later than December 22, 2000.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, Maryland 21235–1585, sent by telefax to (410) 966–2830, sent by e-mail to ''regulations@ssa.gov,'' or delivered to the Office of Process and Innovation Management, Social Security Administration, 2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, between 8 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Robert J. Augustine, Social Insurance Specialist, Office of Process and Innovation Management, Social Security Administration, 2109 West Low Rise

Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–5121 or TTY (410) 966–5609 for information about these proposed rules. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778 or visit our Internet site, SSA Online, at *http://www.ssa.gov/*.

SUPPLEMENTARY INFORMATION: Section 1631(b) of the Act prescribes the methods SSA may use to recover SSI overpayments. Until enactment of Pub. L. 106–169 on December 14, 1999, SSA was not authorized to use certain tools found in 31 U.S.C. Chapter 37 to recover title XVI program overpayments. Section 203 of Pub. L. 106–169 amended section 1631(b) of the Act to permit SSA to use for SSI overpayments several of the debt collection practices that have been available for use regarding social security benefit overpayments under title II of the Act. Among other things, these practices include reporting delinquent debts to consumer reporting agencies and recovering debts by administrative offset against other Federal payments to which the overpaid person is entitled. Under section 1631(b) of the Act, these additional practices may be used only if the SSI overpayment was made to a person after he or she attained age 18 and the overpayment has been determined to be otherwise unrecoverable under section 1631(b) of the Act after the overpaid person is no longer entitled to benefits under title XVI of the Act.

Before we would refer information to consumer reporting agencies or refer an SSI overpayment to the Department of the Treasury for administrative offset, we would:

- Send the overpaid person written notice (or, in the case of an individual for whom we do not have a current address, take reasonable action to locate and send written notice) describing, among other things, the amount and nature of the overpayment, the action that we propose to take, and the overpaid person's rights to request us to review the debt and to inspect or copy our records about the overpayment; and
- Give the overpaid person at least 60 calendar days to present evidence that all or part of the overpayment is not past-due or not legally enforceable, or enter into a written agreement to pay the overpayment.

In these proposed rules, we set forth our proposed policies on referral of information on title XVI overpayment debts to consumer reporting agencies and referral of such debts to the Department of the Treasury for administrative offset. In the future, as we make the necessary systems changes and develop policies and procedures to enable us to use additional debt collection tools for recovery of SSI overpayments, we will make further modifications to our overpayment recovery rules.

Explanation of Changes to Regulations

We propose to add a new § 416.590 to our regulations to explain that we will use the additional tools authorized by section 1631(b) of the Act when the title XVI program overpayments occurred after the individual attained age 18, and the overpayment has been determined to be otherwise unrecoverable under section 1631(b) of the Act after the individual is no longer entitled to benefits under title XVI of the Act. Proposed § 416.590 also contains the criteria under which we determine that an overpayment is otherwise unrecoverable under section 1631(b) of the Act. An overpayment will be determined to be unrecoverable when all of the following conditions are met:

- We completed our billing sequence (*i.e.,* we have sent the overpaid person an initial notice of the overpayment, a reminder notice, and a past-due notice) or suspended or terminated collection activity in accordance with the Federal Claims Collection Standards in 4 CFR 104.2 and 104.3;
- There is no installment payment agreement, or the overpaid person has failed to pay in accordance with such an agreement for two consecutive months;
- We cannot collect the overpayment by adjusting benefits payable to individuals other than the overpaid person.

For purposes of proposed § 416.590, if the overpaid person is a member of an eligible couple that is legally separated and/or living apart, we will deem unrecoverable from the other spouse that part of the overpayment which the other spouse did not receive. Adjustment of benefits will be waived for the overpaid person's spouse when that spouse is without fault (as defined in § 416.552) and waiver is requested under these circumstances. See § 416.554.

We propose to add to § 416.1403(a) (the list of administrative actions that are not initial determinations) new paragraphs (18) and (19) to include our determinations whether we will refer information about an overpayment to consumer reporting agencies and whether we will refer the overpayment to the Department of the Treasury for offset against other Federal payments due the overpaid person. Administrative actions that are not initial determinations may be reviewed by us, but they are not subject to the administrative review process provided by subpart N of our regulations at 20 CFR Part 416, and they are not subject to judicial review.

We also propose to expand our existing regulations in subpart D of part 422 to cover SSI overpayments. Specifically, we would revise § 422.301 to add language to specify that the debt collection tools in subpart D may be used to recover title XVI program overpayments the Commissioner has determined, through proposed § 416.590, to be unrecoverable under section 1631(b) of the Act. In § 422.305, we would revise both the section title and paragraph (a). The effect of the changes we propose to make to §§ 422.301 and 422.305 would allow us to apply to overpayments under both title II and title XVI of the Act the rules in subpart D of the referral of information to consumer reporting agencies and the use of administrative offset.

Clarity of This Regulation

Executive Order (E.O.) 12866 and the President's memorandum of June 1, 1998, require each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your comments on how to make these proposed rules easier to understand.

For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?
- Do the rules contain technical language or jargon that is unclear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rules easier to understand?

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** on the Internet site for the Government Printing Office: *http://www.access.gpo.gov/su_docs/aces/aces140.html*. It is also available on the Internet site for SSA (*i.e., SSA Online): http://www.ssa.gov/*.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they are not subject to OMB review.

Regulatory Flexibility Act

We certify that these proposed regulations will not have a significant impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis, as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These proposed regulations will impose no new reporting on recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Programs No. 96.006, Supplemental Security Income)

List of Subjects

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

20 CFR Part 422

Administrative practice and procedure, Organization and functions (Government agencies), Social Security.

Dated: October 5, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set out in the preamble, we propose to amend subparts E and N of Part 416 and subpart D of Part 422 of Chapter III of Title 20 of the Code of Federal Regulations as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

1. The authority citation for subpart E of Part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1601, 1602, 1611(c) and (e), and 1631(a)–(d) and (g) of the Social Security Act (42 U.S.C. 902(a)(5), 1381, 1381a, 1382(c) and (e), and 1383(a)–(d) and (g)); 31 U.S.C. 3720A.

2. Section 416.590 is added to read as follows:

§ 416.590 Are there additional methods for recovery of title XVI benefit overpayments?

(a) *General.* In addition to the methods specified in §§ 416.560, 416.570 and § 416.580, we may recover an overpayment under title XVI of the Act from you under the rules in subpart D of part 422 of this chapter, provided:

(1) The overpayment occurred after you attained age 18;

(2) You are no longer entitled to benefits under title XVI of the Act; and

(3) Pursuant to paragraph (b) of this section, we have determined that the overpayment is otherwise unrecoverable under section 1631(b) of the Act.

(b) *When we consider an overpayment to be otherwise unrecoverable.* We consider an overpayment under title XVI of the Act to be otherwise unrecoverable under section 1631(b) of the Act if all of the following conditions are met:

(1) We have completed our billing system sequence (*i.e.,* we have sent you an initial notice of the overpayment, a reminder notice, and a past-due notice) or we have suspended or terminated collection activity under the Federal Claims Collection Standards in 4 CFR 104.2 or 104.3.

(2) We have not entered into an installment payment arrangement with you or, if we have entered into such an arrangement, you have failed to make any payment for two consecutive months.

(3) You have not requested waiver pursuant to § 416.550 or § 416.582 or, after a review conducted pursuant to those sections, we have determined that we will not waive collection of the overpayment.

(4) You have requested reconsideration of the initial overpayment determination pursuant to §§ 416.1407 and 416.1409 or, after a review conducted pursuant to § 416.1413, we have affirmed all or part of the initial overpayment determination.

(5) We cannot recover your overpayment pursuant to § 416.570 by adjustment of benefits payable to any individual other than you. For purposes of this paragraph, if you are a member of an eligible couple that is legally separated and/or living apart, we will deem unrecoverable from the other person that part of your overpayment which he or she did not receive.

3. The authority citation for subpart N of Part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b).

4. In § 416.1403, paragraph (a) is amended by removing the word ''and'' at the end of paragraph (a)(16), removing the first period in paragraph (a)(17), replacing ''See'' with ''see'' in the parenthetical in paragraph (a)(17), replacing the second period at the end of paragraph (a)(17) with a semicolon, and adding new paragraphs (a)(18) and (a)(19) to read as follows:

§ 41.1403 Administrative actions that are not initial determinations.

(a) * * *

(18) Determining whether we will refer information about your overpayment to a consumer reporting agency (see § 416.590 and § 422.305 of this chapter); and

(19) Determining whether we will refer your overpayment to the Department of the Treasury for collection by offset against Federal payment due you (see § 416.590 and § 422.310 of this chapter).

* * * * *

PART 422—ORGANIZATION AND PROCEDURES

5. The authority citation for subpart D of Part 422 is revised to read as follows:

Authority: Secs. 204(f), 205(a), 702(a)(5), and 1631(b) of the Social Security Act (42 U.S.C. 404(f), 405(a), 902(a)(5), and 1383(b)); 31 U.S.C. 3711(e); 31 U.S.C. 3716.

§ 422.301 [Amended]

6. Section 422.301(b) is amended by removing the words ''title II'' and by replacing ''§ 404.527'' with ''§§ 404.527 and 416.590.''

§ 422.305 [Amended]

7. Section 422.305 is amended by removing the reference to ''title II'' in the heading and in paragraph (a).

[FR Doc. 00–27164 Filed 10–20–00; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

[SPATS No. NM–041–FOR]

New Mexico Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the New Mexico

regulatory program (hereinafter, the ''New Mexico program'') under the Surface Mining Control and Reclamation act of 1977 (SMCRA). The proposed amendment consists of recodification of the New Mexico Surface Coal Mining Regulations. The amendment is intended to revise the New Mexico program to improve operational efficiency and assure that the New Mexico Surface Coal Mining Regulations are codified according to the New Mexico administrative procedures.

DATES: Written comments must be received by 4 p.m., m.d.t., November 22, 2000. If requested, a public hearing on the proposed amendment will be held on November 17, 2000. Requests to present oral testimony at the hearing must be received by 4 p.m., m.d.t., on November 7, 2000.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Willis L. Gainer at the address listed below.

You may review copies of the New Mexico program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Albuquerque Field Office.

Willis L. Gainer, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette Avenue, NW., Suite 1200, Albuquerque, New Mexico 87102

Mining and Minerals Division, New Mexico Energy & Minerals Department, 2040 South Pacheco Street, Santa Fe, New Mexico 87505, Telephone: (505) 827–5970

FOR FURTHER INFORMATION CONTACT: Willis L. Gainer, Telephone: (505) 248–5096, Internet address: WGAINER@OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the New Mexico Program

On December 31, 1980, the Secretary of the Interior conditionally approved the New Mexico program. General background information on the New Mexico program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the New Mexico program can be found in the December 31, 1980, **Federal Register** (45 FR 86459). Subsequent actions concerning New Mexico's program and program amendments can be found at 30 CFR 931.11, 931.15, 931.16, and 931.30.

II. Proposed Amendment

By letter dated September 22, 2000 (administrative record No. NM–840), New Mexico submitted a proposed amendment to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). New Mexico submitted the proposed amendment at its own initiative. New Mexico proposes to recodify the New Mexico Surface Coal Mining Regulations.

Specifically, New Mexico proposes to recodify its regulations from Title 19 (Natural Resources and Wildlife), Chapter 8 (Coal Mining), Part 2 (Coal Surface Mining) of the New Mexico Administrative Code (NMAC), Subparts 1 through 34, to Title 19, Chapter 8 of NMAC, Parts 1 through 34, or 19.8 NMAC Parts 1–34. No substantive changes to the text of the New Mexico regulations that are counterpart to SMCRA are proposed.

The only significant text revisions New Mexico proposes are at 19.8.1.5. and 19.8.1.108. New Mexico proposes to revise Section 5 to clarify the effective date of the regulations as follows:

> 19.8.1.5 Effective Date: November 29, 1997, unless a later date is cited at the end of a section.

New Mexico proposes to revise Section 108 to reinsert previously approved language that was unintentionally removed when New Mexico recodified it regulations in 1997. New Mexico proposes to reinsert the following:

> 19.8.1.108 Suspension of Rules or Regulations (None) Section 1–11 CSMC Rule 80–1, as adopted May 15, 1980, is hereby repealed, provided, however, that such repeal shall not be deemed to affect the authority of persons to engage in or carry out any surface coal mining operations if he has a permit under Laws 1972, Chapter 68, and such permit has not expired pursuant to the Act or 19.8 NMAC Parts 1–34, so long as he complies with the provisions of the Act, the permit and 19.8 NMAC Parts 1–34.

III. Public Comment Procedures

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their 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 review in their entirety.

Please submit Internet comments as an ASCII file avoiding the use of special characters and nay form of encryption. Please also include ''Attn: SPATS No. NM–041–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Albuquerque Field Office at (505) 248–5096.

Your written comments should be specific and pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Albuquerque Field Office.

In accordance with the provisions of 30 CFR 732.17(h), we are requesting comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the New Mexico program.

Comments received after the time indicated under **DATES** or at locations other than the Albuquerque Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.d.t., on November 7, 2000. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.** The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to

speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet the OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of the Executive Order 12988 (Civil Justice Reform) and has determined that 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 the Federal regulations at 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

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332 (2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB 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 that 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.

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.

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.

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.

List of Subjects in 30 CFR Part 931

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 11, 2000.

Peter A. Rutledge,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 00–27163 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AH67

Migratory Bird Hunting; Temporary Approval of Tin Shot as Nontoxic for Hunting Waterfowl and Coots During the 2000–2001 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; correction.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) published in the September 25, 2000, **Federal Register**, a proposal to grant temporary approval of tin shot as nontoxic for hunting waterfowl and coots during the 2000–01 hunting season. Inadvertently, the deadline for public comment was stated as November 24, 2000. This correction amends the deadline for public comment to October 24, 2000.

DATES: Comments on the proposed rule published September 25, 2000 (65 FR 57586) must be received no later than October 24, 2000.

ADDRESSES: You should submit comments on the proposed rule to the Chief, Office of Migratory Bird

Management (MBMO), U.S. Fish and Wildlife Service, 1849 C Street, NW., ms 634–ARLSQ, Washington, DC 20240. You may inspect comments during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

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

SUPPLEMENTARY INFORMATION: We published in the September 25, 2000, Federal Register (65 FR 57586), a proposal under the authority of the Migratory Bird Treaty Act (16 U.S.C. 703–712 and 16 U.S.C. 742a–j) to grant temporary approval of tin shot as nontoxic for hunting waterfowl and coots during the 2000–01 hunting season. Inadvertently, the deadline for public comment was stated as November 24, 2000, which provides for a 60-day comment period. The correct deadline for public comment is October 24, 2000. In the proposed rule, we stated that the comment period for the proposed rule had been shortened to 30 days. This timeframe will make it possible for tin shot, if temporarily approved, to be available for use by hunters during the 2000–01 hunting season, and will increase the number of nontoxic shot options available to hunters.

Dated: October 13, 2000.

Marshall P. Jones, Jr.,

Acting Director.

[FR Doc. 00–27108 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register
Vol. 65, No. 205
Monday, October 23, 2000

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Docket No. FV00–984–2 PR]

Walnuts Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the Walnut Marketing Board (Board) for the 2000–01 and subsequent marketing years from $0.0118 to $0.0134 per kernelweight pound of assessable walnuts. The $0.0016 increase is necessary because this year's estimate of assessable walnuts is about 13 percent less than last year's estimate. The Board locally administers the Federal marketing order which regulates the handling of walnuts grown in California (order). Authorization to assess walnut handlers enables the Board to incur expenses that are reasonable and necessary to administer the program. The marketing year runs from August 1 through July 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by November 22, 2000.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: *moab.docketclerk@usda.gov*. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, or Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 984 (7 CFR part 984), both as amended, regulating the handling of walnuts grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable walnuts beginning on August 1, 2000, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Board for the 2000–01 and subsequent marketing years from $0.0118 to $0.0134 per kernelweight pound of assessable walnuts. The $0.0016 increase is necessary because this year's estimate of assessable walnuts is about 13 percent less than last year's estimate. Thus, sufficient income would not be generated at the current assessment rate for the Board to meet its anticipated expenses.

The order provides authority for the Board, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1999–2000 and subsequent marketing years, the Board recommended, and the Department approved, an assessment rate of $0.0118 per kernelweight pound of assessable walnuts that would continue in effect from year to year unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Board or other information available to the Secretary.

The Board met on September 8, 2000, and unanimously recommended 2000-01 expenditures of $2,937,885 and an assessment rate of $0.0134 per kernelweight pound of assessable walnuts. In comparison, last year's budgeted expenditures were $2,967,356. The recommended assessment rate is $0.0016 higher than the $0.0118 rate currently in effect. The higher assessment rate is necessary because this year's crop is estimated by the California Agricultural Statistics Service (CASS) to be 245,000 tons (220,500,000 kernelweight pounds merchantable), which is about 13 percent less than last year's estimate. Thus, sufficient income would not be generated at the current rate for the Board to meet its anticipated expenses.

Major expenditures recommended by the Board for the 2000–01 year include $2,382,455 for marketing and production research projects, $305,250 for general expenses such as administrative salaries and insurance, $165,380 for office expenses, $59,800 for a production research director, and $25,000 as a contingency. Budgeted expenses for these items last year were $2,413,038 for marketing and production research projects, $289,709 for general expenses, $179,809 for office expenses, $59,800 for a production research director, and $25,000 as a contingency, respectively.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of California walnuts certified as merchantable. Merchantable shipments for the year are estimated at 220,500,000 kernelweight pounds which should provide $2,954,700 in assessment income and allow the Board to cover its expenses. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year (§ 984.69). The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and other information submitted by the Board or other available information.

Although this assessment rate would be in effect for an indefinite period, the Board would continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or the Department. Board meetings are open to the public and interested persons may express their views at these meetings. The Department would evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's 2000–01 budget and those for subsequent marketing years will be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 5,000 producers of walnuts in the production area and about 48 handlers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those having annual receipts of less than $5,000,000.

Using an average f.o.b. price of $2.10 per kernelweight pound of walnuts for the 1999–2000 marketing year, handlers would have had to ship more 2,380,953 pounds of walnuts to exceed sales of $5,000,000.

Approximately 33 percent of the handlers shipped over 2,380,953 kernelweight pounds of walnuts and 67 percent shipped less than that amount during the 1999–2000 marketing year. Based on the foregoing, it can be concluded that the majority of California walnut handlers may be classified as small entities, excluding receipts from other sources. A majority of the California walnut growers also may be classified as small entities.

This rule would increase the assessment rate established for the Board and collected from handlers for the 2000–01 and subsequent marketing years from $0.0118 to $0.0134 per kernelweight pound of assessable walnuts. The Board unanimously recommended 2000–01 expenses of $2,937,885. The recommended $0.0016 increase in the assessment rate is necessary because this year's estimate of assessable walnuts is about 13 percent less than last year's estimate. Thus, sufficient income would not be generated at the current rate for the Board to meet its anticipated expenses.

Major expenditures recommended by the Board for the 2000–01 year include $2,382,455 for marketing and production research projects, $305,250 for general expenses such as administrative salaries and insurance, $165,380 for office expenses, $59,800 for a production research director, and $25,000 as a contingency. Budgeted expenses for these items last year were $2,413,038 for marketing and production research projects, $289,709 for general expenses, $179,809 for office expenses, $59,800 for a production research director, and $25,000 as a contingency, respectively.

Prior to arriving at this budget, the Board considered information from various sources, such as the Board's Budget and Personnel Committee, Research Committee, and Marketing Development Committee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the walnut industry. The recommended $0.0134 per kernelweight pound assessment rate was then determined by dividing the total recommended budget by the 220,500,000 kernelweight pound estimate of assessable walnuts for the year. This is approximately $16,815 above the anticipated expenses, which the Board determined to be acceptable. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year (§ 984.69).

A review of historical information and preliminary information pertaining to the current marketing year indicates that the grower price for 2000–01 could range between $0.50 and $0.70 per kernelweight pound of assessable walnuts. Therefore, the estimated assessment revenue for the 2000–01 year as a percentage of total grower revenue could range between 2.0 and 2.7 percent.

Regarding the impact of this action on affected entities, this action would increase the assessment rate currently imposed on walnut handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order.

In addition, the Board's meeting was widely publicized throughout the walnut industry and all interested persons were invited to attend and participate in Board deliberations on all issues. Like all Board meetings, the September 8, 2000, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, all interested persons are invited to submit information on the regulatory and information impact of this action on small businesses.

This rule would impose no additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors agencies. Finally, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2000–01 marketing year began on August 1, 2000, and the order requires that the rate of assessment for each marketing year apply to all merchantable walnuts handled during the year; (2) the Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is proposed to be amended as followed:

PART 984—WALNUTS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

1. Section 984.347 is revised to read as follows:

§ 984.347 Assessment rate.

On and after August 1, 2000, an assessment rate of $0.0134 per kernelweight pound is established for California merchantable walnuts.

Dated: October 17, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–27107 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 140

[Docket No. PRM–140–1]

RIN 3150–AB01

Criteria for an Extraordinary Nuclear Occurrence; Withdrawal of Proposed Rule and Denial of Petition for Rulemaking Submitted by the Public Citizen Litigation Group and Critical Mass Energy Project; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of a proposed rule and denial of petition for rulemaking; correction.

SUMMARY: This document corrects a notice of withdrawal of a proposed rule and denial of a petition for rulemaking, relating to criteria for an extraordinary nuclear occurrence, appearing in the **Federal Register** on October 17, 2000 (65 FR 61283). This action is necessary to correct a reference to the NRC's rulemaking website appearing in the **ADDRESSES** paragraph.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Chief Rules and Directives Branch Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone 301–415–7162 (e-mail: *dlm@nrc.gov*).

Accordingly, in FR Doc. 00–26642, published at 65 FR 61283 on October 17, 2000, make the following correction:

1. On page 61283, column one, the last sentence in the **ADDRESSES** paragraph, the rulemaking website is corrected to read as follows: *http://ruleforum.llnl.gov.*

Dated at Rockville, Maryland, this 19th day of October, 2000.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 00–27254 Filed 10–19–00; 2:39 pm]

BILLING CODE 7590–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 416 and 422

RIN 0960–AF31

Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments

AGENCY: Social Security Administration.

ACTION: Proposed rules.

SUMMARY: We propose to modify the regulations dealing with the recovery of supplemental security income (SSI) overpayments made under title XVI of the Social Security Act (the Act). The modifications reflect statutory authority for the Social Security Administration (SSA) to selectively refer information about SSI overpayments to consumer reporting agencies and to recover SSI overpayments through administrative offset by the Department of the Treasury against other Federal payments to which the overpaid individual may be entitled. These collection practices would be limited to overpayments made to a person after he or she attained age 18 that are determined to be otherwise unrecoverable under section 1631(b) of the Act after the individual ceases to be a beneficiary under title XVI of the Act.

DATES: To be sure your comments are considered, we must receive them no later than December 22, 2000.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, Maryland 21235–1585, sent by telefax to (410) 966–2830, sent by e-mail to ''regulations@ssa.gov,'' or delivered to the Office of Process and Innovation Management, Social Security Administration, 2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, between 8 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Robert J. Augustine, Social Insurance Specialist, Office of Process and Innovation Management, Social Security Administration, 2109 West Low Rise

Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–5121 or TTY (410) 966–5609 for information about these proposed rules. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778 or visit our Internet site, SSA Online, at *http://www.ssa.gov/*.

SUPPLEMENTARY INFORMATION: Section 1631(b) of the Act prescribes the methods SSA may use to recover SSI overpayments. Until enactment of Pub. L. 106–169 on December 14, 1999, SSA was not authorized to use certain tools found in 31 U.S.C. Chapter 37 to recover title XVI program overpayments. Section 203 of Pub. L. 106–169 amended section 1631(b) of the Act to permit SSA to use for SSI overpayments several of the debt collection practices that have been available for use regarding social security benefit overpayments under title II of the Act. Among other things, these practices include reporting delinquent debts to consumer reporting agencies and recovering debts by administrative offset against other Federal payments to which the overpaid person is entitled. Under section 1631(b) of the Act, these additional practices may be used only if the SSI overpayment was made to a person after he or she attained age 18 and the overpayment has been determined to be otherwise unrecoverable under section 1631(b) of the Act after the overpaid person is no longer entitled to benefits under title XVI of the Act.

Before we would refer information to consumer reporting agencies or refer an SSI overpayment to the Department of the Treasury for administrative offset, we would:

- Send the overpaid person written notice (or, in the case of an individual for whom we do not have a current address, take reasonable action to locate and send written notice) describing, among other things, the amount and nature of the overpayment, the action that we propose to take, and the overpaid person's rights to request us to review the debt and to inspect or copy our records about the overpayment; and
- Give the overpaid person at least 60 calendar days to present evidence that all or part of the overpayment is not past-due or not legally enforceable, or enter into a written agreement to pay the overpayment.

In these proposed rules, we set forth our proposed policies on referral of information on title XVI overpayment debts to consumer reporting agencies and referral of such debts to the Department of the Treasury for administrative offset. In the future, as we make the necessary systems changes and develop policies and procedures to enable us to use additional debt collection tools for recovery of SSI overpayments, we will make further modifications to our overpayment recovery rules.

Explanation of Changes to Regulations

We propose to add a new § 416.590 to our regulations to explain that we will use the additional tools authorized by section 1631(b) of the Act when the title XVI program overpayments occurred after the individual attained age 18, and the overpayment has been determined to be otherwise unrecoverable under section 1631(b) of the Act after the individual is no longer entitled to benefits under title XVI of the Act. Proposed § 416.590 also contains the criteria under which we determine that an overpayment is otherwise unrecoverable under section 1631(b) of the Act. An overpayment will be determined to be unrecoverable when all of the following conditions are met:

- We completed our billing sequence (*i.e.,* we have sent the overpaid person an initial notice of the overpayment, a reminder notice, and a past-due notice) or suspended or terminated collection activity in accordance with the Federal Claims Collection Standards in 4 CFR 104.2 and 104.3;
- There is no installment payment agreement, or the overpaid person has failed to pay in accordance with such an agreement for two consecutive months;
- We cannot collect the overpayment by adjusting benefits payable to individuals other than the overpaid person.

For purposes of proposed § 416.590, if the overpaid person is a member of an eligible couple that is legally separated and/or living apart, we will deem unrecoverable from the other spouse that part of the overpayment which the other spouse did not receive. Adjustment of benefits will be waived for the overpaid person's spouse when that spouse is without fault (as defined in § 416.552) and waiver is requested under these circumstances. See § 416.554.

We propose to add to § 416.1403(a) (the list of administrative actions that are not initial determinations) new paragraphs (18) and (19) to include our determinations whether we will refer information about an overpayment to consumer reporting agencies and whether we will refer the overpayment to the Department of the Treasury for offset against other Federal payments due the overpaid person. Administrative actions that are not initial determinations may be reviewed by us, but they are not subject to the administrative review process provided by subpart N of our regulations at 20 CFR Part 416, and they are not subject to judicial review.

We also propose to expand our existing regulations in subpart D of part 422 to cover SSI overpayments. Specifically, we would revise § 422.301 to add language to specify that the debt collection tools in subpart D may be used to recover title XVI program overpayments the Commissioner has determined, through proposed § 416.590, to be unrecoverable under section 1631(b) of the Act. In § 422.305, we would revise both the section title and paragraph (a). The effect of the changes we propose to make to §§ 422.301 and 422.305 would allow us to apply to overpayments under both title II and title XVI of the Act the rules in subpart D of the referral of information to consumer reporting agencies and the use of administrative offset.

Clarity of This Regulation

Executive Order (E.O.) 12866 and the President's memorandum of June 1, 1998, require each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your comments on how to make these proposed rules easier to understand.

For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?
- Do the rules contain technical language or jargon that is unclear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rules easier to understand?

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** on the Internet site for the Government Printing Office: *http://www.access.gpo.gov/su_docs/aces/aces140.html*. It is also available on the Internet site for SSA (*i.e., SSA Online): http://www.ssa.gov/*.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they are not subject to OMB review.

Regulatory Flexibility Act

We certify that these proposed regulations will not have a significant impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis, as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These proposed regulations will impose no new reporting on recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Programs No. 96.006, Supplemental Security Income)

List of Subjects

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

20 CFR Part 422

Administrative practice and procedure, Organization and functions (Government agencies), Social Security.

Dated: October 5, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set out in the preamble, we propose to amend subparts E and N of Part 416 and subpart D of Part 422 of Chapter III of Title 20 of the Code of Federal Regulations as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

1. The authority citation for subpart E of Part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1601, 1602, 1611(c) and (e), and 1631(a)–(d) and (g) of the Social Security Act (42 U.S.C. 902(a)(5), 1381, 1381a, 1382(c) and (e), and 1383(a)–(d) and (g)); 31 U.S.C. 3720A.

2. Section 416.590 is added to read as follows:

§ 416.590 Are there additional methods for recovery of title XVI benefit overpayments?

(a) *General.* In addition to the methods specified in §§ 416.560, 416.570 and § 416.580, we may recover an overpayment under title XVI of the Act from you under the rules in subpart D of part 422 of this chapter, provided:

(1) The overpayment occurred after you attained age 18;

(2) You are no longer entitled to benefits under title XVI of the Act; and

(3) Pursuant to paragraph (b) of this section, we have determined that the overpayment is otherwise unrecoverable under section 1631(b) of the Act.

(b) *When we consider an overpayment to be otherwise unrecoverable.* We consider an overpayment under title XVI of the Act to be otherwise unrecoverable under section 1631(b) of the Act if all of the following conditions are met:

(1) We have completed our billing system sequence (*i.e.,* we have sent you an initial notice of the overpayment, a reminder notice, and a past-due notice) or we have suspended or terminated collection activity under the Federal Claims Collection Standards in 4 CFR 104.2 or 104.3.

(2) We have not entered into an installment payment arrangement with you or, if we have entered into such an arrangement, you have failed to make any payment for two consecutive months.

(3) You have not requested waiver pursuant to § 416.550 or § 416.582 or, after a review conducted pursuant to those sections, we have determined that we will not waive collection of the overpayment.

(4) You have requested reconsideration of the initial overpayment determination pursuant to §§ 416.1407 and 416.1409 or, after a review conducted pursuant to § 416.1413, we have affirmed all or part of the initial overpayment determination.

(5) We cannot recover your overpayment pursuant to § 416.570 by adjustment of benefits payable to any individual other than you. For purposes of this paragraph, if you are a member of an eligible couple that is legally separated and/or living apart, we will deem unrecoverable from the other person that part of your overpayment which he or she did not receive.

3. The authority citation for subpart N of Part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b).

4. In § 416.1403, paragraph (a) is amended by removing the word ''and'' at the end of paragraph (a)(16), removing the first period in paragraph (a)(17), replacing ''See'' with ''see'' in the parenthetical in paragraph (a)(17), replacing the second period at the end of paragraph (a)(17) with a semicolon, and adding new paragraphs (a)(18) and (a)(19) to read as follows:

§ 41.1403 Administrative actions that are not initial determinations.

(a) * * *

(18) Determining whether we will refer information about your overpayment to a consumer reporting agency (see § 416.590 and § 422.305 of this chapter); and

(19) Determining whether we will refer your overpayment to the Department of the Treasury for collection by offset against Federal payment due you (see § 416.590 and § 422.310 of this chapter).

* * * * *

PART 422—ORGANIZATION AND PROCEDURES

5. The authority citation for subpart D of Part 422 is revised to read as follows:

Authority: Secs. 204(f), 205(a), 702(a)(5), and 1631(b) of the Social Security Act (42 U.S.C. 404(f), 405(a), 902(a)(5), and 1383(b)); 31 U.S.C. 3711(e); 31 U.S.C. 3716.

§ 422.301 [Amended]

6. Section 422.301(b) is amended by removing the words ''title II'' and by replacing ''§ 404.527'' with ''§§ 404.527 and 416.590.''

§ 422.305 [Amended]

7. Section 422.305 is amended by removing the reference to ''title II'' in the heading and in paragraph (a).

[FR Doc. 00–27164 Filed 10–20–00; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

[SPATS No. NM–041–FOR]

New Mexico Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the New Mexico

regulatory program (hereinafter, the ''New Mexico program'') under the Surface Mining Control and Reclamation act of 1977 (SMCRA). The proposed amendment consists of recodification of the New Mexico Surface Coal Mining Regulations. The amendment is intended to revise the New Mexico program to improve operational efficiency and assure that the New Mexico Surface Coal Mining Regulations are codified according to the New Mexico administrative procedures.

DATES: Written comments must be received by 4 p.m., m.d.t., November 22, 2000. If requested, a public hearing on the proposed amendment will be held on November 17, 2000. Requests to present oral testimony at the hearing must be received by 4 p.m., m.d.t., on November 7, 2000.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Willis L. Gainer at the address listed below.

You may review copies of the New Mexico program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Albuquerque Field Office.

Willis L. Gainer, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette Avenue, NW., Suite 1200, Albuquerque, New Mexico 87102

Mining and Minerals Division, New Mexico Energy & Minerals Department, 2040 South Pacheco Street, Santa Fe, New Mexico 87505, Telephone: (505) 827–5970

FOR FURTHER INFORMATION CONTACT: Willis L. Gainer, Telephone: (505) 248–5096, Internet address: WGAINER@OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the New Mexico Program

On December 31, 1980, the Secretary of the Interior conditionally approved the New Mexico program. General background information on the New Mexico program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the New Mexico program can be found in the December 31, 1980, **Federal Register** (45 FR 86459). Subsequent actions concerning New Mexico's program and program amendments can be found at 30 CFR 931.11, 931.15, 931.16, and 931.30.

II. Proposed Amendment

By letter dated September 22, 2000 (administrative record No. NM–840), New Mexico submitted a proposed amendment to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). New Mexico submitted the proposed amendment at its own initiative. New Mexico proposes to recodify the New Mexico Surface Coal Mining Regulations.

Specifically, New Mexico proposes to recodify its regulations from Title 19 (Natural Resources and Wildlife), Chapter 8 (Coal Mining), Part 2 (Coal Surface Mining) of the New Mexico Administrative Code (NMAC), Subparts 1 through 34, to Title 19, Chapter 8 of NMAC, Parts 1 through 34, or 19.8 NMAC Parts 1–34. No substantive changes to the text of the New Mexico regulations that are counterpart to SMCRA are proposed.

The only significant text revisions New Mexico proposes are at 19.8.1.5. and 19.8.1.108. New Mexico proposes to revise Section 5 to clarify the effective date of the regulations as follows:

> 19.8.1.5 Effective Date: November 29, 1997, unless a later date is cited at the end of a section.

New Mexico proposes to revise Section 108 to reinsert previously approved language that was unintentionally removed when New Mexico recodified it regulations in 1997. New Mexico proposes to reinsert the following:

> 19.8.1.108 Suspension of Rules or Regulations (None) Section 1–11 CSMC Rule 80–1, as adopted May 15, 1980, is hereby repealed, provided, however, that such repeal shall not be deemed to affect the authority of persons to engage in or carry out any surface coal mining operations if he has a permit under Laws 1972, Chapter 68, and such permit has not expired pursuant to the Act or 19.8 NMAC Parts 1–34, so long as he complies with the provisions of the Act, the permit and 19.8 NMAC Parts 1–34.

III. Public Comment Procedures

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their 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 review in their entirety.

Please submit Internet comments as an ASCII file avoiding the use of special characters and nay form of encryption. Please also include ''Attn: SPATS No. NM–041–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Albuquerque Field Office at (505) 248–5096.

Your written comments should be specific and pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Albuquerque Field Office.

In accordance with the provisions of 30 CFR 732.17(h), we are requesting comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the New Mexico program.

Comments received after the time indicated under **DATES** or at locations other than the Albuquerque Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.d.t., on November 7, 2000. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.** The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to

speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet the OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of the Executive Order 12988 (Civil Justice Reform) and has determined that 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 the Federal regulations at 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

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332 (2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB 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 that 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.

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.

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.

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.

List of Subjects in 30 CFR Part 931

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 11, 2000.

Peter A. Rutledge,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 00–27163 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AH67

Migratory Bird Hunting; Temporary Approval of Tin Shot as Nontoxic for Hunting Waterfowl and Coots During the 2000–2001 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; correction.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) published in the September 25, 2000, **Federal Register**, a proposal to grant temporary approval of tin shot as nontoxic for hunting waterfowl and coots during the 2000–01 hunting season. Inadvertently, the deadline for public comment was stated as November 24, 2000. This correction amends the deadline for public comment to October 24, 2000.

DATES: Comments on the proposed rule published September 25, 2000 (65 FR 57586) must be received no later than October 24, 2000.

ADDRESSES: You should submit comments on the proposed rule to the Chief, Office of Migratory Bird

Management (MBMO), U.S. Fish and Wildlife Service, 1849 C Street, NW., ms 634–ARLSQ, Washington, DC 20240. You may inspect comments during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

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

SUPPLEMENTARY INFORMATION: We published in the September 25, 2000, Federal Register (65 FR 57586), a proposal under the authority of the Migratory Bird Treaty Act (16 U.S.C. 703–712 and 16 U.S.C. 742a–j) to grant temporary approval of tin shot as nontoxic for hunting waterfowl and coots during the 2000–01 hunting season. Inadvertently, the deadline for public comment was stated as November 24, 2000, which provides for a 60-day comment period. The correct deadline for public comment is October 24, 2000. In the proposed rule, we stated that the comment period for the proposed rule had been shortened to 30 days. This timeframe will make it possible for tin shot, if temporarily approved, to be available for use by hunters during the 2000–01 hunting season, and will increase the number of nontoxic shot options available to hunters.

Dated: October 13, 2000.

Marshall P. Jones, Jr.,

Acting Director.

[FR Doc. 00–27108 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 65, No. 205
Monday, October 23, 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

Office of the Secretary

[Docket No. 00–066–1]

Declaration of Emergency Because of Bovine Tuberculosis

Bovine tuberculosis (tuberculosis) is a chronic debilitating disease caused by *Mycobacterium bovis.* The disease primarily affects cattle but can be transmitted to humans and other animals. The Animal and Plant Health Inspection Service (APHIS) is working cooperatively with the national livestock industry and State animal health agencies to eradicate tuberculosis from domestic livestock in the United States and, through continued monitoring and surveillance, to prevent its recurrence.

Scientific analysis has recently identified significant tuberculosis threats that could lead to the spread of the disease in the United States and compromise international and domestic trade in U.S. animals and animal products. These outcomes would threaten producers with losses and consumers with price increases.

The emerging tuberculosis threats include the transmission of tuberculosis to livestock from infected wildlife, especially free-ranging deer. Scientific evidence suggests that infected free-ranging deer are transmitting the disease to nearby cattle. Such transmission was recently identified in Michigan, with eight herds of cattle becoming infected with tuberculosis by free-ranging deer. Despite efforts by the State of Michigan to contain tuberculosis-infected wildlife to limited areas, program officials in Michigan subsequently discovered infected deer 75 miles outside the containment zone. This situation is threatening all interstate movement of cattle from Michigan due to concerns that cattle in that State might be exposed to infected deer.

Transmission of tuberculosis from wildlife also threatens cervids held in captivity for production. Infected captive cervids, in turn, pose a threat to cattle and other livestock. It is not currently known how prevalent tuberculosis is in captive cervids, because APHIS does not have the resources to conduct area testing of captive cervids.

Additionally, the U.S. cattle population is being threatened by recurring tuberculosis infection of dairy herds in the El Paso, TX, area. Recent studies have indicated that the greatest risk of reinfection in the El Paso area comes from the U.S. dairy herds' proximity to tuberculosis-infected dairy herds in Juarez, Mexico. Despite ongoing testing of large dairy herds in the El Paso area and removal of tuberculosis-infected animals from those herds, reinfection of U.S. dairy herds in that area continues to occur. Although depopulation of dairy herds in the El Paso area along the U.S./Mexican border is the most dependable method of protecting U.S. livestock from recurring tuberculosis infection in that area of Texas, depopulation of large U.S. dairy herds has not been a viable option because APHIS has lacked the resources to pay indemnity for depopulated herds.

A decline in testing for tuberculosis in recent years also threatens to allow the spread of the disease in the United States. As the number of tuberculosis-free States has increased, limitations on Federal resources have in many cases led Department inspectors to take samples only from those animals exhibiting obvious signs of tuberculosis. The number of samples taken from cattle at slaughter for testing for tuberculosis has decreased from approximately 4,000 in 1995 to 900 in 1999. However, APHIS estimates that 10,000 sample submissions are needed each year to adequately survey the U.S. cattle population for tuberculosis. APHIS needs additional funds both to provide assistance in taking the number of samples at slaughter necessary for adequate surveillance and to increase testing capacity at the Department's National Veterinary Services Laboratories.

Therefore, in order to address the tuberculosis threat to U.S. livestock, APHIS has determined that it is necessary to expand the tuberculosis eradication program in the United States by implementing the following: Improvement of Federal diagnostic capabilities and national surveillance for tuberculosis; payment of indemnity for the depopulation of herds affected with tuberculosis or at high risk for recurrence of the disease; establishment of identification requirements for animals imported into the United States for feeding and slaughter; assistance in eradicating tuberculosis from foreign areas adjacent to the United States that are at high risk for the disease; and research, control, and surveillance of tuberculosis in wildlife, captive cervids, and zoos in the United States. However, APHIS resources are insufficient to carry out these measures, and additional funds are needed.

Therefore, in accordance with the provisions of the Act of September 25, 1981, as amended (7 U.S.C. 147b), I declare that there is an emergency that threatens the livestock industry of this country and hereby authorize the transfer and use of such funds as may be necessary from appropriations or other funds available to the agencies or corporations of the United States Department of Agriculture to expand the tuberculosis eradication program in the United States.

Effective Date: This declaration of emergency shall become effective October 11, 2000.

Dan Glickman,
Secretary of Agriculture.

[FR Doc. 00–27156 Filed 10–20–00; 8:45 am]
BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of Commission Forums.

SUMMARY: Executive Order 13168, published September 22, 2000, established the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health (Commission). The Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such

measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. This notice announces forums to be conducted by the Commission on November 9, 2000, to be held in Raleigh, NC, and on November 10, 2000, in Louisville, KY. Both forums will be held to seek comments on tobacco and health related issues the Commission should consider in issuing its Reports to the President. The Commission may also hold additional forums and meetings. If it does, they will be announced. The forums are open to the public.

This notice also announces that the Commission will make its Preliminary Report to the President available on the Commission's web site, *www.fsa.usda.gov/tobcom* by no later than December 31, 2000, to solicit further public review and comment prior to issuance of the Commission's Final Report.

DATES: The Commission will conduct forums on November 9, 2000, from 9 a.m. until 3 p.m. at the Kerr Scott Building—NC State Fairgrounds (exit 289 off I–40), Raleigh, NC, and on November 10, 2000, from 9 a.m. until 3 p.m. at the Executive West Hotel, Queen Scott Room, 830 Phillips Lane, Louisville, KY (across from KY Fair and Exposition Center). All times are Eastern Standard Time.

Persons with disabilities who require accommodations to attend or participate in this meeting should contact Doug Richardson, on 866–804–6698 (toll free) or 202–418–4266, Federal Relay Service at 1–800–877–8339, or Internet: *www.fsa.usda.gov/tobcom*, by COB at least 7 days prior to the appropriate meeting.

Comments: Forums: Oral comments will be taken and should be limited to no more than 5 minutes unless prior approval has been received from the Commission for a longer presentation. Two hard copies of oral testimony should be presented to the Commission prior to presentation. Hard copies of other suggestions or recommendations to be considered by the Commission will also be accepted. The public is also invited to submit comments, suggestions, and recommendations for consideration by the Commission to their web site, *www.fsa.usda.gov/tobcom.*

Preliminary Report: The Commission's Preliminary Report to the President will be posted to the Commission's web site by no later than December 31, 2000. The public is invited to respond and/or to submit comments, concerns, and issues with respect to the Preliminary Report for consideration by the Commission no later January 22, 2001.

ADDRESSES: Written comments and statements not submitted to the Commission at the forums may be sent to Doug Richardson, Executive Director, The Tobacco Commission, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 0574, Washington, DC 20250–0574 by no later than January 22, 2001.

FOR FURTHER INFORMATION CONTACT: Doug Richardson (202) 418–4266 or toll free (886) 804–6694; FAX (202) 418–4270; Internet: *www.fsa.usda.gov/tobcom.*

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. The Commission shall collect and review information about changes in the tobacco farming economy and Federal, State, and local initiatives intended to help tobacco growers, tobacco quota holders; and communities dependent on tobacco production pursue new economic opportunities. The Commission may make recommendations concerning these and any other changes and initiatives that may be necessary to improve economic opportunity in communities dependent on tobacco production. The Commission shall also consider the public health implications of such changes and initiatives, including the efforts to reduce the number of people who incur tobacco-caused diseases and tobacco-related health consequences in the United States and abroad.

In January 1998, the public health community and the tobacco producing community came together and agreed on a ''Core Principles Statement''. These communities agreed to work together in a spirit of cooperation and with a commitment towards (1) reducing disease caused by tobacco products, and (2) ensuring the future prosperity and stability of the American tobacco farmer, the tobacco farm family, and tobacco farming communities. The full text of this Statement may be found on the Commission's web site *www.fsa.usda.gov/tobcom.* The Commission's work will build on these Core Principles in view of recent tobacco program developments.

In addition to your views and thoughts regarding the issues for which the Commission was established, as set forth above, the Commission is interested in your input and suggestions on the following questions and issues:

1. Over the past 3-years, burley and flue-cured tobacco quotas have been reduced by 65 percent and 45 percent, respectively. Recently, quotas for other kinds of tobacco subject to a production control program have either not been reduced or not reduced as drastically. What do you believe is the main reason or reasons for this downward trend in quotas? Do your believe the downward trend is due to short-term factors or is it likely to continue? What are the implications for tobacco producers if the only way to curtail the downward trend is to match world tobacco prices?

2. In addition to quota reductions, tobacco producers have experienced significant production and marketing changes including contracting and concentration of production into fewer hands. What are the economic consequences of these actions for tobacco producers and their communities in your area? What Federal, State, or local initiatives regarding diversification of agricultural production have worked well in your community? What changes to existing initiatives or new initiatives do you recommend? How is your State using funds from the National Tobacco Settlement (Phase I) to assist tobacco producers and their communities and to deter tobacco use? What role, if any, should the Federal or State government play in contracting of tobacco production?

3. What Federal, State, or local initiatives have worked well in your community in efforts to prevent tobacco use, including youth tobacco use? What initiatives have been a detriment to preventing tobacco use, including youth tobacco use?

4. The Core Principles Statement provides, in part, that a tobacco production control program which limits the supply and which sets a minimum purchase price is in the best interest of the public health community and the tobacco producer community. Should there be a program that controls tobacco production and/or provides price supports? If so, should the government be involved? If yes, what program changes, if any, are needed to improve economic conditions for tobacco producers and their communities? Are current USDA programs, other than tobacco, helping or hurting tobacco producers and their

communities deal with economic losses?

5. If the tobacco production control program is terminated by either producers voting in a triennial referendum or by legislative repeal, what do you see as the consequences to tobacco producers and tobacco dependent communities? If the tobacco production control program is eliminated, what health related consequences, if any, do you see occurring? In the absence of a tobacco control program, what initiatives should be taken to help maintain a level playing field for independent tobacco producers?

6. Based on the many internal and external factors affecting the tobacco program, do you feel that a buyout of production quotas and elimination of the tobacco production control program is a viable solution? If a buyout is a solution, should it be mandatory for all quota holders, tenants and producers or voluntary, with some form of tobacco production and price support program remaining in place? If a buyout is a solution, at what rate per pound should the compensation be set?

7. Small farms in the South have declined drastically over the past 10 years, with tobacco now being produced on approximately 85,000 farms, most being small farms. The reduction in tobacco quotas has added to the decline in small farms. Since many small farms are owned by African-American farmers and thus tobacco producers, to what extent do civil rights concerns, economic and rural conditions combine to further increase economic problems in tobacco dependent communities? What impact have recent changes in the economies of tobacco had on farm workers in tobacco dependent communities? What initiatives currently address farm workers economic and social needs created by this situation? What new initiatives are needed in this area?

8. What additional measures should be taken to prevent tobacco use, particularly by young people, and to help reduce disease caused by tobacco products?

Signed at Washington, DC, on October 18, 2000.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 00–27221 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 00–014R2]

Announcement of and Request for Comment Regarding Industry Petition on Hazard Analysis and Critical Control Point (HACCP) Petition

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice, re-opening of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is, for the second time, reopening the comment period on a notice published in the **Federal Register** on May 15, 2000, announcing the availability of and requesting comment on a petition received from several trade associations. The petitioners requested FSIS to amend sections of its Hazard Analysis and Critical Control Point (HACCP) regulations. The comment period will be reopened for an additional 60 days.

DATES: Comments must be received on or before December 22, 2000.

ADDRESSES: Submit one original and two copies of written comments to: FSIS Docket Room, Docket #00–014R2, Room 102 Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250–3700. All comments received in response to this notice will be considered part of the public record and will be available for viewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel L. Engeljohn, Director, Regulations Development and Analysis Division, Food Safety and Inspection Service, Washington, DC 20250–3700, Telephone (202) 720–5627, FAX (202) 690–0486.

SUPPLEMENTARY INFORMATION: On May 15, 2000, FSIS published a notice in the **Federal Register** announcing the availability of and requesting comment on a petition received from a group of trade associations (65 FR 30952). The petition asked FSIS to amend sections of the Hazard Analysis and Critical Control Point (HACCP) regulations (9 CFR part 417). The petitioners argued that the changes would increase the effectiveness of establishments' HACCP systems and would make the regulations more consistent with the HACCP principles published in 1997 by the National Advisory Committee on Microbiological Criteria for Food (NACMCF). However, the petition was submitted with no data or specific examples to support the requests being made. The notice provided a 60-day comment period, which ended on July 14, 2000.

FSIS has received a request from the National Advisory Committee on Meat and Poultry Inspection (NACMPI) to extend the comment period to allow the petitioners more time to provide specific examples and data to support the recommendations they posed in their petition. The NACMPI also requested that FSIS make available a set of side-by-side documents discussing definitions, principles, procedures, and prerequisites of FSIS, the Food and Drug Administration, the NACMCF, and the Codex Alimentarius Commission's HACCP procedures.

In response to the requests, FSIS reopened the comment period for 60 days (65 FR 45749), making comments due September 12, 2000. Also, FSIS prepared a set of side-by-side documents which are available on the FSIS homepage at *www.fsis.usda.gov* and also in the FSIS Docket Room (see **ADDRESSES**).

FSIS has received another request from a group of trade associations to reopen the comment period once again to allow more time for analysis and comment development. The group believes the additional time will improve their comments which will help to aid in the refinement of the HACCP regulations.

In response to this request, FSIS is reopening the comment period for an additional 60 days, making comments due December 22, 2000. Comments received from September 13, 2000, until the date of this publication will also be included in the official record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at http://www.fsis.usda.gov. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied

health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on: October 13, 2000.

Thomas J. Billy,

Administrator.

[FR Doc. 00–27106 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 00–040N]

National Advisory Committee on Meat and Poultry Inspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The National Advisory Committee on Meat and Poultry Inspection (NACMPI) will hold an open meeting on October 31–November 1, 2000, to review and discuss three issues: (1) Residue Control in a HACCP Environment, (2) Sharing Recall Information with State and Other Federal Authorities, and (3) HACCP—Phase II. The three subcommittees of the full Committee will also meet on October 31, 2000, to continue working on issues discussed during the full Committee session. All interested parties are welcome to attend the meeting and to submit written comments and suggestions concerning issues the Committee will review and discuss.

DATES: The full Committee will hold an open meeting on Tuesday October 31, and Wednesday, November 1, 2000, from 8:30 a.m. to 5:30 p.m. Sub-committees will hold open meetings on Tuesday, October 31, 2000, from 7 p.m. to 9 p.m.

ADDRESSES: All Committee meetings will take place at Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024; telephone (202) 484–1000. The full committee will meet in Ballroom B & C on October 31 and Ballroom C on November 1. The Subcommittees will meet in the Montcalm, Marquette, and Lafayette Rooms. A meeting agenda is available on the FSIS Web Site at *http://www.fsis.usda.gov/OPPDE/nacmpi* which is a sub-web page of the FSIS Homepage at *http://www.fsis.usda.gov.* Submit one original and two copies of written comments to the FSIS Docket Room, Docket #00–040N, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102 Cotton Annex, 300 12th Street, SW., Washington, DC 20250–3700. Comments may also be sent by facsimile (202) 205–0381. The comments and the official transcript of the meeting, when they become available, will be kept in the FSIS Docket Room at the address provided above. All comments received in response to this notice will be considered part of the public record and will be available for viewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl Green at (202) 720–6290, FAX (202) 690–1030, or E-mail cheryl.green@usda.gov. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Green by October 24, 2000, at the above numbers or by e-mail. Information is also available on FSIS Web Site at *http://www.fsis.usda.gov/OPPDE/nacmpi.*

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1999, the Secretary of Agriculture renewed the charter for the NACMPI. The Committee provides advice and recommendations to the Secretary of Agriculture pertaining to Federal and State meat and poultry inspection programs pursuant to sections 7(c), 24, 205, 301(a)(3), and 301(c) of the Federal Meat Inspection Act and sections 5(a)(3), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act. The FSIS Administrator is the chairperson of the Committee. Membership of the Committee is drawn from representatives of consumer groups; producers, processors, and marketers from the meat and poultry industry; and State government officials. The current members of the NACMPI are: Magdi Abadir, Cuisine Solutions; Terry Burkhardt, Wisconsin Bureau of Meat Safety and Inspection; Dr. James Denton, University of Arkansas; Caroline Smith-DeWaal, Center for Science in the Public Interest; Nancy Donley, Safe Tables Our Priority; Carol Tucker Foreman, Food Policy Institute, Consumer Federation of America; Dr. Cheryl Hall, Zacky Farms, Inc.; Kathleen Hanigan, Farmland Foods; Dr. Lee C. Jan, Texas Department of Health; Alice Johnson, National Turkey Federation; Dr. Collette Schultz Kaster, Premium Standard Farms; Dr. Daniel E. LaFontaine, South Carolina Meat-Poultry Inspection Department; Michael Mamminga, Iowa Department of Agriculture; Dr. Dale Morse, New York Office of Public Health; Rosemary Mucklow, National Meat Association; Donna Richardson, Howard University Cancer Center; and Gary Weber, National Cattlemen's Beef Association.

The Committee has three subcommittees that deliberate on specific issues and make recommendations to the whole Committee. The Committee makes recommendations to the Secretary of Agriculture.

Members of the public will be required to register before entering the meeting.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at http://www.fsis.usda.gov. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, farm, and consumer interest groups, allied health professionals and scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the FSIS Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on: October 13, 2000.

Thomas J. Billy,

Administrator.

[FR Doc. 00–27105 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Intergovernmental Advisory Committee (IAC) will meet on November 2, 2000, at the Hilton Hotel, 921 SW 6th Avenue, Portland, Oregon 97204–1296. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan (NFP). The meeting will begin at 9:30 a.m. and continue until 3:30 p.m. Agenda items to be discussed include, but are not limited to: orientation for new IAC members, the status of the Survey and Manage Final Supplemental Environmental Impact Statement, and progress reports on ongoing NFP-related implementation issues.

The IAC meeting will be open to the public and is fully accessible for people with disabilities, Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encourage to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Steve Odell, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503–808–2166).

Dated: October 16, 2000.

Stephen J. Odell,

Designated Federal Official.

[FR Doc. 00–27115 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Northwest Sacramento Provincial Advisory Committee (PAC); Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Northwest Sacramento Provincial Advisory Committee (PAC) will meet Thursday, November 2, 2000, at the BLM Conference Room 355 Hemsted Road, Redding, California. The meeting will be held from 9 am to 5 pm. Agenda items to be covered include: (1) Report out from the PIEC meeting; (2) Technical Committee from Clear Creek; (3) August IAC meeting; (4) Assessment of affect of Survey and Manage on Province (all agencies) in regards to timber, fuels reduction, and recreation programs; (5) Update on the Fire Management Strategy; (6) Open public comment. All Northwest Sacramento Provincial Advisory Committee meetings are open to the public. Interest citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Sharon Heywood, Forest Supervisor, or Duane Lyon, Public Affairs Officer, USDA, Shasta-Trinity National Forest, 2400 Washington Avenue, Redding, CA 96001, (530) 244–2978.

Dated: October 9, 2000.

J. Sharon Heywood,

Forest Supervisor.

[FR Doc. 00–27165 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

[Docket Number: 000817241–0241–01]

Financial Assistance for Internship Program for Postsecondary Students

AGENCY: Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce (DoC) established a postsecondary internship program to aid and promote experiential training activities which foster future employment in DoC or the Federal Government in general. U.S. citizens enrolled as students in two-and four-year accredited educational institutions, and accredited graduate and law schools will participate in on-site work experiences in DoC bureaus and offices in order to integrate academic theory and workplace requirements; gain relevant skills and knowledge; explore Federal career options; develop professional networks; and develop a greater awareness of the role of Federal agencies. The program will be administered through a partnership between the DoC and non-profit and/or educational institution(s) and funded by cooperative agreement(s). This notice solicits proposals from eligible institutions that desire to collaborate with the DoC on this initiative.

Student opportunities will be primarily in the Washington, DC metropolitan area, but will include field locations outside the area. Summer internship sessions will be for a ten-week period. Academic semester or quarter internship sessions will be structured to coincide with the academic calendar of the students' institutions. Institutions that are selected as training partners will develop and administer a comprehensive internship program. The DoC will serve as hosts for the student interns and provide program support through the financial assistance award; however, students may be assigned to work in Federal agencies other than DoC. When interns are assigned to other Federal agencies, those agencies will reimburse DoC for costs associated with the interns. There will be no employer-employee relationship between the DoC and its hosted interns. Interns will receive stipends. Round-trip air or ground transportation between the metropolitan DC area (or field job location) and the students' residence or school site will also be provided to interns, as needed. The number of available internships will vary depending upon the financial position of the potential host offices and bureaus, but for the purposes of this notice, the following will be used for projections: thirty student interns for the summer session, and five interns for each academic year session.

Selected institution(s) will perform the following functions: Outreach and recruitment; application processing and referral; selection notification and follow up; logistics, including temporary housing and accommodations; orientation and communication; enrichment activities program; intern personnel and pay administration; intern monitoring; intern evaluation; program evaluation; and evaluation reporting.

DATES: Applications must be received no later than 5 p.m., Eastern Standard Time, December 22, 2000. Applications or portions of applications will not be accepted via facsimile or electronic mail.

ADDRESSES: Applicants must submit one signed original plus two (2) copies of the application, including all information required by the application kit. Applications should be mailed to: U.S. Department of Commerce, Office of Executive Assistance Management, Attn.: Carin M. Otero, Room H6022, 1401 Constitution Avenue, NW., Washington, DC 20230.

Note: If the application is hand-delivered by the applicant or its representative to the U.S. Department of Commerce, Herbert C. Hoover Building, the application must be delivered to Room 1874, which is located at Entrance #10, 15th Street, NW., between Pennsylvania and Constitution Avenues. Applications delivered on the date of the application deadline must be delivered by 5 p.m. Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Mrs. Carin M. Otero, (202) 482–3275.

SUPPLEMENTARY INFORMATION: *Authority:* 5 U.S.C. 7201 requires that each Executive agency conduct a continuing program for the recruitment of members of minorities to address under representation of minorities in various categories of Federal employment. Executive Order 12876 provides for Executive departments to enter into, among other things, cooperative agreements with Historically Black Colleges and Universities (HBCUs) to further the goals of the Executive Order, principally that of strengthening the capacity of HBCUs to provide quality education, and to increase opportunities to participate in and benefit from Federal programs. Executive Order 12900 calls for Executive departments to develop plans to increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs. Executive Order 13201 helps ensure that greater Federal resources are available to the tribal colleges. Executive Order 13125 directs Federal agencies to increase participation of Asian and Pacific Islanders in Federal programs. Applications will be accepted from any eligible institution, and applications for internships shall be accepted from all students meeting program eligibility criteria and will not be limited only to minority students. Application, referral and selection processes shall be conducted without any consideration of race, ethnicity, gender, or other personal factors.

Catalog of Federal Domestic Assistance: 11.702–Internship Program for Postsecondary Students

Program Description

In order to ensure that the Federal Government can maintain visibility and attractiveness to the ''best and brightest'' college students, this program supports partnerships between Federal departments and nonprofit or educational institutions. This program continues to improve opportunities for college students to prepare for their transition to the workplace and foster human resource diversity in DoC. Depending upon the responsiveness of the institutions which submit applications, more than one institution may be selected to participate in this program.

There will be two components to the program: A ten-week summer session and an academic year program that consists of two sessions. The length of each academic year session will be structured to coincide with the academic calendar of the students' institutions, *e.g.*, semester or quarter hour system; applicants who wish to administer an academic year program must indicate the proposed duration of the academic year sessions. In order to obtain a sufficient number of quality candidates during the spring and fall sessions, applicants should consider a component of the program to allow for interns to work a part-time schedule while attending school during those sessions. The first session under this program will begin summer 2001. The first academic session will begin in fall 2001, followed by a session in the spring of 2002. This cycle is expected to be repeated until three years after the initial grant is awarded. It is anticipated that intern opportunities will be greater during the summer sessions than the academic year sessions.

In addition to including the mandatory activities described below, an organization should propose an intern program design that represents a comprehensive approach to a work-study experience and its own philosophy about workforce preparedness. For the purposes of the proposal, plans and budgets should be presented separately for the summer and academic year sessions. An organization may wish to collaborate with DoC on a summer program only, on an academic year program only, or on both a summer program and an academic year program. It is not required that both components be included in an application in order to be selected as a recipient.

The recipient(s) selected to administer the intern program must conduct the following activities:

Outreach and recruitment. Design, prepare, duplicate and distribute application materials to students. Collect information about potential internship openings from host offices to assist in identifying student applicants who are the best matches for the offices' needs. Prepare publicity to inform academic institutions and students about upcoming program opportunities and to solicit applications from a broad range of students who meet defined program criteria such as GPA and academic standing. Process applications, including evaluating candidates' eligibility and qualifications, and referring candidates to host Federal officials for consideration and selection. Outreach and publicity must be conducted so that women and minorities that are under represented in the DoC are included in the target groups. Participation in the program must be open to all eligible students without regard to age, race, ethnicity, gender, or other pertinent factors. In cases of jobs requiring technical skills or for other related reasons, Federal managers, liaisons, or other program officials may elect to participate in the evaluation of applicant packages.

Selection notification and follow up. Receive selection decisions from host offices, convey internship offers to selectees, explain logistical and administrative processes to selectees. Distribute written information to students that will help them adequately prepare for their professional and personal needs during their internship; material must be sent to students before their departure for their internship sites. Communicate with DoC program representatives or liaisons on the status of offers of selection, acceptances and declinations.

Logistical arrangements. Locate suitable housing for students, make all prior arrangements to allow students to move into housing upon their arrival at the internship site. Make round trip airline reservations for students between home/school city and host office location; arrange for students to receive their tickets. Arrange for ground transportation to pick up arriving students at airport and take to housing site. At the end of the internship period, arrange for transportation between the housing site and the airport. Explain housing, air transportation, ground transportation, and other logistical arrangements to students so that there is a clear expectation of what costs, if any, are involved and what the responsibilities of both the student and the recipient institution/organization are. Housing must be convenient to public transportation and affordable. The DoC must be consulted in the process to select student housing facilities, but the final decision and negotiations with the housing provider will be left wholly to the recipient institution.

Orientation and communication. Design and provide orientation program to familiarize students with local area in which they will live and work, services, safety and security, public transportation systems, and educational and administrative program requirements. Applicants must include plans for on-site orientation for summer sessions.

Enrichment activities. Design and implement a comprehensive enrichment program; ideally the program should require a minimum of time away from the work site during duty hours. The activities should focus on students' personal and professional growth, and provide insights into ways to reach their academic and personal goals. They may also be designed to teach students how

the different branches of the Federal Government operate, to improve interns' communication skills, or to foster an understanding of cultural or ethnic issues.

Personnel administration. Maintain interns' personnel records, pay stipends, deduct applicable payroll taxes, provide worker compensation insurance, unemployment insurance, and short-term accident insurance, and provide state, Federal and local tax information and report of earnings forms to students.

Intern monitoring. Communicate on a regular basis, both by telephone and in person, with the students, their supervisors, and DoC and bureau coordinators to assure that the experience is progressing as intended and that problems or questions are resolved.

Intern performance evaluation. Selected recipients must develop and design an effective evaluation program that will assess the interns' performance and progress. Ideally, all aspects of intern performance and the overall work experience from the perspective of both the intern and his or her supervisor will be included in the assessment. Student performance should be evaluated at the mid-point and at the end of each session. Evaluations will be submitted to the DoC Federal Program manager within one month of the assessment date.

Program Performance. In accordance with 15 CFR Part 14, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations,'' selected recipients must manage and monitor functions and activities supported by the financial award and should have a plan to do so. Performance reports are required at mid-term and at the end of each session. The reports should focus on program accomplishments against the goals and objectives of the program, and include other pertinent information. Of interest would be overall demographic information about program participants such as name of educational institutions and/or regional area represented, academic majors represented, academic standing, and average GPA. Additionally, lessons learned about the design and implementation of the program and identification of areas requiring improvement are particularly useful.

Funding Availability. Applicants must submit project plans and budgets for three years. Project(s) will be funded for no more than one year at a time. Funding for each subsequent year will be at the sole discretion of the DoC and will depend on satisfactory performance by the recipient and the availability of funds to support the continuation of the project(s). Funds for the first year are expected to be awarded in March 2001. Funds available under this program for successive years are expected to be awarded in February of each year. Projections based upon previous experience indicate availability of between $150,000–$730,000 to support from 25 up to about 100 interns. However the exact level of funding available is not yet known. Proposals should be based upon the cost of administering a summer program for 30 student interns and also include a per capita cost for additional interns, proposals for a semester or quarter session should be projected on the basis of 5 interns.

Use of Program Income. Applicants are advised that any program income generated by a proposed project is subject to special conditions. Anticipated program income must be documented appropriately in the proposed budget. In addition, should an application be funded, unanticipated program income must be reported to the Federal Program Officer, and the budget for the project must be renegotiated to reflect receipt of the program income. Program income means gross income earned by the recipient that is either directly generated by a supported activity, or earned as a result of the award.

Matching Requirements. Applications must reflect the total budget necessary to accomplish the project, including contributions and/or donations. Cost-sharing is not required for the internship program; however, cost-sharing is encouraged. The appropriateness of all cost-sharing will be determined on the basis of guidance provided in applicable Federal cost principles. If an applicant chooses to cost-share, and if that application is selected for funding, the applicant will be bound by the percentage of the cost-share reflected in the cooperative agreement award. The non-Federal share may include the value of in-kind contributions by the applicant or third parties or funds received from private sources or from state or local governments. Federal funds may not be used to meet the non-Federal share of matching funds, except as provided by Federal statute.

Third party in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to the project and use of real or personal property owned by others (for which consideration is not required) in carrying out the projects. The total cost of a project begins on the effective award date of an authorized cooperative agreement between the applicant and the DoC Grants Officer and ends on the date specified in the award. Accordingly, time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to the award, are neither reimbursable nor recognizable as part of the recipient's cost share.

Type of Funding Instrument. Financial assistance awards in the form of cooperative agreements will be used to fund this program. The DoC and its participating bureaus will have substantive involvement in the following program activities: provide liaisons to institutions who will assist in coordinating program activities, provide description of available intern assignments and required academic backgrounds and job skills, participate in review and rating panels, and interview and make final selections from lists of eligible students that are provided by the institutions.

Eligibility Criteria. Accredited universities, colleges and non-profit organizations are eligible to apply. Eligible institutions may form joint ventures to submit a joint application to share costs and administration roles and responsibilities. In such cases, one of the institutions must be designated as the lead organization for purposes of receipt and overall accountability for any financial assistance award received under this program.

Award Period. The award period for the internship project will be three years. Funding will be provided annually at the discretion of the DoC and will depend upon satisfactory performance by the recipient and availability of funds for the DoC to continue funding the project. Normally each budget period may be no more than 12 months in duration. Project proposals accepted for funding for an award period over 1 year that include multiple project components and severable tasks to be funded during each budget period will not compete for funding in subsequent budget periods within the approved award period. Publication of this notice does not obligate DoC to award any specific cooperative agreement or to obligate all or any parts of the available funds.

Indirect Costs. The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award.

Application Forms and Kit. An application kit containing all required application forms and certifications is available by calling Lisa Duckett at (202) 482–3275. The application kit is also available on-line at *http://www.doc.gov/oebam/.*

Evaluation Criteria

Quality of Program Plan (30%). Includes, but is not limited to, strategy for outreach and publicity, procedures for collecting and evaluating applications, comprehensiveness of program design to include plans for on-site orientation for summer sessions, and practicality of approach.

Proposed Costs (30%). The proposed budget must be comprehensive and should include all costs for program personnel, fringe benefits, travel, equipment, supplies, and other associated items. The stipend level proposed for students should be stated in the budget.

Key Personnel Qualifications (20%). Includes an assessment of the number, qualifications, and proposed roles of staff who will administer the internship program. Resumes of proposed personnel will facilitate the evaluation of the competency and experience of the proposed staff.

Capabilities of the Applicant Organization (20%). Considers, among other things, previous experience and success administering similar programs, and staff and resources to assure adequate development, supervision, and execution of the proposed program. Additionally, an organization's commitment to educate/advance the education of women, minorities, and people with disabilities will be a consideration in evaluating this factor.

Selection Procedures

Each application will receive an independent, objective review by a panel qualified to evaluate the applications submitted. The Independent Review Panel, consisting of at least three individuals, will review all applications based on the criteria stated above. The Independent Review Panel will evaluate and rank the proposals. The final decision on awards will be based upon the numerical review panel ranking, availability of funding, and the Selecting Official's (DoC Federal Program Officer) determination of which proposals best meet the objectives of the program. The amount of funds awarded to each recipient will be determined in pre-award negotiations between the applicant, the Grants Officer, and the DoC Program Officer.

Federal Policies and Procedures. Recipients and subrecipients are subject to all Federal laws and Federal and DoC policies, regulations, and procedures applicable to Federal financial assistance awards.

Past Performance. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Pre-award Activities. If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DoC to cover pre-award costs.

No Obligation for Future Funding. If an application is selected for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DoC.

Delinquent Federal Debts. No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: the delinquent account is paid in full, a negotiated repayment schedule is established and at least one payment is received, or other arrangements satisfactory to DoC are made.

Name Check Review (CD–346). All nonprofit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Primary Applicant Certifications. All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

Drug-Free Workplace. Recipients (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

Anti-Lobbying. Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DoC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DoC in accordance with the instructions contained in the award document.

False Statements. A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Intergovernmental Review. Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Purchase of American-Made Equipment and Products. Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent.

Fly America Act. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed foreign air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only when a U.S. flag air carrier is unavailable, or use of U.S. flag air

carrier service will not accomplish the agency's mission.

Classification

This document involves collections of information subject to the Paperwork Reduction Act, which have been approved by OMB under OMB control numbers 0348–0043, 0348–0044, 0348–0040, and 0348–0046. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number.

This document has been determined to be ''not significant'' for purposes of Executive Order 12866.

John J. Phelan, III,

Acting Director for Executive Budgeting and Assistance Management.

[FR Doc. 00–27102 Filed 10–20–00; 8:45 am]

BILLING CODE 3510–BV–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101800LE]

Management and Oversight of the National Estuarine Research Reserve System

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed collection; Comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 22, 2000.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW., Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Doris Grimm, N/ORM5, Room 11616, 1305 East West Highway, Silver Spring MD 20910-3282 (phone 301-713-3132 x107).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Estuarine Research Reserve System consists of carefully selected estuarine areas of the U.S. that are designated, preserved, and managed for research and educational purposes. Information is needed from states on proposals for designations. For selected sites the state must submit a management plan and an annual report/work plan. NOAA needs the information to ensure that the sites selected meet national standards.

II. Method of Collection

Much information can be submitted electronically via a Web site. Other information is submitted in paper form.

III. Data

OMB Number: 0648-0121.
Form Number: N/A.
Type of Review: Regular submission.
Affected Public: State, Local, or Tribal government.
Estimated Number of Respondents: 27.
Estimated Time Per Response: 2,000 hours for a management plan or site nomination; 15 hours for an annual report/work plan; and 2 hours for any supporting documentation such as a categorical exclusion checklist, state Historical Preservation Office comments, a preliminary engineering report for activities involving construction, and a Federal Consistency Certification.
Estimated Total Annual Burden Hours: 14,405.
Estimated Total Annual Cost to Public: $185.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 17, 2000.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–27184 Filed 10–20–00; 8:45 am]

BILLING CODE: 3510–08 –S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101800MC]

NOAA Space-based Data Collection System (DCS) Agreements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 22, 2000.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to the Direct Services Divisions (E/SP3), Room 3320, FB-4, NOAA, 5200 Auth Road, Suitland, MD 20746-4304.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA operates two space-based data collection systems: the Geostationary Operational Environmental Satellite (GOES) Data Collection System and the Argos Data Collection System. Both systems are operated to support environmental applications. Since the entire capacity of the systems is not used by NOAA, this extra capacity is made available to other users who meet

certain criteria set forth in 15 CFR part 911.

II. Method of Collection

Applications are submitted on forms that respond to requirements detailed in 15 CFR part 911.

III. Data

OMB Number: 0648-0157.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Not-for-profit institutions, business or other for-profit organizations, individuals or households, and State, Local, or Tribal Government.
Estimated Number of Respondents: 390.
Estimated Time Per Response: 1 hour.
Estimated Total Annual Burden Hours: 390.
Estimated Total Annual Cost to Public: $500.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 17, 2000.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–27185 Filed 10–20–00; 8:45 am]

BILLING CODE 3510–12–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101700F]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish and Monkfish Oversight Committees in November, 2000 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between Monday, November 6, 2000 and Wednesday, November 8, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Peabody, MA and Baltimore, MD. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Monday, November 6, 2000 at 9:30 a.m.—Groundfish Oversight Committee Meeting

Location: Peabody Marriott Hotel, 8A Centennial Drive, Peabody, MA 01960; telephone: 978-977-6478.

The Groundfish Oversight Committee will finalize its recommendations for management alternatives to be included in Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). This will include recommendations on rebuilding programs, measures to address capacity issues, and the four broad approaches to management that are under consideration (status quo, adjustments to the status quo, area management, and sector allocation). The committees' recommendations will be reviewed by the Council at its November 14-16 meeting. After approval by the Council, the proposed alternatives will be analyzed and a draft Supplemental Environmental Impact Statement and public hearing document prepared. The committee will meet in a closed session to review advisory panel applications.

Wednesday, November 8, 2000 at 10:00 a.m.—Monkfish Oversight Committee Meeting

Location: Sheraton International Hotel at BWI Airport, 7032 Elm Road, Baltimore, MD 21240; telephone: (410) 691-9827.

The committee will review the Stock Assessment and Fishery Evaluation (SAFE) Report for 1999, including the Monkfish Monitoring Committee Report. Based on this review, the committee will develop recommendations to the Council for adjustments to the Monkfish Fishery Management Plan for the 2001 fishing year, in accordance with the framework adjustment procedures in the FMP. The committee will review the Monkfish Advisory Panel recommendations on trip limit options to address perceived inequities across fleet sectors, a range of alternatives for monkfish spawning area/time management, and on possible options for bycatch control and minimizing discards of monkfish in small mesh fisheries. The committee will also develop recommendations to the Council for research priorities under cooperative programs with the industry.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: October 18, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–27186 Filed 10–20–00; 8:45 am]

BILLING CODE: 3510–22 –S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) 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: United States Patent and Trademark Office (USPTO).

Title: Deposit of Biological Materials.

Form Number(s): N/A.

Agency Approval Number: 0651–0022.

Type of Request: Extension of a currently approved collection.

Burden: 3,301.25 hours annually.

Number of Respondents: 3,300.25 responses per year. The USPTO expects that 3,300 patent applications on inventions dealing with deposits of biological materials will be filed each year. It is estimated by the USPTO that one depository will seek recognition every four years, or 0.25 depositories will seek recognition annually.

Avg. Hours Per Response: The USPTO estimates that it takes an average of one (1) hour for the average patent applicant respondent to collect and submit the necessary deposit information to the USPTO. The USPTO estimates that it will take the average depository seeking approval to store biological material an average of 15 minutes (.25 hours) to gather and submit the necessary approval information to the USPTO.

Needs and Uses: Information on the deposit of biological materials in depositories is required for (a) the USPTO determination of compliance with 35 USC 2(b)(2), 35 USC 112, and 37 CFR Ch. 1, Subpart G, 1.801–809, where inventions sought to be patented rely on biological material subject to the deposit requirement, including notification to the interested public on where to obtain samples of deposits; and (b) in compliance with 37 CFR Ch. 1, Subpart G, 1.803 to demonstrate that the depositories are qualified to store and test the biological material submitted to them under patent applications. This information is used by the USPTO to determine whether or not the applicant has met the requirements of the patent regulations. In addition, the USPTO uses this information to determine the suitability of a respondent depository based upon administrative and technical competence, and the depository's agreement to comply with the requirements set forth by the USPTO. There are no forms associated with this collection of information.

Affected Public: Individuals or households, businesses or other for-profit, not-for-profit institutions, and the federal government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Susan K. Brown, Records Officer, Office of Data Management, Data Administration Division, (703) 308–7400, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231, or by e-mail at susan.brown@uspto.gov.

Written comments and recommendations for the proposed information collection should be sent on or before November 22, 2000 to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: October 16, 2000.

Susan K. Brown,

Records Officer, USPTO, Office of Data Management, Data Administration Division.

[FR Doc. 00–27167 Filed 10–20–00; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 22, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 17, 2000.

John Tressler,

Leader Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Evaluation of the American Indian Vocational Rehabilitation Services (AIVRS) Program (SC).

Frequency: One time.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household; Not-for-profit institutions; Federal Government.

Reporting and Recordkeeping Hour Burden: Responses: 464; Burden Hours: 684.

Abstract: This submission is for a one-time data collection for the Evaluation of the American Indian Vocational Rehabilitation Services (AIVRS) Program. The information will be used by the Department of Education to improve the design of the program, answer questions about the program, and justify its budget. There are very limited reporting requirements for this program, so the information is needed to describe consumer characteristics, services provided, and program outcomes. Most of the information will come from project directors, but there will also be interviews with project staff, tribal representatives, advisory group members, service providers, and State VR agency staff.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. *Please specify the complete title of the information collection when making your request.*

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–27110 Filed 10–20–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–54–032]

Colorado Interstate Gas Company; Notice of Settlement Agreement

October 17, 2000.

Take notice that on October 12, 2000, Colorado Interstate Gas Company (CIG), Public Service Company of Colorado (PSCo), Cheyenne Light, Fuel and Power Company (Cheyenne), Colorado Springs Utilities (CSU), Union Pacific Resources Company (UPR), Helmerich & Payne Inc. (Helmerich), Pioneer Natural Resources USA, Inc. (PNR), OXY USA Inc. (OXY), Eastman Dillon Oil & Gas Associates (Eastman), Amoco Production Company (Amoco), Coastal Oil and Gas Corporation (Coastal), Chevron U.S.A. Inc. (Chevron), Atlantic Richfield Company (ARCO), Mobil Oil Corporation (Mobil), Anadarko Petroleum Corporation (Anadarko), Broadhurst Operating LP (Broadhurst), Ivy League, Inc. (IVY), Ralph H. Howard, Inc. (RHH), and Texaco Exploration and Production Inc. (Texaco) (collectively referred to as the ''Signatory Parties'') filed for the approval of the Commission a Settlement Agreement (Settlement) under Rule 602 of the Commission's Rules of Practice and Procedure in the captioned docket. Signatory Parties state that the Settlement has the support of the Public Utilities Commission of the State of Colorado, the Wyoming Public Service Commission, the Colorado Office of Consumer Counsel, the Colorado Energy Assistance Foundation, Citizens Utilities Company, and Greeley Gas Company, a division of Atmos Energy Corporation. The purpose of the Settlement is to extinguish the refund liability of 351 working interest owners currently subject to refund claims by CIG of less than $25,000 (with interest calculated through August 31, 2000) associated with the collection of Kansas *ad valorem* tax reimbursements in excess of maximum lawful prices (MLP) under the Natural Gas Policy Act. The Signatory Parties urge the Commission to approve the Settlement no later than November 28, 2000, to enable refunds to be paid to CIG no later than December 13, 2000 under terms of said agreement. A copy of the Settlement Agreement is on file with the Commission and is available for public inspection in the Public Reference Room. The Settlement Agreement may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Other than the Signatory Parties, the remaining 64 working interest owners, who are subject to claims by CIG of $25,000 or more, may voluntarily participate in the Settlement by agreeing to pay specified refunds. Acquiescence in the terms of the Settlement by these working interest owners and payments under the terms of the Settlement would relieve those working interest owners of all further liability associated with the collection of Kansas *ad valorem* tax reimbursements in excess of the MLP, except where otherwise specifically agreed to in writing by the working interest owner. In addition, any claims against royalty owners for royalty-related on the CIG system by working interest owners participating in the Settlement, as well as royalty claims associated with the extinguished liability of the 351 working interest owners whose individual liabilities have been calculated at less than $25,000, are eliminated. Non-participating working interest owners whose individual refund liability is $25,000 or more retain their legal challenges to CIG's refund claims.

In accordance with Section 385.602(f), comments on the Settlement Agreement are due October 31, 2000, and any reply comments are due November 10, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–27094 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–40–000]

Cove Point LNG Limited Partnership; Notice of Compliance Filing

October 17, 2000.

Take notice that on October 11, 2000, Cove Point LNG Limited Partnership (Cove Point) filed in compliance with Order No. 587–L.

Cove Point states that it is a natural gas storage facility and has no imbalance provisions. Cove Point states that pursuant to Order Granting Clarification, issued September 28, 2000, in Docket No. RM96–1–016, Cove Point is not required to implement imbalance trading on its system.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal 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 protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27098 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–43–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 2000.

Take notice that on October 12, 2000, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, certain revised tariff sheets, proposed to be effective on November 1, 2000.

Eastern Shore states that the purpose of this filing is to make the necessary modifications to its tariff to permit imbalance trading in order to comply with the requirements of FERC Order No. 587–L.

Eastern Shore states that copies of its filing has been mailed to its customers and interested state commissions.

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 protests must be filed in accordance with Section 154.210 of the

Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27101 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2618]

Georgia Pacific Corporation; Notice of Authorization for Continued Project Operation

October 17, 2000.

Georgia Pacific Corporation, licensee for the West Branch Storage Project No. 2618, did not file an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commissions' regulations thereunder. Project No. 2618 is located on the West Branch St. Croix River in Washington County, Maine.

The license for Project No. 2618 was issued for a period ending September 30, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 2618 is issued to Georgia Pacific Corporation for a period effective October 1, 2000, through September 30, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before September 30, 2001, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Georgia Pacific Corporation is authorized to continue operation of the West Branch Storage Project No. 2618 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 00–27090 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–9–000]

Granite State Gas Transmission, Inc.; Notice of Request Under Blanket Authorization

October 17, 2000.

Take notice that on October 10, 2000, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg Parkway, Westborough, Massachusetts 01581, filed in Docket No. CP01–9–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon certain facilities, located in York County, Maine, under Granite State's blanket certificate issued in Docket No. CP82–515–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that 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/rims.htm (call 202–208–2222 for assistance).

Granite State proposes to abandon three facilities in Biddeford, Maine. First, Granite State requests authority to abandon a farm tap, the Southern Maine Medical Station (Southern Maine Station), located in York County, Maine. Granite State states that a local distribution company affiliate, Northern Utilities, Inc. (Northern Utilities), has already constructed facilities to serve those customers located behind the Southern Maine Station. Granite State, therefore, proposes to abandon and remove the Southern Maine Station, because it is no longer necessary to provide service and is duplicative of facilities owned and operated by Northern Utilities. Granite State declares that it will continue to provide natural gas service to Northern Utilities via other existing facilities in order to enable Northern Utilities to continue serving the load behind the Southern Maine Station. Granite State asserts that customers behind the Southern Maine Station will see no diminution in service.

Second, Granite State proposes to abandon and remove facilities known as the Biddeford Industrial Station (Biddeford Station), located York County, Maine. Granite State declares that it has previously constructed a new station at this location under Docket No. CP98–96. Therefore, Granite State asserts that the Biddeford Station facilities are not longer needed to provide service and are duplicative of the newly constructed facilities. Granite State states that service to customers behind the Biddeford Station will continue to be provided by Northern Utilities and will be unaffected by the proposed abandonment.

Third, Granite State proposes to abandon a third station, Five Points Station, also located in York County, Maine. Granite State declares that the Five Points Station, which is connected to Northern Utilities, is currently located within the path of a road construction project. Granite State proposes to remove, but not replace the Five Points Station. Granite State asserts that customers currently served, via Northern Utilities, will continue to be served by Northern Utilities by providing service to these customers with natural gas from other points of interconnect with Granite State, including the Biddeford Station. Granite State states that these customers will be wholly unaffected by grant of this application.

Granite State asserts that the proposed abandonments of the Southern Maine, Biddeford, and Five Points Stations will not affect Granite State's revenues. Granite State states that the combined

net book value of all three of these stations is $21,856.42. Granite State declares that Northern Utilities has consented to the proposed abandonments and also will continue to serve all customers located behind the three stations proposed to be abandoned.

Any questions regarding the application should be directed to George Simmons, Director, Regulatory Affairs, Granite State Gas Transmission, Inc., 300 Friberg Parkway, Westborough, Massachusetts 01581, phone: (508) 836–7265.

Any person or the Commission's staff may, within 45 days after issuance of the instance 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 Regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is 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 Natural Gas Act. Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 00–27087 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–220–005]

Great Lakes Gas Transmission Limited Partnership; Notice of Negotiated Rate Agreement

October 17, 2000.

Take notice that on October 11, 2000, Great Lakes Gas Transmission Limited Partnership (Great Lakes) filed for disclosure, a transportation service agreement pursuant to Great Lakes' Rate Schedule FT entered into by Great Lakes and Midland Cogeneration Venture Limited Partnership (MCV) (FT Service Agreement). The FT Service Agreement being filed reflects a negotiated rate arrangement between Great Lakes and MCV commencing November 1, 2000.

Great Lakes states that the FT Service Agreement is being filed to implement a negotiated rate contract as required by both Great Lakes' negotiated rate tariff provisions and the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines, issued January 31, 1996, at Docket Nos. RM95–6–000 and RM96–7–000.

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 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27095 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–6–000]

Gulf South Pipeline Company, LP, Koch Gateway Pipeline Company; Notice of Application

October 17, 2000.

Take notice that on October 6, 2000, Gulf South Pipeline Company, LP (Gulf South) and Koch Gateway Pipeline Company (Koch) (Applicants), both located at 20 East Greenway Plaza, Houston, Texas, 77046, filed in the above docket, an application pursuant to Section 7(b) and 7(c) of the Natural Gas Act to permit Koch, as a result of its change in corporate form from a corporation to a limited partnership, to abandon its jurisdictional assets and services and Gulf South to acquire these same jurisdictional assets and services, all as more fully set forth in the application on file with the Commission and open to public inspection. The application may be viewed on the web at *http://www.ferc/fed.us/online/rims.htm.* Call (202) 208–2222 for assistance.

Koch states that as a result of this conversion, its corporate name will change to Gulf South, but the same corporate legal entity will continue to own and operate Koch's facilities pursuant to the same rates, terms and conditions previously approved by the Commission. The Applicants state that the authorizations requested in the application are required by the present and future public convenience and necessity and will not adversely affect Koch's customers or the services they receive on the pipeline as all rates and services will remain unchanged. The Applicants state that they request the Commission to grant the requested amendment to Koch's existing certificate of public convenience and necessity on an expedited basis, no later than November 15, 2000 which will be the first day of operation after the jurisdictional assets are conveyed to Gulf South. It is stated that any questions regarding the application should be directed to Michael E. McMahon, Senior Vice President and General Counsel, Koch Gateway Pipeline Company, 20 East Greenway Plaza, Houston, Texas, 77046 at (713) 544–4796.

Any person desiring to be heard or to make any protest with reference to said Application should on or before October 27, 2000, file with the Federal Energy Regulatory Commission, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10) 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 to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the 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 and permission and approval for the proposed transfer are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own 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 Applicants to appear or be represented at the hearing.

Lindwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–27124 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–42–000]

Mississippi River Transmission Corporation; Notice of Proposed Changes to FERC Gas Tariff

October 17, 2000.

Take notice that on October 11, 2000, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be effective November 10, 2000:

Third Revised Sheet No. 21
Third Revised Sheet No. 33
Fifth Revised Sheet No. 249
Original Sheet No. 249A

MRT states that the purpose of this filing is to reflect the implementation of non-discriminatory waiver of fuel charges for a transaction on an MRT non-contiguous lateral that does not use fuel.

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 protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Davis P. Boergers,

Secretary.

[FR Doc. 00–27100 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT01–2–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 2000.

Take notice that on October 11, 2000, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1 the following tariff sheets to be effective October 11, 2000:

Third Revised Sheet No. 219
Sixth Revised Sheet No. 220

Northern states that the purpose of this filing is to remove Sections 17(a) and 17(b) of Northern's General Terms and Conditions of its Tariff in accordance with Order No. 637 which required that shared personnel and shared facilities be posted on a pipeline's internet website, update the reporting structure for its Pipeline Sales Division, and update the reference to electronic bulletin board personnel.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

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 in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27089 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2670]

Northern States Power Company, City of Eau Claire; Notice of Authorization for Continued Project Operation

October 17, 2000.

On August 21, 1998, Northern States Power Company and the City of Eau Claire, licensees for the Dells Project No. 2670, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2670 is located on the Chippewa River in Chippewa and Eau Claire Counties, Wisconsin.

The license for Project No. 2670 was issued for a period ending September 29, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section1 5 of the FPA, notice is hereby given that an annual license for Project No. 2670 is issued to Northern States Power Company and the City of Eau Claire for

a period effective September 30, 2000, through September 29, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before September 30, 2001, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Northern States Power Company and the City of Eau Claire are authorized to continue operation of the Dells Project No. 2670 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 00–27092 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2661]

Pacific Gas and Electric Company; Notice of Authorization for Continued Project Operation

October 17, 2000.

On September 24, 1998, Pacific Gas and Electric Company, licensee for the Hat Creek Project No. 2661, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2661 is located on Hat Creek in Shasta County, California.

The license for Project No. 2661 was issued for a period ending September 30, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 2661 is issued to Pacific Gas and Electric Company for a period effective October 1, 2000, through September 30, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before September 30, 2001, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Pacific Gas and Electric Company is authorized to continue operation of the Hat Creek Project No. 2661 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 00–27091 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT01–1–000]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 2000

Take notice that on October 11, 2000, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet to be effective October 11, 2000:

Fifteenth Revised Sheet No. 73

Transwestern states that the purpose of this filing is to remove Section 19.1 of Transwestern's General Terms and Conditions of its Tariff in accordance with Order No. 637 which required that shared personnel and shared facilities be posted on a pipeline's internet website.

Transwestern states that copies of the filing were served upon Transwestern's customers and interested State Commissions.

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 protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27088 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–41–000]

Young Gas Storage Company, Ltd.; Notice of Compliance Filing

October 17, 2000.

Take notice that on October 11, 2000, Young Gas Storage Company, Ltd., (Young) filed in compliance with Order No. 587–L.

Young states that it is a natural gas storage facility and has no imbalance provisions. Young states that pursuant to Order Granting Clarification, issued September 28, 2000 in Docket No. RM96–1–016, Young is not required to implement imbalance trading on its system.

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 protests must be filed in accordance

with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27099 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–555–001]

Dominion Transmission, Inc.; Notice of Tariff Filing

October 17, 2000.

Take notice that on October 6, 2000, Dominion Transmission, Inc. (DTI) (formerly CNG Transmission Corporation) tendered for filing revised sheets to resubmit certain tariff sheets and to correct errors appearing on certain tariff sheets filed on September 22, 2000, in this proceeding. The purpose of the original filing was to reflect DTI's corporate name change which became effective April 11, 2000.

DTI states that copies of the filing have been served on DTI's customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing must be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27096 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–2–000, et al.]

Principal Generation Plant, LLC, et al.; Electric Rate and Corporate Regulation Filings

October 16, 2000.

Take notice that the following filings have been made with the Commission:

1. Principal Generation Plant, LLC

[Docket No. EG01–2–000]

Take notice that on October 10, 2000, Principal Generation Plant, LLC, having its principal place of business at 711 High Street, Des Moines, Iowa 50312 Attn: Corporate Secretary (the applicant) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (''EWG'') status pursuant to part 365 of the Commission's regulations.

The applicant is a Delaware limited liability company. The applicant is engaged directly and exclusively in the ownership and/or operation of an electrical generating facility located in close proximity to its principal place of business. No state EWG findings are required.

Comment date: November 6, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Two Elk Generation Partners, Limited Partnership

[Docket No. EG01–3–000]

Take notice that on October 12, 2000, Two Elk Generation Partners, Limited Partnership (Applicant), c/o Michael J. Ruffatto, North American Power Group, Ltd., 8480 East Orchard Road, Suite 4000, Greenwood Village, CO 80111, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant will own an approximately 320–MW gross electric generating facility located in the vicinity of Campbell County, Wyoming and an interconnection line necessary to effect sales at wholesale. The Facility's electricity will be sold exclusively at wholesale.

Comment date: November 6, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Dominion Fairless Hills, Inc.

[Docket No. EG01–4–000]

Take notice that on October 11, 2000, Dominion Fairless Hills, Inc. (DFH) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. DFH is owned by Dominion Energy, Inc., which in turn is a wholly-owned subsidiary of Dominion Resources, Inc. DFH, directly or through an affiliate, proposes to construct, own and operate a gas-fired generating facility with a nominal capacity of 1,200 MW located in Bucks County, Pennsylvania. The facility will be interconnected with transmission facilities under the operational control of PJM Interconnection, L.L.C.

Comment date: November 6, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. The Dayton Power and Light Company

[Docket No. ER01–83–000]

Take notice that on October 10, 2000, The Dayton Power and Light Company (Dayton), tendered for filing a Short-Term Firm Transmission Service Agreement establishing Niagara Mohawk Energy Marketing, Inc., as a customer under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreement. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon establishing Niagara Mohawk Energy Marketing, Inc., and the Public Utilities Commission of Ohio.

Comment date: October 31, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. The Dayton Power and Light Company

[Docket No. ER01–89–000]

Take notice that on October 10, 2000, The Dayton Power and Light Company (Dayton), tendered for filing a Non-Firm

Transmission Service Agreement establishing Niagara Mohawk Energy Marketing, Inc., as a customer under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreement. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon establishing Niagara Mohawk Energy Marketing, Inc., and the Public Utilities Commission of Ohio.

Comment date: October 31, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Alcoa Power Generating Inc.

[Docket No. ER01–90–000]

Take notice that on October 11, 2000, Alcoa Power Generating Inc. (APGI), tendered for a filing service agreement between Public Utility District No. 1 of Chelan County, Washington (Chelan PUD #1) and APGI under APGI's Market Rate Tariff No. 1 (MR–1). This Tariff was accepted for filing by the Commission on July 13, 1999, in Docket No. ER99–2932–000.

The service agreement with Chelan PUD #1 is proposed to be effective October 1, 2000.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Puget Sound Energy, Inc.

[Docket No. ER01–91–000]

Take notice that on October 11, 2000, Puget Sound Energy, Inc., tendered for filing a Netting Agreement with Aquila Energy Marketing Corporation (Aquila).

A copy of the filing was served upon Aquila.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Duke Energy Corporation

[Docket No. ER01–92–000]

Take notice that on October 11, 2000, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with CMS Marketing, Services and Trading Company, for Non-Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on September 22, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Virginia Electric and Power Company

[Docket No. ER01–93–000]

Take notice that on October 11, 2000, Virginia Electric and Power Company (Dominion Virginia Power or the Company), tendered for filing the following:

Retail Network Integration Transmission Service and Network Operating Agreement (Service Agreement) by Virginia Electric and Power Company to Washington Gas Energy Services, Inc. designated as Service Agreement No. 304 under the Company's Retail Access Pilot Program, pursuant to Attachment L of the Company's Open Access Transmission Tariff, FERC Electric Tariff, Second Revised Volume No. 5, to Eligible Purchasers effective June 7, 2000.

Dominion Virginia Power requests an effective date of October 11, 2000, the date of filing of the Service Agreement.

Copies of the filing were served upon Washington Gas Energy Services, Inc., the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Miami Valley Lighting, Inc.

[Docket No. ER01–95–000]

Take notice that on October 11, 2000, Miami Valley Lighting, Inc., (MVLT), a wholly owned subsidiary of DPL Inc., tendered for filing a rate schedule to engage in sales at market-based rates. MVLT included in its filing a proposed code of conduct.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Duke Energy Corporation

[Docket No. ER01–97–000]

Take notice that on October 11, 2000, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with CMS Marketing, Services and Trading Company, for Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on September 22, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Miami Valley Resources, Inc.

[Docket No. ER01–98–000]

Take notice that on October 11, 2000, Miami Valley Resources, Inc., (MVR), a wholly owned subsidiary of DPL Inc., tendered for filing a rate schedule to engage in sales at market-based rates. MVR included in its filing a proposed code of conduct.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Commonwealth Edison Company and Commonwealth Edison Company of Indiana

[Docket No. ER01–99–000]

Take notice that on October 10, 2000, Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively ComEd), tendered for filing an amendment to its generator interconnection procedures set forth in Attachment K of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of December 10, 2000.

Copies of the filing were served upon ComEd's jurisdictional customers and interested state commissions.

Comment date: October 31, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Deseret Generation & Transmission Co-operative, Inc.

[Docket No. ER01–101–000]

Take notice that on October 11, 2000, Deseret Generation & Transmission Co-operative, Inc. (Deseret), tendered for filing First Revised Service Agreement Nos. 1 through 6 to its FERC Electric Tariff, Volume No. 1. The proposed service agreements include an amendment to provide a rate rebate to each of Deseret's six Member Cooperatives and modifications so as to comply with the Commission's rate schedule designation requirements as set forth in Order No. 614.

Deseret requests an effective date of December 11, 2000.

Copies of this filing were served upon Deseret's six Member Cooperatives.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Cinergy Services, Inc., on Behalf of The Cincinnati Gas & Electric Company and its Public Utility Subsidiaries, and PSI Energy, Inc.

[Docket No. ER01–102–000]

Take notice that on October 11, 2000, Cinergy Services, Inc., on behalf of The

Cincinnati Gas & Electric Company and its public utility subsidiaries, and PSI Energy, Inc. (collectively Cinergy), tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations an amendment to Cinergy's Open Access Transmission Tariff (OATT) originally filed in docket No. OA96–169–000. The changes are intended solely to implement retail restructuring in the state of Ohio.

Cinergy requests that its filing be made effective as of January 1, 2001.

Copies of this filing have been served upon all current and recent firm point-to-point and network transmission customers under Cinergy's OATT, upon the regulatory commissions of Indiana, Ohio and Kentucky, and all participants in the Ohio restructuring proceedings.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27123 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–39–000]

Wyoming Interstate Company, Ltd.; Notice of Compliance Filing

October 17, 2000.

Take notice that on October 11, 2000, Wyoming Interstate Gas Company, Ltd. (WIC) tendered for filing a letter stating that WIC believes it is currently in full compliance with Section 284.12(c)(2)(ii) of the Commission's Regulations. Order No. 587–L requires pipelines to be in compliance with this regulation by November 1, 2000, to permit shippers to offset imbalances on different contracts held by the shipper and to trade imbalance.

WIC further states that copies of its filing have been served on WIC's jurisdictional customers and public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commissions' Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27097 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3052–003]

City of Black River Falls; Notice of Availability of Scoping Document 1

October 17, 2000.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380, the Office of Energy Projects has reviewed the application for license for the Black River Falls Hydroelectric Project, located on the Black River in Jackson County, Wisconsin, and has prepared a Scoping Document 1 (SD1) for the project. The project does not occupy federal lands.

Copies of the SD1 are available for review at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. The SD1 may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

Any comments (an original and eight copies) should be filed by November 16, 2000 and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. For further information, contact Susan O'Brien at (202) 219–2840. Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 00–27093 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

October 18, 2000.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: October 25, 2000, 10:00 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

750th—Meeting October 25, 2000, Regular Meeting, (10 a.m.)

Consent Agenda—Markets, Tariffs and Rates—Electric

CAE–1.

Docket# ER00–3513, 000, PJM Interconnection, L.L.C.
CAE–2.
Docket# ER00–3577, 000, New England Power Pool
CAE–3.
Omitted
CAE–4.
Omitted
CAE–5.
Docket# ER00–3609, 000, New England Power Pool
CAE–6.
Omitted
CAE–7.
Omitted
CAE–8.
Docket# ER00–3188, 000, Sierra Pacific Power Company and Nevada Power Company
CAE–9.
Docket# ER00–108, 000, Idaho Power Company
CAE–10.
Docket# ER00–2132, 001, Entergy Services, Inc.
Other#s ER00–2132, 002, Entergy Services, Inc.
CAE–11.
Docket# ER00–2019, 002, California Independent System Operator Corporation
CAE–12.
Docket# ER00–2015, 003, Nevada Power Company
Other#s ER00–2018, 003, Sierra Pacific Power Company
CAE–13.
Docket# ER97–1523, 046, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
Other#s OA97–470, 044, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
OA97–470, 045, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
OA97–470, 046, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
OA97–470, 047, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
OA97–470, 048, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–1523, 047, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–1523, 048, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–1523, 049, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–1523, 050, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 042, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 043, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 044, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 045, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 046, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER00–556, 005, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
CAE–14.
Docket# ER97–1523, 051, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
Other#s OA97–470, 049, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 047, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
CAE–15.
Docket# ER98–441, 022, Southern California Edison Company, California Independent System Operator Corporation and El Segundo Power, LLC
Other#s ER98–495, 018, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–496, 011, San Diego Gas & Electric Company
ER98–1614, 008, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–2145, 008, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–2160, 009, San Diego Gas & Electric Company

ER98–2550, 005, Southern California Edison Company, California Independent System Operator Corporation and El Segundo Power, LLC
ER98–2668, 011, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–2669, 010, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–4296, 008, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–4300, 008, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER99–1127, 009, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER99–1128, 009, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC

CAE–16.
Docket# EL98–29, 001, Morgan Stanley Capital Group v. Illinois Power Company

CAE–17.
Docket# ER98–1568, 001, Potomac Electric Power Company
Other#s ER97–3189, 017, GPU Energy, et al.
ER98–1569, 001, PP&L, Inc.
ER98–1570, 001, GPU Energy
ER98–1608, 001, Delmarva Power & Light Company
ER98–1609, 001, Atlantic City Electric Company
ER98–1621, 001, Public Service Electric and Gas Company
ER98–2011, 001, Peco Energy Company

CAE–18.
Docket# ER00–2429, 003, Unicom Energy, Inc.

CAE–19.
Docket# RM00–7, 000, Revision of Annual Charges Assessed to Public Utilities

CAE–20.
Docket# RM95–9, 013, Open Access Same-Time Information System and Standards of Conduct

CAE–21.
Docket# EL00–85, 000, PJM Interconnection, L.L.C.
Other#s EC00–105, 000, PJM Interconnection, L.L.C., Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pepco Energy Company, Pennsylvania Electric Company, Potomac Electric Power Company, PPL Electric Utilities Corporation and Public Service Electric & Gas Company

CAE–22.
Docket# EL00–108, 000, Tenaska Power Services Company v. Southwest Power Pool, Inc.

CAE–23.
Docket# EL00–105, 000, City of Vernon, California

CAE–24.
Docket# EL00–73, 000, Mansfield Municipal Electric Department and North Attleborough Electric Department v. New England Power Company

CAE–25.
Docket# EL00–103, 000, Morgan Stanley Capital Group Inc. v. New York Independent System Operator, Inc.

CAE–26.
Docket # ER00–860, 000, San Diego Gas & Electric Company
Other #s ER00–860, 001, San Diego Gas & Electric Company

Consent Agenda—Markets, Tariffs and Rates—Gas

CAG–1.
Omitted

CAG–2.
Docket # RP99–355, 003, Baltimore Gas & Electric Company

CAG–3.
Docket # RP00–566, 000, PG&E Gas Transmission, Northwest Corporation

CAG–4.
Omitted

CAG–5.
Omitted

CAG–6.
Docket # RP00–455, 002, Honeoye Storage Corporation

CAG–7.
Docket # RP00–594, 000, Young Gas Storage Company, Ltd.

CAG–8.
Docket # RP00–589, 000, ANR Pipeline Company

CAG–9.
Docket # RP97–71, 022, Transcontinental Gas Pipe Line Corporation
Other #s RP97–312, 009, Transcontinental Gas Pipe Line Corporation

CAG–10.
Docket # RP00–559, 000, Reliant Energy Gas Transmission Company
Other #s RP00–559, 001, Reliant Energy Gas Transmission Company

CAG–11.
Docket # RP00–504, 000, Union Gas Limited

CAG–12.
Docket # RP00–563, 000, Chandeleur Pipe Line Company

CAG–13.
Docket # RP00–628, 000, Kinder Morgan Interstate Gas Transmission LLC

CAG–14.
Docket # GT00–37, 000, Tennessee Gas Pipeline Company

CAG–15.
Omitted

CAG–16.
Docket # RP00–428, 000, Great Lakes Gas Transmission Limited Partnership
Other #s RP91–143, 050, Great Lakes Gas Transmission Limited Partnership

CAG–17.
Omitted

CAG–18.
Omitted

CAG–19.
Docket # RP00–543, 000, Texas Eastern Transmission Corporation

CAG–20.
Docket # TM99–6–29, 001, Transcontinental Gas Pipe Line Corporation

CAG–21.
Docket # RP00–17, 001, Transcontinental Gas Pipe Line Corporation

CAG–22.
Docket # RP00–83, 005, Texas Gas Transmission Corporation
Other #s RP00–83, 004, Texas Gas Transmission Corporation

CAG–23.
Docket # RP00–260, 001, Texas Gas Transmission Corporation
Other #s RP00–260, 002, Texas Gas Transmission Corporation

CAG–24.
Omitted

CAG–25.
Docket # RP97–431, 009, Natural Gas Pipeline Company of America

CAG–26.
Docket # RM96–1, 014, Standards for Business Practices of Interstate Natural Gas Pipelines
Other #s RP00–553, 000, Transcontinental Gas Pipe Line Corporation
RP00–554, 000, Pine Needle LNG Company, LLC
RP00–562, 000, Clear Creek Storage Company, L.L.C.
RP00–574, 000, Honeoye Storage Corporation
RP00–575, 000, Mississippi Canyon Gas Pipeline, LLC
RP00–576, 000, Nautilus Pipeline Company, L.L.C.
RP00–577, 000, Garden Banks Gas Pipeline, LLC
RP00–582, 000, Northern Border Pipeline Company
RP00–583, 000, Florida Gas Transmission Company
RP00–587, 000, Paiute Pipeline Company
RP00–588, 000, Blue Lake Gas Storage Company
RP00–590, 000, ANR Storage Company
RP00–593, 000, Steuben Gas Storage Company
RP00–597, 000, ANR Pipeline Company
RP00–598, 000, Discovery Gas Transmission LLC
RP00–600, 000, Williston Basin Interstate Pipeline Company
RP00–601, 000, Dominion Transmission, Inc.
RP00–603, 000, Sabine Pipe Line LLC
RP00–604, 000, Columbia Gas Transmission Corporation
RP00–605, 000, Columbia Gulf Transmission Company
RP00–606, 000, Great Lakes Gas Transmission Limited Partnership
RP00–609, 000, Trunkline Gas Company
RP00–612, 000, Sea Robin Pipeline Company
RP00–613, 000, Panhandle Eastern Pipe Line Company
RP00–616, 000, Trunkline LNG Company
RP00–617, 000, Gulf States Transmission Corporation
RP00–618, 000, U–T Offshore System, L.L.C.
RP00–619, 000, High Island Offshore System, L.L.C.
RP00–620, 000, Stingray Pipeline Company, L.L.C.
RP00–621, 000, Mojave Pipeline Company
RP00–622, 000, El Paso Natural Gas Company
RP00–624, 000, Trailblazer Pipeline Company
RP00–625, 000, Canyon Creek Compression Company

RP00–626, 000, Transwestern Pipeline Company
RP00–627, 000, Northern Natural Gas Company
RP00–629, 000, Kinder Morgan Interstate Gas Transmission LLC
RP00–630, 000, K N Wattenberg Transmission Limited Liability Company
RP00–631, 000, Natural Gas Pipeline Company of America
RP01–2, 000, National Fuel Gas Supply Corporation
RP01–7, 000, Koch Gateway Pipeline Company
RP01–8, 000, Mississippi River Transmission Corporation
RP01–9, 000, Alliance Pipeline L.P.
RP01–10, 000, Ozark Gas Transmission, L.L.C.
RP01–11, 000, Arkansas Western Pipeline, L.L.C.
RP01–12, 000, Reliant Energy Gas Transmission Company
RP01–13, 000, Williams Gas Pipelines Central, Inc.
RP01–14, 000, Tuscarora Gas Transmission Company
RP01–15, 000, PG&E Gas Transmission, Northwest Corporation
RP01–16, 000, Dauphin Island Gathering Partners
RP01–17, 000, Maritimes & Northeast Pipeline, L.L.C.
RP01–18, 000, Tennessee Gas Pipeline Company
RP01–19, 000, Midwestern Gas Transmission Company
RP01–22, 000, East Tennessee Natural Gas Company
RP01–23, 000, Algonquin Gas Transmission Company
RP01–25, 000, Texas Eastern Transmission Corporation
RP01–29, 000, Michigan Gas Storage Company

CAG–27.
Docket# RP99–507, 000, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
Other#s RP00–139, 000, K N Marketing, L.P. v. El Paso Natural Gas Company

CAG–28.
Docket# OR00–11, 000, Eott Energy Operating Limited Partnership v. Conoco Pipe Line Company

CAG–29.
Docket# RP00–544, 000, Carnegie Interstate Pipeline Company

CAG–30.
Docket# RP01–26, 000, El Paso Natural Gas Company

CAG–31.
Docket# RP01–28, 000, Mojave Pipeline Company

CAG–32.
Docket# RP00–425, 001 Williams Gas Pipelines Central, Inc.

Consent Agenda—Energy Projects—Hydro

CAH–1.
Docket# P–2170 012, Chugach Electric Association, Inc.

CAH–2.
Docket# P–2058 015, Avista Corporation

CAH–3.
Omitted

CAH–4.
Docket# P–2842, 029, City of Idaho Falls
Other#s P–553, 066, City of Seattle
P–619, 077, City of Santa Clara, California
P–637, 015, Public Utility District No. 1 of Chelan County
P–943, 068, Public Utility District No. 1 of Chelan County
P–1417, 052, The Central Nebraska Public Power and Irrigation District
P–1862, 041, City of Tacoma
P–2000, 019, New York Power Authority
P–2016, 033, City of Tacoma
P–2042, 009, Public Utility District No. 1 of Pendoreille County
P–2101, 057, Sacramento Municipal Utility District
P–2144, 020, City of Seattle
p–2145, 035, Public Utility District No. 1 of Chelan County
P–2149, 072, Public Utility District No. 1 of Douglas County
P–2216, 037, New York Power Authority
P–2685, 006, New York Power Authority
P–2705, 012, City of Seattle
P–2952, 061, City of Idaho Falls
P–2959, 076, City of Seattle
P–2997, 019, South Sutter Water District
P–6842, 097, Cities of Aberdeen and Tacoma
P–10551, 069, City of Oswego

Consent Agenda—Energy Projects—Certificates

CAC–1.
Docket# CP00–48, 000, Tennessee Gas Pipeline Company
Other#s CP00–48, 001, Tennessee Gas Pipeline Company

CAC–2.
Omitted

CAC–3.
Docket# CP00–387, 000, PNM Gas Services, a Division of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.
Other#s CP00–388, 000, PNM Gas Services, a Division of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.
CP00–397, 000, PNM Gas Services, a Division Of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.

CAC–4.
Docket# CP00–401, 000, Suprex Energy Corporation

CAC–5.
Docket# CP00–396, 000, Delmarva Power & Light Company

CAC–6.
Docket# CP98–744, 000, Northern Natural Gas Company
Other#s CP99–188, 000, El Paso Offshore Gathering and Transmission Company

CAC–7.
Docket# CP97–561, 001, Tennessee Gas Pipeline Company

CAC–8.
Docket# RM98–16, 001, Collaborative Procedures for Energy Facility Applications

CAC–9.
Docket# CP96–178, 013, Maritimes & Northeast Pipeline, L.L.C.
Other#s CP96–809, 011, Maritimes & Northeast Pipeline, L.L.C.
CP96–810, 005, Maritimes & Northeast Pipeline, L.L.C.
CP97–238, 011, Maritimes & Northeast Pipeline, L.L.C.
CP98–724, 002, Maritimes & Northeast Pipeline, L.L.C.
CP98–797, 002, Maritimes & Northeast Pipeline, L.L.C.

CAC–10.
Omitted

CAC–11.
Docket# CP00–47, 001, Trans-Union Interstate Pipeline, L.P.

CAC–12.
Docket# CP96–73, 000, Seahawk Shoreline System

CAC–13.
Docket# CP95–735, 000, Murphy Exploration & Production Company v. Quivira Gas Company
Other#s CP95–735, 001, Murphy Exploration & Production Company v. Quivira Gas Company

CAC–14.
Docket# CP98–234, 003, Northern Natural Gas Company

CAC–15.
Docket# CP00–64, 000, Dominion Transmission, Inc.
Other#s CP00–64, 001, Dominion Transmission, Inc.

Energy Projects—Hydro Agenda

H–1.
Reserved

Energy Projects—Certificates Agenda

C–1.
Reserved

Markets, Tariffs and Rates—Electric Agenda

E–1.
Docket# RM98–4, 000, Revised Filing Requirements Under Part 33 of the Commission's Regulations
Order on Final Rule.

Markets, Tariffs and Rates—Gas Agenda

G–1.
Reserved

David P. Boergers,
Secretary.

[FR Doc. 00–27251 Filed 10–19–00; 12:39 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

October 18, 2000.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: October 25, 2000 (Following Regular Commission Meeting).

PLACE: Room 2C 888 First Street, N.E. Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. IN01–1–000, Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company, Columbia Energy Services Corporation.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400.

David P. Boergers,

Secretary.

[FR Doc. 00–27252 Filed 10–19–00; 12:38 pm]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6884–2]

Proposed Administrative Cost Recovery Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act; Silvertone Plating Company Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1984, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the Silvertone Plating Company hazardous waste site located at 7 Emerick Street, just south of the Conrail Railroad tracks, in Ypsilanti Township, Washtenaw County, Michigan. The EPA Superfund Division Director, Region 5, signed the agreement on August 17, 2000. The settlement resolves an EPA claim under section 107(a) of CERCLA against Mr. Fred Wilcox, a past owner and operator of the Site, for the costs EPA incurred in conducting a removal action at the Site. The settlement requires Mr. Wilcox to pay $18,500 to the Hazardous Substance Superfund, as partial reimbursement of EPA's costs of $222,025.90. In exchange, EPA would provide a covenant not to sue Mr. Wilcox, and the contribution protection provided by Sections 113(f)(2) and 122(h)(4) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(h)(4). The settlement amount is based primarily upon Mr. Wilcox's ability to pay. The Site is not on the NPL and no further response action is anticipated at this time.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

DATES: Comments must be provided on or before November 22, 2000.

ADDRESSES: The proposed settlement agreement and the Agency's response to any comments received will be available for public inspection at the Superfund Records Center, 7th floor, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement agreement may be obtained from Michael J. McClary, Office of Regional Counsel, (C–14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590; telephone (312) 886–7163. Comments should reference the Silvertone Plating Company Superfund Site and should be addressed to Michael J. McClary, Office of Regional Counsel, (C–14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Michael J. McClary at the address specified immediately above; telephone (312) 886–7163.

Dated: September 25, 2000.

Margaret Guerriero,

Acting Director, Superfund Division.

[FR Doc. 00–27152 Filed 10–20–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6890–1]

Clean Water Act Class II: Proposed Administrative Penalty Assessments and Opportunities to Comment Regarding the Hawaiian Electric Company, Inc., Honolulu and Waiau Generating Stations, Proceedings Under Clean Water Act Section 309(g)(1), (2)(B) and 40 CFR 22.13(b)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is providing notice of two proposed administrative penalty assessments for alleged violations of the Clean Water Act (the ''Act''). EPA is also providing notice of opportunity to comment on the proposed assessments.

EPA is authorized under section 309(g) of the Act, 33 U.S.C. 1319(g), to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Under section 309(g), any person who without authorization discharges a pollutant to a navigable water, as those terms are defined in section 502 of the Act, 33 U.S.C. 1362, may be assessed a penalty in a ''Class II'' administrative penalty proceeding.

Class II proceedings under section 309(g) are conducted in accordance with the ''Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits'' (part 22), 40 CFR part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in part 22. The deadline for submitting public comment on a proposed Class II order is forty (40) days after publication of this notice.

On September 29, 2000, EPA filed with Danielle Carr, Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1391, the following two Consent Agreements:

In the Matter of Hawaiian Electric Company, Inc., Honolulu Generating Station, Docket No. CWA–9–2000–0009; and

In the Matter of Hawaiian Electric Company, Inc., Waiau Generating Station, Docket No. CWA–9–2000–0010.

For the alleged violations set forth in the first Consent Agreement, the Hawaiian Electric Company, Inc. (''Respondent'') agrees to pay to the United States a civil penalty of One Hundred Thousand Dollars ($100,000) for violations of NPDES Permit No. HI0000027 and section 301(a) of the Act, 33 U.S.C. 1311(a), at the Honolulu Generating Station in Honolulu, Hawaii.

For the alleged violations set forth in the second Consent Agreement, Respondent agrees to pay to the United States a civil penalty of One Hundred Thousand Dollars ($100,000) for violations of NPDES Permit No. HI0000604 and section 301(a) of the

Act, 33 U.S.C. 1311(a), at the Waiau Generating Station in Pearl City, Hawaii.

Procedures by which the public may comment on a proposed Class II penalty or participate in a Class II penalty proceeding are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II penalty is forty days after issuance of public notice.

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaints or other documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in the proceedings should contact Danielle Carr, Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1391. The administrative records for both of these proceedings are located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative records, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final orders assessing a penalty in these proceedings prior to forty (40) days after the date of publication of this notice.

Dated: October 13, 2000.

Thomas Huetteman,

Acting Director, Water Division.

[FR Doc. 00–27151 Filed 10–20–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6889–4]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Final Project Agreements and related documents for twenty-two XL Projects: United States Postal Service (USPS)—Denver; Mayport Naval Station—Environmental Reinvestment (ENVVEST); Steele County, MN XL Communities (XLC); Georgia-Pacific Black Liquor Gasification System; International Paper (IP) Androscoggin Mill—Effluent Improvements; Progressive Insurance Company—Pay As You Drive Auto Insurance; International Business Machines (IBM)—Essex Junction, Vermont; Labs 21—Environmental Performance at Laboratories; Project XLC Phase I (Planning): Clermont County, OH; Kodak Company Pollution Prevention; PPG Industries, Inc.; Yolo County Accelerated Anaerobic & Aerobic Composting (Bioreactor); Buncombe County Leachate Recirculation/Gas Recovery (Bioreactor) Landfill; Autoliv Automobile Safety Products, U.S.A.; Ortho-McNeil Pharmaceutical—Laboratory-Scale High-Temperature Catalytic Oxidation Process to Treat Low-Level Mixed Wastes; State of Pennsylvania Department of Environmental Protection (PADEP) Coal Remining and Reclamation; National Aeronautics and Space Administration (NASA) White Sands Test Facility (WSTF); Narragansett Bay Commission (NBC) Pretreatment; Puget Sound Naval Shipyard (PSNS) Phase I—ENVVEST; USA Waste of Virginia, Inc., and King George Landfills, Inc., wholly-owned subsidiaries of Waste Management, Inc., Bioreactor Systems; International Business Machines (IBM) East Fishkill Facility—F006 Sludge Recycling; and Lead-Safe Boston.

SUMMARY: EPA is announcing the signing of the Project XL Final Project Agreements (FPAs) for the following XL, XLC, and ENVVEST Projects: United States Postal Service (USPS)—Denver (hereafter ''USPS''); Mayport Naval Station—ENVVEST (hereafter ''Mayport''); Steele County, MN XL Communities (XLC) (hereafter ''Steele County''); Georgia-Pacific Black Liquor Gasification System (hereafter ''Georgia-Pacific''); International Paper (IP) Androscoggin Mill—Effluent Improvements (hereafter ''IP—Effluent Improvements''); Progressive Insurance Company—Pay As You Drive Auto Insurance (hereafter ''Progressive Insurance''); International Business Machines (IBM)—Essex Junction, Vermont (hereafter ''IBM—Vermont''); Labs 21—Environmental Performance at Laboratories (hereafter ''Labs 21''); Project XLC Phase I (Planning): Clermont County, OH (hereafter ''Clermont''); Kodak Company Pollution Prevention (hereafter ''Kodak''); PPG Industries, Inc. (hereafter ''PPG''); Yolo County Accelerated Anaerobic & Aerobic Composting (Bioreactor) (hereafter ''Yolo County''); Buncombe County Leachate Recirculation/Gas Recovery (Bioreactor) (hereafter ''Buncombe County''); Autoliv Automobile Safety Products, U.S.A. (hereafter ''Autoliv''); Ortho-McNeil Pharmaceutical—Laboratory-Scale High-Temperature Catalytic Oxidation Process to Treat Low-Level Mixed Wastes (hereafter ''Ortho-McNeil''); State of Pennsylvania Department of Environmental Protection (PADEP) Coal Remining and Reclamation (hereafter ''Pennsylvania Coal''); National Aeronautics and Space Administration (NASA) White Sands Test Facility (WSTF) (hereafter ''NASA WSTF''); Narragansett Bay Commission (NBC) Pretreatment (hereafter ''NBC''); Puget Sound Naval Shipyard (PSNS) Phase I—ENVVEST (hereafter ''PSNS''); USA Waste of Virginia, Inc., and King George Landfills, Inc., wholly-owned subsidiaries of Waste Management, Inc., Bioreactor Systems (hereafter ''Virginia Landfills''); International Business Machines (IBM) East Fishkill Facility—F006 Sludge Recycling (hereafter ''IBM Fishkill''); and Lead-Safe Boston.

DATES: The FPAs were signed on the following dates: USPS on May 22, 2000; Mayport on May 30, 2000; Steele County on May 31, 2000; Georgia-Pacific on May 31, 2000; IP—Effluent Improvements on June 29, 2000; Progressive Insurance on July 27, 2000; IBM—Vermont on July 31, 2000; Labs 21 on September 7, 2000; Clermont on September 6, 2000; Kodak on September 14, 2000; PPG on September 14, 2000; Yolo County on September 14, 2000; Buncombe County on September 18, 2000; Autoliv on September 20, 2000; Ortho-McNeil on September 22, 2000; Pennsylvania Coal on September 22, 2000; NASA WSTF on September 22, 2000; NBC on September 25, 2000; PSNS on September 25, 2000; Virginia Landfills on September 29, 2000; IBM Fishkill on September 29, 2000; and Lead-Safe Boston on October 2, 2000.

ADDRESSES: To obtain copies or to make inquiries about the Final Project Agreements, Fact Sheets, or public comments received contact the following individuals: Mary Byrne, 303–312–6491, U.S. EPA Region VIII, 8P–R, 999 18th Street, Suite 500, Denver, Colorado 80202–2466 (byrne.mary@epa.gov) for the USPS XL Project; Michelle Cook, 404–562–8674, U.S. EPA Region IV, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104 (cook.michelle@epa.gov) for the Mayport ENVVEST Project; Abeer Hashem, 312–886–1331, U.S. EPA Region V, WC–15J, 77 West Jackson Blvd, Chicago, Illinois 60604–3507 (hashem.abeer@epa.gov) for the Steele County XLC Project; Steven J. Donohue, 215–814–3215, U.S. EPA Region III, 3OR00, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029 (donohue.steven@epa.gov) for the Georgia-Pacific XL Project; Chris Rascher, 617–918–1834, U.S. EPA Region I, SPP, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (rascher.chris@epa.gov) for the

IP—Effluent Improvements XL Project; Janet Murray, 202–260–7570, U.S. EPA, 1802, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (murray.janet@epa.gov) for the Progressive Insurance XL Project; John Moskal, 617–918–1826, U.S. EPA Region I, SPP, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (moskal.john@epa.gov) for the IBM—Vermont XL Project; Nina Bonnelycke, 202–260–3344, U.S. EPA, 1802, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (bonnelycke.nina@epa.gov) for the Labs 21 XL Project; Christopher Murphy, 312–886–0172, U.S. EPA Region V, WA–16J, 77 West Jackson Blvd, Chicago, Illinois 60604–3507 (murphy.christopher@epa.gov) for the Clermont XLC Project; Bill Waugh, 202–260–3489, U.S. EPA, 7403, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (waugh.bill@epa.gov) for the Kodak XL Project; Bill Waugh, 202–260–3489, U.S. EPA, 7403, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (waugh.bill@epa.gov) for the PPG XL Project; Mark Samolis, 415–744–2331, U.S. EPA Region IX, SPE–1, 75 Hawthorne Street, San Francisco, CA 94105 (samolis.mark@epa.gov) for the Yolo County XL Project; Michelle Cook, 404–562–8674, U.S. EPA Region IV, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104 (cook.michelle@epa.gov) for the Buncombe County XL Project; Mary Byrne, 303–312–6491, U.S. EPA Region VIII, 8P–R, 999 18th Street, Suite 500, Denver, Colorado 80202–2466 (byrne.mary@epa.gov) for the Autoliv XL Project; Charles Howland, 215–814–2645, U.S. EPA Region III, 30R00, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029 (howland.charles@epa.gov) for the Ortho-McNeil XL Project; Steven J. Donohue, 215–814–3215, U.S. EPA Region III, 3OR00, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029 (donohue.steven@epa.gov) for the Pennsylvania Coal XL Project; Adele Cardenas, 214–665–7210, U.S. EPA Region VI, 6EN–XP, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202–2733 (cardenas.adele@epa.gov) for the NASA WSTF XL Project; Chris Rascher, 617–918–1834, U.S. EPA Region I, SPP, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (rascher.chris@epa.gov) for the NBC XL Project; William Glasser, 206–553–7215, U.S. EPA Region X, 1200 Sixth Avenue, Seattle, Washington 98101 (glasser.william@epa.gov) for the PSNS ENVVEST Project; Chris Menen, 215–814–2786, U.S. EPA Region III, 3EI00, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029 (menen.chris@epa.gov) for the Virginia Landfills XL Project; Sam Kerns, 212–637–4139, U.S. EPA Region II, 290 Broadway, New York, New York 10007–1866 (kerns.sam@epa.gov) for the IBM—Fishkill XL Project; and Mike Hill, 617–918–1398, U.S. EPA Region I, CHW, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (hill.michael@epa.gov) for the Lead-Safe Boston XL Project. In addition public files on each of the projects are located at each of the EPA Regional or Headquarters offices listed. Additional information on Project XL, XLC, and ENVVEST, including documents referenced in this document, other EPA policy documents related to Project XL, Regional and Headquarters contacts, application information and descriptions of existing XL projects and proposals are available via the Internet at ''http://www.epa.gov/ProjectXL''.

SUPPLEMENTARY INFORMATION: Final Project Agreements are voluntary agreements developed by project sponsors, stakeholders, the State in which the project is located and EPA. Project XL including XL projects for government agencies regulated by EPA—ENVVEST and XL for Communities, announced in the **Federal Register** on May 23, 1995 (60 FR 27282) and November 1, 1995 (60 FR 55569) respectively give regulated sources the opportunity to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits. Any legal implementing mechanism intended to be used in a project is described in the project's FPA.

EPA announced the availability and requested comments on FPA's in the **Federal Register** for the following XL, ENVVEST and XL Communities projects on: February 15, 2000 (65 FR 7547) USPS; May 1, 2000 (65 FR 25327) Mayport; December 29, 1999 (64 FR 73047) Steele County; May 8, 2000 (65 FR 26606) Georgia-Pacific; May 16, 2000 (65 FR 31120)IP—Effluent Improvements; June 27, 2000 (65 FR 39614) Progressive Insurance; June 16, 2000 (65 FR 37780) IBM—Vermont; August 17, 2000 (65 FR 50200) Labs 21; August 16, 2000 (65 FR 49983) Clermont; August 14, 2000 (65 FR 49571) Kodak; August 22, 2000 (65 FR 50987) PPG; August 29, 2000 (65 FR 52426) Yolo County; July 28, 2000 (65 FR 46456) Buncombe County; August 14, 2000 (65 FR 49571) Autoliv; September 1, 2000 (65 FR 53297) Ortho-McNeil; August 30, 2000 (65 FR 52751) Pennsylvania Coal; September 8, 2000 (65 FR 54519) NASA WSTF; August 29, 2000 (65 FR 52425) NBC; August 31, 2000 (65 FR 53008) PSNS; September 8, 2000 (65 FR 54520) Virginia Landfills; September 1, 2000 (65 FR 53298) IBM Fishkill; and September 7, 2000 (65 FR 54265) Lead-Safe Boston. Descriptions of the projects are contained in each of the **Federal Register** notices. EPA did not receive adverse comment on any of these FPAs.

Dated: October 17, 2000.

George Wyeth,

Acting Director, Office of Environmental Policy Innovation.

[FR Doc. 00–27153 Filed 10–20–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (FTC) has submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (PRA) information collection requirements contained in its Alternative Fuel Rule. The FTC is soliciting public comments on the proposal to extend through November 30, 2003 the current PRA clearance for information collection requirements contained in the Rule. That clearance expires on November 30, 2000.

DATES: Comments must be filed by November 22, 2000.

ADDRESSES: Send written comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, DC 20503, ATTN.: Desk Officer for the Federal Trade Commission, and to Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Ave., NW., Washington, DC 20580. All comments should be captioned ''Alternative Fuel Rule: Paperwork comment.''

FOR FURTHER INFORMATION CONTACT: Requests for copies of the collection of information and supporting documentation should be addressed to Neil Blickman, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room S–4302, 601 Pennsylvania Ave., NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On August 16, 2000, the FTC sought comment on the information collection requirements associated with the Alternative Fuel

Rule (''Rule''), 16 CFR part 309 (Control Number: 3084–0094). See 65 FR 49987. No comments were received.

The Rule, which implements the Energy Policy Act of 1992, Pub. L. 102–486, requires disclosure of specific information on labels posted on fuel dispensers for non-liquid alternative fuels and on labels on Alternative Fueled Vehicles (AFVs). To ensure the accuracy of these disclosures, the Rule also requires that sellers maintain records substantiating product-specific disclosures they include on these labels.

Burden Statement

''Burden'' for PRA purpose is defined to exclude effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.2(b)(2). It is common practice for alternative fuel industry members to determine and monitor fuel ratings in the normal course of their business activities. This is because industry members must know and determine the fuel ratings of their products in order to monitor quality and to decide how to market them. Moreover, as originally anticipated when the Rule was promulgated in 1995, many of the information collection requirements and the originally-estimated hours were associated with one-time start up tasks of implementing standard systems and processes.

Other factors also limit the burden associated with the Rule. Certification may be a one-time event to require only infrequent revision. Disclosure labels on fuel dispensing systems for electric vehicles may be usable for several years. (Label specifications were designed to produce labels to withstand the elements for several years.) Nonetheless, there is still some burden associated with posting labels. There also will be some minimal burden associated with new or revised certification of fuel ratings and recordkeeping. The burden on vehicle manufacturers to develop or revise labels is limited because manufacturers produce very few new models each year. Finally, there will be come burden, also minor, associated with recordkeeping requirements.

Estimated total annual hours burden: 1,500 total burden hours, rounded.

Non-Liquid Alternative Fuels

Certification: Staff estimates that the Rule's fuel rating certification requirements affect approximately 350 industry members (compressed natural gas producers and distributors and manufacturers of fuel dispensing systems for electric vehicles) and consume approximately one hour each per year for a total of 350 hours.

Recordkeeping: Staff estimates that all 1,600 industry members are subject to the Rule's recordkeeping requirements (associated with fuel rating certification) and that compliance will require approximately one-tenth hour each year for a total of 160 hours.

Labeling: Staff estimates that labeling requirements affect approximately nine of every ten industry members (or roughly 1,400 members), but that the number of annually affected members is only 280 because labels may remain effective for several years (staff assumes that in any given year approximately 20% of 1,400 industry members will need to replace their labels). Staff estimates that industry members require approximately one hour each per year for labeling their fuel dispensers for a total of 280 hours.

Sub-total: 790 hours (160+350+280).

AFV Manufacturers

Recordkeeping: Staff estimates that all 58 manufacturers will require 30 minutes to comply with the Rule's recordkeeping requirements for a total of 29 hours.

Producing labels: Staff estimates 2.5 hours as the average time required of manufacturers to produce labels for each of the five new AFV models introduced among them each year for a total of 12.5 hours.

Posting labels: Staff estimates 2 minutes as the average time to comply with the posting requirements for each of the approximately 20,000 new AFVs manufactured each year for a total of 667 hours.

Sub-total: approximately 708 hours (29+12.5+667).

Thus, total burden for these industries combined is approximately 1,500 hours (790+708).

Estimated labor costs: $27,000, rounded.

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. According to Bureau of Labor Statistics staff, the average compensation for producers and distributors in the fuel industry is $19.42 per hour and $8.42 per hour for service station employees; the average compensation for workers in the vehicle industry is $19.14 per hour.

Non-Liquid Alternative Fuels

Recordkeeping: Only 1/6 of the total 160 hours will be performed by the producers and distributors of fuels; the other 5/6 is attributable to service station employees (1/6 = 27 hours × $19.42 = $524.34 + (5/6 + 133 hours × $8.42 = $1,119.86) = $1,644.20, for an estimated labor cost to the entire industry of $13,878.80.

Certification and labeling: Generally, all of the estimated hours except for recordkeeping will be performed by producers and distributors of fuels. Thus, the associated labor costs would be $12,234.60 (630 hours × $19.42).

AFV Manufacturers

The maximum labor cost to the entire industry is approximately $13,551.12 per year for recordkeeping and producing and posting labels (708 total hours × $19.14/hour).

Thus, estimated total labor cost for both industries for all paperwork requirements is $27,000 ($13,878.80 + $13,551.12) per year, rounded to the nearest thousand.

Estimated annual non-labor cost burden: $8,000, rounded.

Non-Liquid Alternative Fuels

Staff believes that there are no current start-up costs associated with the Rule, inasmuch as the Rule has been effective since 1995. Industry members, therefore, have in place the capital equipment and means necessary, especially to determine automotive fuel ratings and comply with the Rule. Industry members, however, incur the cost of procuring fuel dispenser and AFV labels to comply with the Rule. The estimated annual fuel labeling cost, based on estimates of 360 fuel dispensers (assumptions: an estimated 20% of 900 total retailers need to replace labels in any given year given an approximate five-year life for labels—*i.e.,* 180 retailers—multiplied by an average of two dispensers per retailer) at thirty-eight cents for each label (per industry sources), is $136.80.

AFV Manufacturers

Here, too, staff believes that there are no current start-up costs associated with the Rule, for the same reasons as stated immediately above regarding the non-liquid alternative fuel industry. However, based on the labeling of an estimated 20,000 new and used AFVs each year at thirty-eight cents for each label (per industry sources), the annual AFV labeling cost is estimated to be $7,600. Estimated total annual non-labor cost burden associated with the Rule, therefore, would be $8,000 ($136.80 + $7,600.00), rounded to the nearest thousand.

Debra A. Valentine,

General Counsel.

[FR Doc. 00–27158 Filed 10–20–00; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 001 0208]

Tyco International, Ltd.; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 16, 2000.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Richard Parker or Ann Malester, FTC/H–374, 600 Pennsylvania Ave., NW., Washington, DC 20580. (202) 326–2574 or 326–2820.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 17, 2000), on the World Wide Web, at ''http://www.ftc.gov/os/2000/09/index.htm'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(5)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Agreement Containing Consent Order to Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') from Tyco International, Ltd. (''Tyco''), which is designed to remedy the anticompetitive effects resulting from Tyco's acquisition of Mallinckrodt, Inc. Under the terms of the agreement, Tyco will be required to divest its endotracheal tube business within ten days of the date the Consent Agreement is placed on the public record to Hudson RCI, or to another Commission-approved buyer no later than six (6) months from the date Tyco signed the Consent Agreement. If the sale of Tyco's endotracheal tube business is not made within six (6) months, the Commission may appoint a trustee to divest it.

The proposed Consent Agreement has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the proposed Consent Agreement or make final the Decision & Order.

Pursuant to a July 28, 2000 Agreement and Plan of Merger, Tyco agreed to acquire Mallinckrodt in a stock-for-stock transaction valued at approximately $4.2 billion. The Commission's Complaint alleges that the acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, in the market for endotracheal tubes.

Tyco, through its Kendall Division, and Mallinckrodt are the largest providers of endotracheal tubes in the United States. Endotracheal tubes are devices that are inserted through the nose or mouth into the trachea to provide oxygen or anesthesia. Hospitals and emergency personnel use endotracheal tubes to maintain a secure airway during surgical procedures and emergency situations.

The United States endotracheal tube market is highly concentrated, and the proposed acquisition would produce a firm controlling proximately 86% of the market. Mallinckrodt is the largest supplier of endotracheal tubes, claiming that its products are used in 70% of the surgical procedures performed in the United States each year. Tyco is the next largest supplier. Both companies have product lines consisting of over one hundred different types of endotracheal tubes and related accessories, and have long track records of customer acceptance. As the two largest suppliers in the market, Tyco and Mallinckrodt frequently bid against each other for important hospital group purchasing organization contracts. Tyco and Mallinckrodt are the only two firms that have won contracts to supply members of the largest and most important group purchasing organizations. By eliminating competition between the two most significant competitors in this highly concentrated market, the proposed acquisition would allow the combined Tyco/Mallinckrodt to exercise market power unilaterally, thereby increasing the likelihood that purchasers of endotracheal tubes would be forced to pay higher prices and that innovation and service levels in the market would decrease.

Substantial barriers to new entry exist in the endotracheal tube market. Effective new entry would require the development of a full line of endotracheal tube products, obtaining approvals from the Food and Drug Administration, procurement of several million dollars' worth of specialized manufacturing equipment, and the establishment of a sales and marketing force. Entry is further hampered by the fact that endotracheal tubes are critically important to customers, though relatively inexpensive, so customers would be reluctant to consider new, unproven products even in the face of higher prices. In light of the fact that the endotracheal tube market is relatively small compared to the costs that a new entrant would have to incur, new entry is not likely to occur. Additionally, new entry into the endotracheal tube market is made more unlikely because of long-term hospital group purchasing organization contracts that may reduce the amount of sales opportunities available to new entrants. Because of the difficulty of accomplishing these tasks, new entry into the United States endotracheal tube market is unlikely to deter or counteract the anticompetitive effects resulting from the transaction.

The Consent Agreement effectively remedies the acquisition's anticompetitive effects in the United States endotracheal tube market by requiring Tyco to divest its Sheridan line of endotracheal tube products.

Pursuant to the Consent Agreement, Tyco is required to divest the Sheridan Line to Hudson RCI within ten days of the date the Commission places the Order on the public record. If the divestiture to Hudson RCI is not accomplished, Tyco must divest the Sheridan Line to a Commission-approved acquirer within six months. Should Tyco fail to do so, the Commission may appoint a trustee to divest the business.

The Consent Agreement includes a number of provisions that are designed to ensure that the transition of Tyco's endotracheal tube business to the acquirer is successful. The Consent Agreement requires Tyco to provide incentives to certain key employees to accept employment, and remain employed, by the acquirer. Tyco employees who had been involved with selling the Sheridan endtracheal tube line are prohibited from selling the Mallinckrodt endotracheal tube products for a period of one year. Tyco is also prohibited from inducing key hospital group purchasing organizations from terminating their contracts with the acquirer for a period of two years. Finally, Tyco employees involved with the endotracheal tube business are prohibited from disclosing any confidential information to employees involved with the Mallinckrodt line.

In order to ensure that the Commission remains informed about the status of the Tyco endotracheal tube business pending divestiture, and about efforts being made to accomplish the divestiture, the Consent Agreement requires Tyco to report to the Commission within 30 days, and every thirty days thereafter until the divestiture is accomplished. In addition, Tyco is required to report to the Commission every 60 days regarding its obligations to provide transitional services and facilities management.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and it is not intended to constitute an official interpretation of the Consent Agreement or to modify in any way its terms.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 00–27159 Filed 10–20–00; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

President's Commission on the Celebration of Women in American History

AGENCY: General Services Administration.

ACTION: Meeting notice.

SUMMARY: Notice is hereby given that the President's Commission on the Celebration of Women in American History will hold an open meeting from 1:00 p.m. to 4:30 p.m. on Wednesday, November 15, 2000, at the George Washington University, Marvin Center Room 403.

PURPOSE: To discuss the Commission's final report and how to elaborate its message to the President.

FOR FURTHER INFORMATION CONTACT: Martha Davis (202) 501–0705, Assistant to the Associate Administrator for Communications, General Services Administration. Also, inquiries may be sent to *martha.davis@gsa.gov.*

Dated: October 17, 2000.

Beth Newburger,

Associate Administrator for Communications.

[FR Doc. 00–27173 Filed 10–20–00; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Voluntary Industry Partner Surveys to Implement Executive Order 12862—Extension—0990–0220—The Department of Health and Human Services plans to conduct surveys of its contractors in each agency to obtain feedback for improving the Department's procurement process.

Respondents: Contractors of the Department;

Number of Respondent: 2400;

Average Burden per Response: 12 minutes.

Total Annual Burden: 480 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC, 20201. Written comments should be received within 30 days of this notice.

Dated: October 10, 2000.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 00–27086 Filed 10–23–00; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality

DATES: The meeting will be held on Friday, November 3, 2000, from 8:30 a.m. to 4:00 p.m. and is open to the public.

ADDRESSES: The meeting will be held at 6010 Executive Boulevard, Fourth Floor, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Anne Lebbon, Coordinator of the Advisory Council, at the Agency for Healthcare Research and Quality, 2101 East Jefferson Street, Suite 600, Rockville, Maryland 20852, (301) 594–7216. For press-related information, please contact Karen Migdail at 301/594–6120.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Linda Reeves, Assistance Administrator for Equal Opportunity, AHRQ, on (301) 594–6662 no later than November 1, 2000.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) established the National Advisory Council for Healthcare Research and Quality. In accordance with its statutory mandate, the Council is to advise the Secretary and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to actions of the Agency to enhance the quality, improve outcomes, reduce costs of health care services, improve access to such services through scientific research, the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services.

The Council is composed of members of the public appointed by the Secretary and Federal ex-officio members. Donald M. Berwick. M.D., the Council chairman, will preside.

II. Agenda

On Friday, November 3, 2000, the meeting will begin at 8:30 a.m., with the call to order by the Council Chairman. The Director, AHRQ, will present the status of the Agency's current research, programs and initiative. Tentative agenda items include evidence-based practice centers, patient safety, translating research into practice (T.R.I.P.), and Office of Priority Populations Research. The official agenda will be available on AHRQ's website at *www.ahrq.gov* no later than October 20, 2000. The meeting will adjourn at 4:00 p.m.

Dated: October 13, 2000.

John M. Eisenberg,

Director.

[FR Doc. 00–27104 Filed 10–20–00; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control And Prevention

[60Day–01–03]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Disease Control and Prevention is providing opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

Telephone Survey Measuring HIV/STD Risk Behavior Using Standard Methodology—New—National Center for HIV, STD, Tuberculosis Prevention (NCHSTP), CDC. The goal of the overall project is to conduct testing of a set of survey questions intended to obtain measures of risk behaviors for Human Immunodeficiency Virus (HIV) and Sexually Transmitted Diseases (STDs). This proposed data collection is for the second phase of this 2-year project. During the first phase questions were developed and tested, and a pretest of 203 interviews was conducted. During this second phase a pilot survey with a larger number of respondents will be conducted, and a small number of additional questions will be included measuring HIV-related stigma.

Knowledge about the level of HIV risk behaviors in populations is essential for effective HIV prevention programs. Currently, survey-based assessment of these behaviors depends on a range of survey questions that differ across surveys, and that are difficult to compare and to reconcile. Therefore, the Behavioral Surveillance Working Group, coordinated by the National Center for HIV, STD and Tuberculosis Prevention, Centers for Disease Control and Prevention, has developed a draft set of items to be proposed as standard survey questions on the topics of sexual behavior, HIV testing, drug use, and other behaviors related to risk of contracting HIV and/or STDs. As part of this effort, CDC will sponsor a telephone-based pilot of 400 persons aged 18–59, selected randomly from within an urban area, in order to test these questions.

Further, because some of the survey questions are private and potentially sensitive, the project will entail the testing of a survey administration mode: Telephone-based audio computer-assisted self-interview (T–ACASI), in which a computer will be used to administer the most sensitive questions, and in which the surveyed individual enters responses directly onto the telephone keypad. This procedure eliminates the need for communication of sensitive questions from the interviewer to the respondent, as well as the need for respondents to answer the questions verbally. In order to test the effectiveness of this procedure, half of the interviews will be conducted using the T–ACASI procedure for the most sensitive questions, and half using standard, interviewer-based administration of all questions. Data analysis will rely on an assessment of the response rate under each mode, and on the nature of the data obtained to the sensitive questions. The larger sample size of the year 2 pilot survey will enable us to test statistical significance of the effectiveness of the T–ACASI procedure.

Information and data obtained from this evaluation will help direct future surveys, by determining whether it is feasible to attempt to administer these standard risk questions using a telephone survey, and whether a T–ACASI-based procedure represents a technological innovation that will positively contribute to such an effort, through improvements in data quality. The total cost to respondents is $1355.52.

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden per response (in hours)	Total burden (in hours)
Screening	1872	1	0.02	37.4
Interview	400	1	0.33	132.0

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden per response (in hours)	Total burden (in hours)
Total Burden				169.4

Dated: October 17, 2000.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–27118 Filed 10–20–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N 0044]

Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body; Availability of Citizen Petitions for Comment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability for comment of three petitions submitted by Hyman Phelps & McNamara (HP&M), the American Herbal Products Association (AHPA), and jointly by the Council for Responsible Nutrition (CRN) and the Consumer Healthcare Products Association (CHPA). The petitions requested, among other things, that dietary supplements be permitted to make claims about effects on the structure or function of the body that are derived from nutritive value without being subject to the disclaimer and notification requirements of the Federal Food, Drug, and Cosmetic Act (the act).

DATES: Submit written comments on the petitions by December 22, 2000.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA 305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Electronic comments may be submitted via the Internet at www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm or via e-mail: fdadockets@oc.fda.gov. All comments should be identified with the docket number found in brackets in the heading of this document. The petitions are available for review at the Dockets Management Branch (address above) or electronically on the agency's website at http//www.fda.gov/ohrms/dockets/dockets.htm. You may also request copies of the petitions from the Dockets Management Branch.

FOR FURTHER INFORMATION CONTACT: Rhonda Rhoda Kane, Office of Nutritional Products, Labeling, and Dietary Supplements, Center for Food Safety and Applied Nutrition (HFS 821), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4168.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 6, 2000 (65 FR 1000), in the preamble to its final rule entitled ''Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body,'' FDA stated that dietary supplements bearing structure/function claims must comply with the notice, disclaimer, and other requirements of section 403(r)(6) of the act (21 U.S.C. 343(r)(6)). More specifically, the agency stated:

Section 403(r)(6) of the act, by its terms, applies to dietary supplements. The other possible source of authority to make structure/function claims on dietary supplements is section 201(g)(1)(C) of the act, which provides that ''articles (other than food) intended to affect the structure or any function of the body of man or other animals'' are drugs. Under this provision, foods may make claims to affect the structure or function of the body without being regulated as drugs. By its terms, however, section 201(g)(1)(C) of the act exempts a dietary supplement that bears a structure/function claim from drug regulation only if it is also a food. The last sentence of section 201(ff) of the act provides, ''Except for purposes of section 201(g), a dietary supplement shall be deemed to be a food within the meaning of this Act.'' The clear import of this language is that dietary supplements are not foods under section 201(g) of the act and therefore cannot qualify for the ''(other than food)'' exception to the drug definition in section 201(g)(1)(C). As a result, dietary supplements that use structure/function claims may do so only under section 403(r)(6) of the act and are therefore subject to the disclaimer, notification, and other requirements in that section and in FDA's implementing regulation. 65 FR 1000 at 1033.

The preamble acknowledged that this conclusion reverses a position stated in the **Federal Register** of September 23, 1997 (62 FR 49859), in the final rule entitled ''Food Labeling; Requirements for Nutrient Content Claims, Health Claims, and Statements of Nutritional Support for Dietary Supplements.'' The preamble to that rule stated that a dietary supplement could bear a structure/function claim under the ''(other than food)'' exception to the drug definition in section 201(g)(1)(C) of the act (21 U.S.C. 321(g)(1)(C)), provided that the claim was truthful, nonmisleading, and derived from nutritive value (see 62 FR 49859 at 49860, 49863, and 49864). The reversal was based on reconsideration of the plain language of section 201(ff) of the act.

II. The Citizen Petitions

On February 4, 2000, HP&M filed a petition requesting, among other things, that the agency reconsider and revoke its ''pronouncement'' in the January 6, 2000, final rule that all structure/function claims in the labeling of dietary supplements must use the section 403(r)(6) of the act disclaimer and notification procedures. The petition further requests that FDA reinstate its previous position that a structure/function claim in the labeling of a dietary supplement product need not comply with the disclaimer and notification requirements if the claim is truthful, nonmisleading, and derived from nutritive value.

Citing *United States* v. *Ten Cartons * * *Ener-B Vitamin B 12*, 72 F.3d 285, 287 (2d Cir. 1995), HP&M argues that section 201(g)(1)(C) of the act must be applied without reference to section 201(ff) of the act. In sum, HP&M states that the effect of section 201(ff) of the act ''is merely that a dietary supplement will not ''automatically qualify as food.''' HP&M further argues that whether or not a particular dietary supplement qualifies as food is determined by *Nutrilab, Inc.* v. *Schweiker*, 713 F.2d 335 (7th Cir. 1983). That case held that a product is a food if it is used primarily for ''taste, aroma or nutritive value.'' *Nutrilab*, 713 F.2d at 338. For example, the petition argues

that calcium would qualify as a food since it is an essential mineral nutrient.

HP&M articulates several other grounds for the action requested in the petition. HP&M also argues that the requirements of section 403(r)(6) of the act apply only to structure/function claims that fall within the health claims definition 21 CFR 101.14(a)(1). Moreover, HP&M argues that FDA's change in interpretation is not entitled to deference because it was issued more than 5 years after the Dietary Supplement Health and Education Act (DSHEA) was passed and, therefore, is not a ''contemporaneous construction'' of the statute. The petition also asserts that Congress intended DSHEA to reduce FDA requirements for dietary supplements. HP&M believes that FDA's new position is inconsistent with congressional intent since it imposes regulatory burdens that did not exist before DSHEA. Finally, the petition also raises an administrative law argument that FDA's reversal is effectively a substantive rule that must comply with the notice and comment rulemaking procedures of the Administrative Procedure Act in 5 U.S.C. 553.

Petitions filed by AHPA and jointly by CRN and CHPA on February 7, 2000, also requested a reversal of FDA's position on this issue. These petitions made arguments similar to those made by the HP&M petition.

III. Questions

The agency is interested in receiving comments on all three petitions. Moreover, there are several specific questions on which FDA would like comment.

1. The outcome of a reversal of FDA's position would be that dietary supplements that qualify for the ''(other than food)'' exception would not have to accompany the structure/function claim with a disclaimer while dietary supplements that do not qualify would. Would consumer confusion result from this outcome?

2. The outcome of maintaining the current position would be that dietary supplements making a structure/function claim would have to bear a disclaimer while conventional foods making the same claim would not. Is it better to have an inconsistency between dietary supplements and conventional foods or between dietary supplements that qualify for the ''(other than food)'' exception and dietary supplements that do not?

3. If FDA were to reverse its position as requested by the petitions, the agency would be notified of some structure/function claims for dietary supplements, but not others. Therefore, the agency would not be aware of all the structure/function claims in the marketplace, including some that might be in fact disease claims rather than legitimate structure/function claims. To determine whether a dietary supplement could legitimately bear a structure/function claim without a disclaimer, FDA would have to investigate whether the claim was based on the nutritive value of the supplement. What would be the impact of this situation on enforcement?

IV. Comments

You may submit to the Dockets Management Branch (address above) written or electronic comments by December 22, 2000. Electronic comments may be submitted via the Internet to: www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm or via e-mail: fdadockets@oc.fda.gov. Groups or organizations must submit two copies of any comments. Individuals may submit one copy of their comments. Identify your written comments by placing the docket number at the top of your comment(s). If you base your comments on scientific evidence or data, please submit copies of the specific information along with your comments. Any comments submitted will be filed under the docket number identified in brackets in the heading of this document. The petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 13, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–27083 Filed 10–20–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee.

General Function of the Panel: To provide advice and recommendations to the agency on scientific disputes between the Center for Devices and Radiological Health and sponsors, applicants, and manufacturers.

Date and Time: The meeting will be held on October 31, 2000, 1 p.m. to 4 p.m.

Location: Corporate Bldg., conference room 020B, 9200 Corporate Blvd., Rockville, MD.

Contact Person: Les S. Weinstein, Center for Devices and Radiological Health (HFZ–5), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, e-mail: lsw@cdrh.fda.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 10232. Please call the Information Line for up-to-date information on this meeting.

Agenda: The members of the newly established Medical Devices Dispute Resolution Panel will be introduced to the public and will hear presentations by FDA staff on the purpose of the panel and its role in dispute resolution.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues regarding resolving scientific disputes concerning medical devices and on the role of this panel. Written submissions may be made to the contact person by October 25, 2000. Oral presentations from the public will be scheduled between approximately 2 p.m. and 4 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 25, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

FDA regrets that it was unable to publish this notice 15 days prior to the October 31, 2000, Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring this issue to public discussion and qualified members of the Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 18, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–27228 Filed 10–19–00; 12:06 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 2000.

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: November 15–17, 2000; 8:00 a.m.–5 p.m.

Place: Ramada Inn Bethesda, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

The meeting is open to the public on Wednesday, November 15, 2000, from 9 a.m.–10:00 a.m., and closed for the remainder of the meeting.

Purpose: To review research grant applications in the program areas of maternal and child health, administered by the Maternal and Child Health Bureau, Health Resources and Services Administration.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Research, Training and Education, who will report on program issues, congressional activities, and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on Wednesday, November 15, 2000, from 10:00 a.m. through the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., and the Determination by the Associate Administrator for Management and Program Support, Health Resources and Services Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write or contact Gontran Lamberty, Dr. P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 18A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Dated: October 16, 2000.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–27084 Filed 10–20–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the annual report for the following Health Resources and Services Administration's Federal advisory committee has been filed with the Library of Congress: Maternal and Child Health Research Grants Review Committee.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, James Madison Memorial Building, Room LM–133, First Street and Independence Avenue, SE., Washington, DC. Copies may be obtained from: Gontran Lamberty, Dr. P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 18A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Dated: October 16, 2000.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–27085 Filed 10–20–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[(610–5101–01–B109) CACA–40467]

Cadiz Groundwater Storage and Dry-Year Supply Program Proposed Pipeline and Plan Amendment, San Bernardino County, California

AGENCY: Bureau of Land Management, California Desert District.

ACTION: Notice of availability (NOA) of supplement to the draft environmental impact statement for proposed Cadiz Groundwater Storage and Dry-Year Supply Program Pipeline Right-of-Way and plan amendment.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management has prepared a joint Supplement to the Draft Environmental Impact Statement (Supplement) and Draft Environmental Impact Report in conjunction with the Metropolitan Water District of Southern California (MWD). The Draft EIR/EIS, published in November 1999, evaluates a range of alternatives for conveying water between the Colorado River Aqueduct and the aquifer underlying the Cadiz and Fenner Valleys across a proposed right-of-way for a pipeline. A plan amendment to the California Desert Conservation Area Plan (1980) is also proposed to allow for the proposed right-of-way for the pipeline outside of an existing utility corridor. This Supplement provides additional information regarding management of groundwater resources and related air quality issues in response to comments on the Draft EIR/EIS.

The aim of the Cadiz Project is to ensure the reliability of Metropolitan's existing water supply in the Colorado River Aqueduct. The project would achieve this goal by storing Colorado River water in the Cadiz/Fenner aquifer and withdrawing the stored water along with indigenous groundwater during dry years. The project area is located in the eastern Mojave Desert region of San Bernardino County in the Cadiz and Fenner valleys and crosses federal land administered by the BLM.

SUPPLEMENTARY INFORMATION: Copies of the Supplement will be available for 45-day public review from October 20, 2000, through December 4, 2000, at the following locations:

Needles Branch Library, 1111 Bailey Avenue, Needles, California 92363

Twentynine Palms Branch Library, 6078 Adobe Road, Twentynine Palms, California 92277

Barstow Branch Library, 304 East Buena Vista, Barstow, California 92311

Norman Feldheym Central Library, 555 West 6th Street, San Bernardino, California 92410

Bureau of Land Management, Riverside Office, 6221 Box Springs Boulevard, Riverside, California 92507

Bureau of Land Management, Needles Office, 101 West Spike's Road, Needles, California 92363

Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California 90012

DATES: Comments must be received in writing by the Metropolitan Water District or by the Bureau of Land Management no later than December 4, 2000.

ADDRESSES: Written comments on the Supplement should be mailed to: Metropolitan Water District of Southern California, Post Office Box 54153, Los Angeles, California 90054–0153, Attention: Mr. Jack Safely, or U.S. Bureau of Land Management, 6221 Box Springs Boulevard, Riverside, California 92507, Attention: Mr. James Williams.

FOR FURTHER INFORMATION CONTACT: Further information regarding the project may be obtained from Mr. Jack Safely at (213) 217–6981 or Mr. James Williams at (909) 697–5390.

Dated: October 17, 2000.

Douglas A. Romoli,

Acting District Manager.

[FR Doc. 00–27119 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–930;1430–ET; COC–1661]

Notice of Meeting on Proposed Withdrawal; Browns Park Expansion; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and agenda for a forthcoming meeting on the Fish and Wildlife Service proposal for expansion of the Browns Park National Wildlife Refuge. This meeting will provide the opportunity for public involvement concerning this proposed action as required by regulation. All comments will be considered when a final determination is made on whether this land should be withdrawn.

DATES: Meeting will be held on Tuesday, November 28, 2000, from 12:00 a.m. until 4:00 p.m. This will be an open house type of meeting with representatives of Fish and Wildlife Service and of the Bureau of Land Management to answer questions and accept written or oral comments or objections.

ADDRESSES: The meeting will be held at the Craig City Hall, 300 W. 4th Street, Craig, Colorado 81625.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, (303) 239–3706.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Withdrawal for the Browns Park National Wildlife Expansion which was published in the **Federal Register** on July 11, 2000, (65 FR 42720, 42721), is hereby modified to schedule a public meeting as provided by 43 U.S.C. 1714, and 43 CFR 2310.

This meeting will be open to all interested persons, those who desire to be heard in person and those who desire to submit written comments on this subject. Comments can also be submitted to the Colorado State Director, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

Herbert K. Olson,

Acting Realty Officer.

[FR Doc. 00–27114 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930;1430–ES,N–57471,N–65782]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The following described public lands in Nye County, Nevada, have been examined and found suitable for conveyance to Nye County for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Nye County proposes to use the lands for a solid waste disposal site.

Mount Diablo Meridian, Nevada

T. 16 S., R. 49 E., section 25, lots 2 & 3, SW¼NE¼, SE¼NW¼, E½NW¼SW¼, E½NW¼NW¼SW¼, NE¼SW¼NW¼SW¼, S½SW¼NW¼SW¼, NE¼SW¼, NW¼SE¼.

Consisting of 243.9 acres.

The lands are not required for any Federal purpose. The conveyance is consistent with current Bureau planning for this area and would be in the public interest. Conveyance of these lands will be contingent upon Nye County obtaining an approved solid waste disposal permit from the Nevada Division of Environmental Protection. Should Nye County be denied a permit, the Bureau of Land Management (BLM) would not proceed with the conveyance of these lands. The patent or patents, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior. The patentee shall comply with all Federal and State laws applicable to the disposal, placement or release of hazardous substances as defined in 40 CFR part 302, and indemnify the United States against any legal liability or future cost that may arise out of any violation of such laws.

2. A right-of-way thereon for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. All valid and existing rights documented on the official public land records at the time of patent issuance.

5. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interest therein.

6. Provisions of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901–6987 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9601, and all applicable regulations.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada, 89108.

Upon publication of this notice in the **Federal Register**, the above described lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws and disposal under the mineral material disposal laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed conveyance or classification of the lands to the Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a solid waste disposal site. Comments on the classification are restricted to whether the land is physically suited for a solid waste disposal site, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a solid waste disposal site.

Any adverse comments will be evaluated by the State Director who may

sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for conveyance until after the classification becomes effective.

Dated: October 4, 2000.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas Field Office.

[FR Doc. 00–27168 Filed 10–20–00; 8:45 am]

BILLING CODE 1430–ES–U

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information: Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service, Glacier National Park.

ACTION: Notice and request for comment.

SUMMARY: The National Park Service (NPS) is proposing to conduct research regarding the potential socio-economic impacts associated with reconstruction of Going-to-the-Sun Road in Glacier National Park. One component of this work is a proposal to conduct two surveys.

The Potential Visitor Survey will be conducted among potential visitors to Glacier National park. Potential visitors are those that have expressed interest in visiting Glacier National Park by making contact with a tourism development office managed or funded by the State of Montana. Survey respondents will be asked contingent behavior questions regarding travel to Glacier National Park if travel were hampered on Going-to-the-Sun Road. The survey will be conducted by telephone, mail or email, depending on data availability from the tourism development offices.

The Local Business Survey will be conducted among businesses in a local area (three counties in Montana plus a portion of Alberta, Canada) that are directly or indirectly impacted by tourism. Survey respondents will be asked questions regarding the seasonality of their business activity and employment, the impact of tourism and Glacier National Park on their business activity, potential socio-economic impacts, and mitigation strategies. The survey will be conducted by mail.

	Estimated numbers of	
	Burden	Responses hours
Potential Visitor Survey	400	67
Local Business Survey	1,500	375
Total	1,900	442

Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) is soliciting comments on the need for gathering the information in the proposed surveys. The NPS is also asking for comments on the practical utility of the information being gathered; the accuracy of the burden hour estimate; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

The NPS goal in conducting these surveys is to help describe and quantify potential socio-economic impacts of reconstruction alternatives for Going-to-the-Sun Road in Glacier National Park.

DATES: Public comments will be accepted on or before December 22, 2000.

Send Comments To: Fred Babb, Project Management, Glacier National Park, P.O. Box 128; West Glacier, MT 59936. fred_babb@nps.gov.

FOR FURTHER INFORMATION CONTACT: Jean Townsend, Coley/Forrest, Inc., 1635 Blake Street, Suite 200; Denver, CO 80202. jtownsend@coleyforrest.com

SUPPLEMENTARY INFORMATION:

Title: Socio-Economic Impact Analysis of Going-to-the-Sun Road.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: Request for new clearance.

Description of Need: The National Park Service needs information to assess the potential socio-economic impacts of reconstruction alternatives for Going-to-the-Sun Road. Direct responses from potential visitors and from local businesses will provide quality information upon which to develop reliable analyses.

Automated Data Collection: At the present time, there is no automated way to gather this information because it involves communicating with the individual potential visitors and business owners.

Description of Respondents: Potential Visitor Survey: Potential visitors to Glacier National Park who have expressed interest through a tourism development office in the State of Montana. Local Business Survey: owners and managers of tourism-related businesses in Flathead, Glacier, and Lake counties of Montana plus a portion of Alberta, Canada. Tourism-related businesses will be identified by standard industrial classification code.

Estimated Number of Respondents: 400 (Potential Visitor Survey); 1,500 (Local Business Survey).

Estimated Number of Responses: Each respondent will respond one time only. The estimated number of responses is the same as the estimated number of respondents.

Estimated Average Burden Hours Per Response: 10 minutes (Potential Visitor Survey); 15 minutes (Local Business Survey).

Frequency of Response: 1 time per respondent.

Estimated Annual Reporting Hours: 67 hours (Potential Visitor Survey); 375 hours (Local Business Survey).

Dated: October 18, 2000.

Leonard E. Stowe,

Information Collection Clearance Officer, WASO, Administrative Program Center, National Park Service.

[FR Doc. 00–27176 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Gaviota Coast Seashore Feasibility Study and Environmental Impact Statement Santa Barbara County, California; Notice of Extension of Scoping Period

SUMMARY: In accord with 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), the National Park Service (NPS) is undertaking a conservation planning and impact analysis process to identify and assess the potential impacts of alternative resource protection and visitor use concepts and other considerations pertaining to the Gaviota Coast Seashore Feasibility Study area in Santa Barbara County. As announced September 12, 2000 in the **Federal Register** (65 FR 55039–55040), a public scoping process has been initiated to aid preparation of an environmental impact statement (EIS) and feasibility study report. In deference to public interest expressed to date from local organizations, area residents, other concerned parties, and in consultation with Congresswoman Lois Capps (22D–CA), the public scoping period has been extended from

the original October 9, 2000 deadline to November 30, 2000.

SUPPLEMENTARY INFORMATION: All comments received to date have been documented; this information already has informed the conservation planning and environmental impact analysis efforts. A summary of all issues and concerns generated to date is available on request, or may be obtained via the Internet at <http://www.nps.gov/pwro/gaviota>.

Interested individuals, organizations and agencies wishing to provide additional new comments or suggestions, or wishing to be added to the project mailing list, should respond to Gaviota Coast Feasibility Study Team, Attn: Ray Murray, National Park Service, 600 Harrison Street, Suite 600, San Francisco, CA 94107. To be fully considered, all comments must be postmarked no later than November 30, 2000 (or if via e-mail, transmitted no later than this date to PGSO_Gaviota@nps.gov).

If individuals submitting comments request that their name and/or 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.

Dated: October 13, 2000

John J. Reynolds,

Regional Director, Pacific West Region.

[FR Doc. 00–27175 Filed 10–20–00; 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 October 14, 2000. Pursuant to section 60.13 of 36 CFR part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by November 7, 2000.

Carol D. Shull,

Keeper of the National Register.

ARIZONA

Maricopa County

Irving School, 155 N. Center St., Mesa, 00001323

Temple Historic District, Roughly bet. Mesa Dr., Broadway Rd., Hobson and Main Sts., Mesa, 00001321

Yavapai County

Swilling, John (Jack), Rock House, 18768 Mechling Dr., Black Canyon City, 00001322

ARKANSAS

Pope County

Russellville Public Library, 114 E. Third St., Russellville, 00001319

Pulaski County

Bragg Guesthouse, 1615 Cumberland, Little Rock, 00001320

CALIFORNIA

Mono County

Chalfant Petroglyph Site, Address Restricted, Bishop, 00001324

San Bernardino County

Blackwater Well, Address Restricted, Red Mountains, 00001326

Newberry Cave Site, Address Restricted, Newberry Springs, 00001325

CONNECTICUT

New London County

Uncasville School, 310 Norwich-London Turnpike, Montville, 00001327

FLORIDA

Sarasota County

Hiss House, 1300 Westway Dr., Sarasota, 00001328

GEORGIA

Fulton County

Western Electric Company Building, 820 Ralph McGill Blvd., Atlanta, 00001329

ILLINOIS

Champaign County

Alpha Delta Pi Sorority House, (Fraternity and Sorority Houses at the Urbana—Champaign Campus of the University of Illinois MPS), 1202 W. Nevada St., Urbana, 00001333

Cook County

Roche, Martin—John Tait House, 3614 S. Martin Luther King Dr., Chicago, 00001338

Uptown Square Historic District, Roughly along Lawrence Ave., and Broadway, Chicago, 00001336

Du Page County

Peabody, Francis Stuyvesant, House, 8 E. Third St., Hinsdale, 00001330

Jackson County

Hennessy, Cornelius, Building, 1023 Chestnut St., Murphysboro, 00001331

Lake County

Ely, Mrs. C. Morse, House, 111 Moffett Rd., Lake Bluff, 00001339

Mercer County

Ives, Gideon, House, 408 E. Jefferson St., New Boston, 00001332

Vermilion County

Adams Building, 139–141 N. Vermilion St., Danville, 00001337

Building at 210–212 West North Street, 210–212 West North St., Danville, 00001334

First National Bank Building, 2–4 N. Vermilion St., Danville, 00001335

MASSACHUSETTS

Middlesex County

Jack's Diner, (Diners of Massachusetts MPS), 901 Main St., Woburn, 00001340

Plymouth County

Field, D.W., Park, Bet. Pond St. and Pleasant St., Brockton, 00001341

Worcester County

Gilman Block, 207–219 Main St., Worcester, 00001342

Worcester Bleach and Dye Works, 60 Fremont St., Worcester, 00001343

PENNSYLVANIA

Allegheny County

Consolidated Ice Company Factory No. 2, 100 43rd St., Pittsburgh, 00001348

Chester County

Goshenville Historic District, Mainly along N. Chester Rd., jct. with Paoli Pike, East Goshen, 00001347

Montgomery County

Knipe—Johnson Farm, 606 DeKalb Pike, Upper Gywnedd Township, 00001346

Philadelphia County

Robeson, Paul, House, 4951 Walnut St., Philadelphia, 00001345

York County

McCalls Ferry Farm, 447 McCalls Ferry Rd., Lower Chanceford Township, 00001344

SOUTH DAKOTA

Aurora County

Hilton House, Main St., White Lake, 00001352

Minnehaha County

Glidden—Martin Hall, 1101 W. 22nd Ave., Sioux Falls, 00001350

Jorden Hall, 1101 W. 22nd St., Sioux Falls, 00001349

Turner County

Turner Township Bridge No. SE–18, (Stone Arch Culverts in Turner County, South Dakota MPS) 459th St., Centerville, 00001351

TENNESSEE

Knox County

Gibbs Drive Historic District, (Knoxville and Knox County MPS) Gibbs Dr., Knoxville, 00001354

Rutherford County

Providence Primitive Baptist Church, 256 Central Valley Rd., Walter Hill, 00001357

Sumner County

South Tunnell Fortifications, (Archeological Resources of the American Civil War in Tennessee MPS) Address Restricted, Gallatin, 00001355

Wilson County

Spring Creek Presbyterian Church, Cainsville, Doaks Crossroads, 00001356

Watertown Commercial Historic District, Roughly along Main St., Depot Ave., and Public Square, Watertown, 00001353

TEXAS

Mills County

Mills County Courthouse, 1011 Fourth St., Goldthwaite, 00001359

Travis County

Austin Daily Tribune Building, 920 Colorado, Austin, 00001358

WISCONSIN

Jefferson County

Waterloo Downtown Historic District, Jct. of Madison and Monroe Sts., Waterloo, 00001360

[FR Doc. 00–27174 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (''CERCLA'')

Notice is hereby given that a proposed Consent Decree (''Decree'') in *United States* v. *ASARCO Incorporated, Blue Tee Corp., and Gold Fields Mining Corporation,* Civil Action No. 4–00–00975–GAF, was lodged September 26, 2000, with the United States District Court for the Western District of Missouri.

The Complaint filed in the above-referenced matter alleges that ASARCO Incorporated, Blue Tee Corp., and Gold Fields Mining Corporation (''Defendants'') are liable under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (''CERCLA''), 42 U.S.C. 9607(a), for costs incurred and to be incurred by the Environmental Protection Agency as a result of the release or threatened release of hazardous substances at or in connection with Operable Unit 4 (''OU–4'') of the Jasper County Superfund Site (''Site'') in Jasper County, Missouri. The Complaint, which was filed simultaneously on September 26, 2000, with the Decree, sought response costs incurred and to be incurred by the United States in connection with OU–4.

Under the proposed Decree, the Defendants shall pay $1,816,710 in reimbursement of response costs. In exchange, the United States is granting Defendants a covenant not to sue or take administrative action against Defendants pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a) for recovery of response costs. This covenant not to sue extends only to Defendants and does not extend to any other persons. This covenant not to sue is also conditioned upon the satisfactory performance by Defendants of their obligations under the Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States* v. *ASARCO Incorporated, Blue Tee Corp., and Gold Fields Mining Corporation,* DOJ Ref. #90–11–2–06280.

The proposed Decree may be examined at the office of the United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101. A copy of the proposed Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy of the Consent Decree, please refer to the referenced case number and enclose a check in the amount of $23.50, payable to the Consent Decree Library.

Bruce Gelber,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–27169 Filed 10–20–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States* v. *Federal Mogul, Inc. and Paikes Enterprises, Inc.,* Civil Action No. 00–4977 (E.D. Pa.) was lodged on October 3, 2000, with the United States District Court for the Eastern District of Pennsylvania. The consent decree resolves the claims of the United States against Federal Mogul, Inc. and Paikes Enterprises, Inc. under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9607(a), for reimbursement of response costs incurred by the U.S. Environmental Protection Agency (''EPA'') in connection with the Hellertown Manufacturing Site located in Hellertown, Northampton County, Pennsylvania. Under the terms of the consent decree, EPA would receive $4.6 million in costs incurred by EPA at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC, 20530, and should refer to *United States* v. *Federal Mogul, Inc. and Paikes Enterprises, Inc.* DOJ # 90–11–2–770/1.

The proposed consent decree may be examined at the offices of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106–4476. A copy of the consent decree may also be obtained by mail from the U.S. Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $6.00 (25 cents per page reproduction cost), payable to the Consent Decree Library.

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 00–27170 Filed 10–20–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree under the Lead-Based Paint Hazard Act

Notice is hereby given that on October 4, 2000, two proposed consent decrees in (1) *United States* v. *Wm. Calomiris Investment Corp.* (''Calomiris'') Civil Action No. 00–2391; and (2) *United States* v. *Borger Management, Inc. et al.* (''Borger'') Civil Action No. 00–2392, were lodged with the United States District Court for the District of Columbia.

These consent decrees settle claims against management agents and owners of several residential apartment buildings in the District of Columbia which were brought on behalf of the Department of Housing and Urban Development under the Residential Lead-Based Paint Hazard Reduction Act 42 U.S.C. 4851 *et seq.* (''Lead Hazard Reduction Act''). The United States alleged in its complaints that each defendant failed to provide information to tenants concerning lead-based paint hazards.

Under the consent decrees, defendants have agreed to perform lead-based paint abatement and to pay HUD administrative penalties. The defendant in the *United States* v. *Wm. Calomiris Investment Corp.* case is the managing agent for more than 2,000 apartment units in the District of Columbia. Defendant has agreed to pay a $5,000 administrative penalty to HUD, to perform $10,000 in Child Health Improvement Projects by making a $5,000 contribution to the Children's National Medical Center and by making a $5,000 contribution to Healthy Babies Project, Inc., and to perform lead-based paint abatement work.

There are three defendants in the *Borger* case. Borger Management Inc., manages more than 2,300 apartment units at more than 30 apartment buildings in the District of Columbia. The other two defendants, Rolling Terrace LLC and Randolph Towers Apartments LLC, each own one of the buildings managed by Borger Management, Inc. Defendants have agreed to pay a $25,000 administrative penalty to HUD and to perform lead-based paint abatement work.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to (1) *United States* v. *Wm. Calomiris Investment Corp.* (''Calomiris''); and (2) *United States* v. *Borger Management, Inc. et al.* (''Borger'') D.J. Ref. 90–5–1–1–06558. The two consent decrees may also be examined at the Department of Housing and Urban Development, Office of Lead Hazard Control, attention: Matthew E. Ammon, 490 L'Enfant Plaza SW., Room 3206, Washington, DC 20410, (202) 755–1785.

The two consent decrees may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044–7611. In requesting copies from the Consent Decree Library, please enclose a check in the amount of $10.75 for the two consent decrees only (25 cents per page) or $12.75 when requesting attachments payable to the Consent Decree Library.

Bruce S. Gelber,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–27171 Filed 10–20–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Micro Devices, Inc./ObjectSpace, Inc.

Notice is hereby given that, on September 11, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Micro Devices, Inc./ ObjectSpace, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, KLA-Tencor Corp., San Jose, CA has acquired the Fab Solutions Division of ObjectSpace, Inc., Dallas, TX and has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Micro Devices, Inc./ObjectSpace, Inc. intends to file additional written notification disclosing all changes in membership.

On December 19, 1997, Advanced Micro Devices, Inc./ObjectSpace, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 24, 1998 (63 FR 39901).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 00–27172 Filed 10–20–00; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection for Review: Extension of a Currently Approved Collection; Correction; Grants Management System Online Application.

The Department of Justice, Office of Justice Programs, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on April 25, 2000 (Volume 65, page 24224), allowing for a 60-day public comment period.

The purpose of this notice is to correct the public comment date from March 30, 2000 to November 6, 2000. The second paragraph of the **Federal Register** notice published on October 5, 2000, should read as follows. The purpose of this notice is to allow an additional 30 days for public comment until November 6, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function 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 assumption 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Grants Management System Online Application.

(3) *Agency form number, if any, and the application component of the Department sponsoring the collection:* None. Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be as or required to respond, as well as a brief abstract: Primary: State Government. Other:* None. The Grants Management System Online Application will be used by respondents from State and Local Government offices to request grants from Offices and Bureaus within the Office of Justice Programs. This information, once collected from grantees, will be used to approve applications for funding, that grantees have requested, for grantee use within State and Local Government offices.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The time burden of the 3,000 respondents to complete the surveys is 4 hours per application.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete applications for the Grants Management System Online Application is 12,000 annual burden hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: October 18, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00–27203 Filed 10–19–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

United States Parole Commission

Sunshine Act Meeting

Record of Vote of Meeting Closure

(Public Law 94–409; 5 U.S.C. Sec. 552b)

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately 11:15 a.m. on Tuesday, October 17, 2000, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide four appeals from the National Commissioners' decisions pursuant to 28 CFR section 2.27. Five Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Michael J. Gaines, Marie F. Ragghianti, Edward F. Reilly, Jr., John R. Simpson, and Janie L. Jeffers.

In Witness Whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: October 17, 2000

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 00–27225 Filed 10–19–00; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* November 3, 2000.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

2. *Date:* November 14, 2000.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for LIbrary & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

3. *Date:* November 28, 2000.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for National Heritage Preservation Program, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

4. *Date:* November 30, 2000.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of

Preservation and Access at the July 1, 2000 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 00–27139 Filed 10–20–00; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On September 14, 2000, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued on October 13, 2000 to the following applicant: Maria Stenzel, Permit No. 2001–022.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 00–27161 Filed 10–20–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298]

Nebraska Public Power District; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Nebraska Public Power District (the licensee) to withdraw its June 15, 1999, application for proposed amendment to Facility Operating License No. DPR–46 for the Cooper Nuclear Station located in Nemaha County, Nebraska.

The proposed amendment would have revised the facility updated safety analysis report on the containment overpressure contribution to emergency core cooling system pump net positive suction head requirement post-loss-of-coolant accident.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on July 14, 1999 (64 FR 38031). However, by letter dated June 14, 2000, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 15, 1999, and the licensee's letter dated June 14, 2000 (Accession No. ML003724841), which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the Adams Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 10th day of October 2000.

For the Nuclear Regulatory Commission.

Mohan C. Thadani,

Senior Project Manager, Section 1, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–27177 Filed 10–20–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Company, Turkey Point Plant, Units 3 and 4; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G, for Facility Operating License Nos. DPR–31 and DPR–41, issued to Florida Power and Light Company (FPL, the licensee), for operation of the Turkey Point Plant, Units 3 and 4, located in Dade County, Florida.

Environmental Assessment

Identification of the Proposed Action

The proposed exemption would allow FPL to apply the methodologies of the American Society of Mechanical Engineers (ASME) Code Cases N–588 and N–641 for the Turkey Point Plant reactor vessel circumferential welds.

The proposed action is in accordance with the licensee's application for exemption dated July 7, 2000, as supplemented October 4, 2000.

The Need for the Proposed Action

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 pressure or leak-testing conditions. Specifically, 10 CFR part 50, Appendix G states that ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G further specifies that the requirements for these limits are the ASME Code, Section XI, Appendix G Limits.

To address provisions of amendments to the technical specification (TS) P/T limits, low temperature overpressure protection (LTOP) system setpoints and LTOP system effective temperature (T_{enable}), the licensee requested in its submittals that the staff exempt Turkey Point Units 3 and 4 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–641. Code Case N–588 permits the use of circumferentially-oriented flaws in circumferential welds for development of P/T limits. Code Case N–641 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, LTOP setpoints and T_{enable}. Since the K_{IC} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1, provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the K_{Ia} fracture toughness curve), using Code Case N–641 for establishing the P/T limits, LTOP setpoints and T_{enable} 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. It should be noted that although the use of the K_{IC} fracture toughness curve in Code Case N–641 was recently incorporated into the Appendix G to Section XI of the ASME Code, an exemption is still needed because the proposed P/T limits, LTOP setpoints and T_{enable} (excluding Code Case N–641) are based on the 1996 edition (and 1997 addenda) of the ASME Code.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that exemption from the requirements of 10 CFR part 50, Appendix G, to allow

utilization of Code Cases N–588 and N–641 would provide an adequate margin of safety against brittle failure of the Turkey Point reactor vessels.

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 off site, 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 impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental 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 (that is, 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 Turkey Point Plant, Units 3 and 4.

Agencies and Persons Consulted

In accordance with its stated policy, on October 10, 2000, the staff consulted with the Florida State official, William A. Passetti of the Bureau of Radiation Control, 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 July 7, 2000, as supplemented October 4, 2000. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. 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 17th day of October 2000.

For the Nuclear Regulatory Commission.

Richard P. Correia,

Chief, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–27178 Filed 10–20–00; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Payment of Premiums

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') is requesting that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act, of the collection of information under its regulation on Payment of Premiums (29 CFR Part 4007), including Form 1–ES, Form 1, and Schedule A to Form 1, and related instructions (OMB control number 1212–0009; expires December 31, 2000). The collection of information also includes a certification (on Schedule A) of compliance with requirements to provide certain notices to participants under the PBGC's regulation on Disclosure to Participants (29 CFR Part 4011).

DATES: Comments should be submitted by November 22, 2000.

ADDRESSES: Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. The request for extension will be available for public inspection at the Communications and Public Affairs Department of the Pension Benefit Guaranty Corporation, suite 240, 1200 K Street, NW., Washington, DC 20005–4026, between 9 a.m. and 4 p.m. on business days.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at the address given above or calling 202–326–4040. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4040.) The premium payment regulation can be accessed on the PBGC's home page at www.pbgc.gov.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, or Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4024.)

SUPPLEMENTARY INFORMATION: Section 4007 of Title IV of the Employee Retirement Income Security Act of 1974 (''ERISA'') requires the Pension Benefit Guaranty Corporation (''PBGC'') to collect premiums from pension plans covered under Title IV pension insurance programs. Pursuant to ERISA section 4007, the PBGC has issued its regulation on Payment of Premiums (29 CFR Part 4007). Section 4007.3 of the premium payment regulation requires plans, in connection with the payment of premiums, to file certain forms prescribed by the PBGC, and § 4007.10 requires plans to retain and make available to the PBGC records supporting or validating the computation of premiums paid.

The forms prescribed are PBGC Form 1–ES and Form 1 and (for single-employer plans only) Schedule A to Form 1. Form 1–ES is issued, with instructions, in the PBGC's Estimated Premium Payment Package. Form 1 and Schedule A are issued, with instructions, in the PBGC's Annual Premium Payment Package.

The premium forms are needed to determine the amount and record the payment of PBGC premiums, and the submission of forms and retention and submission of records are needed to enable the PBGC to perform premium audits. The plan administrator of each pension plan covered by Title IV of ERISA is required to file one or more of the premium payment forms each year. The PBGC uses the information on the premium payment forms to identify the plans paying premiums and to verify whether plans are paying the correct amounts. That information and the retained records are used for audit purposes.

In addition, section 4011 of ERISA and the PBGC's regulation on Disclosure to Participants (29 CFR Part 4011) require plan administrators of certain underfunded single-employer pension

plans to provide an annual notice to plan participants and beneficiaries of the plans' funding status and the limits on the Pension Benefit Guaranty Corporation's guarantee of plan benefits. The participant notice requirement only applies (subject to certain exemptions) to plans that must pay a variable rate premium. In order to monitor compliance with Part 4011, plan administrators must indicate on Schedule A to Form 1 that the participant notice requirements have been complied with.

The collection of information under the regulation on Payment of Premiums, including Form 1–ES, Form 1, and Schedule A to Form 1, and related instructions has been approved by OMB under control number 1212–0009 through December 31, 2000. This collection of information also includes the certification of compliance with the participant notice requirements (but not the participant notices themselves). The PBGC is requesting that OMB extend its approval of this collection of information for another three years. (The participant notices constitute a different collection of information that has been separately approved by OMB.)

The PBGC estimates that it receives responses annually from about 39,400 plan administrators and that the total annual burden of the collection of information is about 2,482 hours and $9,431,600.

Issued in Washington, DC, this 19th day of October, 2000.

C. David Gustafson,

Acting Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 00–27253 Filed 10–20–00; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27252]

Filing Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

October 13, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 7, 2000, to Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 7, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Alabama Power Company, et al. (70–9739)

Notice of Proposal To Amend Articles of Incorporation; Make Cash Payments; Order Authorizing Solicitation of Proxies

Alabama Power Company (''Alabama''), 600 North 18th Street, Birmingham, Alabama 3591, Georgia Power Company (''Georgia''), 241 Ralph McGill Boulevard N.E., Atlanta, Georgia 30308, Gulf Power Company (''Gulf''), 500 Bayfront Parkway, Pensacola, Florida 32501 and Mississippi Power Company (''Mississippi'', and collectively, ''Subsidiaries''), 2992 West Beach, Gulfport, Mississippi 39501, each a public utility subsidiary company of the Southern Company (''Southern''), a registered holding company, have filed a declaration under section 6(a)(2), 7(e) and 12(e) of the Act and rules 53, 62(d) and 65 under the Act.

The Subsidiaries state that Southern intends to distribute the common stock of its nonutility subsidiary, Southern Energy, Inc. (''Energy''), to Southern shareholders in a tax-free reorganization (''Reorganization''), which requires Southern to control 80% of the voting securities of both Energy and the Subsidiaries. Under the Reorganization, if the preferred shareholders of each of the Subsidiaries receives the right to vote for the election of directors, Southern will own at least 80% of the total combined voting power of all classes of stock entitled to vote, when considering the voting preferred securities together with the common stock of these companies.

To facilitate the Reorganization, each Subsidiary proposes to amend its Articles of Incorporation (''Charter'') to confer fractional voting rights for the election of directors on the holders of its preferred stock (''Amendment'').[1] In addition, the Subsidiaries propose that each of Alabama, Gulf and Mississippi solicit proxies from the holders of its outstanding shares of preferred stock and common stock for use at a special meeting (''Meeting'') of its stockholders to consider the Amendment.[2] The Subsidiaries also propose the Georgia obtain a written consent from Southern approving the Amendment.[3]

With respect to each of Alabama and Mississippi, adoption of the Amendment requires the affirmative vote of a majority of the votes cast of all series of its outstanding preferred stock, voting together as one class,[4] and a majority of its common stock.[5] In the case of Gulf, adoption of the

[1] The fractional vote to be given to the preferred stockholders under the Amendments is expected to range from one-tenth of a vote to one vote per share of preferred stock.

[2] Southern holds all the outstanding shares of common stock of Alabama, Gulf and Mississippi, which, along with each company's outstanding preferred stock, constitute the only securities entitled to vote on the Amendments.

[3] Southern holds all of the outstanding shares of Georgia's common stock, which constitute the only securities entitled to vote on the Amendment.

[4] Alabama's outstanding preferred stock includes: (1) two series of its Class A cumulative preferred stock, stated capital $25 per share, consisting of a 5.83% series, of which 1,520,000 shares are outstanding and a 5.20% series, of which 6,480,000 shares are outstanding; (2) six series of its Class A cumulative preferred stock, par value $100 per share, consisting of a 4.20% series, of which 135,115 shares are outstanding, a 4.52% series, of which 50,000 shares are outstanding, a 4.60% series, of which 100,000 shares are outstanding, a 4.64% series, of which 60,000 shares are outstanding, a 4.72% series, of which 50,000 shares are outstanding and a 4.92% series, of which 80,000 shares are outstanding; (3) one series of its Class A cumulative preferred stock, stated capital $100 per share, of which 500,000 shares are outstanding (''1988 Auction Preferred''); and (4) one series of its Class A cumulative preferred stock, stated capital $100,000 per share, of which 200 shares are outstanding (''1993 Auction Preferred'').

Mississippi's outstanding preferred stock includes: (1) two series of its cumulative preferred stock, par value $100 per share, consisting of a 6.32% series, of which 150,000 shares are outstanding and a 6.65% series, of which 84,040 shares are outstanding; and (2) four series of its cumulative preferred stock, par value $100 per share, consisting of a 4.40% series, of which 8,867 shares are outstanding, a 4.60% series, of which, 8,643 shares are outstanding, a 4.72% series, of which 16,700 shares are outstanding and a 7.00% series, of which 49,840 shares are outstanding.

[5] Alabama has outstanding 5,608,955 shares of commons stock, par value $40 per share. Mississippi has outstanding 1,121,000 shares of common stock, no par value. Neither Alabama nor Mississippi has outstanding any other class of equity securities.

Amendment requires a majority of the voting power of the outstanding preferred stock of all series, voting as one class,[6] and a majority of its common stock.[7] Adoption of the Amendment by Georgia requires the affirmative vote of two-thirds of its common stock.[8]

If the proposed Amendments are adopted, the Subsidiaries propose that each of Alabama, Gulf and Mississippi make special cash payments (''Payments'') to each preferred stockholder whose shares of preferred stock were properly voted in favor of the proposed Amendment. The proposed Payments will not exceed 0.50% of the stated capital or par value, as appropriate, per share of each company's outstanding preferred stock, except that Payments made by Alabama respecting the 1988 Auction Preferred and the 1993 Auction Preferred will not exceed 0.125% of the stated capital per share. The Subsidiaries state that each of Alabama, Gulf and Mississippi will disburse Payments out of its general funds, promptly after adoption of the proposed Amendment.

The Subsidiaries request that an order authorizing the solicitation of proxies by Alabama, Gulf and Mississippi be issued as soon as practicable under rule 62(d). It appears to the Commission that the Subsidiaries' declaration relating to the proposed solicitation of proxies should be permitted to become effective immediately under rule 62(d).

Additional fees and expenses not exceeding $100,000 are anticipated in connection with these transactions. It is that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

It is Ordered, under rule 62 under the Act, that the declaration regarding the proposed solicitation of proxies become effective immediately, subject to the term and conditions contained in rule 24 under the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27130 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[6] Gulf's outstanding preferred stock includes three series of preferred stock, par value $100 per share, consisting of a 4.64% series, of which 12,503 shares are outstanding, a 5.16% series, of which 13,574 shares are outstanding and a 5.44% series, of which 16,284 shares are outstanding.

[7] Gulf has outstanding 992,717 shares of common stock, no par value. Gulf has outstanding no other class of equity securities.

[8] Georgia has outstanding 7,761,500 shares of common stock, no par value. The Georgia common stock constitutes its only outstanding securities entitled to vote on the Amendment.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27251]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

October 13, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 7, 2000, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 7, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

IES Utilities (70–9375)

IES Utilities (''IES''), Alliant Energy Tower, Cedar Rapids, Iowa 52401, a wholly owned gas and electric utility subsidiary company of Alliant Energy Corporation, a registered holding company, has filed a post-effective amendment under sections 6(a) and 7 of the Act and rule 54 under the Act to a declaration previously filed under the Act.

By order dated November 25, 1998 (HCAR No. 26945) (''Current Financing Order''), the Commission authorized IES to issue and sell from time to time, through December 31, 2000, in one or more series, any combination of collateral trust bonds (''Trust Bonds''), senior unsecured debentures (''Senior Debentures'') and unsecured subordinated debentures (''Subordinated Debentures''). The current Financing Order also authorized IES to enter into an agreement or agreements for the issuance and sale of one or more series of tax-exempt bonds (''Tax-Exempt Bonds''), maturing not later than 30 years from the first day of the month in which they are initially issued, for the financing or refinancing and air and water pollution control facilities and sewage and solid water disposal facilities (''Facilities''). As security for IES's obligations under any agreement relating to the Tax-Exempt Bonds, IES was also authorized to: (1) Issue its non-negotiable promissory note or notes to evidence loans to IES of the proceeds of the Tax-Exempt Bonds by the issuer;[1] (2) convey a subordinated security interest in any Facilities that are financed through the issuance of Tax-Exempt Bonds; (3) issue and pledge one or more new series of Trust Bonds; (4) acquire and deliver letters of credit guaranteeing payment of the Tax-Exempt Bonds and enter into related reimbursement agreements; (5) acquire insurance policies guaranteeing payment of the Tax-Exempt Bonds; and (6) provide a direct guarantee of payment of the principal of and premium, if any, and interest on the Tax-Exempt Bonds.

Under the Current Financing Order, the aggregate principal amount of the Trust Bonds, Senior Debentures, Subordinated Debentures, and Tax-Exempt Bonds shall not exceed $200 million, excluding the principal amount of any Trust Bonds issued as collateral security for Tax-Exempt Bond obligations and any other forms of collateral related to the Tax-Exempt Bonds. Each series of Trust Bonds, Senior Debentures and Subordinated Debentures will mature not later than 30 years from the day of issuance. The Current Financing Order provides that no series of Trust Bonds will be issued at rates in excess of the lower of 15% *per annum* or those rates generally obtainable at the time of pricing for the first mortgage bonds having reasonably similar maturities, issued by companies of the same or reasonably comparable credit quality and having reasonably similar terms, conditions and features (''Ceiling Rate''). Further, the Current Financing Order provides that no series of Senior Debentures or Subordinated Debentures will be sold if their fixed interest rate or initial adjustable interest rate exceeds the Ceiling Rate.

IES now proposes to extend the authorization period under the Current Financing Order from December 31,

[1] The note will provide for payments to be made by IES at times and in amounts, which will correspond to the payments regarding the principal of, premium, if any, and interest on the related Tax-Exempt Bonds.

2000 to June 30, 2004 (''Extended Authorization Period''). During the Extended Authorization Period, IES proposes to issue from time to time in one or more transactions Trust Bonds, Senior Debentures, and Unsecured Debentures and to enter into agreements with respect to Tax-Exempt Bonds in an aggregate principal amount not to exceed $200 million, excluding Trust Bonds and any other form of collateral. IES states that all other terms, conditions, and limitations contained in the Current Financing Order will continue to apply.

Interstate Power Company (70–9377)

Interstate Power Company (''IPC''), 1000 Main Street, P.O. Box 769, Dubuque, Iowa 52004–07691, a wholly owned gas and electric utility subsidiary company of Alliant Energy Corporation, a registered holding company, has filed a post-effective amendment under sections 6(a) and 7 of the Act and rule 54 under the Act to its declaration previously filed under the Act.

By order dated November 25, 1998 (HCAR No. 26946) (''Current Financing Order''), the Commission authorized IPC to issue and sell from time to time, through December 31, 2000, in one or more series, any combination of first mortgage bonds (''First Mortgage Bonds''), senior unsecured debentures (''Senior Debentures'') and unsecured subordinated debentures (''Subordinated Debentures''). The Current Financing Order also authorized IPC to enter into an agreement or agreements for the issuance and sale of one or more series of tax-exempt bonds (''Tax-Exempt Bonds''), maturing no later than 30 years from the first day of the month in which they are issued initially, for the financing or refinancing of air and water pollution control facilities and sewage and solid waste disposal facilities (''Facilities''). As security for IPC's obligations under any agreement relating to the Tax-Exempt Bonds, IPC was also authorized to: (1) Issue its non-negotiable promissory note or notes to evidence loans to IPC by the issuer of the proceeds of the Tax-Exempt Bonds; [2] (2) convey a subordinated security interest in any Facilities that are financed through the issuance of Tax-Exempt Bonds; (3) issue and pledge one or more new series of First Mortgage Bonds; (4) acquire and deliver letters of credit guaranteeing payment of the Tax-Exempt Bonds and enter into related reimbursement agreements; (5) acquire insurance policies guaranteeing payment of the Tax-Exempt Bonds; and (6) provide a direct guarantee of payment of the principal of and premium, if any, and interest on the Tax-Exempt Bonds.

Under the Current Financing Order, the aggregate principal amount of the First Mortgage Bonds, Senior Debentures, Subordinated Debentures, and Tax-Exempt Bonds will not exceed $80 million, excluding the principal amount of any First Mortgage Bonds issued as collateral security for Tax-Exempt Bond obligations and any other forms of collateral related to the Tax-Exempt Bonds. Each series of First Mortgage Bonds, Senior Debentures and Subordinated Debentures will mature not later than 30 years from the day of issuance. The Current Financing Order provides that no series of First Mortgage Bonds will be issued at rates in excess of the lower of 15% *per annum* or those rates generally obtainable at the time of pricing for first mortgage bonds having reasonably similar maturities, issued by companies of the same or reasonably comparable credit quality and having reasonably similar terms, conditions and features (''Ceiling Rate''). Further, the Current Financing Order provides that no series of Senior Debentures or Subordinated Debentures will be sold if their fixed interest rate or initial adjustable interest rate exceeds the Ceiling Rate.

IPC now proposes to extend the authorization period under the Current financing Order from December 31, 2000 to June 30, 2004 (''Extended Authorization Period''). During the Extended Authorization Period, IPC proposes to issue from time to time in one or more transactions First Mortgage Bonds, Senior Debentures and Subordinated Debentures and to enter into agreements regarding Tax-Exempt Bonds in an aggregate principal amount not to exceed $80 million, excluding First Mortgage Bonds issued as collateral for IPC's Tax-Exempt Bond obligations and any other related form of collateral. IPC states that all other terms, conditions and limitations contained in the Current Financing Order will continue to apply.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27131 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[2] The note will provide for the payments to be made by IPC at times and in amounts, which will correspond to the payments regarding the principal of, premium, if any, and interest on the related Tax-Exempt Bonds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27254]

Filing Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

October 16, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The applicant(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 10, 2000, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant application(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 10, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Southern Company, et al. (70–9771)

The Southern Company (''Southern''), 270 Peachtree Street, NW., Atlanta, Georgia 30303, a registered holding company, and its wholly owned subsidiaries, Mobile Energy Services Holdings, Inc. (''Holdings'') and Mobile Energy Services Company, L.L.C. (''Mobile Energy'') [1] both located at 900 Ashwood Parkway, Suite 500, Atlanta Georgia 30338 (collectively, ''Applicants''), have filed an application-declaration (''Application'') under sections 6(a), 7, 11(f), 11(g), 12(a), 12(b), 12(d), 12(e), 12(f) and rules 45, 54, 63 and 64 of the Act.

[1] Mobile Energy is wholly owned limited liability company subsidiary of Holdings to which Holdings transferred all of its assets other than its equity interest in Mobile Energy in July 1995. Mobile Energy is an electric utility company within the meaning of section 2(a)(3) of the Act.

Applicants propose that the Commission issue (1) an order under section 11(f) of the Act approving the amended Joint Plan or Reorganization (''Plan'') and certain related transactions under the Plan [2] and (2) a report on the Plan under section 11(g) that may accompany a solicitation of creditors and any other interest holders for approval of the Plan in the bankruptcy proceedings.[3]

The Application includes the Plan and disclosure statement for Mobile Energy and Holdings. On January 14, 1999, Mobile Energy and Holdings (collectively, ''Debtors'') filed voluntary petitions in the Bankruptcy Court for the Southern District of Alabama (''Bankruptcy Court'') for protection under Chapter 11 of the Bankruptcy Code. Both entities filed as debtors in possession continuing their operations; as a result, no trustee or receiver has been appointed by the Bankruptcy Court. The original Plan was filed with the Bankruptcy Court on August 4, 2000. The disclosure statement and the amended Plan were filed with the Bankruptcy Court on September 15, 2000. Under section 1125 of the Bankruptcy Code, the Debtors may not solicit votes for acceptances of the Plan until the Bankruptcy Court approves a disclosure statement that contains information of a kind, and in sufficient detail, adequate to enable creditors to make an informed judgment whether to vote for acceptance or rejection of the Plan. A hearing is scheduled with the Bankruptcy Court for October 19, 2000, to determine whether the disclosure statement filed on September 15, 2000, meets the requirements of section 1125 of the Bankruptcy Code. Applicants state notice of the October 19, 2000 hearing has been provided in accordance with the Bankruptcy Code and the applicable Federal Rules of Bankruptcy Procedure.

Applicants state the purposes of the transactions described in the Plan are to: (1) Permit Mobile Energy and Holdings to reorganize and emerge from bankruptcy; (2) maximize the recovery of Mobile Energy's bondholders on their capital investment; (3) eliminate the direct and indirect equity ownership of Southern in Mobile Energy and Holdings; and (4) allow Mobile Energy to operate as a qualifying facility under the Public utility Regulatory Policies Act of 1978 after the effective date of the Plan, which will cause Mobile Energy and Holdings to no longer be subject to the Act. Certain transactions contemplated by the Plan require Commission authorization. The jurisdictional aspects of the Plan are summarized below.

I. Overview of the Plan

Applicants request authorization for the solicitation regarding the Plan under sections 11(g) and 11(f) of the Act, and authorization under section 12(e) to solicit consents and approvals from the holders of the securities of Mobile Energy and Holdings, along with other ancillary and related authorizations to implement the Plan. The pre-petition shares of common stock issued by Holdings and held by Southern will not receive any distributions under the Plan, and the shares will be cancelled and extinguished on the effective date of the Plan. The entire equity interest in the reorganized Holdings will then be held by the existing bondholders.

Upon implementation of the Plan, the ownership interests of Southern and its affiliates in the Debtors will terminate. Applicants state Southern and its affiliates will have substantially reduced obligations going forward with respect to Mobile Energy and Holdings. Southern Energy Resources, Inc. (''SERI'') will continue to operate Mobile Energy's facilities through March 31, 2001 at the latest. Southern guaranteed certain of Mobile Energy's obligations to its existing customers in 1995, and these guarantees will remain in place but Mobile Energy will indemnify Southern against any liability under those guarantees. Southern Energy, Inc. (''Southern Energy'') will assign certain contract rights and obligations to Mobile Energy related to a combustion turbine being manufactured for it by general Electric Company (''GE'') and under a long term services agreement related to that turbine by General Electric International Inc. (''GEII''). Southern Energy will remain liable if Mobile Energy does not meet those obligations and Mobile Energy will indemnify Southern Energy against any of these costs.

The proponents of the Plan include a Bondholder Steering Committee which represents more than 70% of the current outstanding bondholders of the Debtors.[4] The Bondholder Steering Committee includes First Union National Bank as the indenture trustees for each of the two bond issuances as an ex officio member. The indenture trustees represent all of the bondholders.

The facilities at issue are located inside a large pulp, paper and tissue manufacturing complex in Mobile, Alabama. Some of the facilities now owned by Mobile Energy were originally constructed by the Scott Paper Company (''Scott'') in the early 1960s. Scott sold the energy facilities, black liquor recovery equipment, and related assets, permits and agreements (''Energy Complex'') to Holdings.[5] Mobile Energy was formed as a limited liability company on July 13, 1995. Mobile Energy acquired ownership from Holdings of the Energy Complex on July 14, 1995. Mobile Energy owns and operates the Energy Complex which was constructed specifically to serve the Scott mill operations. In late 1995 Scott was merged into a subsidiary of Kimberly Clark Corporation and the resulting entity was renamed Kimberly Clark Tissue Company (''KCTC''). In 1998, KCTC notified Mobile Energy that KCTC would close its pulp mill and terminate its contract to purchase energy services from Mobile Energy. The consequences from the anticipated loss of the KCTC pulp mill contract and operations triggered the filing by Mobile Energy and Holdings of cases under Chapter 11 of the Bankruptcy Code.

II. Key Elements of the Plan

A. KCTC Settlement Agreement

The settlement agreement between the Debtors and KCTC (''KCTC Settlement Agreement'') encompasses certain transactions, some of which occurred soon after the Bankruptcy Court approved the settlement, and other transactions that will occur later if certain conditions are met. Particularly, on February 8, 2000, Mobile Energy and KCTC executed: (1) The New Tissue Mill ESA,[6] which provides for electricity and steam processing services to be supplied by Mobile Energy to KCTC's tissue mill at market prices; and

[2] Section 11(f) of the Act provides, in relevant part, that ''a reorganization plan for a registered holding company, or any subsidiary thereof, * * * shall not become effective unless such plan shall have been approved by the Commission after opportunity for hearing prior to its submission to the court.''

[3] Section 11(g)(2) of the Act provides, in relevant part, that any solicitation for consents to or authorization of any reorganization plan of a registered holding company or any subsidiary company thereof shall be ''accompanied or preceded by a copy of a report on the plan which shall be made by the Commission after an opportunity for a hearing on the plan and other plans submitted to it, or by an abstract of such report made or approved by the Commission.''

[4] Applicants state the Bondholder Steering Committee is currently composed of CS First Boston, Miller Anderson & Sherrerd, LLP; Pan American Life Insurance Company; Franklin Advisors, Inc.; Van Kampen Interest and Advisory Corp.; and First Union National Bank.

[5] On Dec. 13, 1994 the Commission authorized Southern to organize Holdings as a new subsidiary and acquire all of its common stock. HCAR No. 26815.

[6] As part of the settlement with KCTC a new contract to provide electric power and steam processing services, the ''New Tissue Mill ESA,'' was entered into between KCTC Mobile Energy.

(2) an Option Agreement for Mobile Energy or its assignee to purchase KCTC's pulp mill and related assets to be used for a new 800 short ton per day pulp mill. On the closing date, if certain conditions are met, KCTC will pay Mobile Energy approximately $30.12 million, KCTC will transfer certain assets to Mobile Energy and Mobile Energy will transfer certain other assets to KCTC. KCTC and Mobile Energy will also enter into an agreement which will set out the respective rights and obligations of Mobile Energy and KCTC to operate and maintain the No. 6 Power Boiler and related facilities.

B. Cogen Project

The Plan contemplates resumption, on a reduced scale, of pulp mill operations under different ownership, a more efficient use of resources (*e.g.,* recovery boiler), the possible expansion of electric generating capacity by purchasing a combustion turbine and developing a 165 megawatt facility (''Cogen Project'')[7] and a revised agreement to provide energy services to the tissue mill within the industrial complex. The development of the Cogen Project will occur under the MESC Cogeneration Development Agreement dated February 9, 2000, between Mobile Energy, Holdings, Southern Energy, and SERI, as amended by Amendment No. 1 dated August 11, 2000 (''Development Agreement''). The Development Agreement provides, among other things, that: (1) Mobile Energy has an option to purchase from Southern Energy a combustion turbine being manufactured for Southern Energy by GE to be used to develop the Cogen Project at Southern Energy's cost and pay Southern Energy $2.9 million as an option fee; (2) Southern Energy will assign its rights under a long term services agreement related to that turbine with GEII to Mobile Energy; (3) Mobile Energy will terminate the Mobile Energy Operating Agreement no later than March 31, 2001; (4) Mobile Energy will pay one-half the actual cost of a retention and severance program implemented by SERI for its workers at Mobile Energy's facilities, up to a total of $2 million; (5) Southern, Southern Energy, SERI, Mobile Energy, Holdings, the indenture trustee and the collateral agent will exchange releases of claims; (6) Southern, Southern Energy, SERI, Mobile Energy and Holdings will provide certain indemnities to each other; and (7) Southern, Southern Energy and SERI will hold a first priority lien on the Debtor's assets and those of any affiliate set up to own the Cogen Project to secure performance of all obligations which may be owed to Southern, Southern Energy and SERI under the Development Agreement.

Applicants state the Doctors will use the $30.12 million to be received from KCTC in part for the development of the Cogen Project. The balance of the cost of the Cogen Project will be funded through debt and/or equity financing in addition to the funds otherwise available to the Debtors.

C. The New Pulp Mill

The Plan contemplates that a new 800 short ton per day pulp mill will be developed at the Mobile facility under a term sheet agreed to by Jubilee Pulp, Inc. and Mobile Energy (''New Pulp Mill''). The transactions necessary to develop the New Pulp Mill include: (1) Consummation of the KCTC Settlement Agreement; (2) consummation of certain agreements with the Debtors to effect the distribution of the No. 8 Recovery Boiler by Mobile Energy to Holdings and its contribution by Holdings to a new limited liability company;[8] and (3) new energy services agreements between Mobile Energy and the developer of the New Pulp Mill. Jubilee Pulp, Inc. and Mobile Energy also intend to execute the New Pulp Mill ESA under which Mobile Energy will provide electric power processing services, steam processing services and steam conditioning services to Jubilee Pulp, Inc.

III. Treatment of Claims Under the Plan

A. Unsecured Creditors; Others

Under the Plan, the claims of the general unsecured creditors and the claims of all other creditors, except Southern and its affiliates will be paid in full.

B. First Mortgage Bonds

The first mortgage bonds were issued by Mobile Energy on August 1, 1995, in the principal amount of $255,210,000 due January 1, 2017 and bearing annual interest at 8.665%. Under the Plan, the first mortgage bonds will be exchanged for new taxable bonds in an aggregate principal amount of $51,535,000 and bearing annual interest at 10%. In addition, the Plan contemplates 7,259,400 shares of new common stock of Holdings will be distributed to the holders of the first mortgage bonds. Each share of new common stock will be entitled to one vote per share. Certain holders of the first mortgage bonds will be entitled to registration rights.

C. Tax Exempt Bonds

In December 1983, the Industrial Development Board of Mobile, Alabama (''IDB'') issued tax-exempt bonds (''1983 Tax Exempt Bonds'') to finance the construction of the No. 7 Power Boiler and certain auxiliary systems. In December 1994 (''1984 Tax Exempt Bonds''), the IDB issued tax-exempt bonds to refund the 1983 Tax Exempt Bonds.

Refunding of the 1984 Tax Exempt Bonds occurred in 1995 by means of tax-exempt bonds in the original principal amount of $85,000,000 scheduled to mature January 1, 2000. Under the Plan, the tax-exempt bonds will be exchanged for new tax-exempt bonds in an aggregate principal amount of $20,035,000 (subject to increase of up to an additional $2,003,500 aggregate principal amount of new tax-exempt bonds if each holder of allowed tax-exempt bondholder receives additional new tax-exempt bonds rather than common stock of Holdings as described below) and bear interest at the rate of 8% per annum.

In addition, the Plan contemplates up to an aggregate of 2,740,600 shares of new common stock will be issued to the tax-exempt bondholders (based on the number of tax-exempt bondholders that elect to receive new common stock). Each share of new common stock will be entitled to one vote per share. Certain holders will be entitled to registration rights. Each of the tax-exempt bondholders may elect, in lieu of receiving any common stock in Holdings, to receive additional new tax-exempt bonds equal to 10% of the new bonds to be received by the holder from $20,035,000 principal amount of new tax-exempt bonds to be distributed to all these holders.

D. Southern's and Its Affiliates' Claims

Under the Plan, Southern and its affiliates will receive the treatment provided in the Development Agreement, described above, in full satisfaction of their claims.

[7] Applicants note the Cogen Project will be owned either by Mobile Energy or an affiliate which is an exempt wholesale generator as defined in section 32 of the Act.

[8] The No. 8 Recovery Boiler will be distributed by Mobile Energy to Holdings and then contributed by Holdings to Pulpco LLC whose members will be holdings and Jubilee Pulp, Inc. The original cost to Mobile Energy of the recovery boiler was $11,852,824, which has been amortized in part over the intervening years, an the net book value as of December 31, 2000 will be approximately $86,241,000.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–27132 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43448; File No. SR–CBOE–00–35]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Manual Handling of RAES Orders in Certain Limited Situations

October 17, 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 9, 2000, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the extension of a pilot program through February 21, 2001.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Exchange Rule 6.8(c) in order to extend, for an additional six-month period, the pilot program that currently provides for certain orders to be rejected from RAES for manual handling under certain limited conditions (''Pilot''). The text of the proposed rule change is available at the CBOE and the Commission.

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 CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE 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 purpose of the proposed rule change is to extend the Pilot for an additional six-month period. The Pilot provides that orders be rejected from RAES in the limited situation when an Autoquote-generated bid or offer for a particular series of options has become locked or crossed with the Exchange's best bid or offer as established by a booked order.[3] The Exchange is requesting an extension of the Pilot [4] so that RAES kick-out procedures may continue in effect while the Commission is considering the approval of two proposed rule changes. The Exchange represents that these proposed rule changes, currently pending before the Commission, were developed to obviate the need for RAES kick-outs under the circumstances covered by the Pilot.

In the first extension of the Pilot,[5] the CBOE stated that the Exchange would continue to seek other alternatives to having RAES orders rejected in the limited situation where quotations generated by the Autoquote system become locked or crossed with a booked order.[6] During the 6-month period of the first extension of the Pilot, CBOE developed two systems changes which the Exchange represents would, if implemented, virtually eliminate RAES kick-outs under the Pilot. The systems changes are the subject of the two proposed rule changes currently pending at the Commission.

The first systems change is an enhancement to the Automated Book Priority System (''ABP''), called ABP Split Price, that would allow incoming RAES orders utilizing ABP to be executed against the book price up to the applicable book volume, or a larger amount as predetermined by the appropriate Floor Procedure Committee, for the subject option class.[7] The balance of these orders would trade at the next best available price, whether: (1) Against another booked order; or (2) against market-makers logged onto RAES. If traded against market makers, the balance of such orders would trade at the best market-maker quote, whether generated by Autoquote or verbalized by a market maker.

The second systems change for which the CBOE has sought approval is called Autoquote Triggered EBook Execution (''Trigger'').[8] Trigger is an enhancement to the electronic limit order book (''EBook'') that would allow certain booked orders to be automatically executed up to the RAES contract limit applicable to the particular series of options. Trigger would become operative in the limited situation where the bid or offer generated by Autoquote (or any Exchange-approved proprietary quote generation system) for a particular options series locks or crosses the Exchange's best bid or offer for that series as established by a booked order. By providing for automatic execution of these booked orders, Trigger would eliminate the vast majority of RAES kick-outs which result when firms seeking out pricing anomalies detect a skewed quote and submit a RAES eligible order or orders to trade at the book price.

2. Statutory Basis

The proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act [9] in that it is designed to remove impediments to a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 C.F.R. 240.19b–4.

[3] Securities Exchange Act Release No. 42168 (November 22, 1999), 64 FR 66952 (November 30, 1999) (notice of rule proposal filing and accelerated approval of order establishing Pilot) (''Original Notice''); Securities Exchange Act Release No. 42615 (April 3, 2000), 65 FR 19401 (April 11, 2000) (notice of rule proposal filing and accelerated approval of order granting extension of Pilot) (''First Extension Notice'').

[4] The Pilot was due to expire on August 21, 2000.

[5] First Extension Notice at 65 FR 19403.

[6] Id.

[7] *See* SR–CBOE–00–21. The proposed rule change was published for public comment in Securities Exchange Act Release No. 34–43430 (October 11, 2000).

[8] *See* SR–CBOE–00–22.

[9] 15 U.S.C. 78f(b)(5).

change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–00–35 and should be submitted by November 13, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds that the proposal is consistent with Section 6 of the Act.[10] In particular, the Commission finds the proposal consistent with Section 6(b)(5) of the Act,[11] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest.

The Commission finds that it is in the public interest to encourage the Exchange to expand its implementation of ABP. The broader the implementation of ABP, the more likely customer limit orders will, where appropriate, be given priority over other interest on the Exchange. On the other hand, implementation of ABP may also expose market makers to an unfair risk of financial loss where the market in an underlying stock moves significantly and quickly in a direction that makes a price established by a booked order substantially better than the price calculated by CBOE's Autoquote formula.[12] The Commission approves this extension of the Pilot in order to permit the mitigation of these risks while encouraging the Exchange to more broadly implement ABP. At the same time, this extension will provide the Commission an opportunity to evaluate, while the Pilot is still in effect, the Trigger and ABP Split price proposals designed to reduce the number of RAES rejects pursuant to the Pilot.

Finally, the Commission plans to evaluate the continued impact of the Pilot on ABP executions, as well as the impact of any related rule proposals approved and implemented during the Pilot, based on statistical data provided by the Exchange. Accordingly, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[13] that the proposed rule change (SR–CBOE–00–35) is hereby approved through February 21, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27133 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

[12] Original Notice at 63 FR 66952.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43444; File No. SR–CHX–00–32]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Partial Automatic Execution of Orders for NASDAQ/NM Issues

October 13, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice hereby is given that on October 10, 2000, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the CHX rule governing automatic execution of orders for NASDAQ/NM issues. Specifically, the Exchange proposes to amend CHX Article XX, Rule 37(b)(7)(ii), to provide order-sending firms with the option to select partial automatic execution of orders that are larger than the specialist's auto-execution threshold in instances where a specialist's quote is away from the national best bid or offer (''NBBO''). The text of the proposed rule change is available at the Commission or the CHX.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange prepared summaries, set forth in Section A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the CHX rules governing the execution of NASDAQ/NM Securities. Specifically, the Exchange proposes to amend CHX Article XX, Rule 37(b)(7)(ii) to give order-sending firms the option to receive partial automatic executions if their orders are larger than the specialist's auto-execution threshold when the specialist's quote is away from the NBBO, or have these orders manually executed in their entirety as they are handled under the current rule. The proposed amendments are intended to bring the Exchange's rules in line with the practices that currently exist in other markets with respect to the trading of NASDAQ/NM Securities.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] The Exchange has represented that the proposed rule change: (i) Will not significantly affect the protection of investors or the public interest; (ii) will not impose any significant burden on competition; and (iii) will not become operative for 30 days after the date of this filing, unless otherwise accelerated by the Commission. The Exchange also has provided at least five business days notice to the Commission of its intent to file this proposed rule change, as required by Rule 19b–4(f)(6) under the Act. *Id.*

CHX Article XX, Rule 37, commonly referred to as the ''BEST Rule,'' among other things, guarantees automatic executions if an order falls within certain size parameters, *i.e.,* the auto-acceptance threshold and the auto-execution threshold. The auto-execution threshold is an order size designated by the specialist for each issue, up to which size orders will be executed automatically at the NBBO.[5]

CHX Article XX, Rule 37(b)(7)(ii) currently provides that in instances where a NASDAQ/NM specialist's quote is not at the NBBO, an order that is of a size greater than the auto-execution threshold for the security will not be automatically executed, but will be filled manually in accordance with the specialist's obligations under the BEST Rule, and the manual handling requirements of CHX Rule 43(d) of Article XX.

Some of the Exchange's order-sending firms believe that prompt execution of ''partial fills'' may be advantageous for their customers in many instances. Therefore, the Exchange proposes this rule change to provide an alternative to these firms that would permit partial automatic executions of orders larger than the specialist's auto-execution threshold, upon the election of an order-sending firm. Amended CHX Rule 37(b)(7) would provide that in instances where a NASDAQ/NM specialist's quote is not at the NBBO, an order that is of a size greater than the auto-execution threshold for the security will be designated as an open order and filled manually in accordance with he specialist's obligations under the BEST Rule and the manual handling requirements of Rule 43(d) of Article XX, unless the customer sending the order previously has indicated its election to have such orders filled on a partial basis, *i.e.,* filled automatically up to the auto-execution threshold, with the balance of the order to be designated as an open order.

The Exchange believes that the proposed rule change is to the advantage of those order-sending firms and their customers that have a strong preference for quick executions even in circumstances where less than the entire order is confirmed as filled. As set forth above, the foregoing rule change is intended to place the Exchange's rules in line with existing market practice relating to the trading of NASDAQ/NM Securities. The proposed rule change thus necessarily contemplates certain distinctions between transactions in Dual Trading System issues and NASDAQ/NM issues. The Exchange's Rules Committee and its Committee on Floor Procedure, both of which are populated by specialists in both issues, approve all such distinctions. Both committees concur that the proposed rule change does not place specialists on unequal footing based on the type of issue traded, but merely reflects the distinctions between the markets for Dual Trading System issues and NASDAQ/NM issues.

2. Statutory Basis

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of section 6(b).[6] In particular, the proposed rule change is consistent with section 6(b)(5) of the Act[7] in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has been filed by the Exchange as a ''non-controversial'' rule change pursuant to section 19(b)(3)(A) of the Act[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9] The proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative until thirty days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The Exchange has requested that the Commission accelerate the operative date of the proposal. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, more than five business days prior to the date of the filing the proposed rule change.

The Commission finds that it is appropriate to accelerate the operative date of the proposal and designate the proposal to become operative today.[10] The Commission finds that it is appropriate to accelerate the operative date of the proposed rule change because the change will provide investors who have a preference for quick executions the efficiency of automatic execution, even in circumstances where less than the entire order is confirmed as filled. For this reason, and because use of the partial execution feature is completely voluntary on the part of investors, the Commission finds that designation of the proposal to become operative today is consistent with the protection of investors and the public interest. Further, the Commission expects that with the advent of this proposed rule, more investors will receive executions at the NBBO because they will be able to elect to receive automatic executions that are guaranteed to be at the NBBO, instead of relying entirely on less certain manual executions.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate, in the public interest, for the protection of investors, or otherwise in furtherance of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[5] If the specialist's quote is at the NBBO, the execution size is subject to the specialist's firm quote obligations.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 USC 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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 the filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–00–32 and should be submitted by November 13, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27135 Filed 10–20–00; 8:45 am]

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[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43441; File No. SR–NASD–00–55]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Delivery Requirement of a Margin Disclosure Statement to Non-Institutional Customers

October 12, 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 September 5, 2000, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. On September 26, 2000, the NASD submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to add a new NASD Rule 2341 to require its members to deliver to their non-institutional customers, prior to or at the opening of a margin account, a specified disclosure statement that discusses the operation of margin accounts and the risk associated with trading on margin. NASD Regulation also proposes to require NASD members to deliver the specified disclosure statement to their non-institutional customers with margin accounts on an annual basis. Below is the test of the proposed rule change. Proposed new language is in *italics.*

Rule 2341. Margin Disclosure Statement

(a) No member shall open a margin account, as specified in Regulation T of the Board of Governors of the Federal Reserve System, for or on behalf of a non-institutional customer, unless, prior to or at the time of opening the account, the member has furnished to the customer, individually, in writing or electronically, the following margin disclosure statement:

Your brokerage firm is furnishing this document to you to provide some basic facts abut purchasing securities on margin, and to alert you to the risks involved with trading securities in a margin account. Before trading stocks in a margin account, you should carefully review the margin agreement provided by your firm. Consult your firm regarding any questions or concerns you may have with your margin accounts.

When you purchase securities, you may pay for the securities in full or you may borrow part of the purchase price from your brokerage firm. If you choose to borrow funds from your firm, you will open a margin account with the firm. The securities purchased are the firm's collateral for the loan to you. If the securities in your account decline in value, so does the value of the collateral supporting your loan and, as a result the firm can take action, such as issue a margin call and/or sell securities in any of your accounts held with the member, in order to maintain the required equity in the account.

It is important that you fully understand the risks involved in trading securities on margin. These risks include the following:

- *You can lose more funds than you deposit in the margin account A decline in the value of securities that are purchased on margin may require you to provide additional funds to the firm that has made the loan to avoid the forced sale of those securities or other securities in your account(s).*
- *The firm can force the sale of securities in your account(s). If the equity in your account falls below the maintenance margin requirements of the firm's higher ''house'' requirements, the firm can sell the securities in any of your accounts held at the firm to cover the margin deficiency. You also will be responsible for any short fall in the account after such a sale.*
- *The firm can sell your securities without contacting you. Some investors mistakenly believe that a firm must contact them for a margin call to be valid, and that the firm cannot liquidate securities in their accounts to meet the call unless the firm has contacted them first, This is not the case. Most firms will attempt to notify their customers of margin calls, but they are not required to do so. However, even if a firm has contacted a customer and provided a specific date by which the customer can meet a margin call, the firm can still take necessary steps to protect its financial interests, including immediately selling the securities without notice to the customer.*
- *You are not entitled to choose which securities in your account(s) are liquidated or sold to meet a margin call. Because the securities are collateral for the margin loan, the firm has the right to decide which security to sell in order to protect its interests.*
- *The firm can increase its ''house'' maintenance margin requirements at any time and is not required to provide you advance written notice. These changes in firm policy often take effect immediately and may result in the issuance of a maintenance margin call. Your failure to satisfy the call may cause the member to liquidate or sell securities in your account(s).*
- *You are not entitled to an extension of time on a margin call. While an extension of time to meet margin requirements may be available to customers under certain conditions, a customer does not have a right to the extension.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, NASD Regulation proposes to amend the proposed rule language. Specifically, Amendment No. 1 clarifies that if the equity in a customer's margin account falls below applicable requirements, an NASD member firm can force the sale of any of the securities in any of the customer's accounts held at the firm and such liquidations are not limited to the customer's margin account. Additionally, NASD Regulation deletes the phrase ''under the law'' from its original filing to clarify that maintenance margin requirements are requirements of self-regulatory organizations. *See* Letter from Alden S. Adkins, General Counsel and Senior Vice President, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission, dated September 25, 2000.

(b) Members shall, with a frequency of not less than once a calendar year, deliver individually, in writing or electronically, the disclosure statement described in paragraph (a) to all non-institutional customers with margin accounts.

(c) In lieu of providing the margin disclosure statement specified in paragraph (a), a member may provide to the customer an alternative disclosure statement, provided that the alternative disclosure statement shall be substantially similar to the disclosure statement specified in paragraph (a).

(d) For purposes of this Rule, the term ''non-institutional customer'' means a customer that does not qualify as an ''institutional account'' under Rule 3110(c)(4).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation 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

a. *Background.* The recent growth in the level of customer margin account balances, coupled with the increase in customer inquiries and complaints to NASD Regulation and SEC staffs relating to the handling of margin accounts, has raised concerns as to whether investors understand the operation and risks associated with margin trading. NASD Regulation believes that investors' misconceptions about margin requirements, particularly with respect to maintenance margin, may cause investors to underestimate the risks of margin trading and to misunderstand the operation of and reasons for margin calls.

In this regard, a recent report issued by the General Accounting Office (''GAO'') noted that the SEC has determined from the customer complaints it has received that many investors who traded on-line did not understand margin requirements.[4] The lack of disclosures relating to when firms would sell securities in a margin account to cover margin loans was among the leading margin-related complaints that the SEC received.

The GAO Report also collected and summarized information from 12 on-line broker-dealers.[5] All of the on-line firms contacted did provide their customers the limited information currently required on margin trading.[6] Some firms also provided additional information relating to margin, such as requirements for account opening, procedures for selling securities to cover account losses, or special requirements for volatile stocks. However, nearly half of the firms contacted automatically opened margin accounts for new customers without providing the customer information relating to the risks associated with margin trading. At three firms that automatically[7] opened margin accounts, customers would find out about their account type only if they read and understood their account agreements, which SEC staff indicated were written in legal language and may be difficult for investors to understand. Three of the 12 on-line broker-dealers contacted did take ''extra measures'' to ensure that their customers understood that stocks could be sold to cover outstanding loans in a margin account. These firms included information on their web sites that explained that accounts could be liquidated in fast-moving markets before the customary period.

The GAO Report concluded that better investor protection information, including information relating to margin requirements, was needed on web sites of some on-line broker-dealers. In this regard, the GAO Report recommended that the SEC ensure that broker-dealers with on-line trading systems include accurate and complete information on their web sites regarding, among other things, margin requirements.

b. *Specific Areas of Concern.* Based on customer complaints and inquiries it has received, NASD Regulation identified several areas associated with margin trading that may have generated confusion and misunderstanding between NASD customers and members. These include:

i. *Margin Calls—Notification.* Some investors hold the mistaken belief that their broker-dealer must contact them for a margin call to be valid, and that their broker-dealer cannot liquidate securities in their account to meet the call unless a specified number of days have passed and/or the broker-dealer has contacted the customer. There are no such restrictions in Regulation T[8] of the Board of Governors of the Federal Reserve System or NASD Rule 2520.[9] Moreover, securities that have been purchased on margin by a customer are collateral for the margin loan and are, therefore, subject to the security claim of the broker-dealer until the customer fully pays for the securities. Thus, if a broker-dealer believes that the collateral for the margin loan is at risk, the broker-dealer is entitled to take any steps necessary to protect its financial interests, including immediate liquidation without notice to the customer. Some broker-dealers will attempt to notify their customers of margin calls, but they are not required to do so. However, even if a broker-dealer has contacted a customer and provided a specific date by which the customer can meet a margin call, the broker-dealer can still take necessary steps to protect its financial interests, including immediate liquidation, without further notice to the customer.

ii. *Extensions of time on margin calls.* Some investors believe they are automatically entitled to an extension of time to meet margin calls. While an extension of time to meet initial margin requirements may be available to the customer under certain conditions, it is only granted if the clearing firm chooses to request an extension from its Designated Examining Authority; the customer does not have a right to an automatic extension.

In addition, some investors believe that when a maintenance margin call

[4] *See On-Line Trading, Better Investor Protection Information Needed,* Report to Congressional Requesters, GAO, GGD–00–43 (May 2000) (the ''GAO Report''). According to the GAO Report, between January 1998 and June 1999, 140 margin-related complaints concerning on-line trading firms were submitted to the SEC.

[5] These firms represented less than 10 percent of the total estimated number of firms that offer on-line trading. However, they accounted for about 90 percent of the on-line trading volume during early 1999.

[6] Rule 10b–16 under the Act (''SEC Rule 10b–16'') requires broker-dealers that extend credit to customers to finance securities transactions to furnish, in writing, specified information regarding the terms of the loan. These disclosures must be made on both an initial and periodic basis. For example, at the time a customer opens a margin account, the broker-dealer must provide the customer with a written statement disclosing, among other things, the annual rate of interest, the method of computing interest, and what other credit charges may be imposed.

[7] Those firms that provided clear indications of the type of account to be opened offered their customers the option on the web site to choose either a cash or margin account, or both. However, those firms that automatically opened margin accounts only offered new customers a choice with respect to account ownership, such as joint or individual account.

[8] 12 CFR 220 *et seq.*

[9] NASD Rule 2520 governs margin requirements.

has been issued they are entitled to one or more extensions of time to meet the call; however, there is no mechanism for extending maintenance margin calls. If the customer fails to meet a maintenance margin call, the broker-dealer can, under certain circumstances, take a charge to its net capital in lieu of collecting the call, but the broker-dealer is not required to do so, and the customer has no right to demand it.

iii. *Right to dictate which security is liquidated.* Some investors believe that they have the right to control which securities are liquidated to meet a maintenance margin call if there is more than one security in the NASD customer's accounts.[10] There is no provision in the margin rules that gives the customer the right to control liquidation decisions. As discussed above, because the securities are collateral for the margin loan, the broker-dealer has the right to control the disposition of the collateral in order to protect its interests. In this regard, the broker-dealer may choose which securities in the margin account, or any other account held by NASD member on behalf of the customer, to liquidate, and this selection need not relate to factors associated with the individual customer.[11] For example, the NASD broker-dealer may choose a particular security in a customer's account to liquidate based on a high concentration of the security held by customers firm-wide.

iv. *NASD members raising their maintenance margin requirements.* Some NASD members have increased their ''house'' maintenance margin requirements as a result of concerns about the volatility and extreme price run-ups on certain stocks, the risks to their customers, and the NASD member's own potential exposure to losses from margin defaults. These changes in policy often take effect immediately and may result in the issuance of a maintenance margin call. A customer's failure to satisfy the call will usually cause the NASD member to liquidate a portion of the customer's account.

Some investors believe that an NASD member must provide thirty days written notice before implementing this type of change. While SEC Rule 10b-16 requires members to disclose to customers the credit terms (interest rates and methods of calculating interest) for margin transactions and requires advance written notice of such changes, it does not require advance notice of the amount of margin required.

C. *Proposed Requirements.* Although NASD Regulation recognizes that some NASD members are providing additional disclosures to customers relating to margin, the content of these disclosures is not consistent from firm to firm and may not always be in a form that is understandable to investors. Thus, NASD Regulation proposes to implement a new NASD Rule 2341 that would require NASD members to deliver a disclosure statement that includes all the ''bulleted'' information as specified in the proposed NASD Rule 2341, or a substantially identical disclosure statement[12] to their non-institutional customers.[13] NASD members would be required to deliver the mandated disclosure statement, in writing or electronically, to customers individually,[14] prior to or at the opening of a margin account. NASD Regulation also would require NASD members to deliver the mandated disclosure statement annually to all of their non-institutional customers with margin accounts. NASD members would be required to provide the mandated disclosure statement to existing margin customers at the time the NASD member is required to send the next annual statement to the customer (following the effective date of the rule change), but not to exceed 180 days following the effective date of the rule change.

The mandated margin disclosure statement would: (1) Describe the operation of a margin account; (2) emphasize that customers should carefully review their margin agreements; and (3) clarify some of the risks associated with margin trading, including among others, that the customer can lose more funds than initially deposited, the firm can force the sale of the securities in the customer's account(s) held by the firm without notice to the customer, the firm can dictate which security is selected for liquidation, and the customer is not entitled to an extension of time on a margin call.

NASD members would be permitted to develop an alternative margin disclosure statement, provided that the alternative disclosure statement is substantially similar to the mandated disclosure statement and incorporates all of the relevant concepts. Under the proposed rule change, disclosure at or prior to the opening of the account would be made in a separate document, even if an NASD member firm chooses to deliver the margin disclosure statement as part of or within the margin agreement or other opening account documentation.[15] However, with respect to the annual disclosure statement requirement, NASD members would be permitted to provide the margin disclosure statement within other documentation, such as the customer account statement.

NASD Regulation intends to announce the effective date of the proposed rule change in a Notice to Members to be published no later than 60 days following Commission approval of the proposed rule change. The effective date will be 30 days following publication of the Notice to Members announcing Commission approval of the proposed rule change. With respect to the annual delivery requirement, members would be required to provide the margin disclosure statement to each existing margin customer at the time the member is required to send the next annual statement to the NASD customer (following the effective date of the rule change), but not to exceed 180 days following the effective date of the rule change.

2. Statutory Basis

NASD Regulation beleives that the proposed rule change is consistent with Section 15A(b)(6)[16] of the Act, in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation

[10] *See* Amendment No. 1, *supra* note 3.

[11] *Id.*

[12] NASD Regulation represents that it will determine whether an alternative disclosure statement contains substantially identical information as required by the proposed NASD Rule 2341 at its examination of the particular NASD firm. Telephone conversation between Stephanie Dumont, Counsel, NASD Regulation, and Hong-anh Tran, Special Counsel, Division, Commission, September 28, 2000.

[13] The term ''non-institutional customer'' would mean a customer that does not qualify as an ''institutional account'' under NASD Rule 311(c)(4). NASD Rule 3110(c)(4) defines ''institutional account'' to mean the account of: (1) a bank, savings and loan association, insurance company, or registered investment company; (2) an investment adviser registered either with the Commission under Section 203 of the Investment Advisers Act of 1940 or with a state securities commission (or agency or office performing similar functions); or (3) any other entity (whether a natural person, corporation, partnership, trust, or otherwise) with total assets of at least $50 million.

[14] Members would be required to deliver the disclosure statement to each customer individually. A member firm posting the disclosure statement on its web site would not fulfill the proposed delivery requirements.

[15] NASD Regulation represents that an NASD member firm may choose to deliver the disclosure statement or other opening account documentaiton on a separate page of, or as an attachment to, the margin agreement. Telephone conversation between Stephanie Dumont, Counsel, NASD Regulation, and Sapna Patel, Law Clerk, Division, Commission, October 12, 2000.

[16] 15 U.S.C. 78*o*–3(b)(6).

believes that the proposed rule change will provide non-institutional customers, who may have margin accounts with NASD members, with a better understanding of the operation of a margin account and the risks associated with margin trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. The Commission is specifically soliciting comments on whether the proposed disclosure is sufficient and non-misleading, or whether changes to the disclosure statement should be made. For example, the Commission is concerned that the proposed rule language would not require NASD member firms to disclose to customers that any and all assets, including securities or any other property the customer has on account at the member firm and any of its affiliates, whether carried individually or jointly with others, may, depending on the margin agreement, be used by the broker-dealer to satisfy a maintenance margin call. Should broker-dealer disclose this fact? Are other changes to the proposed disclosure merited? 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 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–00–55 and should be submitted by November 13, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27138 Filed 10–20–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43447; File No. SR–NSCC–00–05]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Related to Mutual Fund Services

October 16, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 7, 2000, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change and on April 19, 2000, and May 8, 2000, amended the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will modify NSCC's rules to permit additional types of investment products to be processed through NSCC's Mutual Fund Services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NSCC participants who utilize NSCC's Defined Contribution Clearance and Settlement Service of NSCC's Mutual Fund Services and who recognize the value of processing investment product transactions through NSCC have requested that NSCC permit additional types of investment products regulated under state insurance laws or federal or state banking laws to be eligible for processing through NSCC's Mutual Fund Services. Examples of ''Investment Funds'' include stable value funds, separate account group guaranteed investment contracts (which are regulated as group annuities), and collective bank investment trust. Asset classes of these types are typically included in defined contribution retirement plans and thus their inclusion in Mutual Fund Services will benefit third party administrator (''TPA'') members and other participants by standardizing their processing of these Investment Funds in the same manner as mutual funds are now processed under NSCC's mutual fund services. Standardized processing will permit defined contribution plan administrators to provide Investment Fund products to defined contribution plan clients without the systems or manual processing infrastructure and related costs required by the current processing methods.

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[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] A copy of NSCC's proposed rule change, the attached exhibits, and amendments are available at the Commission's Public Reference Section and the principal office of NSCC.

[3] The Commission has modified the text of the summaries prepared by NSCC.

To accommodate their participants' request, NSCC proposes to create a new class of eligible securities, defined as Investment Funds, that may be processed through its mutual fund services. This rule filing will permit NSCC to: (1) Add such class of securities to those currently eligible for processing through mutual fund services; (2) make corresponding changes to the categories of entities eligible to process these transactions through the mutual fund services; (3) establish standards of financial responsibility and operational capability for those participants wishing to process such Investment Funds through NSCC's mutual fund services; and, (4) make technical conforming changes to the existing rules where necessary.

Investment Funds will be defined as any fund or investment entity that is subject to regulation under applicable federal and state banking and/or insurance laws. Investment Funds will include such things as bank collective investment trusts, separate account guaranteed investment contracts, and other similar pooled investment vehicles. All Investment Fund products will be subject to regulation under federal or state banking laws or state insurance laws. Only Investment Funds that have been assigned a CUSIP number would be eligible for processing through NSCC's mutual fund services.

For the purpose of processing transaction in Investment Funds, NSCC also proposes expanding the types of entities that may qualify as a Fund Member under Rule 51 of NSCC's Rules to permit insurance companies, banks, and trust companies as packagers and sponsors of such funds to apply to become a Fund Member. As with other entities seeking to become a Fund Member, an insurance company, bank, or trust company seeking to process Investment Fund transaction through NSCC's Mutual Fund Services will be required to enter into an agreement setting forth its rights and obligations as a Fund Member, including that it will limit its use of NSCC's services to use of Mutual Fund Services (or Insurance Processing Services, as the case may be), comply with NSCC's rules and procedures, and permit NSCC to inspect its books and records. Moreover, as with all other transactions in Mutual Fund Services, transactions involving Investment Funds will not be guaranteed by NSCC. As currently provided in NSCC's Rules, if one side fails to pay for a transaction, the contra side will be required to return to NSCC any funds received from NSCC.[4]

Under the proposed rule change, Rule 2 of NSCC's Rules and Procedures will be amended to permit an insurance company to become a mutual fund member or insurance services member in order to transmit Investment Fund purchases, exchanges, and redemption orders to a fund member and engage in other customer-related transactions with a fund member. In addition to the standards set forth in Addenda B and I of NSCC's Rules currently applicable to mutual fund and insurance services members and fund members respectively, entities seeking to process Investment Fund transactions through Mutual Fund Services would be required to meet the rating and capital requirements set forth in new Addendum V, Financial Standards for Applicants and Participants Processing Investment Funds Transactions Through Mutual Fund Services, of NSCC's Rules.

2. Statutory Basis

Since NSCC is proposing to make a new category of securities eligible for mutual fund services processing, the proposed rule change will also make technical conforming changes to certain existing rules in order to include a reference to Investment Funds as applicable.

NSCC believes the proposed rule change is consistent with Section 17A of the Act because it will make a new class of securities eligible for processing through NSCC's mutual fund services and thereby should facilitate the prompt and accurate clearance and settlement of these transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Commission received one comment letter which was subsequently withdrawn by the commenter.[5]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC.

All submissions should refer to File No. SR–NSCC–00–05 and should be submitted by November 13, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

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[4] Addendum D of NSCC's Rules and Procedures.

[5] Letter from Harold H. Morley, Chairman and Chief Executive Officer, Morley Financial Services, Inc., to Jonathan Katz, Secretary, Commission (May 16, 2000); and from Joan K. Hall, Senior Vice President and Director, Morley Financial Services, Inc., to Secretary of the Commission, Commission (August 18, 2000).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43442; File No. SR–NYSE–00–40]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. Regarding Section 804 of the Exchange's Listed Company Manual

October 13, 2000.

Pursuant to section 19(b)(1) of the Securities Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 29, 2000, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange's amended delisting appeal procedures provide for notice regarding the status of an affected company. In lieu of the ticker symbol suffix originally proposed,[3] the Exchange proposes to utilize a combination of ticker and information notices and web site information to supplement the press release notice provided for in Section 804 of the NYSE Listed Company Manual.

The text of the proposed rule change is available at the Office of the Secretary, the Exchange and at the Commission.

II. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In a filing made last year and recently approved by the Commission, the Exchange amended its procedures for delisting a security and the accompanying Exchange appeals process available to the issuer.[4] In addition to providing that securities may continue trading pending an appeal, the Exchange proposed to append a suffix (.DL) to the ticker symbol of the security involved. The indicator was one of the ways the Exchange intended to inform the investing public and investment decision-makers that this particular company was no longer in compliance with NYSE continued listing standards and that the delisting of the security was pending and, when applicable, subject to appeal to the Exchange's board.

The Exchange has now determined that, absent significant systems changes that would require considerable time and expense, appending a suffix would in fact change a company's ticker symbol. Therefore, an investor or broker would have to know to enter the symbol with a .DL into a quotation device to obtain a quote or see the last sale. Entering the normal one, two or three letter symbol would elicit the message ''security not found.'' This would not meet the Exchange's goal of informing interested parties of the status of the security. In addition, clearance and settlement systems do not recognize a non-alpha character in a ticker symbol, so there would be confusion between a security with a .DL suffix and another security with a different, longer ticker symbol that uses .DL as its last two characters.

Even if the systems work were done to allow use of the suffix without a complete symbol change, the Exchange is concerned that it could not be confident that the suffix would be carried by every vendor. This would obviate the purpose behind the use of the suffix.

As a result, the Exchange has not yet implemented the amended procedures. In order to do so, in lieu of the .DL suffix, the Exchange proposes to employ the following mechanisms to achieve the information dissemination contemplated by the rule:

a. The Exchange proposes to circulate a ticker notice each day prior to the opening, specifying the delisting status of each company in question.

b. The Exchange proposes to have the same information notice distributed daily via the Exchange's online information notices system to vendors, member firms and other interested parties notifying them of the status of the listed company.

c. The Exchange proposes to have a company's delisting status noted with the company information on the Exchange's web site.

The Exchange believes that these steps will better disseminate information to all market participants, both professional and nonprofessional, on the subject companies than would the .DL suffix. The Exchange also believes that it is important to note that the entire notification process begins with a press release regarding the delisting determination made by the Exchange staff. The public is then updated with further press releases when a company decides to appeal, and when that appeal is decided. As a result, that record will be available to anyone who checks for news on the company.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with section 6(b) of the Act[5] in general and furthers the objectives of section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42863 (May 30, 2000), 65 FR 36488 (June 8, 2000) (proposing to append an identifier suffix to the ticker symbols of securities that are pending delisting status or that have been determined by Exchange staff to warrant suspension and delisting).

[4] *Id.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act[7] and Rule 19b–4(f)(1) thereunder because the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.[8] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–00–40 and should be submitted by November 13, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27136 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78s(b)(3)(A)(i).

[8] 17 CFR 240.19b–4(f)(1).

[9] 17 CFR 200.30–2(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43436; File No. SR–PHLX–00–83]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Distribute Quality of Execution Reports to Specialists and Order Flow Providers

October 11, 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 September 5, 2000, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to provide reports regarding the quality of execution of option orders in connection with its new payment for order flow fee.[3] The text of the proposed rule change is available at the principal offices of the Phlx.

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 Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of the statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In view of recent developments in options trading, including the Phlx's new payment for order flow fee, the Phlx has determined to provide Phlx specialists and order flow providers with sufficient information for them to determine whether order flow providers are receiving the best execution of their customers' orders at the Phlx.[4] Specifically, the Exchange intends to distribute detailed daily and summary monthly Quality of Execution Reports to order flow providers and specialist units with respect to all orders delivered through the Phlx's Automated Options Market (''AUTOM'') System.[5] The Phlx represents that Quality of Execution Reports will reflect all orders that are entered electronically through AUTOM and are executed either by AUTO–X[6] or by a specialist with the assistance of X.Station.[7] Quality of Execution Reports are designed to provide statistical data so that firms may analyze whether the orders they directed to the Phlx received the best execution. The Exchange initially intends for the Quality of Execution Reports to list the national best bid or offer (''NBBO'') that prevailed at the time AUTOM received each order and to identify the execution price, the execution volume, and the speed of execution for each order.[8] Initially, the report will also identify trades that may have been executed outside of the NBBO and will show what action, if any, was taken to adjust the price. For trades that were not executed at the NBBO, the information will be reported on an intraday basis to the Exchange's Surveillance Department staff, who will assist members involved in the trade in deciding whether a price

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43177 (Aug. 18, 2000), 65 FR 51889 (Aug. 25, 2000).

[4] The Phlx has imposed a payment for order flow fee on certain designated transactions of Phlx specialists and registered options traders. The funds are made available to Phlx specialists, who may use the funds to pay order flow providers for their options order flow. In publishing the Phlx's proposed rule change, the Commission stated its concerns that brokers who are paid to send their customers' orders to one exchange have a conflict of interest that may reduce their commitment to the duty they owe the customers to obtain the best execution available. *See* Securities Exchange Act Release No. 43177 (Aug. 18, 2000), 65 FR 51889 (Aug. 25, 2000).

[5] AUTOM is the Phlx's electronic order routing, delivery, execution, and reporting system for equity and index options. *See* Phlx Rule 1080.

[6] AUTO-X, the automatic execution feature of AUTOM, automatically executes public customer market and marketable limit orders for certain strike prices and expiration months in equity and index options. *See* Phlx Rule 1080.

[7] The X.Station is an electronic order book on the Phlx options floor. *See* Securities Exchange Act Release No. 42006 (Oct. 13, 1999), 64 FR 57180 (Oct. 22, 1999).

[8] The Phlx expects that this report may be revised to accommodate any suggested revisions of specialist units, order flow providers, Phlx staff, or others in order to enhance the report's effectiveness.

adjustment is called for under the circumstances.[9]

The Exchange intends to provide a system enhancement to its AUTOM system that should allow AUTO-X eligible orders to be automatically executed at the NBBO.[10] Orders executed at the NBBO through this new program will also be incorporated into the daily and monthly reports described above.

In the light of recent developments in options trading, the Phlx believes that it has become imperative to provide best execution data to its specialist units and order flow providers in order to show that Phlx members are providing their customers the best execution of their orders. The Phlx represents that the Quality of Execution Reports should provide members with greater assurance that they have acted in a manner consistent with the fulfillment of their fiduciary obligations of best execution. Moreover, the Phlx believes that once members and order flow providers have access to the information, the Phlx may be able to garner additional order flow because customers will see that they are receiving the best price for the orders that they send to the Phlx. Accordingly, the Exchange believes that the proposed rule change is consistent with the Act, specifically section 6(b)(5) thereof,[11] in that it is designed to promote just and equitable principles of trade, as well as to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Phlx represents that the Quality of Execution Reports will reflect all market orders and marketable limit orders that are entered through AUTOM, as described in Phlx Rule 1080. Because the Phlx has designated this proposed rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of existing Exchange rules and procedures, it has become effective pursuant to section 19(b)(3)(A)(i) of the Act[12] and Rule 19b–4(f)(1) thereunder.[13] At any time within 60 days of the filing of this proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–00–83 and should be submitted by November 13, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27134 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[9] According to the Phlx, reasons for executions at a price other than the NBBO may include crossed or locked markets, ''fast market'' conditions where AUTO-X is disengaged, and other unusual market conditions.

[10] On August 29, 2000, the Exchange submitted a proposed rule change relating to a proposed enhancement to AUTO-X that would provide AUTO-X eligible orders, as described in Phlx Rule 1080(c), to be automatically executed at the NBBO. *See* SR–Phlx–00–82.

[11] 15 U.S.C. 78f(b)(5)

[12] 15 U.S.C. 78s(b)(A)(i).

[13] 17 CFR 240.19b–4(f)(1).

[14] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed at the end of this publication.

1. Blood Donor Locator Service—0960–0501

Regulation 20 CFR 401.200 requires that participating State agencies provide the Social Security Administration (SSA) Blood Donor Locator Service (BDLS) specific information on blood donors who have tested positive for Human Immunodeficiency Virus (HIV). SSA uses the information to identify the donor, and locate the donor's address in SSA records for the purpose of notifying the states and to assure that states meet regulatory requirements to qualify for using the BDLS. SSA will retain no record of the request or the information after processing has been completed. The respondents are participating State agencies acting on behalf of authorized blood donor facilities.

Number of Respondents: 10.

Frequency of Response: 5.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 12.5 hours.

2. Affective Disorder Treatment Demonstration Project—0960–NEW

Background

There is substantial research evidence that affective disorders (*i.e.,* mental

disorders that affect a person's mood, such as depression and bipolar disorder) usually respond to treatment; there is also evidence that many individuals with affective disorders do not receive effective treatment. The cost of care is one of the reasons for the low treatment rates of individuals with affective disorder. This may be true for many beneficiaries, particularly those in the Medicare waiting period. Therefore, SSA will test the hypothesis that providing access to treatment will result in improved health status of Disability Insurance (DI) beneficiaries with affective disorders, which might, in turn, lead to increased labor force participation and self-sufficiency. This outcome would benefit both participants and taxpayers.

The Demonstration Project

SSA plans to implement a 5-year demonstration project that will test the effectiveness of providing better access to quality affective disorder treatments for DI beneficiaries who have an affective disorder as their primary reason for disability. Several forms and survey instruments will be used during the demonstration to collect information for screening program participants, beneficiary protection, and program evaluation. Some of the data will be collected from beneficiaries, and other data will be collected from the medical service providers who treat beneficiaries during the study.

The respondents to this collection will be randomly selected DI beneficiaries with an affective disorder and their health care providers.

	Annual number of respondents	Frequency of response	Average burden per response	Estimated annual burden
Beneficiary				
Beneficiary Telephone Screening	1,146	1	25	478
Authorization for Release of Medical Information	894	1	5	75
Baseline Survey	430	1	40	287
8-Month Follow-up Survey	410	1	30	205
16-Month Follow-up Survey	392	1	30	196
24-Month Follow-up Survey	374	1	30	187
32-Month Follow-up Survey	357	1	40	238
Health Provider				
Copy Medical Records	715	1	20	238
Medical Records Questionnaire	715	1	10	119
Treatment Participation Screen	215	1	15	54
Provider Credentialing Questionnaire	215	1	15	54
Initial Treatment Plan	161	1	30	81
Quarterly Progress Report	161	8	30	645
Total	6,185	.....	.....	2,857

3. Reporting Changes That Affect Your Social Security Payment—0960–NEW

SSA plans to offer Social Security beneficiaries a new Internet service for conducting business with the Agency. The Internet based form SSA–1425 will enable individuals to report events that may affect their Social Security Benefits. The information collected by SSA will be used to determine continuing entitlement to Social Security benefits and to determine the proper benefit amount. Currently, beneficiaries report these changes by phoning, visiting a Social Security office or completing the paper form SSA–1425. The respondents are Social Security beneficiaries who need to report a change to SSA.

Number of Respondents: 7,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 583 hours.

II. The information collections listed below have been submitted to OMB for clearance. Written comments and recommendations on the information collections would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed at the end of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

1. Representative Payee Report—Special Veterans Benefits—0960–0621

The information collected on form SSA–2001 is used to determine whether payments certified to the representative payee have been used properly and whether the representative payee continues to demonstrate strong concern for the beneficiary's best interests. The form will be completed annually by all representative payees receiving special veterans benefits (SVB) payments on behalf of beneficiaries outside the United States. It will also be required at anytime SSA has reason to believe that the representative payee could be misusing the payments. Respondents are representative payees of veterans receiving SVB Payments under title VIII.

Number of Respondents: 200.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 33 hours.

Background Information

In November 1999, Congress passed the Foster Care Independence Act, and on December 14, 1999, the President signed it into law (Pub. L. 106–169). An important part of this legislation, section 251, creates a new title VIII of the Social Security Act. Title VIII provides for a program of special benefits for certain World War II veterans.

As a part of the title VIII administration, Section 807(a) of PL 106–169, also provides that, if the Social Security Administration determines that it is not in the best interest of the beneficiary to receive benefits directly, payments may be certified to a relative, another person or an organization interested in or concerned about the welfare of the beneficiary. These individuals or organizations are called representative payees.

2. Annual Earning Test—Direct Mail Follow-Up Program Notices—0960–0369

In 1997, as part of the initiative to reinvent government, SSA began to use the information reported on W–2's and self-employment tax returns to adjust benefits under the earnings test rather than have beneficiaries make a separate report, which often showed the same information. As a result, Beneficiaries under full retirement age (FRA) complete forms SSA–L9778–SM–SUP, SSA–L9779–SM–SUP and SSA–L9781–SM under this information collection.

With the passage of the ''Senior Citizen Freedom to Work Act of 2000,'' the annual earnings test (AET) at FRA was eliminated. As a result SSA designed 2 new Midyear Mailer Forms, SSA–L9784–SM and SSA–L9785–SM, to request an earnings estimate (in the year of FRA) for the period prior to the month of FRA. Social Security benefits maybe adjusted based on the information provided and this information is needed to comply with the law. Consequently, the Midyear Mailer program has become an even more important tool in helping SSA to ensure that Social Security payments are correct. Respondents are beneficiaries who must update their current year estimate of earnings, give SSA an estimate of earnings for the following year and an earnings estimate (in the year of FRA) for the period prior to the month of FRA.

Number of Respondents: 225,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 37,500 hours.

3. Student Statement Regarding School Attendance—0960–0105

The information collected on Form SSA–1372 is needed to determine whether children of an insured worker are eligible for benefits as a student. The respondents are student claimants for Social Security benefits and their respective schools.

Number of Respondents: 200,000.

Number of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 33,333 hours.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235

(OMB Address)

Office of Management and Budget, OIRA, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, DC 20503

Dated: October 13, 2000.

Liz Davidson,

Acting Reports Clearance Officer, Social Security Administration.

[FR Doc. 00–26889 Filed 10–20–00; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice 3453]

Culturally Significant Objects Imported for Exhibition Determinations: ''Dinosaurs, Ammonites and Asteroids''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that certain objects to be included in the exhibition ''Dinosaurs, Ammonites and Asteroids,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of these exhibit objects at the New Jersey State Museum in Trenton, New Jersey from on or about October 2000 to on or about January 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: October 17, 2000.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 00–27162 Filed 10–20–00; 8:45 am]

BILLING CODE 4710–08–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1524).

TIME AND DATE: 9 a.m. (CDT), October 25, 2000.

PLACE: J.R.'s Executive Inn, International Room D, One Executive Boulevard, Paducah, Kentucky.

STATUS: Open.

Agenda

Approval of minutes of meeting held on September 27, 2000.

New Business

B—Purchase Award

B1. Contract with EyeMed Vision Care for vision care services.

C—Energy

C1. Contract with Haverfield Corporation for helicopter services to support transmission line construction and maintenance activities for Transmission/Power Supply Group.

C2. Contract with Hubbell Power Systems for transmission line components for Transmission/Power Supply Group.

C3. Supplement to contract with S&C Electric Company for circuit switchers and interrupter switches for Transmission/Power Supply Group.

C4. Contract with Coastal Equipment Incorporated for lease/purchase of a Manitowoc 21000 crane in support of selective catalytic reduction installation at Allen and Cumberland Fossil Plants.

E—Real Property Transactions

E1. Abandonment of certain easement rights and modification of a restrictive covenant that prohibits any buildings or other structures on a 0.14-acre portion of Tract No. SH–701F on South Holston Reservoir in Washington County, Virginia.

E2. Grant of a permanent easement to the City of Lexington, Tennessee, affecting approximately 0.21 acre of land on Beech River Reservoir in Henderson County, Tennessee, Tract No. XTBRBR–3WP.

E3. Abandonment of easement rights affecting approximately 2.27 acres of the Murfreesboro-Smyrna No. 2

transmission line easement. Tract No. MLE–8, to accommodate expansion of The World Outreach Church of Murfreesboro, Rutherford County, Tennessee.

F—Unclassified

1. Approval to file condemnation cases to acquire permanent easements and rights-of-way for transmission lines and a temporary right to enter upon properties to survey and appraise for electric power transmission lines at the Murfreesboro-Smyrna No. 2 transmission line in Rutherford County, Tennessee; Madison West-South Jackson transmission line in Madison County, Tennessee, and Rock Springs-Center Point transmission line and West Ringgold-Center Point transmission line in Whitfield County, Georgia.

Information Items

1. Modification of a contract with Thunder Basin Coal Company, LLC, for coal supply to Allen, Gallatin, Paradise, Johnsonville, Colbert, and Shawnee Fossil Plants.
2. Approval of negotiated pay adjustments for Fiscal Year 2001 and 2002 and other collective bargaining provisions covering TVA police employees represented by the Law Enforcement Employees Association.
3. Approval of negotiated pay adjustments for Fiscal Years 2001 and 2002 for custodial employees represented by Local 544, Service Employees' International Union, AFL–CIO.
4. Approval of Performance Success Award for Fiscal Year 2000.
5. Approval of increase in contribution for certain retirees and dependents who are eligible for a contribution under the TVA Retiree Medical Contribution Plan.
6. Approval of amendments to the Rules and Regulations of the TVA Retirement System to provide an additional monthly benefit for retirees eligible to receive the System's supplemental benefit, make the additional benefit available to certain pre-1999 TVA retirees who are ineligible for the System's supplemental benefit, and remove the existing prohibition on purchasing creditable service for certain active day military service if the retiree is also eligible for a military pension based on that service.
7. Approval of TVA's contribution to the TVA Retirement System of 0 percent for Fiscal Year 2001.
8. Approval of excluded schedule compensation philosophy, strategy, and market pricing and pay banding plan.

For more information: Please call TVA Public Relations at (865) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000.

Dated: October 18, 2000.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 00–27224 Filed 10–19–00; 10:54 am]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 234

Categories of Delay for Air Carrier On-Time Reporting Advisory Committee

AGENCY: Office of the Secretary.

ACTION: Notice of public meetings.

SUMMARY: In accordance with section 227 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106–181). The Department of Transportation is establishing the Categories of Delay For Air Carrier On-Time Reporting Advisory Committee.

DATES: The meetings have tentatively been scheduled to be held on October 25–26, 2000, November 1–2, 2000, and November 8–9, 2000. The meetings will be held from 8 a.m. to 5 p.m. Due to the short time period between the first meeting and report due date we are unable to give 15 day notice of the first meeting.

ADDRESSES: The meetings will be held at the U.S. Department of Transportation, Room 2230 Nassif Building, 400 Seventh Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walter Finch, Office of Intermodalism, Office of The Secretary (Phone: 202 366–5781).

SUPPLEMENTARY INFORMATION:

I. Background

Under 14 CFR part 234, the U.S. Department of Transportation's Bureau of Transportation Statistics (BTS) Office of Airline Information (OAI) collects and publishes on-time data. With the data, users can calculate daily average flight delay for particular flights and the percentage of an airline's flights delayed, canceled, or diverted. The Federal Aviation Administration (FAA) and the air carriers use the data to better understand tarmac and airborne delays. The Department of Transportation (DOT) and the air carriers also use the data for performance measurements.

Section 227 of The Wendell H. the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires that the BTS's data collection, also called the Airline Service Quality Performance Reports, be modified to include information about reasons for delay. DOT is establishing the Categories of Delay For Air Carrier On-Time Reporting Advisory Committee to examine reasons for delays and cancellations experienced by the consumer, and to recommend alternatives and criteria for modifications to the regulations in part 234 of title 14, Code of Federal Regulations.

II. Potential Issues To Be Discussed

1. What categories of delay information will be beneficial to the government, airlines, and consumers?
2. For the categories, what definitions describe them adequately and are technically feasible?
3. How should information be collected—who will report delay information?
4. When a delay has multiple causes, how should this be handled?

III. Membership

Members have been chosen to provide a balanced cross section of viewpoints of the affected interests concerning the data collection, including representatives from airline consumer groups, air carriers, labor unions, and airport operators. The Committee will be chaired by Associate Deputy Secretary, Dr. Stephen D. Van Beek.

IV. Participation by Non-Members

Meetings of the Committee will be open to the public so that individuals who are not part of the Committee may attend and observe, but not participate.

Done at Washington, DC on October 18, 2000.

Stephen D. Van Beek,

Associate Deputy Secretary, U.S. Department of Transportation.

[FR Doc. 00–27231 Filed 10–19–00; 12:29 pm]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Drawback Process Regulations and Entry Collection Documents

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Drawback Process Regulations and Entry Collection Documents. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before December 22, 2000.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW., Room 3.2C, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Drawback Process Regulations and Entry Collection Documents.

OMB Number: 1515–0213.

Form Number: Customs Forms 7551, 7552, 7553.

Abstract: The information is to be used by Customs officers to expedite the filing and processing of drawback claims, while maintaining necessary enforcement information to maintain effective administrative oversight over the drawback program.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 11,650.

Estimated Time Per Respondent: 8 hours.

Estimated Total Annual Burden Hours: 90,500.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 17, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–27126 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Land Border Carrier Initiative Program

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Land Border Carrier Initiative Program. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before December 22, 2000.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW., Room 3.2C, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Land Border Carrier Initiative Program.

OMB Number: 1515–0217.

Form Number: N/A.

Abstract: The Land Border Carrier Initiative Program is designed to prevent smugglers of illicit drugs from utilizing commercial conveyances for their commodities, and to make participation in this program at certain, high-risk locations a condition for use of the Line Release method of processing repetitive entries of merchandise.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 2,000.

Estimated Time Per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 10,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 17, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–27127 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Automated Clearinghouse Credit

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Automated Clearinghouse Credit . This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before December 22, 2000.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW., Room 3.2C, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Automated Clearinghouse Credit.

OMB Number: 1515–0218.

Form Number: N/A.

Abstract: The information is to be used by Customs to send information to the company (such as revised format requirements) and to contact participating companies if there is a payment problem.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 200.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 17.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 17, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–27128 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Andean Trade Preferences

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Andean Trade Preferences. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before December 22, 2000.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW., Room 3.2C, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Andean Trade Preferences.

OMB Number: 1515–0219.

Form Number: N/A.

Abstract: This collection identifies the country of origin and related rules which apply for purposes of duty-free or reduced-duty treatment and specifies the documentary and other procedural requirements for preferential tariff treatment under the Andean Trade Preferences Act 19 U.S.C. 3201 through 3206.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 150,000.

Estimated Time Per Respondent: 2 minutes.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 17, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–27129 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of Customs duties. For the quarter beginning October 1, 2000, the interest rates for overpayments will be 8 percent for corporations and 9 percent for non-corporations, and the interest rate for underpayments will be 9 percent. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Ronald Wyman, Accounting Services Division, Accounts Receivable Group, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298–1200, extension 1349.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 was amended (at paragraph (a)(1)(B) by the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105–206, 112 Stat. 685) to provide different interest rates applicable to overpayments: one for corporations and one for non-corporations. The interest rate applicable to underpayments is not so bifurcated.

The interest rates are based on the short-term Federal rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2000–42 (*see*, 2000–39 IRB 297, dated September 25, 2000), the IRS determined the rates of interest for the first quarter of fiscal year (FY) 2001 (the period of October 1–December 31, 2000). The interest rate paid to the Treasury for underpayments will be the short-term Federal rate (6%) plus three percentage points (3%) for a total of nine percent (9%). For corporate overpayments, the rate is the Federal short-term rate (6%) plus two percentage points (2%) for a total of eight percent (8%). For overpayments made by non-corporations, the rate is the Federal short-term rate (6%) plus three percentage points (3%) for a total of nine percent (9%). These interest rates are subject to change the second quarter of FY–2001 (the period of January 1–March 31, 2001).

For the convenience of the importing public and Customs personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of Customs duties, is published in summary format.

Beginning date	Ending date	Underpayments (percent)	Overpayments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
Prior to 070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7

Beginning date	Ending date	Underpayments (percent)	Overpayments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
040100	123100	9	9	8

Dated: October 15, 2000.

Raymond W. Kelly,

Commissioner of Customs.

[FR Doc. 00–27125 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–43–94]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, FI–43–94 (TD 8649), Regulations Under Section 1258 of the Internal Revenue code of 1986; Netting Rule for Certain Conversion Transactions (§ 1.1258–1).

DATES: Written comments should be received on or before December 22, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Regulations Under Section 1258 of the Internal Revenue Code of 1986; Netting Rule for Certain Conversion Transactions.

OMB Number: 1545–1452.

Regulation Project Number: FI–43–94.

Abstract: Internal Revenue Code section 1258 recharacterizes capital gains from conversion transactions as ordinary income to the extent of the time value element. This regulation provides that certain gains and losses may be netted for purposes of determining the amount of gain recharacterized. To be eligible for netting relief, the taxpayer must identify on its books and records all the positions that are part of the conversion transaction. This must be done before the close of the day on which the positions become part of the conversion transaction.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 5,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October, 12, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–27179 Filed 10–20–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000–42

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2000–42, Section 1503(d) Closing Agreement Requests.

DATES: Written comments should be received on or before December 22, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Section 1503(d) Closing Agreement Requests.

OMB Number: 1545–1706.

Revenue Procedure Number: Revenue Procedure 2000–42.

Abstract: Revenue Procedure 2000–42 informs taxpayers of the information

they must submit to request a closing agreement under regulation section 1.1503–2(g)(2)(iv)(B)(2)(i) to prevent the recapture of dual consolidated losses upon the occurrence of certain triggering events.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time Per Respondent: 100 hours.

Estimated Total Annual Burden Hours: 2,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 12, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–27180 Filed 10–20–00; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 65, No. 205
Monday, October 23, 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

Office of the Secretary

[Docket No. 00–066–1]

Declaration of Emergency Because of Bovine Tuberculosis

Bovine tuberculosis (tuberculosis) is a chronic debilitating disease caused by *Mycobacterium bovis.* The disease primarily affects cattle but can be transmitted to humans and other animals. The Animal and Plant Health Inspection Service (APHIS) is working cooperatively with the national livestock industry and State animal health agencies to eradicate tuberculosis from domestic livestock in the United States and, through continued monitoring and surveillance, to prevent its recurrence.

Scientific analysis has recently identified significant tuberculosis threats that could lead to the spread of the disease in the United States and compromise international and domestic trade in U.S. animals and animal products. These outcomes would threaten producers with losses and consumers with price increases.

The emerging tuberculosis threats include the transmission of tuberculosis to livestock from infected wildlife, especially free-ranging deer. Scientific evidence suggests that infected free-ranging deer are transmitting the disease to nearby cattle. Such transmission was recently identified in Michigan, with eight herds of cattle becoming infected with tuberculosis by free-ranging deer. Despite efforts by the State of Michigan to contain tuberculosis-infected wildlife to limited areas, program officials in Michigan subsequently discovered infected deer 75 miles outside the containment zone. This situation is threatening all interstate movement of cattle from Michigan due to concerns that cattle in that State might be exposed to infected deer.

Transmission of tuberculosis from wildlife also threatens cervids held in captivity for production. Infected captive cervids, in turn, pose a threat to cattle and other livestock. It is not currently known how prevalent tuberculosis is in captive cervids, because APHIS does not have the resources to conduct area testing of captive cervids.

Additionally, the U.S. cattle population is being threatened by recurring tuberculosis infection of dairy herds in the El Paso, TX, area. Recent studies have indicated that the greatest risk of reinfection in the El Paso area comes from the U.S. dairy herds' proximity to tuberculosis-infected dairy herds in Juarez, Mexico. Despite ongoing testing of large dairy herds in the El Paso area and removal of tuberculosis-infected animals from those herds, reinfection of U.S. dairy herds in that area continues to occur. Although depopulation of dairy herds in the El Paso area along the U.S./Mexican border is the most dependable method of protecting U.S. livestock from recurring tuberculosis infection in that area of Texas, depopulation of large U.S. dairy herds has not been a viable option because APHIS has lacked the resources to pay indemnity for depopulated herds.

A decline in testing for tuberculosis in recent years also threatens to allow the spread of the disease in the United States. As the number of tuberculosis-free States has increased, limitations on Federal resources have in many cases led Department inspectors to take samples only from those animals exhibiting obvious signs of tuberculosis. The number of samples taken from cattle at slaughter for testing for tuberculosis has decreased from approximately 4,000 in 1995 to 900 in 1999. However, APHIS estimates that 10,000 sample submissions are needed each year to adequately survey the U.S. cattle population for tuberculosis. APHIS needs additional funds both to provide assistance in taking the number of samples at slaughter necessary for adequate surveillance and to increase testing capacity at the Department's National Veterinary Services Laboratories.

Therefore, in order to address the tuberculosis threat to U.S. livestock, APHIS has determined that it is necessary to expand the tuberculosis eradication program in the United States by implementing the following: Improvement of Federal diagnostic capabilities and national surveillance for tuberculosis; payment of indemnity for the depopulation of herds affected with tuberculosis or at high risk for recurrence of the disease; establishment of identification requirements for animals imported into the United States for feeding and slaughter; assistance in eradicating tuberculosis from foreign areas adjacent to the United States that are at high risk for the disease; and research, control, and surveillance of tuberculosis in wildlife, captive cervids, and zoos in the United States. However, APHIS resources are insufficient to carry out these measures, and additional funds are needed.

Therefore, in accordance with the provisions of the Act of September 25, 1981, as amended (7 U.S.C. 147b), I declare that there is an emergency that threatens the livestock industry of this country and hereby authorize the transfer and use of such funds as may be necessary from appropriations or other funds available to the agencies or corporations of the United States Department of Agriculture to expand the tuberculosis eradication program in the United States.

Effective Date: This declaration of emergency shall become effective October 11, 2000.

Dan Glickman,
Secretary of Agriculture.

[FR Doc. 00–27156 Filed 10–20–00; 8:45 am]
BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of Commission Forums.

SUMMARY: Executive Order 13168, published September 22, 2000, established the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health (Commission). The Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such

measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. This notice announces forums to be conducted by the Commission on November 9, 2000, to be held in Raleigh, NC, and on November 10, 2000, in Louisville, KY. Both forums will be held to seek comments on tobacco and health related issues the Commission should consider in issuing its Reports to the President. The Commission may also hold additional forums and meetings. If it does, they will be announced. The forums are open to the public.

This notice also announces that the Commission will make its Preliminary Report to the President available on the Commission's web site, *www.fsa.usda.gov/tobcom* by no later than December 31, 2000, to solicit further public review and comment prior to issuance of the Commission's Final Report.

DATES: The Commission will conduct forums on November 9, 2000, from 9 a.m. until 3 p.m. at the Kerr Scott Building—NC State Fairgrounds (exit 289 off I–40), Raleigh, NC, and on November 10, 2000, from 9 a.m. until 3 p.m. at the Executive West Hotel, Queen Scott Room, 830 Phillips Lane, Louisville, KY (across from KY Fair and Exposition Center). All times are Eastern Standard Time.

Persons with disabilities who require accommodations to attend or participate in this meeting should contact Doug Richardson, on 866–804–6698 (toll free) or 202–418–4266, Federal Relay Service at 1–800–877–8339, or Internet: *www.fsa.usda.gov/tobcom*, by COB at least 7 days prior to the appropriate meeting.

Comments: Forums: Oral comments will be taken and should be limited to no more than 5 minutes unless prior approval has been received from the Commission for a longer presentation. Two hard copies of oral testimony should be presented to the Commission prior to presentation. Hard copies of other suggestions or recommendations to be considered by the Commission will also be accepted. The public is also invited to submit comments, suggestions, and recommendations for consideration by the Commission to their web site, *www.fsa.usda.gov/tobcom.*

Preliminary Report: The Commission's Preliminary Report to the President will be posted to the Commission's web site by no later than December 31, 2000. The public is invited to respond and/or to submit comments, concerns, and issues with respect to the Preliminary Report for consideration by the Commission no later January 22, 2001.

ADDRESSES: Written comments and statements not submitted to the Commission at the forums may be sent to Doug Richardson, Executive Director, The Tobacco Commission, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 0574, Washington, DC 20250–0574 by no later than January 22, 2001.

FOR FURTHER INFORMATION CONTACT: Doug Richardson (202) 418–4266 or toll free (886) 804–6694; FAX (202) 418–4270; Internet: *www.fsa.usda.gov/tobcom.*

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. The Commission shall collect and review information about changes in the tobacco farming economy and Federal, State, and local initiatives intended to help tobacco growers, tobacco quota holders; and communities dependent on tobacco production pursue new economic opportunities. The Commission may make recommendations concerning these and any other changes and initiatives that may be necessary to improve economic opportunity in communities dependent on tobacco production. The Commission shall also consider the public health implications of such changes and initiatives, including the efforts to reduce the number of people who incur tobacco-caused diseases and tobacco-related health consequences in the United States and abroad.

In January 1998, the public health community and the tobacco producing community came together and agreed on a ''Core Principles Statement''. These communities agreed to work together in a spirit of cooperation and with a commitment towards (1) reducing disease caused by tobacco products, and (2) ensuring the future prosperity and stability of the American tobacco farmer, the tobacco farm family, and tobacco farming communities. The full text of this Statement may be found on the Commission's web site *www.fsa.usda.gov/tobcom.* The Commission's work will build on these Core Principles in view of recent tobacco program developments.

In addition to your views and thoughts regarding the issues for which the Commission was established, as set forth above, the Commission is interested in your input and suggestions on the following questions and issues:

1. Over the past 3-years, burley and flue-cured tobacco quotas have been reduced by 65 percent and 45 percent, respectively. Recently, quotas for other kinds of tobacco subject to a production control program have either not been reduced or not reduced as drastically. What do you believe is the main reason or reasons for this downward trend in quotas? Do your believe the downward trend is due to short-term factors or is it likely to continue? What are the implications for tobacco producers if the only way to curtail the downward trend is to match world tobacco prices?

2. In addition to quota reductions, tobacco producers have experienced significant production and marketing changes including contracting and concentration of production into fewer hands. What are the economic consequences of these actions for tobacco producers and their communities in your area? What Federal, State, or local initiatives regarding diversification of agricultural production have worked well in your community? What changes to existing initiatives or new initiatives do you recommend? How is your State using funds from the National Tobacco Settlement (Phase I) to assist tobacco producers and their communities and to deter tobacco use? What role, if any, should the Federal or State government play in contracting of tobacco production?

3. What Federal, State, or local initiatives have worked well in your community in efforts to prevent tobacco use, including youth tobacco use? What initiatives have been a detriment to preventing tobacco use, including youth tobacco use?

4. The Core Principles Statement provides, in part, that a tobacco production control program which limits the supply and which sets a minimum purchase price is in the best interest of the public health community and the tobacco producer community. Should there be a program that controls tobacco production and/or provides price supports? If so, should the government be involved? If yes, what program changes, if any, are needed to improve economic conditions for tobacco producers and their communities? Are current USDA programs, other than tobacco, helping or hurting tobacco producers and their

communities deal with economic losses?

5. If the tobacco production control program is terminated by either producers voting in a triennial referendum or by legislative repeal, what do you see as the consequences to tobacco producers and tobacco dependent communities? If the tobacco production control program is eliminated, what health related consequences, if any, do you see occurring? In the absence of a tobacco control program, what initiatives should be taken to help maintain a level playing field for independent tobacco producers?

6. Based on the many internal and external factors affecting the tobacco program, do you feel that a buyout of production quotas and elimination of the tobacco production control program is a viable solution? If a buyout is a solution, should it be mandatory for all quota holders, tenants and producers or voluntary, with some form of tobacco production and price support program remaining in place? If a buyout is a solution, at what rate per pound should the compensation be set?

7. Small farms in the South have declined drastically over the past 10 years, with tobacco now being produced on approximately 85,000 farms, most being small farms. The reduction in tobacco quotas has added to the decline in small farms. Since many small farms are owned by African-American farmers and thus tobacco producers, to what extent do civil rights concerns, economic and rural conditions combine to further increase economic problems in tobacco dependent communities? What impact have recent changes in the economies of tobacco had on farm workers in tobacco dependent communities? What initiatives currently address farm workers economic and social needs created by this situation? What new initiatives are needed in this area?

8. What additional measures should be taken to prevent tobacco use, particularly by young people, and to help reduce disease caused by tobacco products?

Signed at Washington, DC, on October 18, 2000.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 00–27221 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 00–014R2]

Announcement of and Request for Comment Regarding Industry Petition on Hazard Analysis and Critical Control Point (HACCP) Petition

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice, re-opening of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is, for the second time, reopening the comment period on a notice published in the **Federal Register** on May 15, 2000, announcing the availability of and requesting comment on a petition received from several trade associations. The petitioners requested FSIS to amend sections of its Hazard Analysis and Critical Control Point (HACCP) regulations. The comment period will be reopened for an additional 60 days.

DATES: Comments must be received on or before December 22, 2000.

ADDRESSES: Submit one original and two copies of written comments to: FSIS Docket Room, Docket #00–014R2, Room 102 Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250–3700. All comments received in response to this notice will be considered part of the public record and will be available for viewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel L. Engeljohn, Director, Regulations Development and Analysis Division, Food Safety and Inspection Service, Washington, DC 20250–3700, Telephone (202) 720–5627, FAX (202) 690–0486.

SUPPLEMENTARY INFORMATION: On May 15, 2000, FSIS published a notice in the **Federal Register** announcing the availability of and requesting comment on a petition received from a group of trade associations (65 FR 30952). The petition asked FSIS to amend sections of the Hazard Analysis and Critical Control Point (HACCP) regulations (9 CFR part 417). The petitioners argued that the changes would increase the effectiveness of establishments' HACCP systems and would make the regulations more consistent with the HACCP principles published in 1997 by the National Advisory Committee on Microbiological Criteria for Food (NACMCF). However, the petition was submitted with no data or specific examples to support the requests being made. The notice provided a 60-day comment period, which ended on July 14, 2000.

FSIS has received a request from the National Advisory Committee on Meat and Poultry Inspection (NACMPI) to extend the comment period to allow the petitioners more time to provide specific examples and data to support the recommendations they posed in their petition. The NACMPI also requested that FSIS make available a set of side-by-side documents discussing definitions, principles, procedures, and prerequisites of FSIS, the Food and Drug Administration, the NACMCF, and the Codex Alimentarius Commission's HACCP procedures.

In response to the requests, FSIS reopened the comment period for 60 days (65 FR 45749), making comments due September 12, 2000. Also, FSIS prepared a set of side-by-side documents which are available on the FSIS homepage at *www.fsis.usda.gov* and also in the FSIS Docket Room (see **ADDRESSES**).

FSIS has received another request from a group of trade associations to reopen the comment period once again to allow more time for analysis and comment development. The group believes the additional time will improve their comments which will help to aid in the refinement of the HACCP regulations.

In response to this request, FSIS is reopening the comment period for an additional 60 days, making comments due December 22, 2000. Comments received from September 13, 2000, until the date of this publication will also be included in the official record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at http://www.fsis.usda.gov. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied

health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on: October 13, 2000.

Thomas J. Billy,

Administrator.

[FR Doc. 00–27106 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 00–040N]

National Advisory Committee on Meat and Poultry Inspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The National Advisory Committee on Meat and Poultry Inspection (NACMPI) will hold an open meeting on October 31–November 1, 2000, to review and discuss three issues: (1) Residue Control in a HACCP Environment, (2) Sharing Recall Information with State and Other Federal Authorities, and (3) HACCP—Phase II. The three subcommittees of the full Committee will also meet on October 31, 2000, to continue working on issues discussed during the full Committee session. All interested parties are welcome to attend the meeting and to submit written comments and suggestions concerning issues the Committee will review and discuss.

DATES: The full Committee will hold an open meeting on Tuesday October 31, and Wednesday, November 1, 2000, from 8:30 a.m. to 5:30 p.m. Sub-committees will hold open meetings on Tuesday, October 31, 2000, from 7 p.m. to 9 p.m.

ADDRESSES: All Committee meetings will take place at Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024; telephone (202) 484–1000. The full committee will meet in Ballroom B & C on October 31 and Ballroom C on November 1. The Subcommittees will meet in the Montcalm, Marquette, and Lafayette Rooms. A meeting agenda is available on the FSIS Web Site at *http://www.fsis.usda.gov/OPPDE/nacmpi* which is a sub-web page of the FSIS Homepage at *http://www.fsis.usda.gov.* Submit one original and two copies of written comments to the FSIS Docket Room, Docket #00–040N, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102 Cotton Annex, 300 12th Street, SW., Washington, DC 20250–3700. Comments may also be sent by facsimile (202) 205–0381. The comments and the official transcript of the meeting, when they become available, will be kept in the FSIS Docket Room at the address provided above. All comments received in response to this notice will be considered part of the public record and will be available for viewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl Green at (202) 720–6290, FAX (202) 690–1030, or E-mail cheryl.green@usda.gov. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Green by October 24, 2000, at the above numbers or by e-mail. Information is also available on FSIS Web Site at *http://www.fsis.usda.gov/OPPDE/nacmpi.*

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1999, the Secretary of Agriculture renewed the charter for the NACMPI. The Committee provides advice and recommendations to the Secretary of Agriculture pertaining to Federal and State meat and poultry inspection programs pursuant to sections 7(c), 24, 205, 301(a)(3), and 301(c) of the Federal Meat Inspection Act and sections 5(a)(3), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act. The FSIS Administrator is the chairperson of the Committee. Membership of the Committee is drawn from representatives of consumer groups; producers, processors, and marketers from the meat and poultry industry; and State government officials. The current members of the NACMPI are: Magdi Abadir, Cuisine Solutions; Terry Burkhardt, Wisconsin Bureau of Meat Safety and Inspection; Dr. James Denton, University of Arkansas; Caroline Smith-DeWaal, Center for Science in the Public Interest; Nancy Donley, Safe Tables Our Priority; Carol Tucker Foreman, Food Policy Institute, Consumer Federation of America; Dr. Cheryl Hall, Zacky Farms, Inc.; Kathleen Hanigan, Farmland Foods; Dr. Lee C. Jan, Texas Department of Health; Alice Johnson, National Turkey Federation; Dr. Collette Schultz Kaster, Premium Standard Farms; Dr. Daniel E. LaFontaine, South Carolina Meat-Poultry Inspection Department; Michael Mamminga, Iowa Department of Agriculture; Dr. Dale Morse, New York Office of Public Health; Rosemary Mucklow, National Meat Association; Donna Richardson, Howard University Cancer Center; and Gary Weber, National Cattlemen's Beef Association.

The Committee has three subcommittees that deliberate on specific issues and make recommendations to the whole Committee. The Committee makes recommendations to the Secretary of Agriculture.

Members of the public will be required to register before entering the meeting.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at http://www.fsis.usda.gov. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, farm, and consumer interest groups, allied health professionals and scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the FSIS Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on: October 13, 2000.

Thomas J. Billy,

Administrator.

[FR Doc. 00–27105 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Intergovernmental Advisory Committee (IAC) will meet on November 2, 2000, at the Hilton Hotel, 921 SW 6th Avenue, Portland, Oregon 97204–1296. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan (NFP). The meeting will begin at 9:30 a.m. and continue until 3:30 p.m. Agenda items to be discussed include, but are not limited to: orientation for new IAC members, the status of the Survey and Manage Final Supplemental Environmental Impact Statement, and progress reports on ongoing NFP-related implementation issues.

The IAC meeting will be open to the public and is fully accessible for people with disabilities, Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encourage to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Steve Odell, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503–808–2166).

Dated: October 16, 2000.

Stephen J. Odell,

Designated Federal Official.

[FR Doc. 00–27115 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Northwest Sacramento Provincial Advisory Committee (PAC); Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Northwest Sacramento Provincial Advisory Committee (PAC) will meet Thursday, November 2, 2000, at the BLM Conference Room 355 Hemsted Road, Redding, California. The meeting will be held from 9 am to 5 pm. Agenda items to be covered include: (1) Report out from the PIEC meeting; (2) Technical Committee from Clear Creek; (3) August IAC meeting; (4) Assessment of affect of Survey and Manage on Province (all agencies) in regards to timber, fuels reduction, and recreation programs; (5) Update on the Fire Management Strategy; (6) Open public comment. All Northwest Sacramento Provincial Advisory Committee meetings are open to the public. Interest citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Sharon Heywood, Forest Supervisor, or Duane Lyon, Public Affairs Officer, USDA, Shasta-Trinity National Forest, 2400 Washington Avenue, Redding, CA 96001, (530) 244–2978.

Dated: October 9, 2000.

J. Sharon Heywood,

Forest Supervisor.

[FR Doc. 00–27165 Filed 10–20–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

[Docket Number: 000817241–0241–01]

Financial Assistance for Internship Program for Postsecondary Students

AGENCY: Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce (DoC) established a postsecondary internship program to aid and promote experiential training activities which foster future employment in DoC or the Federal Government in general. U.S. citizens enrolled as students in two-and four-year accredited educational institutions, and accredited graduate and law schools will participate in on-site work experiences in DoC bureaus and offices in order to integrate academic theory and workplace requirements; gain relevant skills and knowledge; explore Federal career options; develop professional networks; and develop a greater awareness of the role of Federal agencies. The program will be administered through a partnership between the DoC and non-profit and/or educational institution(s) and funded by cooperative agreement(s). This notice solicits proposals from eligible institutions that desire to collaborate with the DoC on this initiative.

Student opportunities will be primarily in the Washington, DC metropolitan area, but will include field locations outside the area. Summer internship sessions will be for a ten-week period. Academic semester or quarter internship sessions will be structured to coincide with the academic calendar of the students' institutions. Institutions that are selected as training partners will develop and administer a comprehensive internship program. The DoC will serve as hosts for the student interns and provide program support through the financial assistance award; however, students may be assigned to work in Federal agencies other than DoC. When interns are assigned to other Federal agencies, those agencies will reimburse DoC for costs associated with the interns. There will be no employer-employee relationship between the DoC and its hosted interns. Interns will receive stipends. Round-trip air or ground transportation between the metropolitan DC area (or field job location) and the students' residence or school site will also be provided to interns, as needed. The number of available internships will vary depending upon the financial position of the potential host offices and bureaus, but for the purposes of this notice, the following will be used for projections: thirty student interns for the summer session, and five interns for each academic year session.

Selected institution(s) will perform the following functions: Outreach and recruitment; application processing and referral; selection notification and follow up; logistics, including temporary housing and accommodations; orientation and communication; enrichment activities program; intern personnel and pay administration; intern monitoring; intern evaluation; program evaluation; and evaluation reporting.

DATES: Applications must be received no later than 5 p.m., Eastern Standard Time, December 22, 2000. Applications or portions of applications will not be accepted via facsimile or electronic mail.

ADDRESSES: Applicants must submit one signed original plus two (2) copies of the application, including all information required by the application kit. Applications should be mailed to: U.S. Department of Commerce, Office of Executive Assistance Management, Attn.: Carin M. Otero, Room H6022, 1401 Constitution Avenue, NW., Washington, DC 20230.

Note: If the application is hand-delivered by the applicant or its representative to the U.S. Department of Commerce, Herbert C. Hoover Building, the application must be delivered to Room 1874, which is located at Entrance #10, 15th Street, NW., between Pennsylvania and Constitution Avenues. Applications delivered on the date of the application deadline must be delivered by 5 p.m. Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Mrs. Carin M. Otero, (202) 482–3275.

SUPPLEMENTARY INFORMATION: *Authority:* 5 U.S.C. 7201 requires that each Executive agency conduct a continuing program for the recruitment of members of minorities to address under representation of minorities in various categories of Federal employment. Executive Order 12876 provides for Executive departments to enter into, among other things, cooperative agreements with Historically Black Colleges and Universities (HBCUs) to further the goals of the Executive Order, principally that of strengthening the capacity of HBCUs to provide quality education, and to increase opportunities to participate in and benefit from Federal programs. Executive Order 12900 calls for Executive departments to develop plans to increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs. Executive Order 13201 helps ensure that greater Federal resources are available to the tribal colleges. Executive Order 13125 directs Federal agencies to increase participation of Asian and Pacific Islanders in Federal programs. Applications will be accepted from any eligible institution, and applications for internships shall be accepted from all students meeting program eligibility criteria and will not be limited only to minority students. Application, referral and selection processes shall be conducted without any consideration of race, ethnicity, gender, or other personal factors.

Catalog of Federal Domestic Assistance: 11.702–Internship Program for Postsecondary Students

Program Description

In order to ensure that the Federal Government can maintain visibility and attractiveness to the ''best and brightest'' college students, this program supports partnerships between Federal departments and nonprofit or educational institutions. This program continues to improve opportunities for college students to prepare for their transition to the workplace and foster human resource diversity in DoC. Depending upon the responsiveness of the institutions which submit applications, more than one institution may be selected to participate in this program.

There will be two components to the program: A ten-week summer session and an academic year program that consists of two sessions. The length of each academic year session will be structured to coincide with the academic calendar of the students' institutions, *e.g.*, semester or quarter hour system; applicants who wish to administer an academic year program must indicate the proposed duration of the academic year sessions. In order to obtain a sufficient number of quality candidates during the spring and fall sessions, applicants should consider a component of the program to allow for interns to work a part-time schedule while attending school during those sessions. The first session under this program will begin summer 2001. The first academic session will begin in fall 2001, followed by a session in the spring of 2002. This cycle is expected to be repeated until three years after the initial grant is awarded. It is anticipated that intern opportunities will be greater during the summer sessions than the academic year sessions.

In addition to including the mandatory activities described below, an organization should propose an intern program design that represents a comprehensive approach to a work-study experience and its own philosophy about workforce preparedness. For the purposes of the proposal, plans and budgets should be presented separately for the summer and academic year sessions. An organization may wish to collaborate with DoC on a summer program only, on an academic year program only, or on both a summer program and an academic year program. It is not required that both components be included in an application in order to be selected as a recipient.

The recipient(s) selected to administer the intern program must conduct the following activities:

Outreach and recruitment. Design, prepare, duplicate and distribute application materials to students. Collect information about potential internship openings from host offices to assist in identifying student applicants who are the best matches for the offices' needs. Prepare publicity to inform academic institutions and students about upcoming program opportunities and to solicit applications from a broad range of students who meet defined program criteria such as GPA and academic standing. Process applications, including evaluating candidates' eligibility and qualifications, and referring candidates to host Federal officials for consideration and selection. Outreach and publicity must be conducted so that women and minorities that are under represented in the DoC are included in the target groups. Participation in the program must be open to all eligible students without regard to age, race, ethnicity, gender, or other pertinent factors. In cases of jobs requiring technical skills or for other related reasons, Federal managers, liaisons, or other program officials may elect to participate in the evaluation of applicant packages.

Selection notification and follow up. Receive selection decisions from host offices, convey internship offers to selectees, explain logistical and administrative processes to selectees. Distribute written information to students that will help them adequately prepare for their professional and personal needs during their internship; material must be sent to students before their departure for their internship sites. Communicate with DoC program representatives or liaisons on the status of offers of selection, acceptances and declinations.

Logistical arrangements. Locate suitable housing for students, make all prior arrangements to allow students to move into housing upon their arrival at the internship site. Make round trip airline reservations for students between home/school city and host office location; arrange for students to receive their tickets. Arrange for ground transportation to pick up arriving students at airport and take to housing site. At the end of the internship period, arrange for transportation between the housing site and the airport. Explain housing, air transportation, ground transportation, and other logistical arrangements to students so that there is a clear expectation of what costs, if any, are involved and what the responsibilities of both the student and the recipient institution/organization are. Housing must be convenient to public transportation and affordable. The DoC must be consulted in the process to select student housing facilities, but the final decision and negotiations with the housing provider will be left wholly to the recipient institution.

Orientation and communication. Design and provide orientation program to familiarize students with local area in which they will live and work, services, safety and security, public transportation systems, and educational and administrative program requirements. Applicants must include plans for on-site orientation for summer sessions.

Enrichment activities. Design and implement a comprehensive enrichment program; ideally the program should require a minimum of time away from the work site during duty hours. The activities should focus on students' personal and professional growth, and provide insights into ways to reach their academic and personal goals. They may also be designed to teach students how

the different branches of the Federal Government operate, to improve interns' communication skills, or to foster an understanding of cultural or ethnic issues.

Personnel administration. Maintain interns' personnel records, pay stipends, deduct applicable payroll taxes, provide worker compensation insurance, unemployment insurance, and short-term accident insurance, and provide state, Federal and local tax information and report of earnings forms to students.

Intern monitoring. Communicate on a regular basis, both by telephone and in person, with the students, their supervisors, and DoC and bureau coordinators to assure that the experience is progressing as intended and that problems or questions are resolved.

Intern performance evaluation. Selected recipients must develop and design an effective evaluation program that will assess the interns' performance and progress. Ideally, all aspects of intern performance and the overall work experience from the perspective of both the intern and his or her supervisor will be included in the assessment. Student performance should be evaluated at the mid-point and at the end of each session. Evaluations will be submitted to the DoC Federal Program manager within one month of the assessment date.

Program Performance. In accordance with 15 CFR Part 14, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations,'' selected recipients must manage and monitor functions and activities supported by the financial award and should have a plan to do so. Performance reports are required at mid-term and at the end of each session. The reports should focus on program accomplishments against the goals and objectives of the program, and include other pertinent information. Of interest would be overall demographic information about program participants such as name of educational institutions and/or regional area represented, academic majors represented, academic standing, and average GPA. Additionally, lessons learned about the design and implementation of the program and identification of areas requiring improvement are particularly useful.

Funding Availability. Applicants must submit project plans and budgets for three years. Project(s) will be funded for no more than one year at a time. Funding for each subsequent year will be at the sole discretion of the DoC and will depend on satisfactory performance by the recipient and the availability of funds to support the continuation of the project(s). Funds for the first year are expected to be awarded in March 2001. Funds available under this program for successive years are expected to be awarded in February of each year. Projections based upon previous experience indicate availability of between $150,000–$730,000 to support from 25 up to about 100 interns. However the exact level of funding available is not yet known. Proposals should be based upon the cost of administering a summer program for 30 student interns and also include a per capita cost for additional interns, proposals for a semester or quarter session should be projected on the basis of 5 interns.

Use of Program Income. Applicants are advised that any program income generated by a proposed project is subject to special conditions. Anticipated program income must be documented appropriately in the proposed budget. In addition, should an application be funded, unanticipated program income must be reported to the Federal Program Officer, and the budget for the project must be renegotiated to reflect receipt of the program income. Program income means gross income earned by the recipient that is either directly generated by a supported activity, or earned as a result of the award.

Matching Requirements. Applications must reflect the total budget necessary to accomplish the project, including contributions and/or donations. Cost-sharing is not required for the internship program; however, cost-sharing is encouraged. The appropriateness of all cost-sharing will be determined on the basis of guidance provided in applicable Federal cost principles. If an applicant chooses to cost-share, and if that application is selected for funding, the applicant will be bound by the percentage of the cost-share reflected in the cooperative agreement award. The non-Federal share may include the value of in-kind contributions by the applicant or third parties or funds received from private sources or from state or local governments. Federal funds may not be used to meet the non-Federal share of matching funds, except as provided by Federal statute.

Third party in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to the project and use of real or personal property owned by others (for which consideration is not required) in carrying out the projects. The total cost of a project begins on the effective award date of an authorized cooperative agreement between the applicant and the DoC Grants Officer and ends on the date specified in the award. Accordingly, time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to the award, are neither reimbursable nor recognizable as part of the recipient's cost share.

Type of Funding Instrument. Financial assistance awards in the form of cooperative agreements will be used to fund this program. The DoC and its participating bureaus will have substantive involvement in the following program activities: provide liaisons to institutions who will assist in coordinating program activities, provide description of available intern assignments and required academic backgrounds and job skills, participate in review and rating panels, and interview and make final selections from lists of eligible students that are provided by the institutions.

Eligibility Criteria. Accredited universities, colleges and non-profit organizations are eligible to apply. Eligible institutions may form joint ventures to submit a joint application to share costs and administration roles and responsibilities. In such cases, one of the institutions must be designated as the lead organization for purposes of receipt and overall accountability for any financial assistance award received under this program.

Award Period. The award period for the internship project will be three years. Funding will be provided annually at the discretion of the DoC and will depend upon satisfactory performance by the recipient and availability of funds for the DoC to continue funding the project. Normally each budget period may be no more than 12 months in duration. Project proposals accepted for funding for an award period over 1 year that include multiple project components and severable tasks to be funded during each budget period will not compete for funding in subsequent budget periods within the approved award period. Publication of this notice does not obligate DoC to award any specific cooperative agreement or to obligate all or any parts of the available funds.

Indirect Costs. The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award.

Application Forms and Kit. An application kit containing all required application forms and certifications is available by calling Lisa Duckett at (202) 482–3275. The application kit is also available on-line at *http://www.doc.gov/oebam/.*

Evaluation Criteria

Quality of Program Plan (30%). Includes, but is not limited to, strategy for outreach and publicity, procedures for collecting and evaluating applications, comprehensiveness of program design to include plans for on-site orientation for summer sessions, and practicality of approach.

Proposed Costs (30%). The proposed budget must be comprehensive and should include all costs for program personnel, fringe benefits, travel, equipment, supplies, and other associated items. The stipend level proposed for students should be stated in the budget.

Key Personnel Qualifications (20%). Includes an assessment of the number, qualifications, and proposed roles of staff who will administer the internship program. Resumes of proposed personnel will facilitate the evaluation of the competency and experience of the proposed staff.

Capabilities of the Applicant Organization (20%). Considers, among other things, previous experience and success administering similar programs, and staff and resources to assure adequate development, supervision, and execution of the proposed program. Additionally, an organization's commitment to educate/advance the education of women, minorities, and people with disabilities will be a consideration in evaluating this factor.

Selection Procedures

Each application will receive an independent, objective review by a panel qualified to evaluate the applications submitted. The Independent Review Panel, consisting of at least three individuals, will review all applications based on the criteria stated above. The Independent Review Panel will evaluate and rank the proposals. The final decision on awards will be based upon the numerical review panel ranking, availability of funding, and the Selecting Official's (DoC Federal Program Officer) determination of which proposals best meet the objectives of the program. The amount of funds awarded to each recipient will be determined in pre-award negotiations between the applicant, the Grants Officer, and the DoC Program Officer.

Federal Policies and Procedures. Recipients and subrecipients are subject to all Federal laws and Federal and DoC policies, regulations, and procedures applicable to Federal financial assistance awards.

Past Performance. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Pre-award Activities. If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DoC to cover pre-award costs.

No Obligation for Future Funding. If an application is selected for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DoC.

Delinquent Federal Debts. No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: the delinquent account is paid in full, a negotiated repayment schedule is established and at least one payment is received, or other arrangements satisfactory to DoC are made.

Name Check Review (CD–346). All nonprofit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Primary Applicant Certifications. All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

Drug-Free Workplace. Recipients (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

Anti-Lobbying. Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DoC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DoC in accordance with the instructions contained in the award document.

False Statements. A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Intergovernmental Review. Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Purchase of American-Made Equipment and Products. Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent.

Fly America Act. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed foreign air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only when a U.S. flag air carrier is unavailable, or use of U.S. flag air

carrier service will not accomplish the agency's mission.

Classification

This document involves collections of information subject to the Paperwork Reduction Act, which have been approved by OMB under OMB control numbers 0348–0043, 0348–0044, 0348–0040, and 0348–0046. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number.

This document has been determined to be ''not significant'' for purposes of Executive Order 12866.

John J. Phelan, III,

Acting Director for Executive Budgeting and Assistance Management.

[FR Doc. 00–27102 Filed 10–20–00; 8:45 am]

BILLING CODE 3510–BV–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101800LE]

Management and Oversight of the National Estuarine Research Reserve System

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed collection; Comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 22, 2000.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW., Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Doris Grimm, N/ORM5, Room 11616, 1305 East West Highway, Silver Spring MD 20910-3282 (phone 301-713-3132 x107).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Estuarine Research Reserve System consists of carefully selected estuarine areas of the U.S. that are designated, preserved, and managed for research and educational purposes. Information is needed from states on proposals for designations. For selected sites the state must submit a management plan and an annual report/work plan. NOAA needs the information to ensure that the sites selected meet national standards.

II. Method of Collection

Much information can be submitted electronically via a Web site. Other information is submitted in paper form.

III. Data

OMB Number: 0648-0121.
Form Number: N/A.
Type of Review: Regular submission.
Affected Public: State, Local, or Tribal government.
Estimated Number of Respondents: 27.
Estimated Time Per Response: 2,000 hours for a management plan or site nomination; 15 hours for an annual report/work plan; and 2 hours for any supporting documentation such as a categorical exclusion checklist, state Historical Preservation Office comments, a preliminary engineering report for activities involving construction, and a Federal Consistency Certification.
Estimated Total Annual Burden Hours: 14,405.
Estimated Total Annual Cost to Public: $185.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 17, 2000.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–27184 Filed 10–20–00; 8:45 am]

BILLING CODE: 3510–08 –S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101800MC]

NOAA Space-based Data Collection System (DCS) Agreements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 22, 2000.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to the Direct Services Divisions (E/SP3), Room 3320, FB-4, NOAA, 5200 Auth Road, Suitland, MD 20746-4304.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA operates two space-based data collection systems: the Geostationary Operational Environmental Satellite (GOES) Data Collection System and the Argos Data Collection System. Both systems are operated to support environmental applications. Since the entire capacity of the systems is not used by NOAA, this extra capacity is made available to other users who meet

certain criteria set forth in 15 CFR part 911.

II. Method of Collection

Applications are submitted on forms that respond to requirements detailed in 15 CFR part 911.

III. Data

OMB Number: 0648-0157.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Not-for-profit institutions, business or other for-profit organizations, individuals or households, and State, Local, or Tribal Government.
Estimated Number of Respondents: 390.
Estimated Time Per Response: 1 hour.
Estimated Total Annual Burden Hours: 390.
Estimated Total Annual Cost to Public: $500.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 17, 2000.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–27185 Filed 10–20–00; 8:45 am]

BILLING CODE 3510–12–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101700F]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish and Monkfish Oversight Committees in November, 2000 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between Monday, November 6, 2000 and Wednesday, November 8, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Peabody, MA and Baltimore, MD. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Monday, November 6, 2000 at 9:30 a.m.—Groundfish Oversight Committee Meeting

Location: Peabody Marriott Hotel, 8A Centennial Drive, Peabody, MA 01960; telephone: 978-977-6478.

The Groundfish Oversight Committee will finalize its recommendations for management alternatives to be included in Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). This will include recommendations on rebuilding programs, measures to address capacity issues, and the four broad approaches to management that are under consideration (status quo, adjustments to the status quo, area management, and sector allocation). The committees' recommendations will be reviewed by the Council at its November 14-16 meeting. After approval by the Council, the proposed alternatives will be analyzed and a draft Supplemental Environmental Impact Statement and public hearing document prepared. The committee will meet in a closed session to review advisory panel applications.

Wednesday, November 8, 2000 at 10:00 a.m.—Monkfish Oversight Committee Meeting

Location: Sheraton International Hotel at BWI Airport, 7032 Elm Road, Baltimore, MD 21240; telephone: (410) 691-9827.

The committee will review the Stock Assessment and Fishery Evaluation (SAFE) Report for 1999, including the Monkfish Monitoring Committee Report. Based on this review, the committee will develop recommendations to the Council for adjustments to the Monkfish Fishery Management Plan for the 2001 fishing year, in accordance with the framework adjustment procedures in the FMP. The committee will review the Monkfish Advisory Panel recommendations on trip limit options to address perceived inequities across fleet sectors, a range of alternatives for monkfish spawning area/time management, and on possible options for bycatch control and minimizing discards of monkfish in small mesh fisheries. The committee will also develop recommendations to the Council for research priorities under cooperative programs with the industry.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: October 18, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–27186 Filed 10–20–00; 8:45 am]

BILLING CODE: 3510–22 –S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) 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: United States Patent and Trademark Office (USPTO).

Title: Deposit of Biological Materials.

Form Number(s): N/A.

Agency Approval Number: 0651–0022.

Type of Request: Extension of a currently approved collection.

Burden: 3,301.25 hours annually.

Number of Respondents: 3,300.25 responses per year. The USPTO expects that 3,300 patent applications on inventions dealing with deposits of biological materials will be filed each year. It is estimated by the USPTO that one depository will seek recognition every four years, or 0.25 depositories will seek recognition annually.

Avg. Hours Per Response: The USPTO estimates that it takes an average of one (1) hour for the average patent applicant respondent to collect and submit the necessary deposit information to the USPTO. The USPTO estimates that it will take the average depository seeking approval to store biological material an average of 15 minutes (.25 hours) to gather and submit the necessary approval information to the USPTO.

Needs and Uses: Information on the deposit of biological materials in depositories is required for (a) the USPTO determination of compliance with 35 USC 2(b)(2), 35 USC 112, and 37 CFR Ch. 1, Subpart G, 1.801–809, where inventions sought to be patented rely on biological material subject to the deposit requirement, including notification to the interested public on where to obtain samples of deposits; and (b) in compliance with 37 CFR Ch. 1, Subpart G, 1.803 to demonstrate that the depositories are qualified to store and test the biological material submitted to them under patent applications. This information is used by the USPTO to determine whether or not the applicant has met the requirements of the patent regulations. In addition, the USPTO uses this information to determine the suitability of a respondent depository based upon administrative and technical competence, and the depository's agreement to comply with the requirements set forth by the USPTO. There are no forms associated with this collection of information.

Affected Public: Individuals or households, businesses or other for-profit, not-for-profit institutions, and the federal government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Susan K. Brown, Records Officer, Office of Data Management, Data Administration Division, (703) 308–7400, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231, or by e-mail at susan.brown@uspto.gov.

Written comments and recommendations for the proposed information collection should be sent on or before November 22, 2000 to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: October 16, 2000.

Susan K. Brown,

Records Officer, USPTO, Office of Data Management, Data Administration Division.

[FR Doc. 00–27167 Filed 10–20–00; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 22, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 17, 2000.

John Tressler,

Leader Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Evaluation of the American Indian Vocational Rehabilitation Services (AIVRS) Program (SC).

Frequency: One time.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household; Not-for-profit institutions; Federal Government.

Reporting and Recordkeeping Hour Burden: Responses: 464; Burden Hours: 684.

Abstract: This submission is for a one-time data collection for the Evaluation of the American Indian Vocational Rehabilitation Services (AIVRS) Program. The information will be used by the Department of Education to improve the design of the program, answer questions about the program, and justify its budget. There are very limited reporting requirements for this program, so the information is needed to describe consumer characteristics, services provided, and program outcomes. Most of the information will come from project directors, but there will also be interviews with project staff, tribal representatives, advisory group members, service providers, and State VR agency staff.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. *Please specify the complete title of the information collection when making your request.*

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila_Carey@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–27110 Filed 10–20–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–54–032]

Colorado Interstate Gas Company; Notice of Settlement Agreement

October 17, 2000.

Take notice that on October 12, 2000, Colorado Interstate Gas Company (CIG), Public Service Company of Colorado (PSCo), Cheyenne Light, Fuel and Power Company (Cheyenne), Colorado Springs Utilities (CSU), Union Pacific Resources Company (UPR), Helmerich & Payne Inc. (Helmerich), Pioneer Natural Resources USA, Inc. (PNR), OXY USA Inc. (OXY), Eastman Dillon Oil & Gas Associates (Eastman), Amoco Production Company (Amoco), Coastal Oil and Gas Corporation (Coastal), Chevron U.S.A. Inc. (Chevron), Atlantic Richfield Company (ARCO), Mobil Oil Corporation (Mobil), Anadarko Petroleum Corporation (Anadarko), Broadhurst Operating LP (Broadhurst), Ivy League, Inc. (IVY), Ralph H. Howard, Inc. (RHH), and Texaco Exploration and Production Inc. (Texaco) (collectively referred to as the ''Signatory Parties'') filed for the approval of the Commission a Settlement Agreement (Settlement) under Rule 602 of the Commission's Rules of Practice and Procedure in the captioned docket. Signatory Parties state that the Settlement has the support of the Public Utilities Commission of the State of Colorado, the Wyoming Public Service Commission, the Colorado Office of Consumer Counsel, the Colorado Energy Assistance Foundation, Citizens Utilities Company, and Greeley Gas Company, a division of Atmos Energy Corporation. The purpose of the Settlement is to extinguish the refund liability of 351 working interest owners currently subject to refund claims by CIG of less than $25,000 (with interest calculated through August 31, 2000) associated with the collection of Kansas *ad valorem* tax reimbursements in excess of maximum lawful prices (MLP) under the Natural Gas Policy Act. The Signatory Parties urge the Commission to approve the Settlement no later than November 28, 2000, to enable refunds to be paid to CIG no later than December 13, 2000 under terms of said agreement. A copy of the Settlement Agreement is on file with the Commission and is available for public inspection in the Public Reference Room. The Settlement Agreement may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Other than the Signatory Parties, the remaining 64 working interest owners, who are subject to claims by CIG of $25,000 or more, may voluntarily participate in the Settlement by agreeing to pay specified refunds. Acquiescence in the terms of the Settlement by these working interest owners and payments under the terms of the Settlement would relieve those working interest owners of all further liability associated with the collection of Kansas *ad valorem* tax reimbursements in excess of the MLP, except where otherwise specifically agreed to in writing by the working interest owner. In addition, any claims against royalty owners for royalty-related on the CIG system by working interest owners participating in the Settlement, as well as royalty claims associated with the extinguished liability of the 351 working interest owners whose individual liabilities have been calculated at less than $25,000, are eliminated. Non-participating working interest owners whose individual refund liability is $25,000 or more retain their legal challenges to CIG's refund claims.

In accordance with Section 385.602(f), comments on the Settlement Agreement are due October 31, 2000, and any reply comments are due November 10, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–27094 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–40–000]

Cove Point LNG Limited Partnership; Notice of Compliance Filing

October 17, 2000.

Take notice that on October 11, 2000, Cove Point LNG Limited Partnership (Cove Point) filed in compliance with Order No. 587–L.

Cove Point states that it is a natural gas storage facility and has no imbalance provisions. Cove Point states that pursuant to Order Granting Clarification, issued September 28, 2000, in Docket No. RM96–1–016, Cove Point is not required to implement imbalance trading on its system.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal 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 protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27098 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–43–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 2000.

Take notice that on October 12, 2000, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, certain revised tariff sheets, proposed to be effective on November 1, 2000.

Eastern Shore states that the purpose of this filing is to make the necessary modifications to its tariff to permit imbalance trading in order to comply with the requirements of FERC Order No. 587–L.

Eastern Shore states that copies of its filing has been mailed to its customers and interested state commissions.

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 protests must be filed in accordance with Section 154.210 of the

Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27101 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2618]

Georgia Pacific Corporation; Notice of Authorization for Continued Project Operation

October 17, 2000.

Georgia Pacific Corporation, licensee for the West Branch Storage Project No. 2618, did not file an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commissions' regulations thereunder. Project No. 2618 is located on the West Branch St. Croix River in Washington County, Maine.

The license for Project No. 2618 was issued for a period ending September 30, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 2618 is issued to Georgia Pacific Corporation for a period effective October 1, 2000, through September 30, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before September 30, 2001, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Georgia Pacific Corporation is authorized to continue operation of the West Branch Storage Project No. 2618 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 00–27090 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–9–000]

Granite State Gas Transmission, Inc.; Notice of Request Under Blanket Authorization

October 17, 2000.

Take notice that on October 10, 2000, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg Parkway, Westborough, Massachusetts 01581, filed in Docket No. CP01–9–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon certain facilities, located in York County, Maine, under Granite State's blanket certificate issued in Docket No. CP82–515–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that 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/rims.htm (call 202–208–2222 for assistance).

Granite State proposes to abandon three facilities in Biddeford, Maine. First, Granite State requests authority to abandon a farm tap, the Southern Maine Medical Station (Southern Maine Station), located in York County, Maine. Granite State states that a local distribution company affiliate, Northern Utilities, Inc. (Northern Utilities), has already constructed facilities to serve those customers located behind the Southern Maine Station. Granite State, therefore, proposes to abandon and remove the Southern Maine Station, because it is no longer necessary to provide service and is duplicative of facilities owned and operated by Northern Utilities. Granite State declares that it will continue to provide natural gas service to Northern Utilities via other existing facilities in order to enable Northern Utilities to continue serving the load behind the Southern Maine Station. Granite State asserts that customers behind the Southern Maine Station will see no diminution in service.

Second, Granite State proposes to abandon and remove facilities known as the Biddeford Industrial Station (Biddeford Station), located York County, Maine. Granite State declares that it has previously constructed a new station at this location under Docket No. CP98–96. Therefore, Granite State asserts that the Biddeford Station facilities are not longer needed to provide service and are duplicative of the newly constructed facilities. Granite State states that service to customers behind the Biddeford Station will continue to be provided by Northern Utilities and will be unaffected by the proposed abandonment.

Third, Granite State proposes to abandon a third station, Five Points Station, also located in York County, Maine. Granite State declares that the Five Points Station, which is connected to Northern Utilities, is currently located within the path of a road construction project. Granite State proposes to remove, but not replace the Five Points Station. Granite State asserts that customers currently served, via Northern Utilities, will continue to be served by Northern Utilities by providing service to these customers with natural gas from other points of interconnect with Granite State, including the Biddeford Station. Granite State states that these customers will be wholly unaffected by grant of this application.

Granite State asserts that the proposed abandonments of the Southern Maine, Biddeford, and Five Points Stations will not affect Granite State's revenues. Granite State states that the combined

net book value of all three of these stations is $21,856.42. Granite State declares that Northern Utilities has consented to the proposed abandonments and also will continue to serve all customers located behind the three stations proposed to be abandoned.

Any questions regarding the application should be directed to George Simmons, Director, Regulatory Affairs, Granite State Gas Transmission, Inc., 300 Friberg Parkway, Westborough, Massachusetts 01581, phone: (508) 836–7265.

Any person or the Commission's staff may, within 45 days after issuance of the instance 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 Regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is 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 Natural Gas Act. Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 00–27087 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–220–005]

Great Lakes Gas Transmission Limited Partnership; Notice of Negotiated Rate Agreement

October 17, 2000.

Take notice that on October 11, 2000, Great Lakes Gas Transmission Limited Partnership (Great Lakes) filed for disclosure, a transportation service agreement pursuant to Great Lakes' Rate Schedule FT entered into by Great Lakes and Midland Cogeneration Venture Limited Partnership (MCV) (FT Service Agreement). The FT Service Agreement being filed reflects a negotiated rate arrangement between Great Lakes and MCV commencing November 1, 2000.

Great Lakes states that the FT Service Agreement is being filed to implement a negotiated rate contract as required by both Great Lakes' negotiated rate tariff provisions and the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines, issued January 31, 1996, at Docket Nos. RM95–6–000 and RM96–7–000.

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 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27095 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–6–000]

Gulf South Pipeline Company, LP, Koch Gateway Pipeline Company; Notice of Application

October 17, 2000.

Take notice that on October 6, 2000, Gulf South Pipeline Company, LP (Gulf South) and Koch Gateway Pipeline Company (Koch) (Applicants), both located at 20 East Greenway Plaza, Houston, Texas, 77046, filed in the above docket, an application pursuant to Section 7(b) and 7(c) of the Natural Gas Act to permit Koch, as a result of its change in corporate form from a corporation to a limited partnership, to abandon its jurisdictional assets and services and Gulf South to acquire these same jurisdictional assets and services, all as more fully set forth in the application on file with the Commission and open to public inspection. The application may be viewed on the web at *http://www.ferc/fed.us/online/rims.htm.* Call (202) 208–2222 for assistance.

Koch states that as a result of this conversion, its corporate name will change to Gulf South, but the same corporate legal entity will continue to own and operate Koch's facilities pursuant to the same rates, terms and conditions previously approved by the Commission. The Applicants state that the authorizations requested in the application are required by the present and future public convenience and necessity and will not adversely affect Koch's customers or the services they receive on the pipeline as all rates and services will remain unchanged. The Applicants state that they request the Commission to grant the requested amendment to Koch's existing certificate of public convenience and necessity on an expedited basis, no later than November 15, 2000 which will be the first day of operation after the jurisdictional assets are conveyed to Gulf South. It is stated that any questions regarding the application should be directed to Michael E. McMahon, Senior Vice President and General Counsel, Koch Gateway Pipeline Company, 20 East Greenway Plaza, Houston, Texas, 77046 at (713) 544–4796.

Any person desiring to be heard or to make any protest with reference to said Application should on or before October 27, 2000, file with the Federal Energy Regulatory Commission, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10) 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 to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the 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 and permission and approval for the proposed transfer are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own 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 Applicants to appear or be represented at the hearing.

Lindwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–27124 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–42–000]

Mississippi River Transmission Corporation; Notice of Proposed Changes to FERC Gas Tariff

October 17, 2000.

Take notice that on October 11, 2000, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be effective November 10, 2000:

Third Revised Sheet No. 21
Third Revised Sheet No. 33
Fifth Revised Sheet No. 249
Original Sheet No. 249A

MRT states that the purpose of this filing is to reflect the implementation of non-discriminatory waiver of fuel charges for a transaction on an MRT non-contiguous lateral that does not use fuel.

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 protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Davis P. Boergers,

Secretary.

[FR Doc. 00–27100 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT01–2–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 2000.

Take notice that on October 11, 2000, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1 the following tariff sheets to be effective October 11, 2000:

Third Revised Sheet No. 219
Sixth Revised Sheet No. 220

Northern states that the purpose of this filing is to remove Sections 17(a) and 17(b) of Northern's General Terms and Conditions of its Tariff in accordance with Order No. 637 which required that shared personnel and shared facilities be posted on a pipeline's internet website, update the reporting structure for its Pipeline Sales Division, and update the reference to electronic bulletin board personnel.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

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 in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27089 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2670]

Northern States Power Company, City of Eau Claire; Notice of Authorization for Continued Project Operation

October 17, 2000.

On August 21, 1998, Northern States Power Company and the City of Eau Claire, licensees for the Dells Project No. 2670, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2670 is located on the Chippewa River in Chippewa and Eau Claire Counties, Wisconsin.

The license for Project No. 2670 was issued for a period ending September 29, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section1 5 of the FPA, notice is hereby given that an annual license for Project No. 2670 is issued to Northern States Power Company and the City of Eau Claire for

a period effective September 30, 2000, through September 29, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before September 30, 2001, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Northern States Power Company and the City of Eau Claire are authorized to continue operation of the Dells Project No. 2670 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 00–27092 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2661]

Pacific Gas and Electric Company; Notice of Authorization for Continued Project Operation

October 17, 2000.

On September 24, 1998, Pacific Gas and Electric Company, licensee for the Hat Creek Project No. 2661, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2661 is located on Hat Creek in Shasta County, California.

The license for Project No. 2661 was issued for a period ending September 30, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 2661 is issued to Pacific Gas and Electric Company for a period effective October 1, 2000, through September 30, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before September 30, 2001, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Pacific Gas and Electric Company is authorized to continue operation of the Hat Creek Project No. 2661 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 00–27091 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT01–1–000]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 2000

Take notice that on October 11, 2000, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet to be effective October 11, 2000:

Fifteenth Revised Sheet No. 73

Transwestern states that the purpose of this filing is to remove Section 19.1 of Transwestern's General Terms and Conditions of its Tariff in accordance with Order No. 637 which required that shared personnel and shared facilities be posted on a pipeline's internet website.

Transwestern states that copies of the filing were served upon Transwestern's customers and interested State Commissions.

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 protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27088 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–41–000]

Young Gas Storage Company, Ltd.; Notice of Compliance Filing

October 17, 2000.

Take notice that on October 11, 2000, Young Gas Storage Company, Ltd., (Young) filed in compliance with Order No. 587–L.

Young states that it is a natural gas storage facility and has no imbalance provisions. Young states that pursuant to Order Granting Clarification, issued September 28, 2000 in Docket No. RM96–1–016, Young is not required to implement imbalance trading on its system.

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 protests must be filed in accordance

with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27099 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–555–001]

Dominion Transmission, Inc.; Notice of Tariff Filing

October 17, 2000.

Take notice that on October 6, 2000, Dominion Transmission, Inc. (DTI) (formerly CNG Transmission Corporation) tendered for filing revised sheets to resubmit certain tariff sheets and to correct errors appearing on certain tariff sheets filed on September 22, 2000, in this proceeding. The purpose of the original filing was to reflect DTI's corporate name change which became effective April 11, 2000.

DTI states that copies of the filing have been served on DTI's customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing must be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27096 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–2–000, et al.]

Principal Generation Plant, LLC, et al.; Electric Rate and Corporate Regulation Filings

October 16, 2000.

Take notice that the following filings have been made with the Commission:

1. Principal Generation Plant, LLC

[Docket No. EG01–2–000]

Take notice that on October 10, 2000, Principal Generation Plant, LLC, having its principal place of business at 711 High Street, Des Moines, Iowa 50312 Attn: Corporate Secretary (the applicant) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (''EWG'') status pursuant to part 365 of the Commission's regulations.

The applicant is a Delaware limited liability company. The applicant is engaged directly and exclusively in the ownership and/or operation of an electrical generating facility located in close proximity to its principal place of business. No state EWG findings are required.

Comment date: November 6, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Two Elk Generation Partners, Limited Partnership

[Docket No. EG01–3–000]

Take notice that on October 12, 2000, Two Elk Generation Partners, Limited Partnership (Applicant), c/o Michael J. Ruffatto, North American Power Group, Ltd., 8480 East Orchard Road, Suite 4000, Greenwood Village, CO 80111, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant will own an approximately 320–MW gross electric generating facility located in the vicinity of Campbell County, Wyoming and an interconnection line necessary to effect sales at wholesale. The Facility's electricity will be sold exclusively at wholesale.

Comment date: November 6, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Dominion Fairless Hills, Inc.

[Docket No. EG01–4–000]

Take notice that on October 11, 2000, Dominion Fairless Hills, Inc. (DFH) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. DFH is owned by Dominion Energy, Inc., which in turn is a wholly-owned subsidiary of Dominion Resources, Inc. DFH, directly or through an affiliate, proposes to construct, own and operate a gas-fired generating facility with a nominal capacity of 1,200 MW located in Bucks County, Pennsylvania. The facility will be interconnected with transmission facilities under the operational control of PJM Interconnection, L.L.C.

Comment date: November 6, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. The Dayton Power and Light Company

[Docket No. ER01–83–000]

Take notice that on October 10, 2000, The Dayton Power and Light Company (Dayton), tendered for filing a Short-Term Firm Transmission Service Agreement establishing Niagara Mohawk Energy Marketing, Inc., as a customer under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreement. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon establishing Niagara Mohawk Energy Marketing, Inc., and the Public Utilities Commission of Ohio.

Comment date: October 31, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. The Dayton Power and Light Company

[Docket No. ER01–89–000]

Take notice that on October 10, 2000, The Dayton Power and Light Company (Dayton), tendered for filing a Non-Firm

Transmission Service Agreement establishing Niagara Mohawk Energy Marketing, Inc., as a customer under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreement. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon establishing Niagara Mohawk Energy Marketing, Inc., and the Public Utilities Commission of Ohio.

Comment date: October 31, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Alcoa Power Generating Inc.

[Docket No. ER01–90–000]

Take notice that on October 11, 2000, Alcoa Power Generating Inc. (APGI), tendered for a filing service agreement between Public Utility District No. 1 of Chelan County, Washington (Chelan PUD #1) and APGI under APGI's Market Rate Tariff No. 1 (MR–1). This Tariff was accepted for filing by the Commission on July 13, 1999, in Docket No. ER99–2932–000.

The service agreement with Chelan PUD #1 is proposed to be effective October 1, 2000.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Puget Sound Energy, Inc.

[Docket No. ER01–91–000]

Take notice that on October 11, 2000, Puget Sound Energy, Inc., tendered for filing a Netting Agreement with Aquila Energy Marketing Corporation (Aquila).

A copy of the filing was served upon Aquila.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Duke Energy Corporation

[Docket No. ER01–92–000]

Take notice that on October 11, 2000, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with CMS Marketing, Services and Trading Company, for Non-Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on September 22, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Virginia Electric and Power Company

[Docket No. ER01–93–000]

Take notice that on October 11, 2000, Virginia Electric and Power Company (Dominion Virginia Power or the Company), tendered for filing the following:

Retail Network Integration Transmission Service and Network Operating Agreement (Service Agreement) by Virginia Electric and Power Company to Washington Gas Energy Services, Inc. designated as Service Agreement No. 304 under the Company's Retail Access Pilot Program, pursuant to Attachment L of the Company's Open Access Transmission Tariff, FERC Electric Tariff, Second Revised Volume No. 5, to Eligible Purchasers effective June 7, 2000.

Dominion Virginia Power requests an effective date of October 11, 2000, the date of filing of the Service Agreement.

Copies of the filing were served upon Washington Gas Energy Services, Inc., the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Miami Valley Lighting, Inc.

[Docket No. ER01–95–000]

Take notice that on October 11, 2000, Miami Valley Lighting, Inc., (MVLT), a wholly owned subsidiary of DPL Inc., tendered for filing a rate schedule to engage in sales at market-based rates. MVLT included in its filing a proposed code of conduct.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Duke Energy Corporation

[Docket No. ER01–97–000]

Take notice that on October 11, 2000, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with CMS Marketing, Services and Trading Company, for Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on September 22, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Miami Valley Resources, Inc.

[Docket No. ER01–98–000]

Take notice that on October 11, 2000, Miami Valley Resources, Inc., (MVR), a wholly owned subsidiary of DPL Inc., tendered for filing a rate schedule to engage in sales at market-based rates. MVR included in its filing a proposed code of conduct.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Commonwealth Edison Company and Commonwealth Edison Company of Indiana

[Docket No. ER01–99–000]

Take notice that on October 10, 2000, Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively ComEd), tendered for filing an amendment to its generator interconnection procedures set forth in Attachment K of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of December 10, 2000.

Copies of the filing were served upon ComEd's jurisdictional customers and interested state commissions.

Comment date: October 31, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Deseret Generation & Transmission Co-operative, Inc.

[Docket No. ER01–101–000]

Take notice that on October 11, 2000, Deseret Generation & Transmission Co-operative, Inc. (Deseret), tendered for filing First Revised Service Agreement Nos. 1 through 6 to its FERC Electric Tariff, Volume No. 1. The proposed service agreements include an amendment to provide a rate rebate to each of Deseret's six Member Cooperatives and modifications so as to comply with the Commission's rate schedule designation requirements as set forth in Order No. 614.

Deseret requests an effective date of December 11, 2000.

Copies of this filing were served upon Deseret's six Member Cooperatives.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Cinergy Services, Inc., on Behalf of The Cincinnati Gas & Electric Company and its Public Utility Subsidiaries, and PSI Energy, Inc.

[Docket No. ER01–102–000]

Take notice that on October 11, 2000, Cinergy Services, Inc., on behalf of The

Cincinnati Gas & Electric Company and its public utility subsidiaries, and PSI Energy, Inc. (collectively Cinergy), tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations an amendment to Cinergy's Open Access Transmission Tariff (OATT) originally filed in docket No. OA96–169–000. The changes are intended solely to implement retail restructuring in the state of Ohio.

Cinergy requests that its filing be made effective as of January 1, 2001.

Copies of this filing have been served upon all current and recent firm point-to-point and network transmission customers under Cinergy's OATT, upon the regulatory commissions of Indiana, Ohio and Kentucky, and all participants in the Ohio restructuring proceedings.

Comment date: November 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27123 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–39–000]

Wyoming Interstate Company, Ltd.; Notice of Compliance Filing

October 17, 2000.

Take notice that on October 11, 2000, Wyoming Interstate Gas Company, Ltd. (WIC) tendered for filing a letter stating that WIC believes it is currently in full compliance with Section 284.12(c)(2)(ii) of the Commission's Regulations. Order No. 587–L requires pipelines to be in compliance with this regulation by November 1, 2000, to permit shippers to offset imbalances on different contracts held by the shipper and to trade imbalance.

WIC further states that copies of its filing have been served on WIC's jurisdictional customers and public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commissions' Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–27097 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3052–003]

City of Black River Falls; Notice of Availability of Scoping Document 1

October 17, 2000.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380, the Office of Energy Projects has reviewed the application for license for the Black River Falls Hydroelectric Project, located on the Black River in Jackson County, Wisconsin, and has prepared a Scoping Document 1 (SD1) for the project. The project does not occupy federal lands.

Copies of the SD1 are available for review at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. The SD1 may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

Any comments (an original and eight copies) should be filed by November 16, 2000 and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. For further information, contact Susan O'Brien at (202) 219–2840. Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 00–27093 Filed 10–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

October 18, 2000.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: October 25, 2000, 10:00 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

750th—Meeting October 25, 2000, Regular Meeting, (10 a.m.)

Consent Agenda—Markets, Tariffs and Rates—Electric

CAE–1.

Docket# ER00–3513, 000, PJM Interconnection, L.L.C.
CAE–2.
Docket# ER00–3577, 000, New England Power Pool
CAE–3.
Omitted
CAE–4.
Omitted
CAE–5.
Docket# ER00–3609, 000, New England Power Pool
CAE–6.
Omitted
CAE–7.
Omitted
CAE–8.
Docket# ER00–3188, 000, Sierra Pacific Power Company and Nevada Power Company
CAE–9.
Docket# ER00–108, 000, Idaho Power Company
CAE–10.
Docket# ER00–2132, 001, Entergy Services, Inc.
Other#s ER00–2132, 002, Entergy Services, Inc.
CAE–11.
Docket# ER00–2019, 002, California Independent System Operator Corporation
CAE–12.
Docket# ER00–2015, 003, Nevada Power Company
Other#s ER00–2018, 003, Sierra Pacific Power Company
CAE–13.
Docket# ER97–1523, 046, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
Other#s OA97–470, 044, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
OA97–470, 045, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
OA97–470, 046, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
OA97–470, 047, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
OA97–470, 048, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–1523, 047, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–1523, 048, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–1523, 049, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–1523, 050, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 042, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 043, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 044, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 045, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 046, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER00–556, 005, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
CAE–14.
Docket# ER97–1523, 051, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
Other#s OA97–470, 049, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
ER97–4234, 047, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation and New York Power Pool
CAE–15.
Docket# ER98–441, 022, Southern California Edison Company, California Independent System Operator Corporation and El Segundo Power, LLC
Other#s ER98–495, 018, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–496, 011, San Diego Gas & Electric Company
ER98–1614, 008, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–2145, 008, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–2160, 009, San Diego Gas & Electric Company

ER98–2550, 005, Southern California Edison Company, California Independent System Operator Corporation and El Segundo Power, LLC
ER98–2668, 011, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–2669, 010, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–4296, 008, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER98–4300, 008, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER99–1127, 009, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC
ER99–1128, 009, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC

CAE–16.
Docket# EL98–29, 001, Morgan Stanley Capital Group v. Illinois Power Company

CAE–17.
Docket# ER98–1568, 001, Potomac Electric Power Company
Other#s ER97–3189, 017, GPU Energy, et al.
ER98–1569, 001, PP&L, Inc.
ER98–1570, 001, GPU Energy
ER98–1608, 001, Delmarva Power & Light Company
ER98–1609, 001, Atlantic City Electric Company
ER98–1621, 001, Public Service Electric and Gas Company
ER98–2011, 001, Peco Energy Company

CAE–18.
Docket# ER00–2429, 003, Unicom Energy, Inc.

CAE–19.
Docket# RM00–7, 000, Revision of Annual Charges Assessed to Public Utilities

CAE–20.
Docket# RM95–9, 013, Open Access Same-Time Information System and Standards of Conduct

CAE–21.
Docket# EL00–85, 000, PJM Interconnection, L.L.C.
Other#s EC00–105, 000, PJM Interconnection, L.L.C., Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pepco Energy Company, Pennsylvania Electric Company, Potomac Electric Power Company, PPL Electric Utilities Corporation and Public Service Electric & Gas Company

CAE–22.
Docket# EL00–108, 000, Tenaska Power Services Company v. Southwest Power Pool, Inc.

CAE–23.
Docket# EL00–105, 000, City of Vernon, California

CAE–24.
Docket# EL00–73, 000, Mansfield Municipal Electric Department and North Attleborough Electric Department v. New England Power Company

CAE–25.
Docket# EL00–103, 000, Morgan Stanley Capital Group Inc. v. New York Independent System Operator, Inc.

CAE–26.
Docket # ER00–860, 000, San Diego Gas & Electric Company
Other #s ER00–860, 001, San Diego Gas & Electric Company

Consent Agenda—Markets, Tariffs and Rates—Gas

CAG–1.
Omitted

CAG–2.
Docket # RP99–355, 003, Baltimore Gas & Electric Company

CAG–3.
Docket # RP00–566, 000, PG&E Gas Transmission, Northwest Corporation

CAG–4.
Omitted

CAG–5.
Omitted

CAG–6.
Docket # RP00–455, 002, Honeoye Storage Corporation

CAG–7.
Docket # RP00–594, 000, Young Gas Storage Company, Ltd.

CAG–8.
Docket # RP00–589, 000, ANR Pipeline Company

CAG–9.
Docket # RP97–71, 022, Transcontinental Gas Pipe Line Corporation
Other #s RP97–312, 009, Transcontinental Gas Pipe Line Corporation

CAG–10.
Docket # RP00–559, 000, Reliant Energy Gas Transmission Company
Other #s RP00–559, 001, Reliant Energy Gas Transmission Company

CAG–11.
Docket # RP00–504, 000, Union Gas Limited

CAG–12.
Docket # RP00–563, 000, Chandeleur Pipe Line Company

CAG–13.
Docket # RP00–628, 000, Kinder Morgan Interstate Gas Transmission LLC

CAG–14.
Docket # GT00–37, 000, Tennessee Gas Pipeline Company

CAG–15.
Omitted

CAG–16.
Docket # RP00–428, 000, Great Lakes Gas Transmission Limited Partnership
Other #s RP91–143, 050, Great Lakes Gas Transmission Limited Partnership

CAG–17.
Omitted

CAG–18.
Omitted

CAG–19.
Docket # RP00–543, 000, Texas Eastern Transmission Corporation

CAG–20.
Docket # TM99–6–29, 001, Transcontinental Gas Pipe Line Corporation

CAG–21.
Docket # RP00–17, 001, Transcontinental Gas Pipe Line Corporation

CAG–22.
Docket # RP00–83, 005, Texas Gas Transmission Corporation
Other #s RP00–83, 004, Texas Gas Transmission Corporation

CAG–23.
Docket # RP00–260, 001, Texas Gas Transmission Corporation
Other #s RP00–260, 002, Texas Gas Transmission Corporation

CAG–24.
Omitted

CAG–25.
Docket # RP97–431, 009, Natural Gas Pipeline Company of America

CAG–26.
Docket # RM96–1, 014, Standards for Business Practices of Interstate Natural Gas Pipelines
Other #s RP00–553, 000, Transcontinental Gas Pipe Line Corporation
RP00–554, 000, Pine Needle LNG Company, LLC
RP00–562, 000, Clear Creek Storage Company, L.L.C.
RP00–574, 000, Honeoye Storage Corporation
RP00–575, 000, Mississippi Canyon Gas Pipeline, LLC
RP00–576, 000, Nautilus Pipeline Company, L.L.C.
RP00–577, 000, Garden Banks Gas Pipeline, LLC
RP00–582, 000, Northern Border Pipeline Company
RP00–583, 000, Florida Gas Transmission Company
RP00–587, 000, Paiute Pipeline Company
RP00–588, 000, Blue Lake Gas Storage Company
RP00–590, 000, ANR Storage Company
RP00–593, 000, Steuben Gas Storage Company
RP00–597, 000, ANR Pipeline Company
RP00–598, 000, Discovery Gas Transmission LLC
RP00–600, 000, Williston Basin Interstate Pipeline Company
RP00–601, 000, Dominion Transmission, Inc.
RP00–603, 000, Sabine Pipe Line LLC
RP00–604, 000, Columbia Gas Transmission Corporation
RP00–605, 000, Columbia Gulf Transmission Company
RP00–606, 000, Great Lakes Gas Transmission Limited Partnership
RP00–609, 000, Trunkline Gas Company
RP00–612, 000, Sea Robin Pipeline Company
RP00–613, 000, Panhandle Eastern Pipe Line Company
RP00–616, 000, Trunkline LNG Company
RP00–617, 000, Gulf States Transmission Corporation
RP00–618, 000, U–T Offshore System, L.L.C.
RP00–619, 000, High Island Offshore System, L.L.C.
RP00–620, 000, Stingray Pipeline Company, L.L.C.
RP00–621, 000, Mojave Pipeline Company
RP00–622, 000, El Paso Natural Gas Company
RP00–624, 000, Trailblazer Pipeline Company
RP00–625, 000, Canyon Creek Compression Company

RP00–626, 000, Transwestern Pipeline Company
RP00–627, 000, Northern Natural Gas Company
RP00–629, 000, Kinder Morgan Interstate Gas Transmission LLC
RP00–630, 000, K N Wattenberg Transmission Limited Liability Company
RP00–631, 000, Natural Gas Pipeline Company of America
RP01–2, 000, National Fuel Gas Supply Corporation
RP01–7, 000, Koch Gateway Pipeline Company
RP01–8, 000, Mississippi River Transmission Corporation
RP01–9, 000, Alliance Pipeline L.P.
RP01–10, 000, Ozark Gas Transmission, L.L.C.
RP01–11, 000, Arkansas Western Pipeline, L.L.C.
RP01–12, 000, Reliant Energy Gas Transmission Company
RP01–13, 000, Williams Gas Pipelines Central, Inc.
RP01–14, 000, Tuscarora Gas Transmission Company
RP01–15, 000, PG&E Gas Transmission, Northwest Corporation
RP01–16, 000, Dauphin Island Gathering Partners
RP01–17, 000, Maritimes & Northeast Pipeline, L.L.C.
RP01–18, 000, Tennessee Gas Pipeline Company
RP01–19, 000, Midwestern Gas Transmission Company
RP01–22, 000, East Tennessee Natural Gas Company
RP01–23, 000, Algonquin Gas Transmission Company
RP01–25, 000, Texas Eastern Transmission Corporation
RP01–29, 000, Michigan Gas Storage Company

CAG–27.
Docket# RP99–507, 000, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
Other#s RP00–139, 000, K N Marketing, L.P. v. El Paso Natural Gas Company

CAG–28.
Docket# OR00–11, 000, Eott Energy Operating Limited Partnership v. Conoco Pipe Line Company

CAG–29.
Docket# RP00–544, 000, Carnegie Interstate Pipeline Company

CAG–30.
Docket# RP01–26, 000, El Paso Natural Gas Company

CAG–31.
Docket# RP01–28, 000, Mojave Pipeline Company

CAG–32.
Docket# RP00–425, 001 Williams Gas Pipelines Central, Inc.

Consent Agenda—Energy Projects—Hydro

CAH–1.
Docket# P–2170 012, Chugach Electric Association, Inc.

CAH–2.
Docket# P–2058 015, Avista Corporation

CAH–3.
Omitted

CAH–4.
Docket# P–2842, 029, City of Idaho Falls
Other#s P–553, 066, City of Seattle
P–619, 077, City of Santa Clara, California
P–637, 015, Public Utility District No. 1 of Chelan County
P–943, 068, Public Utility District No. 1 of Chelan County
P–1417, 052, The Central Nebraska Public Power and Irrigation District
P–1862, 041, City of Tacoma
P–2000, 019, New York Power Authority
P–2016, 033, City of Tacoma
P–2042, 009, Public Utility District No. 1 of Pendoreille County
P–2101, 057, Sacramento Municipal Utility District
P–2144, 020, City of Seattle
p–2145, 035, Public Utility District No. 1 of Chelan County
P–2149, 072, Public Utility District No. 1 of Douglas County
P–2216, 037, New York Power Authority
P–2685, 006, New York Power Authority
P–2705, 012, City of Seattle
P–2952, 061, City of Idaho Falls
P–2959, 076, City of Seattle
P–2997, 019, South Sutter Water District
P–6842, 097, Cities of Aberdeen and Tacoma
P–10551, 069, City of Oswego

Consent Agenda—Energy Projects—Certificates

CAC–1.
Docket# CP00–48, 000, Tennessee Gas Pipeline Company
Other#s CP00–48, 001, Tennessee Gas Pipeline Company

CAC–2.
Omitted

CAC–3.
Docket# CP00–387, 000, PNM Gas Services, a Division of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.
Other#s CP00–388, 000, PNM Gas Services, a Division of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.
CP00–397, 000, PNM Gas Services, a Division Of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.

CAC–4.
Docket# CP00–401, 000, Suprex Energy Corporation

CAC–5.
Docket# CP00–396, 000, Delmarva Power & Light Company

CAC–6.
Docket# CP98–744, 000, Northern Natural Gas Company
Other#s CP99–188, 000, El Paso Offshore Gathering and Transmission Company

CAC–7.
Docket# CP97–561, 001, Tennessee Gas Pipeline Company

CAC–8.
Docket# RM98–16, 001, Collaborative Procedures for Energy Facility Applications

CAC–9.
Docket# CP96–178, 013, Maritimes & Northeast Pipeline, L.L.C.
Other#s CP96–809, 011, Maritimes & Northeast Pipeline, L.L.C.
CP96–810, 005, Maritimes & Northeast Pipeline, L.L.C.
CP97–238, 011, Maritimes & Northeast Pipeline, L.L.C.
CP98–724, 002, Maritimes & Northeast Pipeline, L.L.C.
CP98–797, 002, Maritimes & Northeast Pipeline, L.L.C.

CAC–10.
Omitted

CAC–11.
Docket# CP00–47, 001, Trans-Union Interstate Pipeline, L.P.

CAC–12.
Docket# CP96–73, 000, Seahawk Shoreline System

CAC–13.
Docket# CP95–735, 000, Murphy Exploration & Production Company v. Quivira Gas Company
Other#s CP95–735, 001, Murphy Exploration & Production Company v. Quivira Gas Company

CAC–14.
Docket# CP98–234, 003, Northern Natural Gas Company

CAC–15.
Docket# CP00–64, 000, Dominion Transmission, Inc.
Other#s CP00–64, 001, Dominion Transmission, Inc.

Energy Projects—Hydro Agenda

H–1.
Reserved

Energy Projects—Certificates Agenda

C–1.
Reserved

Markets, Tariffs and Rates—Electric Agenda

E–1.
Docket# RM98–4, 000, Revised Filing Requirements Under Part 33 of the Commission's Regulations
Order on Final Rule.

Markets, Tariffs and Rates—Gas Agenda

G–1.
Reserved

David P. Boergers,
Secretary.

[FR Doc. 00–27251 Filed 10–19–00; 12:39 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

October 18, 2000.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: October 25, 2000 (Following Regular Commission Meeting).

PLACE: Room 2C 888 First Street, N.E. Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. IN01–1–000, Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company, Columbia Energy Services Corporation.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400.

David P. Boergers,

Secretary.

[FR Doc. 00–27252 Filed 10–19–00; 12:38 pm]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6884–2]

Proposed Administrative Cost Recovery Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act; Silvertone Plating Company Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1984, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the Silvertone Plating Company hazardous waste site located at 7 Emerick Street, just south of the Conrail Railroad tracks, in Ypsilanti Township, Washtenaw County, Michigan. The EPA Superfund Division Director, Region 5, signed the agreement on August 17, 2000. The settlement resolves an EPA claim under section 107(a) of CERCLA against Mr. Fred Wilcox, a past owner and operator of the Site, for the costs EPA incurred in conducting a removal action at the Site. The settlement requires Mr. Wilcox to pay $18,500 to the Hazardous Substance Superfund, as partial reimbursement of EPA's costs of $222,025.90. In exchange, EPA would provide a covenant not to sue Mr. Wilcox, and the contribution protection provided by Sections 113(f)(2) and 122(h)(4) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(h)(4). The settlement amount is based primarily upon Mr. Wilcox's ability to pay. The Site is not on the NPL and no further response action is anticipated at this time.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

DATES: Comments must be provided on or before November 22, 2000.

ADDRESSES: The proposed settlement agreement and the Agency's response to any comments received will be available for public inspection at the Superfund Records Center, 7th floor, U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement agreement may be obtained from Michael J. McClary, Office of Regional Counsel, (C–14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590; telephone (312) 886–7163. Comments should reference the Silvertone Plating Company Superfund Site and should be addressed to Michael J. McClary, Office of Regional Counsel, (C–14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Michael J. McClary at the address specified immediately above; telephone (312) 886–7163.

Dated: September 25, 2000.

Margaret Guerriero,

Acting Director, Superfund Division.

[FR Doc. 00–27152 Filed 10–20–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6890–1]

Clean Water Act Class II: Proposed Administrative Penalty Assessments and Opportunities to Comment Regarding the Hawaiian Electric Company, Inc., Honolulu and Waiau Generating Stations, Proceedings Under Clean Water Act Section 309(g)(1), (2)(B) and 40 CFR 22.13(b)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is providing notice of two proposed administrative penalty assessments for alleged violations of the Clean Water Act (the ''Act''). EPA is also providing notice of opportunity to comment on the proposed assessments.

EPA is authorized under section 309(g) of the Act, 33 U.S.C. 1319(g), to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Under section 309(g), any person who without authorization discharges a pollutant to a navigable water, as those terms are defined in section 502 of the Act, 33 U.S.C. 1362, may be assessed a penalty in a ''Class II'' administrative penalty proceeding.

Class II proceedings under section 309(g) are conducted in accordance with the ''Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits'' (part 22), 40 CFR part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in part 22. The deadline for submitting public comment on a proposed Class II order is forty (40) days after publication of this notice.

On September 29, 2000, EPA filed with Danielle Carr, Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1391, the following two Consent Agreements:

In the Matter of Hawaiian Electric Company, Inc., Honolulu Generating Station, Docket No. CWA–9–2000–0009; and

In the Matter of Hawaiian Electric Company, Inc., Waiau Generating Station, Docket No. CWA–9–2000–0010.

For the alleged violations set forth in the first Consent Agreement, the Hawaiian Electric Company, Inc. (''Respondent'') agrees to pay to the United States a civil penalty of One Hundred Thousand Dollars ($100,000) for violations of NPDES Permit No. HI0000027 and section 301(a) of the Act, 33 U.S.C. 1311(a), at the Honolulu Generating Station in Honolulu, Hawaii.

For the alleged violations set forth in the second Consent Agreement, Respondent agrees to pay to the United States a civil penalty of One Hundred Thousand Dollars ($100,000) for violations of NPDES Permit No. HI0000604 and section 301(a) of the

Act, 33 U.S.C. 1311(a), at the Waiau Generating Station in Pearl City, Hawaii.

Procedures by which the public may comment on a proposed Class II penalty or participate in a Class II penalty proceeding are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II penalty is forty days after issuance of public notice.

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaints or other documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in the proceedings should contact Danielle Carr, Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1391. The administrative records for both of these proceedings are located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative records, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final orders assessing a penalty in these proceedings prior to forty (40) days after the date of publication of this notice.

Dated: October 13, 2000.

Thomas Huetteman,

Acting Director, Water Division.

[FR Doc. 00–27151 Filed 10–20–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6889–4]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Final Project Agreements and related documents for twenty-two XL Projects: United States Postal Service (USPS)—Denver; Mayport Naval Station—Environmental Reinvestment (ENVVEST); Steele County, MN XL Communities (XLC); Georgia-Pacific Black Liquor Gasification System; International Paper (IP) Androscoggin Mill—Effluent Improvements; Progressive Insurance Company—Pay As You Drive Auto Insurance; International Business Machines (IBM)—Essex Junction, Vermont; Labs 21—Environmental Performance at Laboratories; Project XLC Phase I (Planning): Clermont County, OH; Kodak Company Pollution Prevention; PPG Industries, Inc.; Yolo County Accelerated Anaerobic & Aerobic Composting (Bioreactor); Buncombe County Leachate Recirculation/Gas Recovery (Bioreactor) Landfill; Autoliv Automobile Safety Products, U.S.A.; Ortho-McNeil Pharmaceutical—Laboratory-Scale High-Temperature Catalytic Oxidation Process to Treat Low-Level Mixed Wastes; State of Pennsylvania Department of Environmental Protection (PADEP) Coal Remining and Reclamation; National Aeronautics and Space Administration (NASA) White Sands Test Facility (WSTF); Narragansett Bay Commission (NBC) Pretreatment; Puget Sound Naval Shipyard (PSNS) Phase I—ENVVEST; USA Waste of Virginia, Inc., and King George Landfills, Inc., wholly-owned subsidiaries of Waste Management, Inc., Bioreactor Systems; International Business Machines (IBM) East Fishkill Facility—F006 Sludge Recycling; and Lead-Safe Boston.

SUMMARY: EPA is announcing the signing of the Project XL Final Project Agreements (FPAs) for the following XL, XLC, and ENVVEST Projects: United States Postal Service (USPS)—Denver (hereafter ''USPS''); Mayport Naval Station—ENVVEST (hereafter ''Mayport''); Steele County, MN XL Communities (XLC) (hereafter ''Steele County''); Georgia-Pacific Black Liquor Gasification System (hereafter ''Georgia-Pacific''); International Paper (IP) Androscoggin Mill—Effluent Improvements (hereafter ''IP—Effluent Improvements''); Progressive Insurance Company—Pay As You Drive Auto Insurance (hereafter ''Progressive Insurance''); International Business Machines (IBM)—Essex Junction, Vermont (hereafter ''IBM—Vermont''); Labs 21—Environmental Performance at Laboratories (hereafter ''Labs 21''); Project XLC Phase I (Planning): Clermont County, OH (hereafter ''Clermont''); Kodak Company Pollution Prevention (hereafter ''Kodak''); PPG Industries, Inc. (hereafter ''PPG''); Yolo County Accelerated Anaerobic & Aerobic Composting (Bioreactor) (hereafter ''Yolo County''); Buncombe County Leachate Recirculation/Gas Recovery (Bioreactor) (hereafter ''Buncombe County''); Autoliv Automobile Safety Products, U.S.A. (hereafter ''Autoliv''); Ortho-McNeil Pharmaceutical—Laboratory-Scale High-Temperature Catalytic Oxidation Process to Treat Low-Level Mixed Wastes (hereafter ''Ortho-McNeil''); State of Pennsylvania Department of Environmental Protection (PADEP) Coal Remining and Reclamation (hereafter ''Pennsylvania Coal''); National Aeronautics and Space Administration (NASA) White Sands Test Facility (WSTF) (hereafter ''NASA WSTF''); Narragansett Bay Commission (NBC) Pretreatment (hereafter ''NBC''); Puget Sound Naval Shipyard (PSNS) Phase I—ENVVEST (hereafter ''PSNS''); USA Waste of Virginia, Inc., and King George Landfills, Inc., wholly-owned subsidiaries of Waste Management, Inc., Bioreactor Systems (hereafter ''Virginia Landfills''); International Business Machines (IBM) East Fishkill Facility—F006 Sludge Recycling (hereafter ''IBM Fishkill''); and Lead-Safe Boston.

DATES: The FPAs were signed on the following dates: USPS on May 22, 2000; Mayport on May 30, 2000; Steele County on May 31, 2000; Georgia-Pacific on May 31, 2000; IP—Effluent Improvements on June 29, 2000; Progressive Insurance on July 27, 2000; IBM—Vermont on July 31, 2000; Labs 21 on September 7, 2000; Clermont on September 6, 2000; Kodak on September 14, 2000; PPG on September 14, 2000; Yolo County on September 14, 2000; Buncombe County on September 18, 2000; Autoliv on September 20, 2000; Ortho-McNeil on September 22, 2000; Pennsylvania Coal on September 22, 2000; NASA WSTF on September 22, 2000; NBC on September 25, 2000; PSNS on September 25, 2000; Virginia Landfills on September 29, 2000; IBM Fishkill on September 29, 2000; and Lead-Safe Boston on October 2, 2000.

ADDRESSES: To obtain copies or to make inquiries about the Final Project Agreements, Fact Sheets, or public comments received contact the following individuals: Mary Byrne, 303–312–6491, U.S. EPA Region VIII, 8P–R, 999 18th Street, Suite 500, Denver, Colorado 80202–2466 (byrne.mary@epa.gov) for the USPS XL Project; Michelle Cook, 404–562–8674, U.S. EPA Region IV, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104 (cook.michelle@epa.gov) for the Mayport ENVVEST Project; Abeer Hashem, 312–886–1331, U.S. EPA Region V, WC–15J, 77 West Jackson Blvd, Chicago, Illinois 60604–3507 (hashem.abeer@epa.gov) for the Steele County XLC Project; Steven J. Donohue, 215–814–3215, U.S. EPA Region III, 3OR00, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029 (donohue.steven@epa.gov) for the Georgia-Pacific XL Project; Chris Rascher, 617–918–1834, U.S. EPA Region I, SPP, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (rascher.chris@epa.gov) for the

IP—Effluent Improvements XL Project; Janet Murray, 202–260–7570, U.S. EPA, 1802, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (murray.janet@epa.gov) for the Progressive Insurance XL Project; John Moskal, 617–918–1826, U.S. EPA Region I, SPP, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (moskal.john@epa.gov) for the IBM—Vermont XL Project; Nina Bonnelycke, 202–260–3344, U.S. EPA, 1802, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (bonnelycke.nina@epa.gov) for the Labs 21 XL Project; Christopher Murphy, 312–886–0172, U.S. EPA Region V, WA–16J, 77 West Jackson Blvd, Chicago, Illinois 60604–3507 (murphy.christopher@epa.gov) for the Clermont XLC Project; Bill Waugh, 202–260–3489, U.S. EPA, 7403, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (waugh.bill@epa.gov) for the Kodak XL Project; Bill Waugh, 202–260–3489, U.S. EPA, 7403, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (waugh.bill@epa.gov) for the PPG XL Project; Mark Samolis, 415–744–2331, U.S. EPA Region IX, SPE–1, 75 Hawthorne Street, San Francisco, CA 94105 (samolis.mark@epa.gov) for the Yolo County XL Project; Michelle Cook, 404–562–8674, U.S. EPA Region IV, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104 (cook.michelle@epa.gov) for the Buncombe County XL Project; Mary Byrne, 303–312–6491, U.S. EPA Region VIII, 8P–R, 999 18th Street, Suite 500, Denver, Colorado 80202–2466 (byrne.mary@epa.gov) for the Autoliv XL Project; Charles Howland, 215–814–2645, U.S. EPA Region III, 30R00, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029 (howland.charles@epa.gov) for the Ortho-McNeil XL Project; Steven J. Donohue, 215–814–3215, U.S. EPA Region III, 3OR00, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029 (donohue.steven@epa.gov) for the Pennsylvania Coal XL Project; Adele Cardenas, 214–665–7210, U.S. EPA Region VI, 6EN–XP, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202–2733 (cardenas.adele@epa.gov) for the NASA WSTF XL Project; Chris Rascher, 617–918–1834, U.S. EPA Region I, SPP, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (rascher.chris@epa.gov) for the NBC XL Project; William Glasser, 206–553–7215, U.S. EPA Region X, 1200 Sixth Avenue, Seattle, Washington 98101 (glasser.william@epa.gov) for the PSNS ENVVEST Project; Chris Menen, 215–814–2786, U.S. EPA Region III, 3EI00, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029 (menen.chris@epa.gov) for the Virginia Landfills XL Project; Sam Kerns, 212–637–4139, U.S. EPA Region II, 290 Broadway, New York, New York 10007–1866 (kerns.sam@epa.gov) for the IBM—Fishkill XL Project; and Mike Hill, 617–918–1398, U.S. EPA Region I, CHW, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (hill.michael@epa.gov) for the Lead-Safe Boston XL Project. In addition public files on each of the projects are located at each of the EPA Regional or Headquarters offices listed. Additional information on Project XL, XLC, and ENVVEST, including documents referenced in this document, other EPA policy documents related to Project XL, Regional and Headquarters contacts, application information and descriptions of existing XL projects and proposals are available via the Internet at ''http://www.epa.gov/ProjectXL''.

SUPPLEMENTARY INFORMATION: Final Project Agreements are voluntary agreements developed by project sponsors, stakeholders, the State in which the project is located and EPA. Project XL including XL projects for government agencies regulated by EPA—ENVVEST and XL for Communities, announced in the **Federal Register** on May 23, 1995 (60 FR 27282) and November 1, 1995 (60 FR 55569) respectively give regulated sources the opportunity to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits. Any legal implementing mechanism intended to be used in a project is described in the project's FPA.

EPA announced the availability and requested comments on FPA's in the **Federal Register** for the following XL, ENVVEST and XL Communities projects on: February 15, 2000 (65 FR 7547) USPS; May 1, 2000 (65 FR 25327) Mayport; December 29, 1999 (64 FR 73047) Steele County; May 8, 2000 (65 FR 26606) Georgia-Pacific; May 16, 2000 (65 FR 31120)IP—Effluent Improvements; June 27, 2000 (65 FR 39614) Progressive Insurance; June 16, 2000 (65 FR 37780) IBM—Vermont; August 17, 2000 (65 FR 50200) Labs 21; August 16, 2000 (65 FR 49983) Clermont; August 14, 2000 (65 FR 49571) Kodak; August 22, 2000 (65 FR 50987) PPG; August 29, 2000 (65 FR 52426) Yolo County; July 28, 2000 (65 FR 46456) Buncombe County; August 14, 2000 (65 FR 49571) Autoliv; September 1, 2000 (65 FR 53297) Ortho-McNeil; August 30, 2000 (65 FR 52751) Pennsylvania Coal; September 8, 2000 (65 FR 54519) NASA WSTF; August 29, 2000 (65 FR 52425) NBC; August 31, 2000 (65 FR 53008) PSNS; September 8, 2000 (65 FR 54520) Virginia Landfills; September 1, 2000 (65 FR 53298) IBM Fishkill; and September 7, 2000 (65 FR 54265) Lead-Safe Boston. Descriptions of the projects are contained in each of the **Federal Register** notices. EPA did not receive adverse comment on any of these FPAs.

Dated: October 17, 2000.

George Wyeth,

Acting Director, Office of Environmental Policy Innovation.

[FR Doc. 00–27153 Filed 10–20–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (FTC) has submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (PRA) information collection requirements contained in its Alternative Fuel Rule. The FTC is soliciting public comments on the proposal to extend through November 30, 2003 the current PRA clearance for information collection requirements contained in the Rule. That clearance expires on November 30, 2000.

DATES: Comments must be filed by November 22, 2000.

ADDRESSES: Send written comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, DC 20503, ATTN.: Desk Officer for the Federal Trade Commission, and to Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Ave., NW., Washington, DC 20580. All comments should be captioned ''Alternative Fuel Rule: Paperwork comment.''

FOR FURTHER INFORMATION CONTACT: Requests for copies of the collection of information and supporting documentation should be addressed to Neil Blickman, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room S–4302, 601 Pennsylvania Ave., NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On August 16, 2000, the FTC sought comment on the information collection requirements associated with the Alternative Fuel

Rule (''Rule''), 16 CFR part 309 (Control Number: 3084–0094). See 65 FR 49987. No comments were received.

The Rule, which implements the Energy Policy Act of 1992, Pub. L. 102–486, requires disclosure of specific information on labels posted on fuel dispensers for non-liquid alternative fuels and on labels on Alternative Fueled Vehicles (AFVs). To ensure the accuracy of these disclosures, the Rule also requires that sellers maintain records substantiating product-specific disclosures they include on these labels.

Burden Statement

''Burden'' for PRA purpose is defined to exclude effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.2(b)(2). It is common practice for alternative fuel industry members to determine and monitor fuel ratings in the normal course of their business activities. This is because industry members must know and determine the fuel ratings of their products in order to monitor quality and to decide how to market them. Moreover, as originally anticipated when the Rule was promulgated in 1995, many of the information collection requirements and the originally-estimated hours were associated with one-time start up tasks of implementing standard systems and processes.

Other factors also limit the burden associated with the Rule. Certification may be a one-time event to require only infrequent revision. Disclosure labels on fuel dispensing systems for electric vehicles may be usable for several years. (Label specifications were designed to produce labels to withstand the elements for several years.) Nonetheless, there is still some burden associated with posting labels. There also will be some minimal burden associated with new or revised certification of fuel ratings and recordkeeping. The burden on vehicle manufacturers to develop or revise labels is limited because manufacturers produce very few new models each year. Finally, there will be come burden, also minor, associated with recordkeeping requirements.

Estimated total annual hours burden: 1,500 total burden hours, rounded.

Non-Liquid Alternative Fuels

Certification: Staff estimates that the Rule's fuel rating certification requirements affect approximately 350 industry members (compressed natural gas producers and distributors and manufacturers of fuel dispensing systems for electric vehicles) and consume approximately one hour each per year for a total of 350 hours.

Recordkeeping: Staff estimates that all 1,600 industry members are subject to the Rule's recordkeeping requirements (associated with fuel rating certification) and that compliance will require approximately one-tenth hour each year for a total of 160 hours.

Labeling: Staff estimates that labeling requirements affect approximately nine of every ten industry members (or roughly 1,400 members), but that the number of annually affected members is only 280 because labels may remain effective for several years (staff assumes that in any given year approximately 20% of 1,400 industry members will need to replace their labels). Staff estimates that industry members require approximately one hour each per year for labeling their fuel dispensers for a total of 280 hours.

Sub-total: 790 hours (160+350+280).

AFV Manufacturers

Recordkeeping: Staff estimates that all 58 manufacturers will require 30 minutes to comply with the Rule's recordkeeping requirements for a total of 29 hours.

Producing labels: Staff estimates 2.5 hours as the average time required of manufacturers to produce labels for each of the five new AFV models introduced among them each year for a total of 12.5 hours.

Posting labels: Staff estimates 2 minutes as the average time to comply with the posting requirements for each of the approximately 20,000 new AFVs manufactured each year for a total of 667 hours.

Sub-total: approximately 708 hours (29+12.5+667).

Thus, total burden for these industries combined is approximately 1,500 hours (790+708).

Estimated labor costs: $27,000, rounded.

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. According to Bureau of Labor Statistics staff, the average compensation for producers and distributors in the fuel industry is $19.42 per hour and $8.42 per hour for service station employees; the average compensation for workers in the vehicle industry is $19.14 per hour.

Non-Liquid Alternative Fuels

Recordkeeping: Only 1/6 of the total 160 hours will be performed by the producers and distributors of fuels; the other 5/6 is attributable to service station employees (1/6 = 27 hours × $19.42 = $524.34 + (5/6 + 133 hours × $8.42 = $1,119.86) = $1,644.20, for an estimated labor cost to the entire industry of $13,878.80.

Certification and labeling: Generally, all of the estimated hours except for recordkeeping will be performed by producers and distributors of fuels. Thus, the associated labor costs would be $12,234.60 (630 hours × $19.42).

AFV Manufacturers

The maximum labor cost to the entire industry is approximately $13,551.12 per year for recordkeeping and producing and posting labels (708 total hours × $19.14/hour).

Thus, estimated total labor cost for both industries for all paperwork requirements is $27,000 ($13,878.80 + $13,551.12) per year, rounded to the nearest thousand.

Estimated annual non-labor cost burden: $8,000, rounded.

Non-Liquid Alternative Fuels

Staff believes that there are no current start-up costs associated with the Rule, inasmuch as the Rule has been effective since 1995. Industry members, therefore, have in place the capital equipment and means necessary, especially to determine automotive fuel ratings and comply with the Rule. Industry members, however, incur the cost of procuring fuel dispenser and AFV labels to comply with the Rule. The estimated annual fuel labeling cost, based on estimates of 360 fuel dispensers (assumptions: an estimated 20% of 900 total retailers need to replace labels in any given year given an approximate five-year life for labels—*i.e.,* 180 retailers—multiplied by an average of two dispensers per retailer) at thirty-eight cents for each label (per industry sources), is $136.80.

AFV Manufacturers

Here, too, staff believes that there are no current start-up costs associated with the Rule, for the same reasons as stated immediately above regarding the non-liquid alternative fuel industry. However, based on the labeling of an estimated 20,000 new and used AFVs each year at thirty-eight cents for each label (per industry sources), the annual AFV labeling cost is estimated to be $7,600. Estimated total annual non-labor cost burden associated with the Rule, therefore, would be $8,000 ($136.80 + $7,600.00), rounded to the nearest thousand.

Debra A. Valentine,

General Counsel.

[FR Doc. 00–27158 Filed 10–20–00; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 001 0208]

Tyco International, Ltd.; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 16, 2000.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Richard Parker or Ann Malester, FTC/H–374, 600 Pennsylvania Ave., NW., Washington, DC 20580. (202) 326–2574 or 326–2820.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 17, 2000), on the World Wide Web, at ''http://www.ftc.gov/os/2000/09/index.htm'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(5)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Agreement Containing Consent Order to Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') from Tyco International, Ltd. (''Tyco''), which is designed to remedy the anticompetitive effects resulting from Tyco's acquisition of Mallinckrodt, Inc. Under the terms of the agreement, Tyco will be required to divest its endotracheal tube business within ten days of the date the Consent Agreement is placed on the public record to Hudson RCI, or to another Commission-approved buyer no later than six (6) months from the date Tyco signed the Consent Agreement. If the sale of Tyco's endotracheal tube business is not made within six (6) months, the Commission may appoint a trustee to divest it.

The proposed Consent Agreement has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the proposed Consent Agreement or make final the Decision & Order.

Pursuant to a July 28, 2000 Agreement and Plan of Merger, Tyco agreed to acquire Mallinckrodt in a stock-for-stock transaction valued at approximately $4.2 billion. The Commission's Complaint alleges that the acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, in the market for endotracheal tubes.

Tyco, through its Kendall Division, and Mallinckrodt are the largest providers of endotracheal tubes in the United States. Endotracheal tubes are devices that are inserted through the nose or mouth into the trachea to provide oxygen or anesthesia. Hospitals and emergency personnel use endotracheal tubes to maintain a secure airway during surgical procedures and emergency situations.

The United States endotracheal tube market is highly concentrated, and the proposed acquisition would produce a firm controlling proximately 86% of the market. Mallinckrodt is the largest supplier of endotracheal tubes, claiming that its products are used in 70% of the surgical procedures performed in the United States each year. Tyco is the next largest supplier. Both companies have product lines consisting of over one hundred different types of endotracheal tubes and related accessories, and have long track records of customer acceptance. As the two largest suppliers in the market, Tyco and Mallinckrodt frequently bid against each other for important hospital group purchasing organization contracts. Tyco and Mallinckrodt are the only two firms that have won contracts to supply members of the largest and most important group purchasing organizations. By eliminating competition between the two most significant competitors in this highly concentrated market, the proposed acquisition would allow the combined Tyco/Mallinckrodt to exercise market power unilaterally, thereby increasing the likelihood that purchasers of endotracheal tubes would be forced to pay higher prices and that innovation and service levels in the market would decrease.

Substantial barriers to new entry exist in the endotracheal tube market. Effective new entry would require the development of a full line of endotracheal tube products, obtaining approvals from the Food and Drug Administration, procurement of several million dollars' worth of specialized manufacturing equipment, and the establishment of a sales and marketing force. Entry is further hampered by the fact that endotracheal tubes are critically important to customers, though relatively inexpensive, so customers would be reluctant to consider new, unproven products even in the face of higher prices. In light of the fact that the endotracheal tube market is relatively small compared to the costs that a new entrant would have to incur, new entry is not likely to occur. Additionally, new entry into the endotracheal tube market is made more unlikely because of long-term hospital group purchasing organization contracts that may reduce the amount of sales opportunities available to new entrants. Because of the difficulty of accomplishing these tasks, new entry into the United States endotracheal tube market is unlikely to deter or counteract the anticompetitive effects resulting from the transaction.

The Consent Agreement effectively remedies the acquisition's anticompetitive effects in the United States endotracheal tube market by requiring Tyco to divest its Sheridan line of endotracheal tube products.

Pursuant to the Consent Agreement, Tyco is required to divest the Sheridan Line to Hudson RCI within ten days of the date the Commission places the Order on the public record. If the divestiture to Hudson RCI is not accomplished, Tyco must divest the Sheridan Line to a Commission-approved acquirer within six months. Should Tyco fail to do so, the Commission may appoint a trustee to divest the business.

The Consent Agreement includes a number of provisions that are designed to ensure that the transition of Tyco's endotracheal tube business to the acquirer is successful. The Consent Agreement requires Tyco to provide incentives to certain key employees to accept employment, and remain employed, by the acquirer. Tyco employees who had been involved with selling the Sheridan endtracheal tube line are prohibited from selling the Mallinckrodt endotracheal tube products for a period of one year. Tyco is also prohibited from inducing key hospital group purchasing organizations from terminating their contracts with the acquirer for a period of two years. Finally, Tyco employees involved with the endotracheal tube business are prohibited from disclosing any confidential information to employees involved with the Mallinckrodt line.

In order to ensure that the Commission remains informed about the status of the Tyco endotracheal tube business pending divestiture, and about efforts being made to accomplish the divestiture, the Consent Agreement requires Tyco to report to the Commission within 30 days, and every thirty days thereafter until the divestiture is accomplished. In addition, Tyco is required to report to the Commission every 60 days regarding its obligations to provide transitional services and facilities management.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and it is not intended to constitute an official interpretation of the Consent Agreement or to modify in any way its terms.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 00–27159 Filed 10–20–00; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

President's Commission on the Celebration of Women in American History

AGENCY: General Services Administration.

ACTION: Meeting notice.

SUMMARY: Notice is hereby given that the President's Commission on the Celebration of Women in American History will hold an open meeting from 1:00 p.m. to 4:30 p.m. on Wednesday, November 15, 2000, at the George Washington University, Marvin Center Room 403.

PURPOSE: To discuss the Commission's final report and how to elaborate its message to the President.

FOR FURTHER INFORMATION CONTACT: Martha Davis (202) 501–0705, Assistant to the Associate Administrator for Communications, General Services Administration. Also, inquiries may be sent to *martha.davis@gsa.gov.*

Dated: October 17, 2000.

Beth Newburger,

Associate Administrator for Communications.

[FR Doc. 00–27173 Filed 10–20–00; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Voluntary Industry Partner Surveys to Implement Executive Order 12862—Extension—0990–0220—The Department of Health and Human Services plans to conduct surveys of its contractors in each agency to obtain feedback for improving the Department's procurement process.

Respondents: Contractors of the Department;

Number of Respondent: 2400;

Average Burden per Response: 12 minutes.

Total Annual Burden: 480 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC, 20201. Written comments should be received within 30 days of this notice.

Dated: October 10, 2000.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 00–27086 Filed 10–23–00; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality

DATES: The meeting will be held on Friday, November 3, 2000, from 8:30 a.m. to 4:00 p.m. and is open to the public.

ADDRESSES: The meeting will be held at 6010 Executive Boulevard, Fourth Floor, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Anne Lebbon, Coordinator of the Advisory Council, at the Agency for Healthcare Research and Quality, 2101 East Jefferson Street, Suite 600, Rockville, Maryland 20852, (301) 594–7216. For press-related information, please contact Karen Migdail at 301/594–6120.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Linda Reeves, Assistance Administrator for Equal Opportunity, AHRQ, on (301) 594–6662 no later than November 1, 2000.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) established the National Advisory Council for Healthcare Research and Quality. In accordance with its statutory mandate, the Council is to advise the Secretary and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to actions of the Agency to enhance the quality, improve outcomes, reduce costs of health care services, improve access to such services through scientific research, the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services.

The Council is composed of members of the public appointed by the Secretary and Federal ex-officio members. Donald M. Berwick. M.D., the Council chairman, will preside.

II. Agenda

On Friday, November 3, 2000, the meeting will begin at 8:30 a.m., with the call to order by the Council Chairman. The Director, AHRQ, will present the status of the Agency's current research, programs and initiative. Tentative agenda items include evidence-based practice centers, patient safety, translating research into practice (T.R.I.P.), and Office of Priority Populations Research. The official agenda will be available on AHRQ's website at *www.ahrq.gov* no later than October 20, 2000. The meeting will adjourn at 4:00 p.m.

Dated: October 13, 2000.

John M. Eisenberg,

Director.

[FR Doc. 00–27104 Filed 10–20–00; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control And Prevention

[60Day–01–03]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Disease Control and Prevention is providing opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

Telephone Survey Measuring HIV/STD Risk Behavior Using Standard Methodology—New—National Center for HIV, STD, Tuberculosis Prevention (NCHSTP), CDC. The goal of the overall project is to conduct testing of a set of survey questions intended to obtain measures of risk behaviors for Human Immunodeficiency Virus (HIV) and Sexually Transmitted Diseases (STDs). This proposed data collection is for the second phase of this 2-year project. During the first phase questions were developed and tested, and a pretest of 203 interviews was conducted. During this second phase a pilot survey with a larger number of respondents will be conducted, and a small number of additional questions will be included measuring HIV-related stigma.

Knowledge about the level of HIV risk behaviors in populations is essential for effective HIV prevention programs. Currently, survey-based assessment of these behaviors depends on a range of survey questions that differ across surveys, and that are difficult to compare and to reconcile. Therefore, the Behavioral Surveillance Working Group, coordinated by the National Center for HIV, STD and Tuberculosis Prevention, Centers for Disease Control and Prevention, has developed a draft set of items to be proposed as standard survey questions on the topics of sexual behavior, HIV testing, drug use, and other behaviors related to risk of contracting HIV and/or STDs. As part of this effort, CDC will sponsor a telephone-based pilot of 400 persons aged 18–59, selected randomly from within an urban area, in order to test these questions.

Further, because some of the survey questions are private and potentially sensitive, the project will entail the testing of a survey administration mode: Telephone-based audio computer-assisted self-interview (T–ACASI), in which a computer will be used to administer the most sensitive questions, and in which the surveyed individual enters responses directly onto the telephone keypad. This procedure eliminates the need for communication of sensitive questions from the interviewer to the respondent, as well as the need for respondents to answer the questions verbally. In order to test the effectiveness of this procedure, half of the interviews will be conducted using the T–ACASI procedure for the most sensitive questions, and half using standard, interviewer-based administration of all questions. Data analysis will rely on an assessment of the response rate under each mode, and on the nature of the data obtained to the sensitive questions. The larger sample size of the year 2 pilot survey will enable us to test statistical significance of the effectiveness of the T–ACASI procedure.

Information and data obtained from this evaluation will help direct future surveys, by determining whether it is feasible to attempt to administer these standard risk questions using a telephone survey, and whether a T–ACASI-based procedure represents a technological innovation that will positively contribute to such an effort, through improvements in data quality. The total cost to respondents is $1355.52.

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden per response (in hours)	Total burden (in hours)
Screening	1872	1	0.02	37.4
Interview	400	1	0.33	132.0

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden per response (in hours)	Total burden (in hours)
Total Burden				169.4

Dated: October 17, 2000.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–27118 Filed 10–20–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N 0044]

Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body; Availability of Citizen Petitions for Comment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability for comment of three petitions submitted by Hyman Phelps & McNamara (HP&M), the American Herbal Products Association (AHPA), and jointly by the Council for Responsible Nutrition (CRN) and the Consumer Healthcare Products Association (CHPA). The petitions requested, among other things, that dietary supplements be permitted to make claims about effects on the structure or function of the body that are derived from nutritive value without being subject to the disclaimer and notification requirements of the Federal Food, Drug, and Cosmetic Act (the act).

DATES: Submit written comments on the petitions by December 22, 2000.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA 305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Electronic comments may be submitted via the Internet at www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm or via e-mail: fdadockets@oc.fda.gov. All comments should be identified with the docket number found in brackets in the heading of this document. The petitions are available for review at the Dockets Management Branch (address above) or electronically on the agency's website at http//www.fda.gov/ohrms/dockets/dockets.htm. You may also request copies of the petitions from the Dockets Management Branch.

FOR FURTHER INFORMATION CONTACT: Rhonda Rhoda Kane, Office of Nutritional Products, Labeling, and Dietary Supplements, Center for Food Safety and Applied Nutrition (HFS 821), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4168.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 6, 2000 (65 FR 1000), in the preamble to its final rule entitled ''Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body,'' FDA stated that dietary supplements bearing structure/function claims must comply with the notice, disclaimer, and other requirements of section 403(r)(6) of the act (21 U.S.C. 343(r)(6)). More specifically, the agency stated:

Section 403(r)(6) of the act, by its terms, applies to dietary supplements. The other possible source of authority to make structure/function claims on dietary supplements is section 201(g)(1)(C) of the act, which provides that ''articles (other than food) intended to affect the structure or any function of the body of man or other animals'' are drugs. Under this provision, foods may make claims to affect the structure or function of the body without being regulated as drugs. By its terms, however, section 201(g)(1)(C) of the act exempts a dietary supplement that bears a structure/function claim from drug regulation only if it is also a food. The last sentence of section 201(ff) of the act provides, ''Except for purposes of section 201(g), a dietary supplement shall be deemed to be a food within the meaning of this Act.'' The clear import of this language is that dietary supplements are not foods under section 201(g) of the act and therefore cannot qualify for the ''(other than food)'' exception to the drug definition in section 201(g)(1)(C). As a result, dietary supplements that use structure/function claims may do so only under section 403(r)(6) of the act and are therefore subject to the disclaimer, notification, and other requirements in that section and in FDA's implementing regulation. 65 FR 1000 at 1033.

The preamble acknowledged that this conclusion reverses a position stated in the **Federal Register** of September 23, 1997 (62 FR 49859), in the final rule entitled ''Food Labeling; Requirements for Nutrient Content Claims, Health Claims, and Statements of Nutritional Support for Dietary Supplements.'' The preamble to that rule stated that a dietary supplement could bear a structure/function claim under the ''(other than food)'' exception to the drug definition in section 201(g)(1)(C) of the act (21 U.S.C. 321(g)(1)(C)), provided that the claim was truthful, nonmisleading, and derived from nutritive value (see 62 FR 49859 at 49860, 49863, and 49864). The reversal was based on reconsideration of the plain language of section 201(ff) of the act.

II. The Citizen Petitions

On February 4, 2000, HP&M filed a petition requesting, among other things, that the agency reconsider and revoke its ''pronouncement'' in the January 6, 2000, final rule that all structure/function claims in the labeling of dietary supplements must use the section 403(r)(6) of the act disclaimer and notification procedures. The petition further requests that FDA reinstate its previous position that a structure/function claim in the labeling of a dietary supplement product need not comply with the disclaimer and notification requirements if the claim is truthful, nonmisleading, and derived from nutritive value.

Citing *United States* v. *Ten Cartons * * *Ener-B Vitamin B 12*, 72 F.3d 285, 287 (2d Cir. 1995), HP&M argues that section 201(g)(1)(C) of the act must be applied without reference to section 201(ff) of the act. In sum, HP&M states that the effect of section 201(ff) of the act ''is merely that a dietary supplement will not ''automatically qualify as food.''' HP&M further argues that whether or not a particular dietary supplement qualifies as food is determined by *Nutrilab, Inc.* v. *Schweiker*, 713 F.2d 335 (7th Cir. 1983). That case held that a product is a food if it is used primarily for ''taste, aroma or nutritive value.'' *Nutrilab*, 713 F.2d at 338. For example, the petition argues

that calcium would qualify as a food since it is an essential mineral nutrient.

HP&M articulates several other grounds for the action requested in the petition. HP&M also argues that the requirements of section 403(r)(6) of the act apply only to structure/function claims that fall within the health claims definition 21 CFR 101.14(a)(1). Moreover, HP&M argues that FDA's change in interpretation is not entitled to deference because it was issued more than 5 years after the Dietary Supplement Health and Education Act (DSHEA) was passed and, therefore, is not a ''contemporaneous construction'' of the statute. The petition also asserts that Congress intended DSHEA to reduce FDA requirements for dietary supplements. HP&M believes that FDA's new position is inconsistent with congressional intent since it imposes regulatory burdens that did not exist before DSHEA. Finally, the petition also raises an administrative law argument that FDA's reversal is effectively a substantive rule that must comply with the notice and comment rulemaking procedures of the Administrative Procedure Act in 5 U.S.C. 553.

Petitions filed by AHPA and jointly by CRN and CHPA on February 7, 2000, also requested a reversal of FDA's position on this issue. These petitions made arguments similar to those made by the HP&M petition.

III. Questions

The agency is interested in receiving comments on all three petitions. Moreover, there are several specific questions on which FDA would like comment.

1. The outcome of a reversal of FDA's position would be that dietary supplements that qualify for the ''(other than food)'' exception would not have to accompany the structure/function claim with a disclaimer while dietary supplements that do not qualify would. Would consumer confusion result from this outcome?

2. The outcome of maintaining the current position would be that dietary supplements making a structure/function claim would have to bear a disclaimer while conventional foods making the same claim would not. Is it better to have an inconsistency between dietary supplements and conventional foods or between dietary supplements that qualify for the ''(other than food)'' exception and dietary supplements that do not?

3. If FDA were to reverse its position as requested by the petitions, the agency would be notified of some structure/function claims for dietary supplements, but not others. Therefore, the agency would not be aware of all the structure/function claims in the marketplace, including some that might be in fact disease claims rather than legitimate structure/function claims. To determine whether a dietary supplement could legitimately bear a structure/function claim without a disclaimer, FDA would have to investigate whether the claim was based on the nutritive value of the supplement. What would be the impact of this situation on enforcement?

IV. Comments

You may submit to the Dockets Management Branch (address above) written or electronic comments by December 22, 2000. Electronic comments may be submitted via the Internet to: www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm or via e-mail: fdadockets@oc.fda.gov. Groups or organizations must submit two copies of any comments. Individuals may submit one copy of their comments. Identify your written comments by placing the docket number at the top of your comment(s). If you base your comments on scientific evidence or data, please submit copies of the specific information along with your comments. Any comments submitted will be filed under the docket number identified in brackets in the heading of this document. The petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 13, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–27083 Filed 10–20–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee.

General Function of the Panel: To provide advice and recommendations to the agency on scientific disputes between the Center for Devices and Radiological Health and sponsors, applicants, and manufacturers.

Date and Time: The meeting will be held on October 31, 2000, 1 p.m. to 4 p.m.

Location: Corporate Bldg., conference room 020B, 9200 Corporate Blvd., Rockville, MD.

Contact Person: Les S. Weinstein, Center for Devices and Radiological Health (HFZ–5), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, e-mail: lsw@cdrh.fda.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 10232. Please call the Information Line for up-to-date information on this meeting.

Agenda: The members of the newly established Medical Devices Dispute Resolution Panel will be introduced to the public and will hear presentations by FDA staff on the purpose of the panel and its role in dispute resolution.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues regarding resolving scientific disputes concerning medical devices and on the role of this panel. Written submissions may be made to the contact person by October 25, 2000. Oral presentations from the public will be scheduled between approximately 2 p.m. and 4 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 25, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

FDA regrets that it was unable to publish this notice 15 days prior to the October 31, 2000, Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring this issue to public discussion and qualified members of the Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 18, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–27228 Filed 10–19–00; 12:06 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 2000.

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: November 15–17, 2000; 8:00 a.m.–5 p.m.

Place: Ramada Inn Bethesda, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

The meeting is open to the public on Wednesday, November 15, 2000, from 9 a.m.–10:00 a.m., and closed for the remainder of the meeting.

Purpose: To review research grant applications in the program areas of maternal and child health, administered by the Maternal and Child Health Bureau, Health Resources and Services Administration.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Research, Training and Education, who will report on program issues, congressional activities, and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on Wednesday, November 15, 2000, from 10:00 a.m. through the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., and the Determination by the Associate Administrator for Management and Program Support, Health Resources and Services Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write or contact Gontran Lamberty, Dr. P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 18A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Dated: October 16, 2000.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–27084 Filed 10–20–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the annual report for the following Health Resources and Services Administration's Federal advisory committee has been filed with the Library of Congress: Maternal and Child Health Research Grants Review Committee.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, James Madison Memorial Building, Room LM–133, First Street and Independence Avenue, SE., Washington, DC. Copies may be obtained from: Gontran Lamberty, Dr. P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 18A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Dated: October 16, 2000.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–27085 Filed 10–20–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[(610–5101–01–B109) CACA–40467]

Cadiz Groundwater Storage and Dry-Year Supply Program Proposed Pipeline and Plan Amendment, San Bernardino County, California

AGENCY: Bureau of Land Management, California Desert District.

ACTION: Notice of availability (NOA) of supplement to the draft environmental impact statement for proposed Cadiz Groundwater Storage and Dry-Year Supply Program Pipeline Right-of-Way and plan amendment.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management has prepared a joint Supplement to the Draft Environmental Impact Statement (Supplement) and Draft Environmental Impact Report in conjunction with the Metropolitan Water District of Southern California (MWD). The Draft EIR/EIS, published in November 1999, evaluates a range of alternatives for conveying water between the Colorado River Aqueduct and the aquifer underlying the Cadiz and Fenner Valleys across a proposed right-of-way for a pipeline. A plan amendment to the California Desert Conservation Area Plan (1980) is also proposed to allow for the proposed right-of-way for the pipeline outside of an existing utility corridor. This Supplement provides additional information regarding management of groundwater resources and related air quality issues in response to comments on the Draft EIR/EIS.

The aim of the Cadiz Project is to ensure the reliability of Metropolitan's existing water supply in the Colorado River Aqueduct. The project would achieve this goal by storing Colorado River water in the Cadiz/Fenner aquifer and withdrawing the stored water along with indigenous groundwater during dry years. The project area is located in the eastern Mojave Desert region of San Bernardino County in the Cadiz and Fenner valleys and crosses federal land administered by the BLM.

SUPPLEMENTARY INFORMATION: Copies of the Supplement will be available for 45-day public review from October 20, 2000, through December 4, 2000, at the following locations:

Needles Branch Library, 1111 Bailey Avenue, Needles, California 92363

Twentynine Palms Branch Library, 6078 Adobe Road, Twentynine Palms, California 92277

Barstow Branch Library, 304 East Buena Vista, Barstow, California 92311

Norman Feldheym Central Library, 555 West 6th Street, San Bernardino, California 92410

Bureau of Land Management, Riverside Office, 6221 Box Springs Boulevard, Riverside, California 92507

Bureau of Land Management, Needles Office, 101 West Spike's Road, Needles, California 92363

Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California 90012

DATES: Comments must be received in writing by the Metropolitan Water District or by the Bureau of Land Management no later than December 4, 2000.

ADDRESSES: Written comments on the Supplement should be mailed to: Metropolitan Water District of Southern California, Post Office Box 54153, Los Angeles, California 90054–0153, Attention: Mr. Jack Safely, or U.S. Bureau of Land Management, 6221 Box Springs Boulevard, Riverside, California 92507, Attention: Mr. James Williams.

FOR FURTHER INFORMATION CONTACT: Further information regarding the project may be obtained from Mr. Jack Safely at (213) 217–6981 or Mr. James Williams at (909) 697–5390.

Dated: October 17, 2000.

Douglas A. Romoli,

Acting District Manager.

[FR Doc. 00–27119 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–930;1430–ET; COC–1661]

Notice of Meeting on Proposed Withdrawal; Browns Park Expansion; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and agenda for a forthcoming meeting on the Fish and Wildlife Service proposal for expansion of the Browns Park National Wildlife Refuge. This meeting will provide the opportunity for public involvement concerning this proposed action as required by regulation. All comments will be considered when a final determination is made on whether this land should be withdrawn.

DATES: Meeting will be held on Tuesday, November 28, 2000, from 12:00 a.m. until 4:00 p.m. This will be an open house type of meeting with representatives of Fish and Wildlife Service and of the Bureau of Land Management to answer questions and accept written or oral comments or objections.

ADDRESSES: The meeting will be held at the Craig City Hall, 300 W. 4th Street, Craig, Colorado 81625.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, (303) 239–3706.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Withdrawal for the Browns Park National Wildlife Expansion which was published in the **Federal Register** on July 11, 2000, (65 FR 42720, 42721), is hereby modified to schedule a public meeting as provided by 43 U.S.C. 1714, and 43 CFR 2310.

This meeting will be open to all interested persons, those who desire to be heard in person and those who desire to submit written comments on this subject. Comments can also be submitted to the Colorado State Director, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

Herbert K. Olson,

Acting Realty Officer.

[FR Doc. 00–27114 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930;1430–ES,N–57471,N–65782]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The following described public lands in Nye County, Nevada, have been examined and found suitable for conveyance to Nye County for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Nye County proposes to use the lands for a solid waste disposal site.

Mount Diablo Meridian, Nevada

T. 16 S., R. 49 E., section 25, lots 2 & 3, SW¼NE¼, SE¼NW¼, E½NW¼SW¼, E½NW¼NW¼SW¼, NE¼SW¼NW¼SW¼, S½SW¼NW¼SW¼, NE¼SW¼, NW¼SE¼.

Consisting of 243.9 acres.

The lands are not required for any Federal purpose. The conveyance is consistent with current Bureau planning for this area and would be in the public interest. Conveyance of these lands will be contingent upon Nye County obtaining an approved solid waste disposal permit from the Nevada Division of Environmental Protection. Should Nye County be denied a permit, the Bureau of Land Management (BLM) would not proceed with the conveyance of these lands. The patent or patents, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior. The patentee shall comply with all Federal and State laws applicable to the disposal, placement or release of hazardous substances as defined in 40 CFR part 302, and indemnify the United States against any legal liability or future cost that may arise out of any violation of such laws.

2. A right-of-way thereon for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. All valid and existing rights documented on the official public land records at the time of patent issuance.

5. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interest therein.

6. Provisions of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901–6987 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9601, and all applicable regulations.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada, 89108.

Upon publication of this notice in the **Federal Register**, the above described lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws and disposal under the mineral material disposal laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed conveyance or classification of the lands to the Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a solid waste disposal site. Comments on the classification are restricted to whether the land is physically suited for a solid waste disposal site, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a solid waste disposal site.

Any adverse comments will be evaluated by the State Director who may

sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for conveyance until after the classification becomes effective.

Dated: October 4, 2000.

Rex Wells,

Assistant Field Manager, Division of Lands, Las Vegas Field Office.

[FR Doc. 00–27168 Filed 10–20–00; 8:45 am]

BILLING CODE 1430–ES–U

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information: Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service, Glacier National Park.

ACTION: Notice and request for comment.

SUMMARY: The National Park Service (NPS) is proposing to conduct research regarding the potential socio-economic impacts associated with reconstruction of Going-to-the-Sun Road in Glacier National Park. One component of this work is a proposal to conduct two surveys.

The Potential Visitor Survey will be conducted among potential visitors to Glacier National park. Potential visitors are those that have expressed interest in visiting Glacier National Park by making contact with a tourism development office managed or funded by the State of Montana. Survey respondents will be asked contingent behavior questions regarding travel to Glacier National Park if travel were hampered on Going-to-the-Sun Road. The survey will be conducted by telephone, mail or email, depending on data availability from the tourism development offices.

The Local Business Survey will be conducted among businesses in a local area (three counties in Montana plus a portion of Alberta, Canada) that are directly or indirectly impacted by tourism. Survey respondents will be asked questions regarding the seasonality of their business activity and employment, the impact of tourism and Glacier National Park on their business activity, potential socio-economic impacts, and mitigation strategies. The survey will be conducted by mail.

	Estimated numbers of	
	Burden	Responses hours
Potential Visitor Survey	400	67
Local Business Survey	1,500	375
Total	1,900	442

Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) is soliciting comments on the need for gathering the information in the proposed surveys. The NPS is also asking for comments on the practical utility of the information being gathered; the accuracy of the burden hour estimate; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

The NPS goal in conducting these surveys is to help describe and quantify potential socio-economic impacts of reconstruction alternatives for Going-to-the-Sun Road in Glacier National Park.

DATES: Public comments will be accepted on or before December 22, 2000.

Send Comments To: Fred Babb, Project Management, Glacier National Park, P.O. Box 128; West Glacier, MT 59936. fred_babb@nps.gov.

FOR FURTHER INFORMATION CONTACT: Jean Townsend, Coley/Forrest, Inc., 1635 Blake Street, Suite 200; Denver, CO 80202. jtownsend@coleyforrest.com

SUPPLEMENTARY INFORMATION:

Title: Socio-Economic Impact Analysis of Going-to-the-Sun Road.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: Request for new clearance.

Description of Need: The National Park Service needs information to assess the potential socio-economic impacts of reconstruction alternatives for Going-to-the-Sun Road. Direct responses from potential visitors and from local businesses will provide quality information upon which to develop reliable analyses.

Automated Data Collection: At the present time, there is no automated way to gather this information because it involves communicating with the individual potential visitors and business owners.

Description of Respondents: Potential Visitor Survey: Potential visitors to Glacier National Park who have expressed interest through a tourism development office in the State of Montana. Local Business Survey: owners and managers of tourism-related businesses in Flathead, Glacier, and Lake counties of Montana plus a portion of Alberta, Canada. Tourism-related businesses will be identified by standard industrial classification code.

Estimated Number of Respondents: 400 (Potential Visitor Survey); 1,500 (Local Business Survey).

Estimated Number of Responses: Each respondent will respond one time only. The estimated number of responses is the same as the estimated number of respondents.

Estimated Average Burden Hours Per Response: 10 minutes (Potential Visitor Survey); 15 minutes (Local Business Survey).

Frequency of Response: 1 time per respondent.

Estimated Annual Reporting Hours: 67 hours (Potential Visitor Survey); 375 hours (Local Business Survey).

Dated: October 18, 2000.

Leonard E. Stowe,

Information Collection Clearance Officer, WASO, Administrative Program Center, National Park Service.

[FR Doc. 00–27176 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Gaviota Coast Seashore Feasibility Study and Environmental Impact Statement Santa Barbara County, California; Notice of Extension of Scoping Period

SUMMARY: In accord with 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), the National Park Service (NPS) is undertaking a conservation planning and impact analysis process to identify and assess the potential impacts of alternative resource protection and visitor use concepts and other considerations pertaining to the Gaviota Coast Seashore Feasibility Study area in Santa Barbara County. As announced September 12, 2000 in the **Federal Register** (65 FR 55039–55040), a public scoping process has been initiated to aid preparation of an environmental impact statement (EIS) and feasibility study report. In deference to public interest expressed to date from local organizations, area residents, other concerned parties, and in consultation with Congresswoman Lois Capps (22D–CA), the public scoping period has been extended from

the original October 9, 2000 deadline to November 30, 2000.

SUPPLEMENTARY INFORMATION: All comments received to date have been documented; this information already has informed the conservation planning and environmental impact analysis efforts. A summary of all issues and concerns generated to date is available on request, or may be obtained via the Internet at <http://www.nps.gov/pwro/gaviota>.

Interested individuals, organizations and agencies wishing to provide additional new comments or suggestions, or wishing to be added to the project mailing list, should respond to Gaviota Coast Feasibility Study Team, Attn: Ray Murray, National Park Service, 600 Harrison Street, Suite 600, San Francisco, CA 94107. To be fully considered, all comments must be postmarked no later than November 30, 2000 (or if via e-mail, transmitted no later than this date to PGSO_Gaviota@nps.gov).

If individuals submitting comments request that their name and/or 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.

Dated: October 13, 2000

John J. Reynolds,

Regional Director, Pacific West Region.

[FR Doc. 00–27175 Filed 10–20–00; 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 October 14, 2000. Pursuant to section 60.13 of 36 CFR part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by November 7, 2000.

Carol D. Shull,

Keeper of the National Register.

ARIZONA

Maricopa County

Irving School, 155 N. Center St., Mesa, 00001323

Temple Historic District, Roughly bet. Mesa Dr., Broadway Rd., Hobson and Main Sts., Mesa, 00001321

Yavapai County

Swilling, John (Jack), Rock House, 18768 Mechling Dr., Black Canyon City, 00001322

ARKANSAS

Pope County

Russellville Public Library, 114 E. Third St., Russellville, 00001319

Pulaski County

Bragg Guesthouse, 1615 Cumberland, Little Rock, 00001320

CALIFORNIA

Mono County

Chalfant Petroglyph Site, Address Restricted, Bishop, 00001324

San Bernardino County

Blackwater Well, Address Restricted, Red Mountains, 00001326

Newberry Cave Site, Address Restricted, Newberry Springs, 00001325

CONNECTICUT

New London County

Uncasville School, 310 Norwich-London Turnpike, Montville, 00001327

FLORIDA

Sarasota County

Hiss House, 1300 Westway Dr., Sarasota, 00001328

GEORGIA

Fulton County

Western Electric Company Building, 820 Ralph McGill Blvd., Atlanta, 00001329

ILLINOIS

Champaign County

Alpha Delta Pi Sorority House, (Fraternity and Sorority Houses at the Urbana—Champaign Campus of the University of Illinois MPS), 1202 W. Nevada St., Urbana, 00001333

Cook County

Roche, Martin—John Tait House, 3614 S. Martin Luther King Dr., Chicago, 00001338

Uptown Square Historic District, Roughly along Lawrence Ave., and Broadway, Chicago, 00001336

Du Page County

Peabody, Francis Stuyvesant, House, 8 E. Third St., Hinsdale, 00001330

Jackson County

Hennessy, Cornelius, Building, 1023 Chestnut St., Murphysboro, 00001331

Lake County

Ely, Mrs. C. Morse, House, 111 Moffett Rd., Lake Bluff, 00001339

Mercer County

Ives, Gideon, House, 408 E. Jefferson St., New Boston, 00001332

Vermilion County

Adams Building, 139–141 N. Vermilion St., Danville, 00001337

Building at 210–212 West North Street, 210–212 West North St., Danville, 00001334

First National Bank Building, 2–4 N. Vermilion St., Danville, 00001335

MASSACHUSETTS

Middlesex County

Jack's Diner, (Diners of Massachusetts MPS), 901 Main St., Woburn, 00001340

Plymouth County

Field, D.W., Park, Bet. Pond St. and Pleasant St., Brockton, 00001341

Worcester County

Gilman Block, 207–219 Main St., Worcester, 00001342

Worcester Bleach and Dye Works, 60 Fremont St., Worcester, 00001343

PENNSYLVANIA

Allegheny County

Consolidated Ice Company Factory No. 2, 100 43rd St., Pittsburgh, 00001348

Chester County

Goshenville Historic District, Mainly along N. Chester Rd., jct. with Paoli Pike, East Goshen, 00001347

Montgomery County

Knipe—Johnson Farm, 606 DeKalb Pike, Upper Gywnedd Township, 00001346

Philadelphia County

Robeson, Paul, House, 4951 Walnut St., Philadelphia, 00001345

York County

McCalls Ferry Farm, 447 McCalls Ferry Rd., Lower Chanceford Township, 00001344

SOUTH DAKOTA

Aurora County

Hilton House, Main St., White Lake, 00001352

Minnehaha County

Glidden—Martin Hall, 1101 W. 22nd Ave., Sioux Falls, 00001350

Jorden Hall, 1101 W. 22nd St., Sioux Falls, 00001349

Turner County

Turner Township Bridge No. SE–18, (Stone Arch Culverts in Turner County, South Dakota MPS) 459th St., Centerville, 00001351

TENNESSEE

Knox County

Gibbs Drive Historic District, (Knoxville and Knox County MPS) Gibbs Dr., Knoxville, 00001354

Rutherford County

Providence Primitive Baptist Church, 256 Central Valley Rd., Walter Hill, 00001357

Sumner County

South Tunnell Fortifications, (Archeological Resources of the American Civil War in Tennessee MPS) Address Restricted, Gallatin, 00001355

Wilson County

Spring Creek Presbyterian Church, Cainsville, Doaks Crossroads, 00001356

Watertown Commercial Historic District, Roughly along Main St., Depot Ave., and Public Square, Watertown, 00001353

TEXAS

Mills County

Mills County Courthouse, 1011 Fourth St., Goldthwaite, 00001359

Travis County

Austin Daily Tribune Building, 920 Colorado, Austin, 00001358

WISCONSIN

Jefferson County

Waterloo Downtown Historic District, Jct. of Madison and Monroe Sts., Waterloo, 00001360

[FR Doc. 00–27174 Filed 10–20–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (''CERCLA'')

Notice is hereby given that a proposed Consent Decree (''Decree'') in *United States* v. *ASARCO Incorporated, Blue Tee Corp., and Gold Fields Mining Corporation,* Civil Action No. 4–00–00975–GAF, was lodged September 26, 2000, with the United States District Court for the Western District of Missouri.

The Complaint filed in the above-referenced matter alleges that ASARCO Incorporated, Blue Tee Corp., and Gold Fields Mining Corporation (''Defendants'') are liable under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (''CERCLA''), 42 U.S.C. 9607(a), for costs incurred and to be incurred by the Environmental Protection Agency as a result of the release or threatened release of hazardous substances at or in connection with Operable Unit 4 (''OU–4'') of the Jasper County Superfund Site (''Site'') in Jasper County, Missouri. The Complaint, which was filed simultaneously on September 26, 2000, with the Decree, sought response costs incurred and to be incurred by the United States in connection with OU–4.

Under the proposed Decree, the Defendants shall pay $1,816,710 in reimbursement of response costs. In exchange, the United States is granting Defendants a covenant not to sue or take administrative action against Defendants pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a) for recovery of response costs. This covenant not to sue extends only to Defendants and does not extend to any other persons. This covenant not to sue is also conditioned upon the satisfactory performance by Defendants of their obligations under the Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States* v. *ASARCO Incorporated, Blue Tee Corp., and Gold Fields Mining Corporation,* DOJ Ref. #90–11–2–06280.

The proposed Decree may be examined at the office of the United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101. A copy of the proposed Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy of the Consent Decree, please refer to the referenced case number and enclose a check in the amount of $23.50, payable to the Consent Decree Library.

Bruce Gelber,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–27169 Filed 10–20–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States* v. *Federal Mogul, Inc. and Paikes Enterprises, Inc.,* Civil Action No. 00–4977 (E.D. Pa.) was lodged on October 3, 2000, with the United States District Court for the Eastern District of Pennsylvania. The consent decree resolves the claims of the United States against Federal Mogul, Inc. and Paikes Enterprises, Inc. under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9607(a), for reimbursement of response costs incurred by the U.S. Environmental Protection Agency (''EPA'') in connection with the Hellertown Manufacturing Site located in Hellertown, Northampton County, Pennsylvania. Under the terms of the consent decree, EPA would receive $4.6 million in costs incurred by EPA at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC, 20530, and should refer to *United States* v. *Federal Mogul, Inc. and Paikes Enterprises, Inc.* DOJ # 90–11–2–770/1.

The proposed consent decree may be examined at the offices of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106–4476. A copy of the consent decree may also be obtained by mail from the U.S. Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $6.00 (25 cents per page reproduction cost), payable to the Consent Decree Library.

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 00–27170 Filed 10–20–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree under the Lead-Based Paint Hazard Act

Notice is hereby given that on October 4, 2000, two proposed consent decrees in (1) *United States* v. *Wm. Calomiris Investment Corp.* (''Calomiris'') Civil Action No. 00–2391; and (2) *United States* v. *Borger Management, Inc. et al.* (''Borger'') Civil Action No. 00–2392, were lodged with the United States District Court for the District of Columbia.

These consent decrees settle claims against management agents and owners of several residential apartment buildings in the District of Columbia which were brought on behalf of the Department of Housing and Urban Development under the Residential Lead-Based Paint Hazard Reduction Act 42 U.S.C. 4851 *et seq.* (''Lead Hazard Reduction Act''). The United States alleged in its complaints that each defendant failed to provide information to tenants concerning lead-based paint hazards.

Under the consent decrees, defendants have agreed to perform lead-based paint abatement and to pay HUD administrative penalties. The defendant in the *United States* v. *Wm. Calomiris Investment Corp.* case is the managing agent for more than 2,000 apartment units in the District of Columbia. Defendant has agreed to pay a $5,000 administrative penalty to HUD, to perform $10,000 in Child Health Improvement Projects by making a $5,000 contribution to the Children's National Medical Center and by making a $5,000 contribution to Healthy Babies Project, Inc., and to perform lead-based paint abatement work.

There are three defendants in the *Borger* case. Borger Management Inc., manages more than 2,300 apartment units at more than 30 apartment buildings in the District of Columbia. The other two defendants, Rolling Terrace LLC and Randolph Towers Apartments LLC, each own one of the buildings managed by Borger Management, Inc. Defendants have agreed to pay a $25,000 administrative penalty to HUD and to perform lead-based paint abatement work.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to (1) *United States* v. *Wm. Calomiris Investment Corp.* (''Calomiris''); and (2) *United States* v. *Borger Management, Inc. et al.* (''Borger'') D.J. Ref. 90–5–1–1–06558. The two consent decrees may also be examined at the Department of Housing and Urban Development, Office of Lead Hazard Control, attention: Matthew E. Ammon, 490 L'Enfant Plaza SW., Room 3206, Washington, DC 20410, (202) 755–1785.

The two consent decrees may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044–7611. In requesting copies from the Consent Decree Library, please enclose a check in the amount of $10.75 for the two consent decrees only (25 cents per page) or $12.75 when requesting attachments payable to the Consent Decree Library.

Bruce S. Gelber,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 00–27171 Filed 10–20–00; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Micro Devices, Inc./ObjectSpace, Inc.

Notice is hereby given that, on September 11, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Micro Devices, Inc./ ObjectSpace, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, KLA-Tencor Corp., San Jose, CA has acquired the Fab Solutions Division of ObjectSpace, Inc., Dallas, TX and has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Micro Devices, Inc./ObjectSpace, Inc. intends to file additional written notification disclosing all changes in membership.

On December 19, 1997, Advanced Micro Devices, Inc./ObjectSpace, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 24, 1998 (63 FR 39901).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 00–27172 Filed 10–20–00; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection for Review: Extension of a Currently Approved Collection; Correction; Grants Management System Online Application.

The Department of Justice, Office of Justice Programs, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on April 25, 2000 (Volume 65, page 24224), allowing for a 60-day public comment period.

The purpose of this notice is to correct the public comment date from March 30, 2000 to November 6, 2000. The second paragraph of the **Federal Register** notice published on October 5, 2000, should read as follows. The purpose of this notice is to allow an additional 30 days for public comment until November 6, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function 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 assumption 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Grants Management System Online Application.

(3) *Agency form number, if any, and the application component of the Department sponsoring the collection:* None. Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be as or required to respond, as well as a brief abstract: Primary: State Government. Other:* None. The Grants Management System Online Application will be used by respondents from State and Local Government offices to request grants from Offices and Bureaus within the Office of Justice Programs. This information, once collected from grantees, will be used to approve applications for funding, that grantees have requested, for grantee use within State and Local Government offices.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The time burden of the 3,000 respondents to complete the surveys is 4 hours per application.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete applications for the Grants Management System Online Application is 12,000 annual burden hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: October 18, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00–27203 Filed 10–19–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

United States Parole Commission

Sunshine Act Meeting

Record of Vote of Meeting Closure

(Public Law 94–409; 5 U.S.C. Sec. 552b)

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately 11:15 a.m. on Tuesday, October 17, 2000, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide four appeals from the National Commissioners' decisions pursuant to 28 CFR section 2.27. Five Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Michael J. Gaines, Marie F. Ragghianti, Edward F. Reilly, Jr., John R. Simpson, and Janie L. Jeffers.

In Witness Whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: October 17, 2000

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 00–27225 Filed 10–19–00; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* November 3, 2000.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

2. *Date:* November 14, 2000.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for LIbrary & Archival Preservation and Access/Reference Materials, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

3. *Date:* November 28, 2000.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for National Heritage Preservation Program, submitted to the Division of Preservation and Access at the July 1, 2000 deadline.

4. *Date:* November 30, 2000.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for Library & Archival Preservation and Access/Reference Materials, submitted to the Division of

Preservation and Access at the July 1, 2000 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 00–27139 Filed 10–20–00; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On September 14, 2000, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued on October 13, 2000 to the following applicant: Maria Stenzel, Permit No. 2001–022.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 00–27161 Filed 10–20–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298]

Nebraska Public Power District; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Nebraska Public Power District (the licensee) to withdraw its June 15, 1999, application for proposed amendment to Facility Operating License No. DPR–46 for the Cooper Nuclear Station located in Nemaha County, Nebraska.

The proposed amendment would have revised the facility updated safety analysis report on the containment overpressure contribution to emergency core cooling system pump net positive suction head requirement post-loss-of-coolant accident.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on July 14, 1999 (64 FR 38031). However, by letter dated June 14, 2000, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 15, 1999, and the licensee's letter dated June 14, 2000 (Accession No. ML003724841), which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the Adams Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 10th day of October 2000.

For the Nuclear Regulatory Commission.

Mohan C. Thadani,

Senior Project Manager, Section 1, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–27177 Filed 10–20–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Company, Turkey Point Plant, Units 3 and 4; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G, for Facility Operating License Nos. DPR–31 and DPR–41, issued to Florida Power and Light Company (FPL, the licensee), for operation of the Turkey Point Plant, Units 3 and 4, located in Dade County, Florida.

Environmental Assessment

Identification of the Proposed Action

The proposed exemption would allow FPL to apply the methodologies of the American Society of Mechanical Engineers (ASME) Code Cases N–588 and N–641 for the Turkey Point Plant reactor vessel circumferential welds.

The proposed action is in accordance with the licensee's application for exemption dated July 7, 2000, as supplemented October 4, 2000.

The Need for the Proposed Action

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 pressure or leak-testing conditions. Specifically, 10 CFR part 50, Appendix G states that ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G further specifies that the requirements for these limits are the ASME Code, Section XI, Appendix G Limits.

To address provisions of amendments to the technical specification (TS) P/T limits, low temperature overpressure protection (LTOP) system setpoints and LTOP system effective temperature (T_{enable}), the licensee requested in its submittals that the staff exempt Turkey Point Units 3 and 4 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–641. Code Case N–588 permits the use of circumferentially-oriented flaws in circumferential welds for development of P/T limits. Code Case N–641 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, LTOP setpoints and T_{enable}. Since the K_{IC} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1, provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the K_{Ia} fracture toughness curve), using Code Case N–641 for establishing the P/T limits, LTOP setpoints and T_{enable} 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. It should be noted that although the use of the K_{IC} fracture toughness curve in Code Case N–641 was recently incorporated into the Appendix G to Section XI of the ASME Code, an exemption is still needed because the proposed P/T limits, LTOP setpoints and T_{enable} (excluding Code Case N–641) are based on the 1996 edition (and 1997 addenda) of the ASME Code.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that exemption from the requirements of 10 CFR part 50, Appendix G, to allow

utilization of Code Cases N–588 and N–641 would provide an adequate margin of safety against brittle failure of the Turkey Point reactor vessels.

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 off site, 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 impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental 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 (that is, 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 Turkey Point Plant, Units 3 and 4.

Agencies and Persons Consulted

In accordance with its stated policy, on October 10, 2000, the staff consulted with the Florida State official, William A. Passetti of the Bureau of Radiation Control, 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 July 7, 2000, as supplemented October 4, 2000. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. 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 17th day of October 2000.

For the Nuclear Regulatory Commission.

Richard P. Correia,

Chief, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–27178 Filed 10–20–00; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Payment of Premiums

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') is requesting that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act, of the collection of information under its regulation on Payment of Premiums (29 CFR Part 4007), including Form 1–ES, Form 1, and Schedule A to Form 1, and related instructions (OMB control number 1212–0009; expires December 31, 2000). The collection of information also includes a certification (on Schedule A) of compliance with requirements to provide certain notices to participants under the PBGC's regulation on Disclosure to Participants (29 CFR Part 4011).

DATES: Comments should be submitted by November 22, 2000.

ADDRESSES: Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. The request for extension will be available for public inspection at the Communications and Public Affairs Department of the Pension Benefit Guaranty Corporation, suite 240, 1200 K Street, NW., Washington, DC 20005–4026, between 9 a.m. and 4 p.m. on business days.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at the address given above or calling 202–326–4040. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4040.) The premium payment regulation can be accessed on the PBGC's home page at www.pbgc.gov.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, or Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4024.)

SUPPLEMENTARY INFORMATION: Section 4007 of Title IV of the Employee Retirement Income Security Act of 1974 (''ERISA'') requires the Pension Benefit Guaranty Corporation (''PBGC'') to collect premiums from pension plans covered under Title IV pension insurance programs. Pursuant to ERISA section 4007, the PBGC has issued its regulation on Payment of Premiums (29 CFR Part 4007). Section 4007.3 of the premium payment regulation requires plans, in connection with the payment of premiums, to file certain forms prescribed by the PBGC, and § 4007.10 requires plans to retain and make available to the PBGC records supporting or validating the computation of premiums paid.

The forms prescribed are PBGC Form 1–ES and Form 1 and (for single-employer plans only) Schedule A to Form 1. Form 1–ES is issued, with instructions, in the PBGC's Estimated Premium Payment Package. Form 1 and Schedule A are issued, with instructions, in the PBGC's Annual Premium Payment Package.

The premium forms are needed to determine the amount and record the payment of PBGC premiums, and the submission of forms and retention and submission of records are needed to enable the PBGC to perform premium audits. The plan administrator of each pension plan covered by Title IV of ERISA is required to file one or more of the premium payment forms each year. The PBGC uses the information on the premium payment forms to identify the plans paying premiums and to verify whether plans are paying the correct amounts. That information and the retained records are used for audit purposes.

In addition, section 4011 of ERISA and the PBGC's regulation on Disclosure to Participants (29 CFR Part 4011) require plan administrators of certain underfunded single-employer pension

plans to provide an annual notice to plan participants and beneficiaries of the plans' funding status and the limits on the Pension Benefit Guaranty Corporation's guarantee of plan benefits. The participant notice requirement only applies (subject to certain exemptions) to plans that must pay a variable rate premium. In order to monitor compliance with Part 4011, plan administrators must indicate on Schedule A to Form 1 that the participant notice requirements have been complied with.

The collection of information under the regulation on Payment of Premiums, including Form 1–ES, Form 1, and Schedule A to Form 1, and related instructions has been approved by OMB under control number 1212–0009 through December 31, 2000. This collection of information also includes the certification of compliance with the participant notice requirements (but not the participant notices themselves). The PBGC is requesting that OMB extend its approval of this collection of information for another three years. (The participant notices constitute a different collection of information that has been separately approved by OMB.)

The PBGC estimates that it receives responses annually from about 39,400 plan administrators and that the total annual burden of the collection of information is about 2,482 hours and $9,431,600.

Issued in Washington, DC, this 19th day of October, 2000.

C. David Gustafson,

Acting Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 00–27253 Filed 10–20–00; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27252]

Filing Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

October 13, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 7, 2000, to Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 7, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Alabama Power Company, et al. (70–9739)

Notice of Proposal To Amend Articles of Incorporation; Make Cash Payments; Order Authorizing Solicitation of Proxies

Alabama Power Company (''Alabama''), 600 North 18th Street, Birmingham, Alabama 3591, Georgia Power Company (''Georgia''), 241 Ralph McGill Boulevard N.E., Atlanta, Georgia 30308, Gulf Power Company (''Gulf''), 500 Bayfront Parkway, Pensacola, Florida 32501 and Mississippi Power Company (''Mississippi'', and collectively, ''Subsidiaries''), 2992 West Beach, Gulfport, Mississippi 39501, each a public utility subsidiary company of the Southern Company (''Southern''), a registered holding company, have filed a declaration under section 6(a)(2), 7(e) and 12(e) of the Act and rules 53, 62(d) and 65 under the Act.

The Subsidiaries state that Southern intends to distribute the common stock of its nonutility subsidiary, Southern Energy, Inc. (''Energy''), to Southern shareholders in a tax-free reorganization (''Reorganization''), which requires Southern to control 80% of the voting securities of both Energy and the Subsidiaries. Under the Reorganization, if the preferred shareholders of each of the Subsidiaries receives the right to vote for the election of directors, Southern will own at least 80% of the total combined voting power of all classes of stock entitled to vote, when considering the voting preferred securities together with the common stock of these companies.

To facilitate the Reorganization, each Subsidiary proposes to amend its Articles of Incorporation (''Charter'') to confer fractional voting rights for the election of directors on the holders of its preferred stock (''Amendment'').[1] In addition, the Subsidiaries propose that each of Alabama, Gulf and Mississippi solicit proxies from the holders of its outstanding shares of preferred stock and common stock for use at a special meeting (''Meeting'') of its stockholders to consider the Amendment.[2] The Subsidiaries also propose the Georgia obtain a written consent from Southern approving the Amendment.[3]

With respect to each of Alabama and Mississippi, adoption of the Amendment requires the affirmative vote of a majority of the votes cast of all series of its outstanding preferred stock, voting together as one class,[4] and a majority of its common stock.[5] In the case of Gulf, adoption of the

[1] The fractional vote to be given to the preferred stockholders under the Amendments is expected to range from one-tenth of a vote to one vote per share of preferred stock.

[2] Southern holds all the outstanding shares of common stock of Alabama, Gulf and Mississippi, which, along with each company's outstanding preferred stock, constitute the only securities entitled to vote on the Amendments.

[3] Southern holds all of the outstanding shares of Georgia's common stock, which constitute the only securities entitled to vote on the Amendment.

[4] Alabama's outstanding preferred stock includes: (1) two series of its Class A cumulative preferred stock, stated capital $25 per share, consisting of a 5.83% series, of which 1,520,000 shares are outstanding and a 5.20% series, of which 6,480,000 shares are outstanding; (2) six series of its Class A cumulative preferred stock, par value $100 per share, consisting of a 4.20% series, of which 135,115 shares are outstanding, a 4.52% series, of which 50,000 shares are outstanding, a 4.60% series, of which 100,000 shares are outstanding, a 4.64% series, of which 60,000 shares are outstanding, a 4.72% series, of which 50,000 shares are outstanding and a 4.92% series, of which 80,000 shares are outstanding; (3) one series of its Class A cumulative preferred stock, stated capital $100 per share, of which 500,000 shares are outstanding (''1988 Auction Preferred''); and (4) one series of its Class A cumulative preferred stock, stated capital $100,000 per share, of which 200 shares are outstanding (''1993 Auction Preferred'').

Mississippi's outstanding preferred stock includes: (1) two series of its cumulative preferred stock, par value $100 per share, consisting of a 6.32% series, of which 150,000 shares are outstanding and a 6.65% series, of which 84,040 shares are outstanding; and (2) four series of its cumulative preferred stock, par value $100 per share, consisting of a 4.40% series, of which 8,867 shares are outstanding, a 4.60% series, of which, 8,643 shares are outstanding, a 4.72% series, of which 16,700 shares are outstanding and a 7.00% series, of which 49,840 shares are outstanding.

[5] Alabama has outstanding 5,608,955 shares of commons stock, par value $40 per share. Mississippi has outstanding 1,121,000 shares of common stock, no par value. Neither Alabama nor Mississippi has outstanding any other class of equity securities.

Amendment requires a majority of the voting power of the outstanding preferred stock of all series, voting as one class,[6] and a majority of its common stock.[7] Adoption of the Amendment by Georgia requires the affirmative vote of two-thirds of its common stock.[8]

If the proposed Amendments are adopted, the Subsidiaries propose that each of Alabama, Gulf and Mississippi make special cash payments (''Payments'') to each preferred stockholder whose shares of preferred stock were properly voted in favor of the proposed Amendment. The proposed Payments will not exceed 0.50% of the stated capital or par value, as appropriate, per share of each company's outstanding preferred stock, except that Payments made by Alabama respecting the 1988 Auction Preferred and the 1993 Auction Preferred will not exceed 0.125% of the stated capital per share. The Subsidiaries state that each of Alabama, Gulf and Mississippi will disburse Payments out of its general funds, promptly after adoption of the proposed Amendment.

The Subsidiaries request that an order authorizing the solicitation of proxies by Alabama, Gulf and Mississippi be issued as soon as practicable under rule 62(d). It appears to the Commission that the Subsidiaries' declaration relating to the proposed solicitation of proxies should be permitted to become effective immediately under rule 62(d).

Additional fees and expenses not exceeding $100,000 are anticipated in connection with these transactions. It is that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

It is Ordered, under rule 62 under the Act, that the declaration regarding the proposed solicitation of proxies become effective immediately, subject to the term and conditions contained in rule 24 under the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27130 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[6] Gulf's outstanding preferred stock includes three series of preferred stock, par value $100 per share, consisting of a 4.64% series, of which 12,503 shares are outstanding, a 5.16% series, of which 13,574 shares are outstanding and a 5.44% series, of which 16,284 shares are outstanding.

[7] Gulf has outstanding 992,717 shares of common stock, no par value. Gulf has outstanding no other class of equity securities.

[8] Georgia has outstanding 7,761,500 shares of common stock, no par value. The Georgia common stock constitutes its only outstanding securities entitled to vote on the Amendment.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27251]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

October 13, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 7, 2000, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 7, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

IES Utilities (70–9375)

IES Utilities (''IES''), Alliant Energy Tower, Cedar Rapids, Iowa 52401, a wholly owned gas and electric utility subsidiary company of Alliant Energy Corporation, a registered holding company, has filed a post-effective amendment under sections 6(a) and 7 of the Act and rule 54 under the Act to a declaration previously filed under the Act.

By order dated November 25, 1998 (HCAR No. 26945) (''Current Financing Order''), the Commission authorized IES to issue and sell from time to time, through December 31, 2000, in one or more series, any combination of collateral trust bonds (''Trust Bonds''), senior unsecured debentures (''Senior Debentures'') and unsecured subordinated debentures (''Subordinated Debentures''). The current Financing Order also authorized IES to enter into an agreement or agreements for the issuance and sale of one or more series of tax-exempt bonds (''Tax-Exempt Bonds''), maturing not later than 30 years from the first day of the month in which they are initially issued, for the financing or refinancing and air and water pollution control facilities and sewage and solid water disposal facilities (''Facilities''). As security for IES's obligations under any agreement relating to the Tax-Exempt Bonds, IES was also authorized to: (1) Issue its non-negotiable promissory note or notes to evidence loans to IES of the proceeds of the Tax-Exempt Bonds by the issuer;[1] (2) convey a subordinated security interest in any Facilities that are financed through the issuance of Tax-Exempt Bonds; (3) issue and pledge one or more new series of Trust Bonds; (4) acquire and deliver letters of credit guaranteeing payment of the Tax-Exempt Bonds and enter into related reimbursement agreements; (5) acquire insurance policies guaranteeing payment of the Tax-Exempt Bonds; and (6) provide a direct guarantee of payment of the principal of and premium, if any, and interest on the Tax-Exempt Bonds.

Under the Current Financing Order, the aggregate principal amount of the Trust Bonds, Senior Debentures, Subordinated Debentures, and Tax-Exempt Bonds shall not exceed $200 million, excluding the principal amount of any Trust Bonds issued as collateral security for Tax-Exempt Bond obligations and any other forms of collateral related to the Tax-Exempt Bonds. Each series of Trust Bonds, Senior Debentures and Subordinated Debentures will mature not later than 30 years from the day of issuance. The Current Financing Order provides that no series of Trust Bonds will be issued at rates in excess of the lower of 15% *per annum* or those rates generally obtainable at the time of pricing for the first mortgage bonds having reasonably similar maturities, issued by companies of the same or reasonably comparable credit quality and having reasonably similar terms, conditions and features (''Ceiling Rate''). Further, the Current Financing Order provides that no series of Senior Debentures or Subordinated Debentures will be sold if their fixed interest rate or initial adjustable interest rate exceeds the Ceiling Rate.

IES now proposes to extend the authorization period under the Current Financing Order from December 31,

[1] The note will provide for payments to be made by IES at times and in amounts, which will correspond to the payments regarding the principal of, premium, if any, and interest on the related Tax-Exempt Bonds.

2000 to June 30, 2004 (''Extended Authorization Period''). During the Extended Authorization Period, IES proposes to issue from time to time in one or more transactions Trust Bonds, Senior Debentures, and Unsecured Debentures and to enter into agreements with respect to Tax-Exempt Bonds in an aggregate principal amount not to exceed $200 million, excluding Trust Bonds and any other form of collateral. IES states that all other terms, conditions, and limitations contained in the Current Financing Order will continue to apply.

Interstate Power Company (70–9377)

Interstate Power Company (''IPC''), 1000 Main Street, P.O. Box 769, Dubuque, Iowa 52004–07691, a wholly owned gas and electric utility subsidiary company of Alliant Energy Corporation, a registered holding company, has filed a post-effective amendment under sections 6(a) and 7 of the Act and rule 54 under the Act to its declaration previously filed under the Act.

By order dated November 25, 1998 (HCAR No. 26946) (''Current Financing Order''), the Commission authorized IPC to issue and sell from time to time, through December 31, 2000, in one or more series, any combination of first mortgage bonds (''First Mortgage Bonds''), senior unsecured debentures (''Senior Debentures'') and unsecured subordinated debentures (''Subordinated Debentures''). The Current Financing Order also authorized IPC to enter into an agreement or agreements for the issuance and sale of one or more series of tax-exempt bonds (''Tax-Exempt Bonds''), maturing no later than 30 years from the first day of the month in which they are issued initially, for the financing or refinancing of air and water pollution control facilities and sewage and solid waste disposal facilities (''Facilities''). As security for IPC's obligations under any agreement relating to the Tax-Exempt Bonds, IPC was also authorized to: (1) Issue its non-negotiable promissory note or notes to evidence loans to IPC by the issuer of the proceeds of the Tax-Exempt Bonds; [2] (2) convey a subordinated security interest in any Facilities that are financed through the issuance of Tax-Exempt Bonds; (3) issue and pledge one or more new series of First Mortgage Bonds; (4) acquire and deliver letters of credit guaranteeing payment of the Tax-Exempt Bonds and enter into related reimbursement agreements; (5) acquire insurance policies guaranteeing payment of the Tax-Exempt Bonds; and (6) provide a direct guarantee of payment of the principal of and premium, if any, and interest on the Tax-Exempt Bonds.

Under the Current Financing Order, the aggregate principal amount of the First Mortgage Bonds, Senior Debentures, Subordinated Debentures, and Tax-Exempt Bonds will not exceed $80 million, excluding the principal amount of any First Mortgage Bonds issued as collateral security for Tax-Exempt Bond obligations and any other forms of collateral related to the Tax-Exempt Bonds. Each series of First Mortgage Bonds, Senior Debentures and Subordinated Debentures will mature not later than 30 years from the day of issuance. The Current Financing Order provides that no series of First Mortgage Bonds will be issued at rates in excess of the lower of 15% *per annum* or those rates generally obtainable at the time of pricing for first mortgage bonds having reasonably similar maturities, issued by companies of the same or reasonably comparable credit quality and having reasonably similar terms, conditions and features (''Ceiling Rate''). Further, the Current Financing Order provides that no series of Senior Debentures or Subordinated Debentures will be sold if their fixed interest rate or initial adjustable interest rate exceeds the Ceiling Rate.

IPC now proposes to extend the authorization period under the Current financing Order from December 31, 2000 to June 30, 2004 (''Extended Authorization Period''). During the Extended Authorization Period, IPC proposes to issue from time to time in one or more transactions First Mortgage Bonds, Senior Debentures and Subordinated Debentures and to enter into agreements regarding Tax-Exempt Bonds in an aggregate principal amount not to exceed $80 million, excluding First Mortgage Bonds issued as collateral for IPC's Tax-Exempt Bond obligations and any other related form of collateral. IPC states that all other terms, conditions and limitations contained in the Current Financing Order will continue to apply.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27131 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[2] The note will provide for the payments to be made by IPC at times and in amounts, which will correspond to the payments regarding the principal of, premium, if any, and interest on the related Tax-Exempt Bonds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27254]

Filing Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

October 16, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The applicant(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 10, 2000, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant application(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 10, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Southern Company, et al. (70–9771)

The Southern Company (''Southern''), 270 Peachtree Street, NW., Atlanta, Georgia 30303, a registered holding company, and its wholly owned subsidiaries, Mobile Energy Services Holdings, Inc. (''Holdings'') and Mobile Energy Services Company, L.L.C. (''Mobile Energy'') [1] both located at 900 Ashwood Parkway, Suite 500, Atlanta Georgia 30338 (collectively, ''Applicants''), have filed an application-declaration (''Application'') under sections 6(a), 7, 11(f), 11(g), 12(a), 12(b), 12(d), 12(e), 12(f) and rules 45, 54, 63 and 64 of the Act.

[1] Mobile Energy is wholly owned limited liability company subsidiary of Holdings to which Holdings transferred all of its assets other than its equity interest in Mobile Energy in July 1995. Mobile Energy is an electric utility company within the meaning of section 2(a)(3) of the Act.

Applicants propose that the Commission issue (1) an order under section 11(f) of the Act approving the amended Joint Plan or Reorganization (''Plan'') and certain related transactions under the Plan [2] and (2) a report on the Plan under section 11(g) that may accompany a solicitation of creditors and any other interest holders for approval of the Plan in the bankruptcy proceedings.[3]

The Application includes the Plan and disclosure statement for Mobile Energy and Holdings. On January 14, 1999, Mobile Energy and Holdings (collectively, ''Debtors'') filed voluntary petitions in the Bankruptcy Court for the Southern District of Alabama (''Bankruptcy Court'') for protection under Chapter 11 of the Bankruptcy Code. Both entities filed as debtors in possession continuing their operations; as a result, no trustee or receiver has been appointed by the Bankruptcy Court. The original Plan was filed with the Bankruptcy Court on August 4, 2000. The disclosure statement and the amended Plan were filed with the Bankruptcy Court on September 15, 2000. Under section 1125 of the Bankruptcy Code, the Debtors may not solicit votes for acceptances of the Plan until the Bankruptcy Court approves a disclosure statement that contains information of a kind, and in sufficient detail, adequate to enable creditors to make an informed judgment whether to vote for acceptance or rejection of the Plan. A hearing is scheduled with the Bankruptcy Court for October 19, 2000, to determine whether the disclosure statement filed on September 15, 2000, meets the requirements of section 1125 of the Bankruptcy Code. Applicants state notice of the October 19, 2000 hearing has been provided in accordance with the Bankruptcy Code and the applicable Federal Rules of Bankruptcy Procedure.

Applicants state the purposes of the transactions described in the Plan are to: (1) Permit Mobile Energy and Holdings to reorganize and emerge from bankruptcy; (2) maximize the recovery of Mobile Energy's bondholders on their capital investment; (3) eliminate the direct and indirect equity ownership of Southern in Mobile Energy and Holdings; and (4) allow Mobile Energy to operate as a qualifying facility under the Public utility Regulatory Policies Act of 1978 after the effective date of the Plan, which will cause Mobile Energy and Holdings to no longer be subject to the Act. Certain transactions contemplated by the Plan require Commission authorization. The jurisdictional aspects of the Plan are summarized below.

I. Overview of the Plan

Applicants request authorization for the solicitation regarding the Plan under sections 11(g) and 11(f) of the Act, and authorization under section 12(e) to solicit consents and approvals from the holders of the securities of Mobile Energy and Holdings, along with other ancillary and related authorizations to implement the Plan. The pre-petition shares of common stock issued by Holdings and held by Southern will not receive any distributions under the Plan, and the shares will be cancelled and extinguished on the effective date of the Plan. The entire equity interest in the reorganized Holdings will then be held by the existing bondholders.

Upon implementation of the Plan, the ownership interests of Southern and its affiliates in the Debtors will terminate. Applicants state Southern and its affiliates will have substantially reduced obligations going forward with respect to Mobile Energy and Holdings. Southern Energy Resources, Inc. (''SERI'') will continue to operate Mobile Energy's facilities through March 31, 2001 at the latest. Southern guaranteed certain of Mobile Energy's obligations to its existing customers in 1995, and these guarantees will remain in place but Mobile Energy will indemnify Southern against any liability under those guarantees. Southern Energy, Inc. (''Southern Energy'') will assign certain contract rights and obligations to Mobile Energy related to a combustion turbine being manufactured for it by general Electric Company (''GE'') and under a long term services agreement related to that turbine by General Electric International Inc. (''GEII''). Southern Energy will remain liable if Mobile Energy does not meet those obligations and Mobile Energy will indemnify Southern Energy against any of these costs.

The proponents of the Plan include a Bondholder Steering Committee which represents more than 70% of the current outstanding bondholders of the Debtors.[4] The Bondholder Steering Committee includes First Union National Bank as the indenture trustees for each of the two bond issuances as an ex officio member. The indenture trustees represent all of the bondholders.

The facilities at issue are located inside a large pulp, paper and tissue manufacturing complex in Mobile, Alabama. Some of the facilities now owned by Mobile Energy were originally constructed by the Scott Paper Company (''Scott'') in the early 1960s. Scott sold the energy facilities, black liquor recovery equipment, and related assets, permits and agreements (''Energy Complex'') to Holdings.[5] Mobile Energy was formed as a limited liability company on July 13, 1995. Mobile Energy acquired ownership from Holdings of the Energy Complex on July 14, 1995. Mobile Energy owns and operates the Energy Complex which was constructed specifically to serve the Scott mill operations. In late 1995 Scott was merged into a subsidiary of Kimberly Clark Corporation and the resulting entity was renamed Kimberly Clark Tissue Company (''KCTC''). In 1998, KCTC notified Mobile Energy that KCTC would close its pulp mill and terminate its contract to purchase energy services from Mobile Energy. The consequences from the anticipated loss of the KCTC pulp mill contract and operations triggered the filing by Mobile Energy and Holdings of cases under Chapter 11 of the Bankruptcy Code.

II. Key Elements of the Plan

A. KCTC Settlement Agreement

The settlement agreement between the Debtors and KCTC (''KCTC Settlement Agreement'') encompasses certain transactions, some of which occurred soon after the Bankruptcy Court approved the settlement, and other transactions that will occur later if certain conditions are met. Particularly, on February 8, 2000, Mobile Energy and KCTC executed: (1) The New Tissue Mill ESA,[6] which provides for electricity and steam processing services to be supplied by Mobile Energy to KCTC's tissue mill at market prices; and

[2] Section 11(f) of the Act provides, in relevant part, that ''a reorganization plan for a registered holding company, or any subsidiary thereof, * * * shall not become effective unless such plan shall have been approved by the Commission after opportunity for hearing prior to its submission to the court.''

[3] Section 11(g)(2) of the Act provides, in relevant part, that any solicitation for consents to or authorization of any reorganization plan of a registered holding company or any subsidiary company thereof shall be ''accompanied or preceded by a copy of a report on the plan which shall be made by the Commission after an opportunity for a hearing on the plan and other plans submitted to it, or by an abstract of such report made or approved by the Commission.''

[4] Applicants state the Bondholder Steering Committee is currently composed of CS First Boston, Miller Anderson & Sherrerd, LLP; Pan American Life Insurance Company; Franklin Advisors, Inc.; Van Kampen Interest and Advisory Corp.; and First Union National Bank.

[5] On Dec. 13, 1994 the Commission authorized Southern to organize Holdings as a new subsidiary and acquire all of its common stock. HCAR No. 26815.

[6] As part of the settlement with KCTC a new contract to provide electric power and steam processing services, the ''New Tissue Mill ESA,'' was entered into between KCTC Mobile Energy.

(2) an Option Agreement for Mobile Energy or its assignee to purchase KCTC's pulp mill and related assets to be used for a new 800 short ton per day pulp mill. On the closing date, if certain conditions are met, KCTC will pay Mobile Energy approximately $30.12 million, KCTC will transfer certain assets to Mobile Energy and Mobile Energy will transfer certain other assets to KCTC. KCTC and Mobile Energy will also enter into an agreement which will set out the respective rights and obligations of Mobile Energy and KCTC to operate and maintain the No. 6 Power Boiler and related facilities.

B. Cogen Project

The Plan contemplates resumption, on a reduced scale, of pulp mill operations under different ownership, a more efficient use of resources (*e.g.,* recovery boiler), the possible expansion of electric generating capacity by purchasing a combustion turbine and developing a 165 megawatt facility (''Cogen Project'')[7] and a revised agreement to provide energy services to the tissue mill within the industrial complex. The development of the Cogen Project will occur under the MESC Cogeneration Development Agreement dated February 9, 2000, between Mobile Energy, Holdings, Southern Energy, and SERI, as amended by Amendment No. 1 dated August 11, 2000 (''Development Agreement''). The Development Agreement provides, among other things, that: (1) Mobile Energy has an option to purchase from Southern Energy a combustion turbine being manufactured for Southern Energy by GE to be used to develop the Cogen Project at Southern Energy's cost and pay Southern Energy $2.9 million as an option fee; (2) Southern Energy will assign its rights under a long term services agreement related to that turbine with GEII to Mobile Energy; (3) Mobile Energy will terminate the Mobile Energy Operating Agreement no later than March 31, 2001; (4) Mobile Energy will pay one-half the actual cost of a retention and severance program implemented by SERI for its workers at Mobile Energy's facilities, up to a total of $2 million; (5) Southern, Southern Energy, SERI, Mobile Energy, Holdings, the indenture trustee and the collateral agent will exchange releases of claims; (6) Southern, Southern Energy, SERI, Mobile Energy and Holdings will provide certain indemnities to each other; and (7) Southern, Southern Energy and SERI will hold a first priority lien on the Debtor's assets and those of any affiliate set up to own the Cogen Project to secure performance of all obligations which may be owed to Southern, Southern Energy and SERI under the Development Agreement.

Applicants state the Doctors will use the $30.12 million to be received from KCTC in part for the development of the Cogen Project. The balance of the cost of the Cogen Project will be funded through debt and/or equity financing in addition to the funds otherwise available to the Debtors.

C. The New Pulp Mill

The Plan contemplates that a new 800 short ton per day pulp mill will be developed at the Mobile facility under a term sheet agreed to by Jubilee Pulp, Inc. and Mobile Energy (''New Pulp Mill''). The transactions necessary to develop the New Pulp Mill include: (1) Consummation of the KCTC Settlement Agreement; (2) consummation of certain agreements with the Debtors to effect the distribution of the No. 8 Recovery Boiler by Mobile Energy to Holdings and its contribution by Holdings to a new limited liability company;[8] and (3) new energy services agreements between Mobile Energy and the developer of the New Pulp Mill. Jubilee Pulp, Inc. and Mobile Energy also intend to execute the New Pulp Mill ESA under which Mobile Energy will provide electric power processing services, steam processing services and steam conditioning services to Jubilee Pulp, Inc.

III. Treatment of Claims Under the Plan

A. Unsecured Creditors; Others

Under the Plan, the claims of the general unsecured creditors and the claims of all other creditors, except Southern and its affiliates will be paid in full.

B. First Mortgage Bonds

The first mortgage bonds were issued by Mobile Energy on August 1, 1995, in the principal amount of $255,210,000 due January 1, 2017 and bearing annual interest at 8.665%. Under the Plan, the first mortgage bonds will be exchanged for new taxable bonds in an aggregate principal amount of $51,535,000 and bearing annual interest at 10%. In addition, the Plan contemplates 7,259,400 shares of new common stock of Holdings will be distributed to the holders of the first mortgage bonds. Each share of new common stock will be entitled to one vote per share. Certain holders of the first mortgage bonds will be entitled to registration rights.

C. Tax Exempt Bonds

In December 1983, the Industrial Development Board of Mobile, Alabama (''IDB'') issued tax-exempt bonds (''1983 Tax Exempt Bonds'') to finance the construction of the No. 7 Power Boiler and certain auxiliary systems. In December 1994 (''1984 Tax Exempt Bonds''), the IDB issued tax-exempt bonds to refund the 1983 Tax Exempt Bonds.

Refunding of the 1984 Tax Exempt Bonds occurred in 1995 by means of tax-exempt bonds in the original principal amount of $85,000,000 scheduled to mature January 1, 2000. Under the Plan, the tax-exempt bonds will be exchanged for new tax-exempt bonds in an aggregate principal amount of $20,035,000 (subject to increase of up to an additional $2,003,500 aggregate principal amount of new tax-exempt bonds if each holder of allowed tax-exempt bondholder receives additional new tax-exempt bonds rather than common stock of Holdings as described below) and bear interest at the rate of 8% per annum.

In addition, the Plan contemplates up to an aggregate of 2,740,600 shares of new common stock will be issued to the tax-exempt bondholders (based on the number of tax-exempt bondholders that elect to receive new common stock). Each share of new common stock will be entitled to one vote per share. Certain holders will be entitled to registration rights. Each of the tax-exempt bondholders may elect, in lieu of receiving any common stock in Holdings, to receive additional new tax-exempt bonds equal to 10% of the new bonds to be received by the holder from $20,035,000 principal amount of new tax-exempt bonds to be distributed to all these holders.

D. Southern's and Its Affiliates' Claims

Under the Plan, Southern and its affiliates will receive the treatment provided in the Development Agreement, described above, in full satisfaction of their claims.

[7] Applicants note the Cogen Project will be owned either by Mobile Energy or an affiliate which is an exempt wholesale generator as defined in section 32 of the Act.

[8] The No. 8 Recovery Boiler will be distributed by Mobile Energy to Holdings and then contributed by Holdings to Pulpco LLC whose members will be holdings and Jubilee Pulp, Inc. The original cost to Mobile Energy of the recovery boiler was $11,852,824, which has been amortized in part over the intervening years, an the net book value as of December 31, 2000 will be approximately $86,241,000.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–27132 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43448; File No. SR–CBOE–00–35]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Manual Handling of RAES Orders in Certain Limited Situations

October 17, 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 9, 2000, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the extension of a pilot program through February 21, 2001.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Exchange Rule 6.8(c) in order to extend, for an additional six-month period, the pilot program that currently provides for certain orders to be rejected from RAES for manual handling under certain limited conditions (''Pilot''). The text of the proposed rule change is available at the CBOE and the Commission.

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 CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE 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 purpose of the proposed rule change is to extend the Pilot for an additional six-month period. The Pilot provides that orders be rejected from RAES in the limited situation when an Autoquote-generated bid or offer for a particular series of options has become locked or crossed with the Exchange's best bid or offer as established by a booked order.[3] The Exchange is requesting an extension of the Pilot [4] so that RAES kick-out procedures may continue in effect while the Commission is considering the approval of two proposed rule changes. The Exchange represents that these proposed rule changes, currently pending before the Commission, were developed to obviate the need for RAES kick-outs under the circumstances covered by the Pilot.

In the first extension of the Pilot,[5] the CBOE stated that the Exchange would continue to seek other alternatives to having RAES orders rejected in the limited situation where quotations generated by the Autoquote system become locked or crossed with a booked order.[6] During the 6-month period of the first extension of the Pilot, CBOE developed two systems changes which the Exchange represents would, if implemented, virtually eliminate RAES kick-outs under the Pilot. The systems changes are the subject of the two proposed rule changes currently pending at the Commission.

The first systems change is an enhancement to the Automated Book Priority System (''ABP''), called ABP Split Price, that would allow incoming RAES orders utilizing ABP to be executed against the book price up to the applicable book volume, or a larger amount as predetermined by the appropriate Floor Procedure Committee, for the subject option class.[7] The balance of these orders would trade at the next best available price, whether: (1) Against another booked order; or (2) against market-makers logged onto RAES. If traded against market makers, the balance of such orders would trade at the best market-maker quote, whether generated by Autoquote or verbalized by a market maker.

The second systems change for which the CBOE has sought approval is called Autoquote Triggered EBook Execution (''Trigger'').[8] Trigger is an enhancement to the electronic limit order book (''EBook'') that would allow certain booked orders to be automatically executed up to the RAES contract limit applicable to the particular series of options. Trigger would become operative in the limited situation where the bid or offer generated by Autoquote (or any Exchange-approved proprietary quote generation system) for a particular options series locks or crosses the Exchange's best bid or offer for that series as established by a booked order. By providing for automatic execution of these booked orders, Trigger would eliminate the vast majority of RAES kick-outs which result when firms seeking out pricing anomalies detect a skewed quote and submit a RAES eligible order or orders to trade at the book price.

2. Statutory Basis

The proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act [9] in that it is designed to remove impediments to a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 C.F.R. 240.19b–4.

[3] Securities Exchange Act Release No. 42168 (November 22, 1999), 64 FR 66952 (November 30, 1999) (notice of rule proposal filing and accelerated approval of order establishing Pilot) (''Original Notice''); Securities Exchange Act Release No. 42615 (April 3, 2000), 65 FR 19401 (April 11, 2000) (notice of rule proposal filing and accelerated approval of order granting extension of Pilot) (''First Extension Notice'').

[4] The Pilot was due to expire on August 21, 2000.

[5] First Extension Notice at 65 FR 19403.

[6] Id.

[7] *See* SR–CBOE–00–21. The proposed rule change was published for public comment in Securities Exchange Act Release No. 34–43430 (October 11, 2000).

[8] *See* SR–CBOE–00–22.

[9] 15 U.S.C. 78f(b)(5).

change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–00–35 and should be submitted by November 13, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds that the proposal is consistent with Section 6 of the Act.[10] In particular, the Commission finds the proposal consistent with Section 6(b)(5) of the Act,[11] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest.

The Commission finds that it is in the public interest to encourage the Exchange to expand its implementation of ABP. The broader the implementation of ABP, the more likely customer limit orders will, where appropriate, be given priority over other interest on the Exchange. On the other hand, implementation of ABP may also expose market makers to an unfair risk of financial loss where the market in an underlying stock moves significantly and quickly in a direction that makes a price established by a booked order substantially better than the price calculated by CBOE's Autoquote formula.[12] The Commission approves this extension of the Pilot in order to permit the mitigation of these risks while encouraging the Exchange to more broadly implement ABP. At the same time, this extension will provide the Commission an opportunity to evaluate, while the Pilot is still in effect, the Trigger and ABP Split price proposals designed to reduce the number of RAES rejects pursuant to the Pilot.

Finally, the Commission plans to evaluate the continued impact of the Pilot on ABP executions, as well as the impact of any related rule proposals approved and implemented during the Pilot, based on statistical data provided by the Exchange. Accordingly, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[13] that the proposed rule change (SR–CBOE–00–35) is hereby approved through February 21, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27133 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

[12] Original Notice at 63 FR 66952.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43444; File No. SR–CHX–00–32]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Partial Automatic Execution of Orders for NASDAQ/NM Issues

October 13, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice hereby is given that on October 10, 2000, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the CHX rule governing automatic execution of orders for NASDAQ/NM issues. Specifically, the Exchange proposes to amend CHX Article XX, Rule 37(b)(7)(ii), to provide order-sending firms with the option to select partial automatic execution of orders that are larger than the specialist's auto-execution threshold in instances where a specialist's quote is away from the national best bid or offer (''NBBO''). The text of the proposed rule change is available at the Commission or the CHX.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange prepared summaries, set forth in Section A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the CHX rules governing the execution of NASDAQ/NM Securities. Specifically, the Exchange proposes to amend CHX Article XX, Rule 37(b)(7)(ii) to give order-sending firms the option to receive partial automatic executions if their orders are larger than the specialist's auto-execution threshold when the specialist's quote is away from the NBBO, or have these orders manually executed in their entirety as they are handled under the current rule. The proposed amendments are intended to bring the Exchange's rules in line with the practices that currently exist in other markets with respect to the trading of NASDAQ/NM Securities.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] The Exchange has represented that the proposed rule change: (i) Will not significantly affect the protection of investors or the public interest; (ii) will not impose any significant burden on competition; and (iii) will not become operative for 30 days after the date of this filing, unless otherwise accelerated by the Commission. The Exchange also has provided at least five business days notice to the Commission of its intent to file this proposed rule change, as required by Rule 19b–4(f)(6) under the Act. *Id.*

CHX Article XX, Rule 37, commonly referred to as the ''BEST Rule,'' among other things, guarantees automatic executions if an order falls within certain size parameters, *i.e.,* the auto-acceptance threshold and the auto-execution threshold. The auto-execution threshold is an order size designated by the specialist for each issue, up to which size orders will be executed automatically at the NBBO.[5]

CHX Article XX, Rule 37(b)(7)(ii) currently provides that in instances where a NASDAQ/NM specialist's quote is not at the NBBO, an order that is of a size greater than the auto-execution threshold for the security will not be automatically executed, but will be filled manually in accordance with the specialist's obligations under the BEST Rule, and the manual handling requirements of CHX Rule 43(d) of Article XX.

Some of the Exchange's order-sending firms believe that prompt execution of ''partial fills'' may be advantageous for their customers in many instances. Therefore, the Exchange proposes this rule change to provide an alternative to these firms that would permit partial automatic executions of orders larger than the specialist's auto-execution threshold, upon the election of an order-sending firm. Amended CHX Rule 37(b)(7) would provide that in instances where a NASDAQ/NM specialist's quote is not at the NBBO, an order that is of a size greater than the auto-execution threshold for the security will be designated as an open order and filled manually in accordance with he specialist's obligations under the BEST Rule and the manual handling requirements of Rule 43(d) of Article XX, unless the customer sending the order previously has indicated its election to have such orders filled on a partial basis, *i.e.,* filled automatically up to the auto-execution threshold, with the balance of the order to be designated as an open order.

The Exchange believes that the proposed rule change is to the advantage of those order-sending firms and their customers that have a strong preference for quick executions even in circumstances where less than the entire order is confirmed as filled. As set forth above, the foregoing rule change is intended to place the Exchange's rules in line with existing market practice relating to the trading of NASDAQ/NM Securities. The proposed rule change thus necessarily contemplates certain distinctions between transactions in Dual Trading System issues and NASDAQ/NM issues. The Exchange's Rules Committee and its Committee on Floor Procedure, both of which are populated by specialists in both issues, approve all such distinctions. Both committees concur that the proposed rule change does not place specialists on unequal footing based on the type of issue traded, but merely reflects the distinctions between the markets for Dual Trading System issues and NASDAQ/NM issues.

2. Statutory Basis

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of section 6(b).[6] In particular, the proposed rule change is consistent with section 6(b)(5) of the Act[7] in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has been filed by the Exchange as a ''non-controversial'' rule change pursuant to section 19(b)(3)(A) of the Act[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9] The proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative until thirty days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The Exchange has requested that the Commission accelerate the operative date of the proposal. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, more than five business days prior to the date of the filing the proposed rule change.

The Commission finds that it is appropriate to accelerate the operative date of the proposal and designate the proposal to become operative today.[10] The Commission finds that it is appropriate to accelerate the operative date of the proposed rule change because the change will provide investors who have a preference for quick executions the efficiency of automatic execution, even in circumstances where less than the entire order is confirmed as filled. For this reason, and because use of the partial execution feature is completely voluntary on the part of investors, the Commission finds that designation of the proposal to become operative today is consistent with the protection of investors and the public interest. Further, the Commission expects that with the advent of this proposed rule, more investors will receive executions at the NBBO because they will be able to elect to receive automatic executions that are guaranteed to be at the NBBO, instead of relying entirely on less certain manual executions.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate, in the public interest, for the protection of investors, or otherwise in furtherance of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[5] If the specialist's quote is at the NBBO, the execution size is subject to the specialist's firm quote obligations.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 USC 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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 the filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–00–32 and should be submitted by November 13, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27135 Filed 10–20–00; 8:45 am]

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[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43441; File No. SR–NASD–00–55]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Delivery Requirement of a Margin Disclosure Statement to Non-Institutional Customers

October 12, 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 September 5, 2000, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. On September 26, 2000, the NASD submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to add a new NASD Rule 2341 to require its members to deliver to their non-institutional customers, prior to or at the opening of a margin account, a specified disclosure statement that discusses the operation of margin accounts and the risk associated with trading on margin. NASD Regulation also proposes to require NASD members to deliver the specified disclosure statement to their non-institutional customers with margin accounts on an annual basis. Below is the test of the proposed rule change. Proposed new language is in *italics.*

Rule 2341. Margin Disclosure Statement

(a) No member shall open a margin account, as specified in Regulation T of the Board of Governors of the Federal Reserve System, for or on behalf of a non-institutional customer, unless, prior to or at the time of opening the account, the member has furnished to the customer, individually, in writing or electronically, the following margin disclosure statement:

Your brokerage firm is furnishing this document to you to provide some basic facts abut purchasing securities on margin, and to alert you to the risks involved with trading securities in a margin account. Before trading stocks in a margin account, you should carefully review the margin agreement provided by your firm. Consult your firm regarding any questions or concerns you may have with your margin accounts.

When you purchase securities, you may pay for the securities in full or you may borrow part of the purchase price from your brokerage firm. If you choose to borrow funds from your firm, you will open a margin account with the firm. The securities purchased are the firm's collateral for the loan to you. If the securities in your account decline in value, so does the value of the collateral supporting your loan and, as a result the firm can take action, such as issue a margin call and/or sell securities in any of your accounts held with the member, in order to maintain the required equity in the account.

It is important that you fully understand the risks involved in trading securities on margin. These risks include the following:

- *You can lose more funds than you deposit in the margin account A decline in the value of securities that are purchased on margin may require you to provide additional funds to the firm that has made the loan to avoid the forced sale of those securities or other securities in your account(s).*
- *The firm can force the sale of securities in your account(s). If the equity in your account falls below the maintenance margin requirements of the firm's higher ''house'' requirements, the firm can sell the securities in any of your accounts held at the firm to cover the margin deficiency. You also will be responsible for any short fall in the account after such a sale.*
- *The firm can sell your securities without contacting you. Some investors mistakenly believe that a firm must contact them for a margin call to be valid, and that the firm cannot liquidate securities in their accounts to meet the call unless the firm has contacted them first, This is not the case. Most firms will attempt to notify their customers of margin calls, but they are not required to do so. However, even if a firm has contacted a customer and provided a specific date by which the customer can meet a margin call, the firm can still take necessary steps to protect its financial interests, including immediately selling the securities without notice to the customer.*
- *You are not entitled to choose which securities in your account(s) are liquidated or sold to meet a margin call. Because the securities are collateral for the margin loan, the firm has the right to decide which security to sell in order to protect its interests.*
- *The firm can increase its ''house'' maintenance margin requirements at any time and is not required to provide you advance written notice. These changes in firm policy often take effect immediately and may result in the issuance of a maintenance margin call. Your failure to satisfy the call may cause the member to liquidate or sell securities in your account(s).*
- *You are not entitled to an extension of time on a margin call. While an extension of time to meet margin requirements may be available to customers under certain conditions, a customer does not have a right to the extension.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, NASD Regulation proposes to amend the proposed rule language. Specifically, Amendment No. 1 clarifies that if the equity in a customer's margin account falls below applicable requirements, an NASD member firm can force the sale of any of the securities in any of the customer's accounts held at the firm and such liquidations are not limited to the customer's margin account. Additionally, NASD Regulation deletes the phrase ''under the law'' from its original filing to clarify that maintenance margin requirements are requirements of self-regulatory organizations. *See* Letter from Alden S. Adkins, General Counsel and Senior Vice President, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission, dated September 25, 2000.

(b) Members shall, with a frequency of not less than once a calendar year, deliver individually, in writing or electronically, the disclosure statement described in paragraph (a) to all non-institutional customers with margin accounts.

(c) In lieu of providing the margin disclosure statement specified in paragraph (a), a member may provide to the customer an alternative disclosure statement, provided that the alternative disclosure statement shall be substantially similar to the disclosure statement specified in paragraph (a).

(d) For purposes of this Rule, the term ''non-institutional customer'' means a customer that does not qualify as an ''institutional account'' under Rule 3110(c)(4).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation 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

a. *Background.* The recent growth in the level of customer margin account balances, coupled with the increase in customer inquiries and complaints to NASD Regulation and SEC staffs relating to the handling of margin accounts, has raised concerns as to whether investors understand the operation and risks associated with margin trading. NASD Regulation believes that investors' misconceptions about margin requirements, particularly with respect to maintenance margin, may cause investors to underestimate the risks of margin trading and to misunderstand the operation of and reasons for margin calls.

In this regard, a recent report issued by the General Accounting Office (''GAO'') noted that the SEC has determined from the customer complaints it has received that many investors who traded on-line did not understand margin requirements.[4] The lack of disclosures relating to when firms would sell securities in a margin account to cover margin loans was among the leading margin-related complaints that the SEC received.

The GAO Report also collected and summarized information from 12 on-line broker-dealers.[5] All of the on-line firms contacted did provide their customers the limited information currently required on margin trading.[6] Some firms also provided additional information relating to margin, such as requirements for account opening, procedures for selling securities to cover account losses, or special requirements for volatile stocks. However, nearly half of the firms contacted automatically opened margin accounts for new customers without providing the customer information relating to the risks associated with margin trading. At three firms that automatically[7] opened margin accounts, customers would find out about their account type only if they read and understood their account agreements, which SEC staff indicated were written in legal language and may be difficult for investors to understand. Three of the 12 on-line broker-dealers contacted did take ''extra measures'' to ensure that their customers understood that stocks could be sold to cover outstanding loans in a margin account. These firms included information on their web sites that explained that accounts could be liquidated in fast-moving markets before the customary period.

The GAO Report concluded that better investor protection information, including information relating to margin requirements, was needed on web sites of some on-line broker-dealers. In this regard, the GAO Report recommended that the SEC ensure that broker-dealers with on-line trading systems include accurate and complete information on their web sites regarding, among other things, margin requirements.

b. *Specific Areas of Concern.* Based on customer complaints and inquiries it has received, NASD Regulation identified several areas associated with margin trading that may have generated confusion and misunderstanding between NASD customers and members. These include:

i. *Margin Calls—Notification.* Some investors hold the mistaken belief that their broker-dealer must contact them for a margin call to be valid, and that their broker-dealer cannot liquidate securities in their account to meet the call unless a specified number of days have passed and/or the broker-dealer has contacted the customer. There are no such restrictions in Regulation T[8] of the Board of Governors of the Federal Reserve System or NASD Rule 2520.[9] Moreover, securities that have been purchased on margin by a customer are collateral for the margin loan and are, therefore, subject to the security claim of the broker-dealer until the customer fully pays for the securities. Thus, if a broker-dealer believes that the collateral for the margin loan is at risk, the broker-dealer is entitled to take any steps necessary to protect its financial interests, including immediate liquidation without notice to the customer. Some broker-dealers will attempt to notify their customers of margin calls, but they are not required to do so. However, even if a broker-dealer has contacted a customer and provided a specific date by which the customer can meet a margin call, the broker-dealer can still take necessary steps to protect its financial interests, including immediate liquidation, without further notice to the customer.

ii. *Extensions of time on margin calls.* Some investors believe they are automatically entitled to an extension of time to meet margin calls. While an extension of time to meet initial margin requirements may be available to the customer under certain conditions, it is only granted if the clearing firm chooses to request an extension from its Designated Examining Authority; the customer does not have a right to an automatic extension.

In addition, some investors believe that when a maintenance margin call

[4] *See On-Line Trading, Better Investor Protection Information Needed,* Report to Congressional Requesters, GAO, GGD–00–43 (May 2000) (the ''GAO Report''). According to the GAO Report, between January 1998 and June 1999, 140 margin-related complaints concerning on-line trading firms were submitted to the SEC.

[5] These firms represented less than 10 percent of the total estimated number of firms that offer on-line trading. However, they accounted for about 90 percent of the on-line trading volume during early 1999.

[6] Rule 10b–16 under the Act (''SEC Rule 10b–16'') requires broker-dealers that extend credit to customers to finance securities transactions to furnish, in writing, specified information regarding the terms of the loan. These disclosures must be made on both an initial and periodic basis. For example, at the time a customer opens a margin account, the broker-dealer must provide the customer with a written statement disclosing, among other things, the annual rate of interest, the method of computing interest, and what other credit charges may be imposed.

[7] Those firms that provided clear indications of the type of account to be opened offered their customers the option on the web site to choose either a cash or margin account, or both. However, those firms that automatically opened margin accounts only offered new customers a choice with respect to account ownership, such as joint or individual account.

[8] 12 CFR 220 *et seq.*

[9] NASD Rule 2520 governs margin requirements.

has been issued they are entitled to one or more extensions of time to meet the call; however, there is no mechanism for extending maintenance margin calls. If the customer fails to meet a maintenance margin call, the broker-dealer can, under certain circumstances, take a charge to its net capital in lieu of collecting the call, but the broker-dealer is not required to do so, and the customer has no right to demand it.

iii. *Right to dictate which security is liquidated.* Some investors believe that they have the right to control which securities are liquidated to meet a maintenance margin call if there is more than one security in the NASD customer's accounts.[10] There is no provision in the margin rules that gives the customer the right to control liquidation decisions. As discussed above, because the securities are collateral for the margin loan, the broker-dealer has the right to control the disposition of the collateral in order to protect its interests. In this regard, the broker-dealer may choose which securities in the margin account, or any other account held by NASD member on behalf of the customer, to liquidate, and this selection need not relate to factors associated with the individual customer.[11] For example, the NASD broker-dealer may choose a particular security in a customer's account to liquidate based on a high concentration of the security held by customers firm-wide.

iv. *NASD members raising their maintenance margin requirements.* Some NASD members have increased their ''house'' maintenance margin requirements as a result of concerns about the volatility and extreme price run-ups on certain stocks, the risks to their customers, and the NASD member's own potential exposure to losses from margin defaults. These changes in policy often take effect immediately and may result in the issuance of a maintenance margin call. A customer's failure to satisfy the call will usually cause the NASD member to liquidate a portion of the customer's account.

Some investors believe that an NASD member must provide thirty days written notice before implementing this type of change. While SEC Rule 10b-16 requires members to disclose to customers the credit terms (interest rates and methods of calculating interest) for margin transactions and requires advance written notice of such changes, it does not require advance notice of the amount of margin required.

C. *Proposed Requirements.* Although NASD Regulation recognizes that some NASD members are providing additional disclosures to customers relating to margin, the content of these disclosures is not consistent from firm to firm and may not always be in a form that is understandable to investors. Thus, NASD Regulation proposes to implement a new NASD Rule 2341 that would require NASD members to deliver a disclosure statement that includes all the ''bulleted'' information as specified in the proposed NASD Rule 2341, or a substantially identical disclosure statement[12] to their non-institutional customers.[13] NASD members would be required to deliver the mandated disclosure statement, in writing or electronically, to customers individually,[14] prior to or at the opening of a margin account. NASD Regulation also would require NASD members to deliver the mandated disclosure statement annually to all of their non-institutional customers with margin accounts. NASD members would be required to provide the mandated disclosure statement to existing margin customers at the time the NASD member is required to send the next annual statement to the customer (following the effective date of the rule change), but not to exceed 180 days following the effective date of the rule change.

The mandated margin disclosure statement would: (1) Describe the operation of a margin account; (2) emphasize that customers should carefully review their margin agreements; and (3) clarify some of the risks associated with margin trading, including among others, that the customer can lose more funds than initially deposited, the firm can force the sale of the securities in the customer's account(s) held by the firm without notice to the customer, the firm can dictate which security is selected for liquidation, and the customer is not entitled to an extension of time on a margin call.

NASD members would be permitted to develop an alternative margin disclosure statement, provided that the alternative disclosure statement is substantially similar to the mandated disclosure statement and incorporates all of the relevant concepts. Under the proposed rule change, disclosure at or prior to the opening of the account would be made in a separate document, even if an NASD member firm chooses to deliver the margin disclosure statement as part of or within the margin agreement or other opening account documentation.[15] However, with respect to the annual disclosure statement requirement, NASD members would be permitted to provide the margin disclosure statement within other documentation, such as the customer account statement.

NASD Regulation intends to announce the effective date of the proposed rule change in a Notice to Members to be published no later than 60 days following Commission approval of the proposed rule change. The effective date will be 30 days following publication of the Notice to Members announcing Commission approval of the proposed rule change. With respect to the annual delivery requirement, members would be required to provide the margin disclosure statement to each existing margin customer at the time the member is required to send the next annual statement to the NASD customer (following the effective date of the rule change), but not to exceed 180 days following the effective date of the rule change.

2. Statutory Basis

NASD Regulation beleives that the proposed rule change is consistent with Section 15A(b)(6)[16] of the Act, in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation

[10] *See* Amendment No. 1, *supra* note 3.

[11] *Id.*

[12] NASD Regulation represents that it will determine whether an alternative disclosure statement contains substantially identical information as required by the proposed NASD Rule 2341 at its examination of the particular NASD firm. Telephone conversation between Stephanie Dumont, Counsel, NASD Regulation, and Hong-anh Tran, Special Counsel, Division, Commission, September 28, 2000.

[13] The term ''non-institutional customer'' would mean a customer that does not qualify as an ''institutional account'' under NASD Rule 311(c)(4). NASD Rule 3110(c)(4) defines ''institutional account'' to mean the account of: (1) a bank, savings and loan association, insurance company, or registered investment company; (2) an investment adviser registered either with the Commission under Section 203 of the Investment Advisers Act of 1940 or with a state securities commission (or agency or office performing similar functions); or (3) any other entity (whether a natural person, corporation, partnership, trust, or otherwise) with total assets of at least $50 million.

[14] Members would be required to deliver the disclosure statement to each customer individually. A member firm posting the disclosure statement on its web site would not fulfill the proposed delivery requirements.

[15] NASD Regulation represents that an NASD member firm may choose to deliver the disclosure statement or other opening account documentaiton on a separate page of, or as an attachment to, the margin agreement. Telephone conversation between Stephanie Dumont, Counsel, NASD Regulation, and Sapna Patel, Law Clerk, Division, Commission, October 12, 2000.

[16] 15 U.S.C. 78*o*–3(b)(6).

believes that the proposed rule change will provide non-institutional customers, who may have margin accounts with NASD members, with a better understanding of the operation of a margin account and the risks associated with margin trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. The Commission is specifically soliciting comments on whether the proposed disclosure is sufficient and non-misleading, or whether changes to the disclosure statement should be made. For example, the Commission is concerned that the proposed rule language would not require NASD member firms to disclose to customers that any and all assets, including securities or any other property the customer has on account at the member firm and any of its affiliates, whether carried individually or jointly with others, may, depending on the margin agreement, be used by the broker-dealer to satisfy a maintenance margin call. Should broker-dealer disclose this fact? Are other changes to the proposed disclosure merited? 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 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–00–55 and should be submitted by November 13, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43447; File No. SR–NSCC–00–05]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Related to Mutual Fund Services

October 16, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 7, 2000, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change and on April 19, 2000, and May 8, 2000, amended the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will modify NSCC's rules to permit additional types of investment products to be processed through NSCC's Mutual Fund Services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NSCC participants who utilize NSCC's Defined Contribution Clearance and Settlement Service of NSCC's Mutual Fund Services and who recognize the value of processing investment product transactions through NSCC have requested that NSCC permit additional types of investment products regulated under state insurance laws or federal or state banking laws to be eligible for processing through NSCC's Mutual Fund Services. Examples of ''Investment Funds'' include stable value funds, separate account group guaranteed investment contracts (which are regulated as group annuities), and collective bank investment trust. Asset classes of these types are typically included in defined contribution retirement plans and thus their inclusion in Mutual Fund Services will benefit third party administrator (''TPA'') members and other participants by standardizing their processing of these Investment Funds in the same manner as mutual funds are now processed under NSCC's mutual fund services. Standardized processing will permit defined contribution plan administrators to provide Investment Fund products to defined contribution plan clients without the systems or manual processing infrastructure and related costs required by the current processing methods.

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[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] A copy of NSCC's proposed rule change, the attached exhibits, and amendments are available at the Commission's Public Reference Section and the principal office of NSCC.

[3] The Commission has modified the text of the summaries prepared by NSCC.

To accommodate their participants' request, NSCC proposes to create a new class of eligible securities, defined as Investment Funds, that may be processed through its mutual fund services. This rule filing will permit NSCC to: (1) Add such class of securities to those currently eligible for processing through mutual fund services; (2) make corresponding changes to the categories of entities eligible to process these transactions through the mutual fund services; (3) establish standards of financial responsibility and operational capability for those participants wishing to process such Investment Funds through NSCC's mutual fund services; and, (4) make technical conforming changes to the existing rules where necessary.

Investment Funds will be defined as any fund or investment entity that is subject to regulation under applicable federal and state banking and/or insurance laws. Investment Funds will include such things as bank collective investment trusts, separate account guaranteed investment contracts, and other similar pooled investment vehicles. All Investment Fund products will be subject to regulation under federal or state banking laws or state insurance laws. Only Investment Funds that have been assigned a CUSIP number would be eligible for processing through NSCC's mutual fund services.

For the purpose of processing transaction in Investment Funds, NSCC also proposes expanding the types of entities that may qualify as a Fund Member under Rule 51 of NSCC's Rules to permit insurance companies, banks, and trust companies as packagers and sponsors of such funds to apply to become a Fund Member. As with other entities seeking to become a Fund Member, an insurance company, bank, or trust company seeking to process Investment Fund transaction through NSCC's Mutual Fund Services will be required to enter into an agreement setting forth its rights and obligations as a Fund Member, including that it will limit its use of NSCC's services to use of Mutual Fund Services (or Insurance Processing Services, as the case may be), comply with NSCC's rules and procedures, and permit NSCC to inspect its books and records. Moreover, as with all other transactions in Mutual Fund Services, transactions involving Investment Funds will not be guaranteed by NSCC. As currently provided in NSCC's Rules, if one side fails to pay for a transaction, the contra side will be required to return to NSCC any funds received from NSCC.[4]

Under the proposed rule change, Rule 2 of NSCC's Rules and Procedures will be amended to permit an insurance company to become a mutual fund member or insurance services member in order to transmit Investment Fund purchases, exchanges, and redemption orders to a fund member and engage in other customer-related transactions with a fund member. In addition to the standards set forth in Addenda B and I of NSCC's Rules currently applicable to mutual fund and insurance services members and fund members respectively, entities seeking to process Investment Fund transactions through Mutual Fund Services would be required to meet the rating and capital requirements set forth in new Addendum V, Financial Standards for Applicants and Participants Processing Investment Funds Transactions Through Mutual Fund Services, of NSCC's Rules.

2. Statutory Basis

Since NSCC is proposing to make a new category of securities eligible for mutual fund services processing, the proposed rule change will also make technical conforming changes to certain existing rules in order to include a reference to Investment Funds as applicable.

NSCC believes the proposed rule change is consistent with Section 17A of the Act because it will make a new class of securities eligible for processing through NSCC's mutual fund services and thereby should facilitate the prompt and accurate clearance and settlement of these transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Commission received one comment letter which was subsequently withdrawn by the commenter.[5]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC.

All submissions should refer to File No. SR–NSCC–00–05 and should be submitted by November 13, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

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[4] Addendum D of NSCC's Rules and Procedures.

[5] Letter from Harold H. Morley, Chairman and Chief Executive Officer, Morley Financial Services, Inc., to Jonathan Katz, Secretary, Commission (May 16, 2000); and from Joan K. Hall, Senior Vice President and Director, Morley Financial Services, Inc., to Secretary of the Commission, Commission (August 18, 2000).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43442; File No. SR–NYSE–00–40]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. Regarding Section 804 of the Exchange's Listed Company Manual

October 13, 2000.

Pursuant to section 19(b)(1) of the Securities Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 29, 2000, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange's amended delisting appeal procedures provide for notice regarding the status of an affected company. In lieu of the ticker symbol suffix originally proposed,[3] the Exchange proposes to utilize a combination of ticker and information notices and web site information to supplement the press release notice provided for in Section 804 of the NYSE Listed Company Manual.

The text of the proposed rule change is available at the Office of the Secretary, the Exchange and at the Commission.

II. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In a filing made last year and recently approved by the Commission, the Exchange amended its procedures for delisting a security and the accompanying Exchange appeals process available to the issuer.[4] In addition to providing that securities may continue trading pending an appeal, the Exchange proposed to append a suffix (.DL) to the ticker symbol of the security involved. The indicator was one of the ways the Exchange intended to inform the investing public and investment decision-makers that this particular company was no longer in compliance with NYSE continued listing standards and that the delisting of the security was pending and, when applicable, subject to appeal to the Exchange's board.

The Exchange has now determined that, absent significant systems changes that would require considerable time and expense, appending a suffix would in fact change a company's ticker symbol. Therefore, an investor or broker would have to know to enter the symbol with a .DL into a quotation device to obtain a quote or see the last sale. Entering the normal one, two or three letter symbol would elicit the message ''security not found.'' This would not meet the Exchange's goal of informing interested parties of the status of the security. In addition, clearance and settlement systems do not recognize a non-alpha character in a ticker symbol, so there would be confusion between a security with a .DL suffix and another security with a different, longer ticker symbol that uses .DL as its last two characters.

Even if the systems work were done to allow use of the suffix without a complete symbol change, the Exchange is concerned that it could not be confident that the suffix would be carried by every vendor. This would obviate the purpose behind the use of the suffix.

As a result, the Exchange has not yet implemented the amended procedures. In order to do so, in lieu of the .DL suffix, the Exchange proposes to employ the following mechanisms to achieve the information dissemination contemplated by the rule:

a. The Exchange proposes to circulate a ticker notice each day prior to the opening, specifying the delisting status of each company in question.

b. The Exchange proposes to have the same information notice distributed daily via the Exchange's online information notices system to vendors, member firms and other interested parties notifying them of the status of the listed company.

c. The Exchange proposes to have a company's delisting status noted with the company information on the Exchange's web site.

The Exchange believes that these steps will better disseminate information to all market participants, both professional and nonprofessional, on the subject companies than would the .DL suffix. The Exchange also believes that it is important to note that the entire notification process begins with a press release regarding the delisting determination made by the Exchange staff. The public is then updated with further press releases when a company decides to appeal, and when that appeal is decided. As a result, that record will be available to anyone who checks for news on the company.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with section 6(b) of the Act[5] in general and furthers the objectives of section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42863 (May 30, 2000), 65 FR 36488 (June 8, 2000) (proposing to append an identifier suffix to the ticker symbols of securities that are pending delisting status or that have been determined by Exchange staff to warrant suspension and delisting).

[4] *Id.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act[7] and Rule 19b–4(f)(1) thereunder because the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.[8] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–00–40 and should be submitted by November 13, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27136 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78s(b)(3)(A)(i).

[8] 17 CFR 240.19b–4(f)(1).

[9] 17 CFR 200.30–2(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43436; File No. SR–PHLX–00–83]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Distribute Quality of Execution Reports to Specialists and Order Flow Providers

October 11, 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 September 5, 2000, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to provide reports regarding the quality of execution of option orders in connection with its new payment for order flow fee.[3] The text of the proposed rule change is available at the principal offices of the Phlx.

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 Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of the statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In view of recent developments in options trading, including the Phlx's new payment for order flow fee, the Phlx has determined to provide Phlx specialists and order flow providers with sufficient information for them to determine whether order flow providers are receiving the best execution of their customers' orders at the Phlx.[4] Specifically, the Exchange intends to distribute detailed daily and summary monthly Quality of Execution Reports to order flow providers and specialist units with respect to all orders delivered through the Phlx's Automated Options Market (''AUTOM'') System.[5] The Phlx represents that Quality of Execution Reports will reflect all orders that are entered electronically through AUTOM and are executed either by AUTO–X[6] or by a specialist with the assistance of X.Station.[7] Quality of Execution Reports are designed to provide statistical data so that firms may analyze whether the orders they directed to the Phlx received the best execution. The Exchange initially intends for the Quality of Execution Reports to list the national best bid or offer (''NBBO'') that prevailed at the time AUTOM received each order and to identify the execution price, the execution volume, and the speed of execution for each order.[8] Initially, the report will also identify trades that may have been executed outside of the NBBO and will show what action, if any, was taken to adjust the price. For trades that were not executed at the NBBO, the information will be reported on an intraday basis to the Exchange's Surveillance Department staff, who will assist members involved in the trade in deciding whether a price

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43177 (Aug. 18, 2000), 65 FR 51889 (Aug. 25, 2000).

[4] The Phlx has imposed a payment for order flow fee on certain designated transactions of Phlx specialists and registered options traders. The funds are made available to Phlx specialists, who may use the funds to pay order flow providers for their options order flow. In publishing the Phlx's proposed rule change, the Commission stated its concerns that brokers who are paid to send their customers' orders to one exchange have a conflict of interest that may reduce their commitment to the duty they owe the customers to obtain the best execution available. *See* Securities Exchange Act Release No. 43177 (Aug. 18, 2000), 65 FR 51889 (Aug. 25, 2000).

[5] AUTOM is the Phlx's electronic order routing, delivery, execution, and reporting system for equity and index options. *See* Phlx Rule 1080.

[6] AUTO-X, the automatic execution feature of AUTOM, automatically executes public customer market and marketable limit orders for certain strike prices and expiration months in equity and index options. *See* Phlx Rule 1080.

[7] The X.Station is an electronic order book on the Phlx options floor. *See* Securities Exchange Act Release No. 42006 (Oct. 13, 1999), 64 FR 57180 (Oct. 22, 1999).

[8] The Phlx expects that this report may be revised to accommodate any suggested revisions of specialist units, order flow providers, Phlx staff, or others in order to enhance the report's effectiveness.

adjustment is called for under the circumstances.[9]

The Exchange intends to provide a system enhancement to its AUTOM system that should allow AUTO-X eligible orders to be automatically executed at the NBBO.[10] Orders executed at the NBBO through this new program will also be incorporated into the daily and monthly reports described above.

In the light of recent developments in options trading, the Phlx believes that it has become imperative to provide best execution data to its specialist units and order flow providers in order to show that Phlx members are providing their customers the best execution of their orders. The Phlx represents that the Quality of Execution Reports should provide members with greater assurance that they have acted in a manner consistent with the fulfillment of their fiduciary obligations of best execution. Moreover, the Phlx believes that once members and order flow providers have access to the information, the Phlx may be able to garner additional order flow because customers will see that they are receiving the best price for the orders that they send to the Phlx. Accordingly, the Exchange believes that the proposed rule change is consistent with the Act, specifically section 6(b)(5) thereof,[11] in that it is designed to promote just and equitable principles of trade, as well as to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Phlx represents that the Quality of Execution Reports will reflect all market orders and marketable limit orders that are entered through AUTOM, as described in Phlx Rule 1080. Because the Phlx has designated this proposed rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of existing Exchange rules and procedures, it has become effective pursuant to section 19(b)(3)(A)(i) of the Act[12] and Rule 19b–4(f)(1) thereunder.[13] At any time within 60 days of the filing of this proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–00–83 and should be submitted by November 13, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–27134 Filed 10–20–00; 8:45 am]

BILLING CODE 8010–01–M

[9] According to the Phlx, reasons for executions at a price other than the NBBO may include crossed or locked markets, ''fast market'' conditions where AUTO-X is disengaged, and other unusual market conditions.

[10] On August 29, 2000, the Exchange submitted a proposed rule change relating to a proposed enhancement to AUTO-X that would provide AUTO-X eligible orders, as described in Phlx Rule 1080(c), to be automatically executed at the NBBO. *See* SR–Phlx–00–82.

[11] 15 U.S.C. 78f(b)(5)

[12] 15 U.S.C. 78s(b)(A)(i).

[13] 17 CFR 240.19b–4(f)(1).

[14] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed at the end of this publication.

1. Blood Donor Locator Service—0960–0501

Regulation 20 CFR 401.200 requires that participating State agencies provide the Social Security Administration (SSA) Blood Donor Locator Service (BDLS) specific information on blood donors who have tested positive for Human Immunodeficiency Virus (HIV). SSA uses the information to identify the donor, and locate the donor's address in SSA records for the purpose of notifying the states and to assure that states meet regulatory requirements to qualify for using the BDLS. SSA will retain no record of the request or the information after processing has been completed. The respondents are participating State agencies acting on behalf of authorized blood donor facilities.

Number of Respondents: 10.

Frequency of Response: 5.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 12.5 hours.

2. Affective Disorder Treatment Demonstration Project—0960–NEW

Background

There is substantial research evidence that affective disorders (*i.e.,* mental

disorders that affect a person's mood, such as depression and bipolar disorder) usually respond to treatment; there is also evidence that many individuals with affective disorders do not receive effective treatment. The cost of care is one of the reasons for the low treatment rates of individuals with affective disorder. This may be true for many beneficiaries, particularly those in the Medicare waiting period. Therefore, SSA will test the hypothesis that providing access to treatment will result in improved health status of Disability Insurance (DI) beneficiaries with affective disorders, which might, in turn, lead to increased labor force participation and self-sufficiency. This outcome would benefit both participants and taxpayers.

The Demonstration Project

SSA plans to implement a 5-year demonstration project that will test the effectiveness of providing better access to quality affective disorder treatments for DI beneficiaries who have an affective disorder as their primary reason for disability. Several forms and survey instruments will be used during the demonstration to collect information for screening program participants, beneficiary protection, and program evaluation. Some of the data will be collected from beneficiaries, and other data will be collected from the medical service providers who treat beneficiaries during the study.

The respondents to this collection will be randomly selected DI beneficiaries with an affective disorder and their health care providers.

	Annual number of respondents	Frequency of response	Average burden per response	Estimated annual burden
Beneficiary				
Beneficiary Telephone Screening	1,146	1	25	478
Authorization for Release of Medical Information	894	1	5	75
Baseline Survey	430	1	40	287
8-Month Follow-up Survey	410	1	30	205
16-Month Follow-up Survey	392	1	30	196
24-Month Follow-up Survey	374	1	30	187
32-Month Follow-up Survey	357	1	40	238
Health Provider				
Copy Medical Records	715	1	20	238
Medical Records Questionnaire	715	1	10	119
Treatment Participation Screen	215	1	15	54
Provider Credentialing Questionnaire	215	1	15	54
Initial Treatment Plan	161	1	30	81
Quarterly Progress Report	161	8	30	645
Total	6,185	.....	.....	2,857

3. Reporting Changes That Affect Your Social Security Payment—0960–NEW

SSA plans to offer Social Security beneficiaries a new Internet service for conducting business with the Agency. The Internet based form SSA–1425 will enable individuals to report events that may affect their Social Security Benefits. The information collected by SSA will be used to determine continuing entitlement to Social Security benefits and to determine the proper benefit amount. Currently, beneficiaries report these changes by phoning, visiting a Social Security office or completing the paper form SSA–1425. The respondents are Social Security beneficiaries who need to report a change to SSA.

Number of Respondents: 7,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 583 hours.

II. The information collections listed below have been submitted to OMB for clearance. Written comments and recommendations on the information collections would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed at the end of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

1. Representative Payee Report—Special Veterans Benefits—0960–0621

The information collected on form SSA–2001 is used to determine whether payments certified to the representative payee have been used properly and whether the representative payee continues to demonstrate strong concern for the beneficiary's best interests. The form will be completed annually by all representative payees receiving special veterans benefits (SVB) payments on behalf of beneficiaries outside the United States. It will also be required at anytime SSA has reason to believe that the representative payee could be misusing the payments. Respondents are representative payees of veterans receiving SVB Payments under title VIII.

Number of Respondents: 200.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 33 hours.

Background Information

In November 1999, Congress passed the Foster Care Independence Act, and on December 14, 1999, the President signed it into law (Pub. L. 106–169). An important part of this legislation, section 251, creates a new title VIII of the Social Security Act. Title VIII provides for a program of special benefits for certain World War II veterans.

As a part of the title VIII administration, Section 807(a) of PL 106–169, also provides that, if the Social Security Administration determines that it is not in the best interest of the beneficiary to receive benefits directly, payments may be certified to a relative, another person or an organization interested in or concerned about the welfare of the beneficiary. These individuals or organizations are called representative payees.

2. Annual Earning Test—Direct Mail Follow-Up Program Notices—0960–0369

In 1997, as part of the initiative to reinvent government, SSA began to use the information reported on W–2's and self-employment tax returns to adjust benefits under the earnings test rather than have beneficiaries make a separate report, which often showed the same information. As a result, Beneficiaries under full retirement age (FRA) complete forms SSA–L9778–SM–SUP, SSA–L9779–SM–SUP and SSA–L9781–SM under this information collection.

With the passage of the ''Senior Citizen Freedom to Work Act of 2000,'' the annual earnings test (AET) at FRA was eliminated. As a result SSA designed 2 new Midyear Mailer Forms, SSA–L9784–SM and SSA–L9785–SM, to request an earnings estimate (in the year of FRA) for the period prior to the month of FRA. Social Security benefits maybe adjusted based on the information provided and this information is needed to comply with the law. Consequently, the Midyear Mailer program has become an even more important tool in helping SSA to ensure that Social Security payments are correct. Respondents are beneficiaries who must update their current year estimate of earnings, give SSA an estimate of earnings for the following year and an earnings estimate (in the year of FRA) for the period prior to the month of FRA.

Number of Respondents: 225,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 37,500 hours.

3. Student Statement Regarding School Attendance—0960–0105

The information collected on Form SSA–1372 is needed to determine whether children of an insured worker are eligible for benefits as a student. The respondents are student claimants for Social Security benefits and their respective schools.

Number of Respondents: 200,000.

Number of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 33,333 hours.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235

(OMB Address)

Office of Management and Budget, OIRA, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, DC 20503

Dated: October 13, 2000.

Liz Davidson,

Acting Reports Clearance Officer, Social Security Administration.

[FR Doc. 00–26889 Filed 10–20–00; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice 3453]

Culturally Significant Objects Imported for Exhibition Determinations: ''Dinosaurs, Ammonites and Asteroids''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that certain objects to be included in the exhibition ''Dinosaurs, Ammonites and Asteroids,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of these exhibit objects at the New Jersey State Museum in Trenton, New Jersey from on or about October 2000 to on or about January 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: October 17, 2000.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 00–27162 Filed 10–20–00; 8:45 am]

BILLING CODE 4710–08–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1524).

TIME AND DATE: 9 a.m. (CDT), October 25, 2000.

PLACE: J.R.'s Executive Inn, International Room D, One Executive Boulevard, Paducah, Kentucky.

STATUS: Open.

Agenda

Approval of minutes of meeting held on September 27, 2000.

New Business

B—Purchase Award

B1. Contract with EyeMed Vision Care for vision care services.

C—Energy

C1. Contract with Haverfield Corporation for helicopter services to support transmission line construction and maintenance activities for Transmission/Power Supply Group.

C2. Contract with Hubbell Power Systems for transmission line components for Transmission/Power Supply Group.

C3. Supplement to contract with S&C Electric Company for circuit switchers and interrupter switches for Transmission/Power Supply Group.

C4. Contract with Coastal Equipment Incorporated for lease/purchase of a Manitowoc 21000 crane in support of selective catalytic reduction installation at Allen and Cumberland Fossil Plants.

E—Real Property Transactions

E1. Abandonment of certain easement rights and modification of a restrictive covenant that prohibits any buildings or other structures on a 0.14-acre portion of Tract No. SH–701F on South Holston Reservoir in Washington County, Virginia.

E2. Grant of a permanent easement to the City of Lexington, Tennessee, affecting approximately 0.21 acre of land on Beech River Reservoir in Henderson County, Tennessee, Tract No. XTBRBR–3WP.

E3. Abandonment of easement rights affecting approximately 2.27 acres of the Murfreesboro-Smyrna No. 2

transmission line easement. Tract No. MLE–8, to accommodate expansion of The World Outreach Church of Murfreesboro, Rutherford County, Tennessee.

F—Unclassified

1. Approval to file condemnation cases to acquire permanent easements and rights-of-way for transmission lines and a temporary right to enter upon properties to survey and appraise for electric power transmission lines at the Murfreesboro-Smyrna No. 2 transmission line in Rutherford County, Tennessee; Madison West-South Jackson transmission line in Madison County, Tennessee, and Rock Springs-Center Point transmission line and West Ringgold-Center Point transmission line in Whitfield County, Georgia.

Information Items

1. Modification of a contract with Thunder Basin Coal Company, LLC, for coal supply to Allen, Gallatin, Paradise, Johnsonville, Colbert, and Shawnee Fossil Plants.
2. Approval of negotiated pay adjustments for Fiscal Year 2001 and 2002 and other collective bargaining provisions covering TVA police employees represented by the Law Enforcement Employees Association.
3. Approval of negotiated pay adjustments for Fiscal Years 2001 and 2002 for custodial employees represented by Local 544, Service Employees' International Union, AFL–CIO.
4. Approval of Performance Success Award for Fiscal Year 2000.
5. Approval of increase in contribution for certain retirees and dependents who are eligible for a contribution under the TVA Retiree Medical Contribution Plan.
6. Approval of amendments to the Rules and Regulations of the TVA Retirement System to provide an additional monthly benefit for retirees eligible to receive the System's supplemental benefit, make the additional benefit available to certain pre-1999 TVA retirees who are ineligible for the System's supplemental benefit, and remove the existing prohibition on purchasing creditable service for certain active day military service if the retiree is also eligible for a military pension based on that service.
7. Approval of TVA's contribution to the TVA Retirement System of 0 percent for Fiscal Year 2001.
8. Approval of excluded schedule compensation philosophy, strategy, and market pricing and pay banding plan.

For more information: Please call TVA Public Relations at (865) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000.

Dated: October 18, 2000.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 00–27224 Filed 10–19–00; 10:54 am]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 234

Categories of Delay for Air Carrier On-Time Reporting Advisory Committee

AGENCY: Office of the Secretary.

ACTION: Notice of public meetings.

SUMMARY: In accordance with section 227 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106–181). The Department of Transportation is establishing the Categories of Delay For Air Carrier On-Time Reporting Advisory Committee.

DATES: The meetings have tentatively been scheduled to be held on October 25–26, 2000, November 1–2, 2000, and November 8–9, 2000. The meetings will be held from 8 a.m. to 5 p.m. Due to the short time period between the first meeting and report due date we are unable to give 15 day notice of the first meeting.

ADDRESSES: The meetings will be held at the U.S. Department of Transportation, Room 2230 Nassif Building, 400 Seventh Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walter Finch, Office of Intermodalism, Office of The Secretary (Phone: 202 366–5781).

SUPPLEMENTARY INFORMATION:

I. Background

Under 14 CFR part 234, the U.S. Department of Transportation's Bureau of Transportation Statistics (BTS) Office of Airline Information (OAI) collects and publishes on-time data. With the data, users can calculate daily average flight delay for particular flights and the percentage of an airline's flights delayed, canceled, or diverted. The Federal Aviation Administration (FAA) and the air carriers use the data to better understand tarmac and airborne delays. The Department of Transportation (DOT) and the air carriers also use the data for performance measurements.

Section 227 of The Wendell H. the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires that the BTS's data collection, also called the Airline Service Quality Performance Reports, be modified to include information about reasons for delay. DOT is establishing the Categories of Delay For Air Carrier On-Time Reporting Advisory Committee to examine reasons for delays and cancellations experienced by the consumer, and to recommend alternatives and criteria for modifications to the regulations in part 234 of title 14, Code of Federal Regulations.

II. Potential Issues To Be Discussed

1. What categories of delay information will be beneficial to the government, airlines, and consumers?
2. For the categories, what definitions describe them adequately and are technically feasible?
3. How should information be collected—who will report delay information?
4. When a delay has multiple causes, how should this be handled?

III. Membership

Members have been chosen to provide a balanced cross section of viewpoints of the affected interests concerning the data collection, including representatives from airline consumer groups, air carriers, labor unions, and airport operators. The Committee will be chaired by Associate Deputy Secretary, Dr. Stephen D. Van Beek.

IV. Participation by Non-Members

Meetings of the Committee will be open to the public so that individuals who are not part of the Committee may attend and observe, but not participate.

Done at Washington, DC on October 18, 2000.

Stephen D. Van Beek,

Associate Deputy Secretary, U.S. Department of Transportation.

[FR Doc. 00–27231 Filed 10–19–00; 12:29 pm]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Drawback Process Regulations and Entry Collection Documents

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Drawback Process Regulations and Entry Collection Documents. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before December 22, 2000.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW., Room 3.2C, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Drawback Process Regulations and Entry Collection Documents.

OMB Number: 1515–0213.

Form Number: Customs Forms 7551, 7552, 7553.

Abstract: The information is to be used by Customs officers to expedite the filing and processing of drawback claims, while maintaining necessary enforcement information to maintain effective administrative oversight over the drawback program.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 11,650.

Estimated Time Per Respondent: 8 hours.

Estimated Total Annual Burden Hours: 90,500.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 17, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–27126 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Land Border Carrier Initiative Program

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Land Border Carrier Initiative Program. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before December 22, 2000.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW., Room 3.2C, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Land Border Carrier Initiative Program.

OMB Number: 1515–0217.

Form Number: N/A.

Abstract: The Land Border Carrier Initiative Program is designed to prevent smugglers of illicit drugs from utilizing commercial conveyances for their commodities, and to make participation in this program at certain, high-risk locations a condition for use of the Line Release method of processing repetitive entries of merchandise.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 2,000.

Estimated Time Per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 10,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 17, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–27127 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Automated Clearinghouse Credit

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Automated Clearinghouse Credit . This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before December 22, 2000.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW., Room 3.2C, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Automated Clearinghouse Credit.

OMB Number: 1515–0218.

Form Number: N/A.

Abstract: The information is to be used by Customs to send information to the company (such as revised format requirements) and to contact participating companies if there is a payment problem.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 200.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 17.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 17, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–27128 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Andean Trade Preferences

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Andean Trade Preferences. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before December 22, 2000.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, 1300 Pennsylvania Avenue NW., Room 3.2C, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Andean Trade Preferences.

OMB Number: 1515–0219.

Form Number: N/A.

Abstract: This collection identifies the country of origin and related rules which apply for purposes of duty-free or reduced-duty treatment and specifies the documentary and other procedural requirements for preferential tariff treatment under the Andean Trade Preferences Act 19 U.S.C. 3201 through 3206.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses, Individuals, Institutions.

Estimated Number of Respondents: 150,000.

Estimated Time Per Respondent: 2 minutes.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annualized Cost on the Public: N/A.

Dated: October 17, 2000.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–27129 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of Customs duties. For the quarter beginning October 1, 2000, the interest rates for overpayments will be 8 percent for corporations and 9 percent for non-corporations, and the interest rate for underpayments will be 9 percent. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Ronald Wyman, Accounting Services Division, Accounts Receivable Group, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298–1200, extension 1349.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 was amended (at paragraph (a)(1)(B) by the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105–206, 112 Stat. 685) to provide different interest rates applicable to overpayments: one for corporations and one for non-corporations. The interest rate applicable to underpayments is not so bifurcated.

The interest rates are based on the short-term Federal rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2000–42 (*see*, 2000–39 IRB 297, dated September 25, 2000), the IRS determined the rates of interest for the first quarter of fiscal year (FY) 2001 (the period of October 1–December 31, 2000). The interest rate paid to the Treasury for underpayments will be the short-term Federal rate (6%) plus three percentage points (3%) for a total of nine percent (9%). For corporate overpayments, the rate is the Federal short-term rate (6%) plus two percentage points (2%) for a total of eight percent (8%). For overpayments made by non-corporations, the rate is the Federal short-term rate (6%) plus three percentage points (3%) for a total of nine percent (9%). These interest rates are subject to change the second quarter of FY–2001 (the period of January 1–March 31, 2001).

For the convenience of the importing public and Customs personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of Customs duties, is published in summary format.

Beginning date	Ending date	Underpayments (percent)	Overpayments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
Prior to 070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7

Beginning date	Ending date	Underpayments (percent)	Overpayments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
040100	123100	9	9	8

Dated: October 15, 2000.

Raymond W. Kelly,

Commissioner of Customs.

[FR Doc. 00–27125 Filed 10–20–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–43–94]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, FI–43–94 (TD 8649), Regulations Under Section 1258 of the Internal Revenue code of 1986; Netting Rule for Certain Conversion Transactions (§ 1.1258–1).

DATES: Written comments should be received on or before December 22, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Regulations Under Section 1258 of the Internal Revenue Code of 1986; Netting Rule for Certain Conversion Transactions.

OMB Number: 1545–1452.

Regulation Project Number: FI–43–94.

Abstract: Internal Revenue Code section 1258 recharacterizes capital gains from conversion transactions as ordinary income to the extent of the time value element. This regulation provides that certain gains and losses may be netted for purposes of determining the amount of gain recharacterized. To be eligible for netting relief, the taxpayer must identify on its books and records all the positions that are part of the conversion transaction. This must be done before the close of the day on which the positions become part of the conversion transaction.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 5,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October, 12, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–27179 Filed 10–20–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000–42

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2000–42, Section 1503(d) Closing Agreement Requests.

DATES: Written comments should be received on or before December 22, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Section 1503(d) Closing Agreement Requests.

OMB Number: 1545–1706.

Revenue Procedure Number: Revenue Procedure 2000–42.

Abstract: Revenue Procedure 2000–42 informs taxpayers of the information

they must submit to request a closing agreement under regulation section 1.1503–2(g)(2)(iv)(B)(2)(i) to prevent the recapture of dual consolidated losses upon the occurrence of certain triggering events.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time Per Respondent: 100 hours.

Estimated Total Annual Burden Hours: 2,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 12, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–27180 Filed 10–20–00; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 65, No. 205

Monday, October 23, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98–057–2]

Availability of Draft Pest Risk Assessment for the Importation of Solid Wood Packing Materials Into the United States

Correction

In notice document 00–26652 beginning on page 61301 in the issue of Tuesday, October 17, 2000, make the following correction:

On page 61301, in the **DATES** section, in the fourth line, ''February 5, 2001'' should read ''February 14, 2001''.

[FR Doc. C0–26652 Filed 10–20–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 679

[Docket No. 000524152–0274–02; I.D. 030100C]

RIN 0648–AM34

Fisheries of the Exclusive Economic Zone Off Alaska; Vessel Monitoring System (VMS)

Correction

In rule document 00–26656 beginning on page 61264 in the issue of Tuesday, October 17, 2000, make the following correction:

On page 61264, in the second column, under the heading **DATES:**, ''Effective November 11, 2000.'' should read ''Effective November 16, 2000.''.

[FR Doc. C0–26656 Filed 10–20–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the District of Columbia Code

Correction

In rule document 00–18602 beginning on page 45885 in the issue of Wednesday, July 26, 2000, make the following corrections:

§2.80 [Corrected]

On pages 45891 and 45892, in §2.80 (f), the table contained errors. The table should appear as follows:

POINT ASSIGNMENT TABLE

Category I: Risk of Recidivism (Salient Factor Score)	
10–8 (Very Good Risk)	+0
7–6 (Good Risk)	+1
5–4 (Fair Risk)	+2
3–0 (Poor Risk)	+3
Category II: Current or Prior Violence (Type of Risk)	
Note: Use the highest applicable subcategory. If no subcategory is applicable, score=0.	
A. Violence in current offense, and any felony violence in two or more prior offenses	+4
B. Violence in current offense, and any felony violence in one prior offense	+3
C. Violence in current offense	+2
D. No violence in current offense and any felony violence in two or more prior offenses	+2
E. Possession of firearm in current offense if current offense is not scored as a crime of violence	+2
F. No violence in current offense and any felony violence in one prior offense	+1
Category III: Death of Victim or High Level Violence	
Note: Use highest applicable subcategory. If no subcategory is applicable, score=0.	
A current offense that involved high level violence must be scored under both Category II (A, B, or C) and under Category III..	
A. Current offense was high level or other violence with death of victim resulting	+3
B. Current offense involved attempted murder, conspiracy to murder, solicitation to murder, or any willful violence in which the victim survived despite death having been the most probable result at the time the offense was committed	+2
C. Current offense involved high level violence (other than the behaviors described above)	+1
Base Point Score (Total of Categories I–III)	
Category IV: Negative Institutional Behavior	
Note: Use the highest applicable subcategory. If no subcategory is applicable, score=0.	
A. Aggravated negative institutional behavior involving:	

POINT ASSIGNMENT TABLE—Continued

(1) Assault upon a correctional staff member, with bodily harm inflicted or threatened, (2) Possession of a deadly weapon, (3) Setting a fire so as to risk human life, (4) Introduction of drugs for purposes of distribution, or (5) Participating in a violent demonstration or riot	+2
B. Ordinary negative institutional behavior	+1
Category V: Program Achievement	
Note: Use the highest applicable subcategory. If no subcategory is applicable, score=0.	
A. No program achievement	0
B. Ordinary program achievement	−1
C. Superior program achievement	−2
Total Point Score (Total of Categories I–V).	

[FR Doc. C0–18602 Filed 10–20–00; 8:45 am]

BILLING CODE 1505–01–D

Corrections

Federal Register

Vol. 65, No. 205

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Animal and Plant Health Inspection Service

[Docket No. 98–057–2]

Availability of Draft Pest Risk Assessment for the Importation of Solid Wood Packing Materials Into the United States

Correction

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On page 61301, in the **DATES** section, in the fourth line, ''February 5, 2001'' should read ''February 14, 2001''.

[FR Doc. C0–26652 Filed 10–20–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 679

[Docket No. 000524152–0274–02; I.D. 030100C]

RIN 0648–AM34

Fisheries of the Exclusive Economic Zone Off Alaska; Vessel Monitoring System (VMS)

Correction

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[FR Doc. C0–26656 Filed 10–20–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the District of Columbia Code

Correction

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Category I: Risk of Recidivism (Salient Factor Score)	
10–8 (Very Good Risk)	+0
7–6 (Good Risk)	+1
5–4 (Fair Risk)	+2
3–0 (Poor Risk)	+3
Category II: Current or Prior Violence (Type of Risk)	
Note: Use the highest applicable subcategory. If no subcategory is applicable, score=0.	
A. Violence in current offense, and any felony violence in two or more prior offenses	+4
B. Violence in current offense, and any felony violence in one prior offense	+3
C. Violence in current offense	+2
D. No violence in current offense and any felony violence in two or more prior offenses	+2
E. Possession of firearm in current offense if current offense is not scored as a crime of violence	+2
F. No violence in current offense and any felony violence in one prior offense	+1
Category III: Death of Victim or High Level Violence	
Note: Use highest applicable subcategory. If no subcategory is applicable, score=0.	
A current offense that involved high level violence must be scored under both Category II (A, B, or C) and under Category III..	
A. Current offense was high level or other violence with death of victim resulting	+3
B. Current offense involved attempted murder, conspiracy to murder, solicitation to murder, or any willful violence in which the victim survived despite death having been the most probable result at the time the offense was committed	+2
C. Current offense involved high level violence (other than the behaviors described above)	+1
Base Point Score (Total of Categories I–III)	
Category IV: Negative Institutional Behavior	
Note: Use the highest applicable subcategory. If no subcategory is applicable, score=0.	
A. Aggravated negative institutional behavior involving:	

POINT ASSIGNMENT TABLE—Continued

(1) Assault upon a correctional staff member, with bodily harm inflicted or threatened, (2) Possession of a deadly weapon, (3) Setting a fire so as to risk human life, (4) Introduction of drugs for purposes of distribution, or (5) Participating in a violent demonstration or riot	+2
B. Ordinary negative institutional behavior	+1
Category V: Program Achievement	
Note: Use the highest applicable subcategory. If no subcategory is applicable, score=0.	
A. No program achievement	0
B. Ordinary program achievement	−1
C. Superior program achievement	−2
Total Point Score (Total of Categories I–V).	

[FR Doc. C0–18602 Filed 10–20–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
October 23, 2000

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, etc.

Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organizations Technical Instructions; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 175, 176, 177, 178 and 180

[Docket No. RSPA–2000–7702 (HM–215D)]

RIN 2137–AD41

Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA proposes to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. In addition, RSPA proposes to revise the requirements for intermediate bulk containers and UN portable tanks for alignment with international requirements. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these proposed revisions are necessary to facilitate the transport of hazardous materials in international commerce.

DATES: Comments must be received by December 22, 2000.

ADDRESSES: Address comments to the Dockets Management System, U.S. Department of Transportation, Room PL 401, 400 Seventh St., SW., Washington, DC 20590–0001. Comments should identify the docket number RSPA–00–7702 (HM–215D) and be submitted in two copies. If you wish to receive confirmation of receipt of your comments, include a self-addressed stamped postcard. You may also submit and review all comments by accessing the Docket Management System website at *http://dms.dot.gov.* Click on ''Help and Information'' to obtain instructions for filing a document electronically. The Dockets Unit is located on the Plaza Level of the Nassif Building at U.S. DOT at the above address. Public dockets may be reviewed between the hours of 10 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joan McIntyre, Office of Hazardous Materials Standards, telephone (202) 366–8553, or Bob Richard, Assistant International Standards Coordinator, telephone (202) 366–0656, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 1990, the Research and Special Programs Administration (RSPA) (hereafter, ''we'' and ''our'' means ''RSPA'') published a final rule based on the UN Recommendations [Docket HM–181; 55 FR 52402] which comprehensively revised the Hazardous Materials Regulations (HMR), 49 CFR parts 171 to 180, with respect to hazard communication, classification, and packaging requirements. The intended effect of the rule was to facilitate the international transportation of hazardous materials by ensuring a basic consistency between the HMR and international regulations, while at the same time ensuring the safe transportation of hazardous materials.

The UN Recommendations are not regulations, but are recommendations issued by the UN Committee of Experts on the Transport of Dangerous Goods. These recommendations are amended and updated biennially by the UN Committee of Experts. They serve as the basis for national, regional, and international modal regulations (specifically, the IMDG Code, issued by the International Maritime Organization (IMO), and the ICAO Technical Instructions, issued by the ICAO Dangerous Goods Panel). In 49 CFR 171.12, the HMR authorize hazardous materials shipments prepared in accordance with the IMDG Code if all or part of the transportation is by vessel, subject to certain conditions and limitations. Offering, accepting and transporting hazardous materials by aircraft, in conformance with the ICAO Technical Instructions, and by motor vehicle either before or after being transported by aircraft, are authorized in § 171.11, subject to certain conditions and limitations.

Since publication of the 1990 final rule, we have issued three additional international harmonization final rules, (Dockets HM–215A, 59 FR 67390; HM–215B, 62 FR 24690; and HM–215C, 64 FR 10742). The rules provided additional harmonization with international air and sea transportation requirements by more fully aligning the HMR with the corresponding biennial updates of the UN Recommendations, the IMDG Code and the ICAO Technical Instructions.

The continually increasing amount of hazardous materials transported in international commerce warrants the harmonization of domestic and international requirements to the greatest extent possible. Harmonization serves to facilitate international transportation and at the same time ensures the safety of people, property and the environment. Therefore, in our efforts to continue the alignment of the HMR with international requirements, this NPRM proposes changes to the HMR based on the eleventh revised edition of the UN Recommendations, the 2001–2002 ICAO Technical Instructions and Amendment 30 to the IMDG Code, all of which become effective January 1, 2001. Petitions for rulemaking pertinent to harmonization with international standards and the facilitation of international transportation are also addressed in this NPRM and serve as the basis of certain proposed changes. Other proposed changes are based on feedback from the regulated industry, RSPA and other DOT modal administrations, including a few proposed editorial clarifications and a Class 1 (explosives) placarding allowance for certain compatibility groups. Unless otherwise stated, the revisions are proposed for harmonization with international standards.

II. Overview of Proposed Changes in this NPRM

Proposed amendments to the HMR in this NPRM include:

—Incorporation by reference of the updated ICAO Technical Instructions, IMDG Code and UN Recommendations and addition of incorporation by reference of six current standards which include an International Atomic Energy Agency (IAEA) safety standard, an IMO safety standard, three International Organization for Standardization (ISO) standards and one American Society for Testing Materials (ASTM) standard.

—Amendments to the Hazardous Materials Table (HMT) which would add, revise or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and passenger and cargo aircraft maximum quantity limitations. Proper

shipping name amendments include the proposal to replace the word ''inhibited'' with ''stabilized.'' Entry removals include certain domestic entries for which corresponding UN entries are included in the HMT.

—Revision of vessel stowage category definitions and codes for Class 1 (explosive) materials.

—Revision of shipping paper requirements for sea transport.

—Addition, removal and revision of certain entries to the List of Marine Pollutants.

—Addition, removal and revision of special provisions, including removal of current T codes and IBC bulk provisions and addition of UN portable tank codes and IBC special packing provisions, consistent with those in the UN Recommendations.

—Removal of the requirement to distinguish between primary and subsidiary risk labels and placards.

—Addition and revision to the list of organic peroxides and the list of self-reactive substances.

—Revision of the requirements pertaining to the transportation of samples.

—Revision of intermediate bulk container (IBC) requirements including amendments to the IBC commodity sections in §§ 173.240, 173.241, 173.242, 173.243 and 173.247, and addition of UN IBC packing instructions and special IBC packing provisions in part 172.

—Incorporation of the design, construction and use requirements for UN portable tanks.

—Consolidation of current portable tank maintenance, approval and use requirements.

—Inclusion of flexible grandfather provisions for the continued use of IM 101, IM102 and DOT 51 portable tanks.

—Removal of specifications for DOT 52 and 53 portable tanks and the provisions for their continued use.

—Incorporation of a provision for the use of the ''W'' mark for IBCs.

—Inclusion of a 12 mm minimum marking size for IBCs.

—Revision of minimum thickness requirements for metal IBCs.

—Revision of several explosives packing methods to allow a broader selection of authorized packagings.

—Revision of provisions for cigarette lighters and alcoholic beverages carried aboard aircraft.

—Allowance of the display of one placard when certain explosive compatibility groups are transported together.

—Revision of lithium battery requirements.

III. Summary of Regulatory Changes by Section

Part 171

Section 171.7. We propose to update the incorporation by reference for the ICAO Technical Instructions, the IMDG Code, the UN Recommendations and the UN Manual of Tests and Criteria. In addition, we propose to add an ASTM standard, the current edition of the IAEA safety standard, an IMO standard, and three ISO standards.

All of the updated incorporation by reference material will become effective January 1, 2001 and would be updated as follows:

—The ICAO Technical Instructions—2001–2002 edition.

—The IMDG Code—Amendment 30.

—The UN Recommendations—eleventh revised edition.

—The UN Manual of Tests and Criteria—third revised edition.

Additionally, all of the proposed added incorporation by reference material would become effective January 1, 2001 and would be added as follows:

—ASTM's ''E 112–96 Standard for Test Methods for Determining Average Grain Size'' would be added to define ''fine grain steel'' as included in the proposed incorporation of the UN portable tank specifications in § 178.274.

—IAEA's current ''Regulations for the Safe Transport of Radioactive Material, No. ST–1,'' 1996 edition would be added while retaining the previous edition entitled, ''Regulations for the Safe Transport of Radioactive Material, Safety Series No. 6.'' The ST–1 requirements were incorporated in the IMDG Code and the ICAO Technical Instructions which will both be effective January 1, 2001. Adding the updated ST–1 edition and retaining Safety Series No. 6 would afford the flexibility necessary in an interim period when international shipments are required to be in accordance with the ST–1 edition. Domestic shipments would remain subject to the HMR requirements, which are based on Safety Series No. 6 pending amendment of these requirements under a separate rulemaking.

—IMO'S current ''International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships' (INF Code) would be added. The IMO Maritime Safety Committee adopted the INF Code for incorporation into the IMDG Code. In addition, the INF Code is being made mandatory for international transportation effective January 1, 2001, through an amendment to Chapter VII of the International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974, as amended). The incorporation by reference and inclusion of the proposed new § 176.720 requirement for a vessel carrying irradiated nuclear fuel, plutonium and high-level radioactive wastes would align the HMR with these international standards. (Also, see § 176.2. and § 176.720.)

—Finally, we are proposing to add three ISO standards to coincide with the proposed incorporation of the UN portable tank requirements. The standards are as follows: ''ISO 1496–3 Series 1 freight containers—Specification and testing,'' 1996 edition; ''ISO 4126–1 Safety valves-Part 1: General Requirements,'' 1991 edition; and, ''ISO 6892 Metallic materials—Tensile testing,'' 1984 edition.

Section 171.8. We would add four new definitions to § 171.8. ''Large packaging'' would be added to correspond with the proposed addition of an approval provision that would allow the use of large packagings which comply with requirements in the UN Recommendations (see § 178.801). Large packagings are UN-marked bulk packagings which are very similar to IBCs, with the exception that they contain inner packagings. ''Liner'' would be added for clarification purposes. ''Stabilized'' would be added in conjunction with the proposal to replace the word ''inhibited'' with ''stabilized'' in proper shipping names (see § 172.101). Finally, ''UN portable tank'' would be added in conjunction with the proposal to include requirements for the design, construction and use of UN portable tanks (see §§ 178.274, 178.275, 178.276, 178.277).

Section 171.10. To correspond with the proposed incorporation of the UN portable tank specifications, we would add the unit of measure for ''Newton'' into the Table of Conversion Factors in paragraph (c)(2).

Section 171.11. We propose to add a new paragraph (d)(17) to ensure conformance with the current approval provision in § 173.128(d) which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table. (We also propose to add the new paragraph under §§ 171.12 and 171.12a.)

Section 171.12. Paragraph (b)(3) would be revised by adding a limitation to the use of the IMDG Code by requiring that viscous flammable liquids, which are excepted from the IMDG Code when in a packaging of less than 450 liters (118.9 gallons) capacity, are subject to the HMR. We do not agree that the IMDG Code exception provides an adequate level of safety and opposed its incorporation in the ICAO Technical Instructions, the IMDG Code and UN Recommendations. We believe this requirement is necessary to ensure that importers and exporters are aware that these viscous flammable liquids are regulated in the United States. We also propose to add a new paragraph (b)(19) to ensure conformance with the current approval provision in § 173.128(d), which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table. Finally, we proposed to revise paragraph (d) to reflect the addition of the current edition of the IAEA ''Regulations for the Safe Transport of Radioactive Material, No. ST–1,'' 1996 edition. (See § 171.7 for discussion concerning the addition of the updated ST–1 standards.)

Section 171.12a. We propose to add a new paragraph (b)(18) to ensure conformance with the current approval provision in § 173.128(d) which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table.

Section 171.14. We propose to revise paragraphs (d) and (d)(1) to authorize a delayed implementation date for the amendments adopted in the HM–215D final rule. The effective date of this final rule would be October 1, 2001. However, we would authorize a voluntary compliance date of January 1, 2001. This authorization would allow shippers to prepare their international shipments in accordance with the new ICAO Technical Instructions, the IMDG Code and the HMR provisions. We also would authorize a delayed mandatory compliance date comparable to the transition provisions provided in the final rule under Docket HM–215C. The delayed mandatory compliance date would offer sufficient time to implement the new provisions and deplete current stocks of shipping papers, labels, placards and packagings affected by the new requirements.

We would revise paragraph (d)(2) to permit intermixing old and new (HM–215D) hazard communication requirements until October 1, 2002.

We would add a new paragraph (d)(4) to allow the use of the T code special provisions (proposed to be assigned to a hazardous material in Column (7) of the HMT) in effect on December 31, 2000 until January 1, 2010 for hazardous materials offered for transportation in IM and IMO portable tanks. This proposal is consistent the IMDG Code and would minimize any undue regulatory burden.

Part 172

Section 172.101. For alignment with international standards, we would revise paragraph (c)(11) and add new paragraphs (k)(6) through (k)(20). Consistent with the eleventh revised edition of the UN Recommendations, we would revise paragraph (c)(11) for materials transported as samples which are assigned a tentative proper shipping name, hazard class, identification number and packing group. We would revise the requirements by requiring the word ''SAMPLE'' to be included in association with the proper shipping name and by prohibiting the samples from being packaged together with other hazardous materials. We also would add a new paragraph (c)(16) to allow for the inclusion of the qualifying words ''liquid,'' ''solid'' or ''molten,'' as applicable, to a proper shipping name.

Consistent with the new stowage categories and terminology contained in Amendment 30 of the IMDG Code, we would add new paragraphs (k)(6) through (k)(20) to include the IMDG vessel stowage category definitions for Class 1 (explosive) materials. (Also see preamble discussion under ''The Hazardous Materials Table'' and § 176.63.)

The Hazardous Materials Table (HMT). Proposed amendments to the HMT for the purpose of harmonizing with the eleventh revised edition of the UN Recommendations (unless otherwise stated) would include the following:

—For the entries, ''Other regulated substances, liquid, n.o.s.'' and ''Other regulated substances, solid, n.o.s.,'' we would add the letter ''G'' to Column (1). The letter ''G,'' which denotes the n.o.s. and generic proper shipping names which are required to be supplemented with the technical names of the hazardous material (in parentheses and in association with the basic description), was inadvertently omitted in Docket HM–215C (64 FR 10742).

—We would add the following new entries: ''Nitroglycerin mixture, desensitized, liquid, n.o.s. *with not more than 30% nitroglycerin by mass*,'' UN3357; ''Propellant, solid,'' UN0501; ''Refrigerating machines *containing flammable, non-toxic, liquefied gas*,'' UN3358; ''Rockets *with inert head*,'' UN0502; and ''1H–Tetrazole,'' UN0504.

—We would revise the entry, ''Dangerous Goods in Machinery or Dangerous Goods in Apparatus'' by replacing the identification number NA8001 with UN3363, designating a Class 9 assignment and revising Special Provision 136 (see § 172.102). These proposed changes reflect the adoption of the entry by the UN Committee of Experts and amendments agreed to by the ICAO Dangerous Goods Panel. The entry was added to the HMT under Docket HM–215C as NA8001 and assigned Special Provision 136 to prescribe the appropriate hazard class assignment. As explained in HM–215C, the entry was adopted in the ICAO Technical Instructions to provide an exception from the UN packaging performance tests for equipment, machinery or apparatus containing small quantities of hazardous materials. For machinery or apparatus not specifically listed in the HMT, the entry provides a practical means of describing and transporting machinery or apparatus containing small quantities of hazardous materials. In HM–215C, we stated that upon the assignment of a UN identification number, we would revise the entry accordingly. This was accomplished in the eleventh revised edition of the UN Recommendations in which UN3363 was assigned and this entry was assigned to Class 9. The ICAO Technical Instructions were amended consistent with this UN decision. Therefore, based on the above discussion, we are proposing to revise the entry, ''Dangerous Goods in Machinery or Dangerous Goods in Apparatus'' by assigning it to Class 9, replacing the domestic identification number with an international identification number, and revising Special Provision 136.

—We are proposing to revise all proper shipping names containing the word ''inhibited'' by replacing ''inhibited'' with the word ''stabilized.'' (Also, see proposed definition for ''stabilized'' in § 171.8.) Replacing the word ''inhibited'' with ''stabilized'' would recognize that, in addition to inhibition, other means of controlling self-reaction would be acceptable. The proposed allowance of additional means of stabilization and the proposed removal of certain domestic entries from the HMT (see domestic entry removals later in this section) would also address a petition for

rulemaking (P–1304) requesting that we add a new domestic entry, ''Methyl methacrylate monomer, uninhibited,'' Class 3, NA1247, PG II to the HMT.

—We would revise the following proper shipping names: ''Lithium hypochlorite, dry or Lithium hypochlorite mixtures, dry,'' UN1471; ''Printing ink, flammable,'' UN1210; and ''Nitrocellulose membrane filters,'' UN3270.

—For the entry, ''Methacrylic acid, inhibited,'' UN2531, we would replace Packing Group III with Packing Group II.

—We propose to remove various domestic entries that have assigned ''NA'' identification numbers. After reviewing the domestic entries, we determined that the HMR includes ''UN'' identification numbers assigned to entries that are equally appropriate in a number of instances, and in these instances the NA numbers are no longer necessary. Included in the proposed removals are seven domestic pesticide proper shipping names identified by the pesticide industry as no longer being used. These entries are: ''Aldrin, *liquid*,'' NA2762; ''Aldrin, *solid*,'' NA2761; ''Dieldrin,'' NA2761; ''Methyl parathion *liquid*,'' NA3018; ''Methyl parathion *solid*, NA2783; ''Parathion,'' NA2783 and ''Tetraethyl pyrophosphate *solid*,'' NA3018.

—We would add radioactive material (Class 7) entries consistent with new entries introduced in the UN Recommendations and IAEA's ''Regulations for the Safe Transport of Radioactive Material, No. ST–1'' and revise the current radioactive material entries in the HMR to allow for domestic shipment only.

—For Class 1 (explosive) entries, we would revise Columns (10A) and (10B) to reflect the vessel stowage codes as they are presented in Amendment 30 to the IMDG Code. (See § 172.101(k) and § 176.63.)

—For the international entry ''Methanol,'' we would add a plus mark (+) in Column (1) of the HMT to indicate that this entry is classified with a subsidiary hazard of Class 6.1 on the basis of human experience.

—We would remove the entry ''Isobutyric anhydride,'' UN2530.

—For the entry ''Morpholine,'' UN2054, we would replace Class 3 with Class 8, replace Packing Group III with Packing Group I , and add Class 3 as the subsidiary hazard.

—For ''Organic peroxide type F, solid, temperature controlled,'' (UN3120), we would remove the Packing Group III entry that was due to a printing error in 49 CFR. The PG II entry would remain.

—For approximately 14 Zone A and B toxic-by-inhalation entries, we would revise the quantity limits for transport by air to ''forbidden.'' These revisions would be consistent with other toxic-by-inhalation entries in the HMT.

—For the entry ''Fire extinguishers *containing compressed or liquefied gas*'' we would add Special Provision 110 to Column (7).

—Based on a petition for rulemaking (P–1338) that we received from the Aluminum Company of America (Alcoa), we propose to add Special Provisions 128 and B115 to the entry, ''Magnesium granules, coated, *particle size not less than 149 microns*,'' UN2950. Special Provision 128 allows material meeting the Class 8 definition to be classed as a Division 4.3 with a Class 8 subsidiary hazard. Special Provision B115 authorizes the use of certain non-specification bulk packagings when the material being transported is loaded dry. Special Provisions 128 and B115 are currently assigned to ''Aluminum smelting by-products *or* Aluminum remelting by-products.'' Alcoa states that magnesium granules exhibit the same hazard properties as aluminum smelting and remelting by-products and behave similarly to these materials by occasionally meeting the criteria for both Division 4.3 and Class 8 materials. We agree with the petitioner and propose to add Special Provisions 128 and B115 to the entry ''Magnesium granules, coated, *particle size not less than 149 microns*,'' UN2950. (Also, see § 172.102, Special Provision 128.)

—For approximately 1,600 entries, we would revise Column (7) by harmonizing the HMR authorizations for IBCs with those contained in the UN Recommendations. In most cases, the UN Recommendations provide for greater flexibility in the use of different types of IBCs. However, in a few instances, the incorporation of the UN IBC requirements would further restrict the types of IBCs that are currently authorized for certain hazardous materials. For example, some Packing Group II liquid hazardous materials of Class 3, Division 6.1 and Class 8 that are currently authorized to be transported in composite IBCs with flexible inner receptacles (such as 31HZ2) would not be authorized in these types of IBCs if the UN provisions are adopted. For the benefit of the reader and to facilitate a review of the proposed amendments, we have included a table identifying all of the affected hazardous materials and indicating the current bulk assignments and the proposed IBC assignments. We would set out the IBC packaging requirements in a newly-created IBC Table under the Special Provisions section in § 172.102(c)(4). The table would consist of IBC Codes (using the designations 1B1–1B99) corresponding to the UN IBC packing instructions, and BB Codes corresponding to the UN IBC special packing provisions. We would assign the IBC packing instructions and the BB codes to specific hazardous materials in Column (7) of the § 172.101 HMT consistent with assignments in the UN Recommendations. In addition, we believe that consolidating the IBC requirements into one table would make it easier for readers to identify the authorized IBCs for specific hazardous materials and would enhance safety and international harmonization. As a result of this proposal, we would revise the bulk special provisions in § 172.102 (c)(3) to remove the current bulk codes relevant to the use of IBCs. We would also revise the current IBC packaging authorizations under §§ 173.240(d), 173.241(d), 173.242(d) and 173.243(d).

This proposal also addresses a petition we received from the Rigid Intermediate Bulk Container Association (RIBCA) (P–1395) requesting that we amend the HMR to expand the use of IBCs consistent with new UN provisions. Specifically, the petitioner requested uniformity with the UN Recommendations by requesting that the HMR allow the use of rigid plastic IBCs and composite IBCs with a rigid plastic inner receptacle for certain liquids. We are in agreement with RIBCA's request; however, in the interest of harmonization, we believe it would be more beneficial to adopt the UN Recommendations' IBC packing instructions in totality, and, as such, present the proposal as discussed above.

For purposes of the Government Printing Office's typesetting procedures, readers should be aware that for certain entries in the HMT, such as those with revised proper shipping names, the change may appear as a removal and addition, as opposed to a revision of the regulatory text in the Column (2) changes. Readers should review all changes appearing in the § 172.101 regulatory text for a complete view of the proposed changes.

Appendix B to § 172.101. For the readers' convenience, in Appendix B to § 172.101, List of Marine Pollutants, we

would revise paragraph ''1'' by referencing § 171.4, which contains the applicability and exceptions for offering for transportation or transporting marine pollutants. We would revise paragraph ''2'' to reflect the IMDG Code's provision for the use of two Class 9 proper shipping names when a marine pollutant is not listed by name or by synonym in the HMT and does not meet the definitions of Class 1 through 8. In addition, a number of materials would be added, removed or amended in the List of Marine Pollutants. Included is the proposed removal of the entry ''EPTC (ISO)'' which also was the subject of a petition for rulemaking (P–1360) requesting removal of the entry based on its removal from the IMDG Code. Various other entries previously identified as marine pollutants are proposed to be removed. All of the proposed amendments to the List of Marine Pollutants are consistent with the marine pollutants provided in Amendment 30 of the IMDG Code.

Section 172.102. We propose to revise, add and remove special provisions as follows:

—Special Provision 43 would be revised to include a provision which would except ''Nitrocellulose membrane filters,'' UN3270 from the HMR requirements if shown not to meet the criteria for a Division 4.1 hazardous material, according to burn rate tests in Sub-section 33.2.1. of the UN Manual of Tests and Criteria, Part III.

—Special Provision 110 would be revised to more fully identify fire extinguishers that may be assigned to certain proper shipping names. The proposal would also provide for harmonization with the ICAO Technical Instructions. (We also propose to add the special provision to the entry, ''Fire extinguishers *containing compressed or liquefied gas.*'' See § 172.101 proposed HMT changes.)

—Special Provision 128 would be revised based on the proposal to assign it to ''Magnesium granules, coated, *particle size not less than 149 microns.*'' (See § 172.101, proposed Column (7) changes.)

—Special Provision 136 would be revised to reflect the changes adopted by the UN Committee of Experts and the ICAO Dangerous Goods Panel for the entry ''Dangerous Goods in Machinery *or* Dangerous Goods in Apparatus.'' (Also see § 172.101.) We would revise the special provision by removing the text specific to the determination of the hazard class based on the UN Committee of Experts' decision that items under this entry should be assigned to Class 9.

—A new Special Provision 139 would be added for two new proposed entries, ''Radioactive material, transported under special arrangement, fissile'' and ''Radioactive material, transported under special arrangement *non-fissile or fissile-excepted.*'' The special provision requires international shipments using the two entries to be made under an IAEA Certificate of Competent Authority to be issued by the U.S. Competent Authority. Domestic shipments transported under the two entries would be allowed only under a DOT exemption.

—A new Special Provision 142 would be assigned for the new entry ''Nitroglycerin mixture, desensitized, liquid, n.o.s.'' The special provision would require the material to be approved by the Associate Administrator.

—A new Special Provision 143 would be added for the entry ''Life-saving appliances, not self-inflating, *containing dangerous goods as equipment.*'' The special provision would clarify which articles may be transported under this entry.

— In conjunction with the proposal to revise and consolidate the IBC requirements (see § 172.101, Column (7) changes), we would make the following changes: revise the special provisions for bulk packagings in paragraph (c)(3) to exclude IBCs by revising Special Provisions B53 and B69 and removing Special Provisions B100, B101, B103 through B106 and B108 through B110, and a new paragraph (c)(4) would be added for special provisions specific to IBCs (BB Codes).

—The current T codes in paragraph (c)(7) would be revised to reflect the proposed incorporation of requirements for UN portable tanks and would apply to hazardous materials of Classes 2 through 9. The revised T codes would be consistent with those in the UN Recommendations and the IMDG Code and would supersede the current HMR IM portable tank T codes. The T code provisions would be required in addition to the proposed requirements in part 178. The codes specify the types of authorized portable tanks according to the specific hazardous material transported in the portable tank. Portable tank assignments for Zone A and Zone B toxic-by-inhalation liquids would remain consistent with their current assignments in the HMR. In instances where the UN requires a competent authority approval for transportation in portable tanks (such as when TP9 is assigned in the UN Recommendations), we have removed the approval provision. A transition period would be provided for the continued use of the existing T codes for IM portable tanks (see § 171.14(d)(5)).

—A new Special Provision W7 would be added for seven proposed new Class 7 entries and would assign the vessel stowage category ''D,'' as defined in § 172.101(k)(4), to uranyl nitrate hexahydrate solution.

—A new Special Provision W8 would be added for four proposed new Class 7 entries and would assign the vessel stowage category ''D,'' as defined in § 172.101(k)(4), to pyrophoric thorium metal or pyrophoric uranium metal.

—Finally, a new Special Provision W9 would be added for assignment to the entries, ''Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry *with more than 39 percent available chlorine (8.8 percent available oxygen,*'' UN1748; ''Calcium hypochlorite, hydrated *or* Calcium hypochlorite, hydrated mixtures *with not less than 5.5 percent but not more than 10 percent water,*'' UN2880; and ''Calcium hypochlorite mixtures, dry, *with more than 10 percent but not more than 39 percent available chlorine.*'' UN2208. This proposed action would align the packaging requirements for these entries with those contained in Amendment 30 to the IMDG Code by authorizing certain packagings only when approved by the Associate Administrator.

Section 172.203. We are proposing to revise paragraphs (d)(11), (i) and (n). In paragraph (d)(11), we propose to allow an exception from the requirement to add the appropriate group notation to the shipping description for a shipment of low specific activity material or surface contaminated objects provided the symbols are contained in the proper shipping name.

In paragraph (i), we would add two additional shipping paper description requirements for transportation by vessel. The first amendment would be added as new paragraph (i)(5) and would require the flashpoint for a liquid hazardous material with a flashpoint of 61 °C or below to be included on shipping papers when transported by water. We received a petition (P–1402) from the Vessel Operators Hazardous Materials Association (VOHMA) requesting that we add an additional shipping paper description requirement to include the minimum flashpoint in degrees Celsius for Class 3 (flammable)

or combustible liquid hazardous materials. VOHMA stated that the amendment would help support compliance with the current stowage requirements in § 176.305(c) and the segregation requirements (Code 22 and 23, see § 176.84) as designated in Column (10B) of the § 172.101 Hazardous Materials Table. We agree with the petitioner's reasoning; however, for consistency with the IMDG Code, we propose to add the requirement to specify the flashpoint when it is 61 °C or below for all such liquid hazardous materials whether or not the primary hazard is Class 3. The second amendment to the additional shipping paper description requirements for transportation by vessel would be added as new paragraph (i)(6) and is based on comments from the USCG regarding further harmonization with the IMDG Code. The amendment would require subsidiary risks of a hazardous material that are not reflected in the proper shipping name to be included on shipping papers.

Finally, in paragraph (n), we are proposing to clarify that the shipping paper requirement for the word ''HOT'' to be placed immediately preceding the proper shipping names of hazardous materials that are transported as elevated temperature materials, is not required for proper shipping names containing the words ''Molten'' or ''Elevated temperature.''

Sections 172.402, 172.405 and 172.411. Consistent with the eleventh revised edition of the UN Recommendations, we are removing the requirement to differentiate between primary and subsidiary labels. Currently, primary labels are required to display the hazard class or division number in the lower corner of the label, while subsidiary labels may not display these numbers. We are proposing to amend the requirement which provides for two label specifications (one for primary hazards and one for subsidiary hazards) by removing the subsidiary hazard label specification. Upon adoption of this proposal, labels used to convey both primary and subsidiary hazards would display the appropriate hazard class or division number at the bottom of the label. This proposed change would provide relief by eliminating the need for shippers to stock two sets of labels. We also propose to allow labels meeting the current label specifications to continue to be displayed until October 1, 2005.

Section 172.504. Based on comments and our own initiative, we are proposing to allow the display of only one placard displaying one compatibility letter when certain Class 1 materials (explosives) of different compatibility groups are transported together in a single transport vehicle or container. This proposal is consistent with the mixed packaging allowances in § 173.61.

Section 172.519. Consistent with the proposal to eliminate the distinction between primary and subsidiary labels, we would revise paragraph (b)(4) to eliminate the requirement for placards. In addition, we would incorporate a new paragraph (b)(4)(i) to permit subsidiary placards meeting the current placarding specifications (such as placards without the hazard class or division number displayed in the lower corner of the placard) to continue to be displayed provided they were permanently affixed before January 1, 2001. Non-permanently affixed subsidiary placards meeting the current placarding specifications would be allowed to be displayed until October 1, 2005 or until current stocks are depleted, whichever occurs first.

Part 173

Section 173.2a. Consistent with the eleventh revised edition of the UN Recommendations, we would revise Note 2 to exclude liquid and solid desensitized explosives. In addition, we would add the revised Note 2 to Class 3, PG I, II and III.

Section 173.4. Based on a request for clarification, we would revise paragraph (a) to clarify that the small quantity exceptions apply to packagings containing articles, as well as inner receptacles.

Section 173.24b. We would add a new paragraph (e) to address acceptance of foreign manufactured UN portable tanks that conform to the applicable provisions in the UN Recommendations on the Transport of Dangerous Goods and are manufactured in countries that provide reciprocal treatment for UN portable tanks manufactured in the United States.

Section 173.28. We would correct a reference in paragraph (d)(1)(ii). The paragraph currently references ''§ 173.225(c)(5)'' and would be corrected to read § 173.225(c)(3).''

Section 173.32. We are proposing to revise this section to provide requirements for all portable tanks by consolidating the requirements for the use of IM portable tanks currently in § 173.32(c) into a single section. We are proposing to consolidate the qualification and maintenance requirements in § 173.32(c) and move them to part 180, subpart G, with the qualification and maintenance requirements for IBCs, cargo tanks and tank cars. We are also proposing to include a grandfather clause in this section (§ 173.32) to allow IM 101, 102 and DOT 51 portable tanks to continue to be constructed in accordance with the HMR until January 1, 2003. IM 101, 102 and DOT 51 portable tanks which are certified and approved prior to this date would be authorized for continued use provided they meet the applicable periodic inspection and test requirements proposed in part 180, subpart G. These requirements are currently in § 173.32b. On January 1, 2003, all newly manufactured portable tanks would be required to conform to the requirements for the design, construction and approval of UN portable tanks (see §§ 178.274, 178.275, 178.276 and 178.277). In addition, we are proposing to remove the provisions for the continued use of DOT Specification 52 and 53 portable tanks and ICC Specification portable tanks based on information we received that these portable tanks are no longer used. We specifically request comments with regard to removing these provisions.

Section 173.32a. We are proposing to remove § 173.32a and move its approval requirements for Specification portable tanks to proposed § 178.273. We believe that part 178 is a more appropriate location for these requirements and that the new section will prove to be more convenient for users of the HMR. We also propose to include similar requirements for the proposed incorporation of requirements for UN portable tanks.

Section 173.32b. We are proposing to remove § 173.32b and relocate the test requirements to part 180, subpart G, as discussed in § 173.32.

Section 173.32c. We are proposing to remove § 173.32c. The requirements for the use of all Specification portable tanks would be included in § 173.32, thereby precluding the need for this section.

Section 173.61. Based on our own initiative, for Class 1 (explosives) mixed packaging requirements, we would revise paragraph (e)(3) to allow explosives of compatibility group S that are allowed to be packaged with explosives of all other compatibility groups, except A and L, to be treated as belonging to any of the packaged compatibility groups except S. In addition, we would add a new paragraph (e)(8) to allow explosive articles of compatibility groups C, D, E and G, except for fireworks and articles requiring special packaging, to be treated as belonging to compatibility group E. This proposed revision corresponds with the current allowance contained in § 177.848(g).

Section 173.62. In paragraph (c), we would revise the Explosives Packing Instructions Table to authorize additional types of outer packagings in the following packing instructions: 112(a), 112(b), 112(c), 113, 115, 116, 130, 131, 134, 135, 136, 138, 140, 141,142 and 144.

Section 173.150. We would revise paragraph (d) by clarifying that alcoholic beverages containing over 24% alcohol by volume are not excepted from regulation when transported by a passenger or crewmember on passenger-carrying aircraft. (See preamble discussion under § 175.10.)

Section 173.162. We would revise paragraph (a)(1) by clarifying that the types of packagings specified in the paragraph are combination packagings and that the glass, earthenware or rigid plastics are inner packagings. In addition, for these packagings, we would increase the net mass of 10 kg (22 pounds) for each packaging to15 kg (33 pounds). This is consistent with Packing Instruction 800 in the UN Recommendations.

Section 173.185. We would revise § 173.185 to include a definition for equivalent lithium content for lithium ion cells and batteries and to provide the applicable aggregate lithium quantities relevant to excepting lithium ion cells and batteries from the requirements of the HMR.

Section 173.224. Consistent with the UN Recommendations, we would add the entry ''2,2'-Azodi(isobutyronitrile) as a water-based paste'' to the Self-Reactive Substances Table for substances that are not subject to the approval provisions of § 173.124(a)(2)(iii), provided all applicable provisions in the table are met. Finally, we would revise paragraph (b)(4) and remove paragraph (d) to allow Type F self-reaction substances to be transported in portable tanks under conditions specified in § 173.225(e) (see preamble discussion under § 173.225).

Section 173.225. We are proposing to amend the paragraph (b) Organic Peroxide Table by making various changes, such as revising several technical names, packing method authorizations and control temperatures. These proposed changes are consistent with the UN Recommendations. We are proposing to remove Notes ''7'' and ''10'' consistent with our proposed adoption of UN IBC 520 and add Notes ''26'' and ''27'' to specify the available oxygen content limitations for certain new organic peroxides formulations. We would revise paragraph (e) to incorporate the requirements from the eleventh revised edition of the UN Recommendations relevant to the emergency venting devices for portable tanks used for the transportation of organic peroxides and self-reactive substances. This responds to NTSB recommendation (I–92–2) that asked us to ''revise the requirements for pressure relief venting on DOT specification 57 portable tanks used to transport dicumyl peroxides and other products with similar rapid decomposition characteristics to ensure that the pressure relief systems prevent overpressure rupture of tanks from a rapid product decomposition reaction.'' We propose to apply the recommended venting requirements to all portable tanks and IBCs, rather than just DOT Specification portable tanks. Additionally, the types of portable tanks authorized for type F organic peroxide and self-reactive substances would be expanded to include UN portable tanks. We propose to adopt the requirements in Portable Tank Instruction T23 and IBC Special Provision , IBC 520.

Sections 173.240, 173.241, 173.242 and 173.243. In each section's paragraph (c), we would remove Specification DOT 52 and 53 portable tanks as authorized packagings (see § 173.32) because we believe that these portable tanks are no longer used. In addition, we would authorize UN portable tanks. In conjunction with the proposal to revise the requirements for IBCs for alignment with international standards, we would revise paragraph (d) which specifies authorized IBCs in §§ 173.240, 173.241, 173.242 and 173.243 to reflect the proposed incorporation of IBC packing instructions and BB codes (see § 172.101, Column (7)).

Section 173.247. In paragraph (c), we would remove Specification DOT 52 and 53 portable tanks as authorized packagings (see § 173.32).

Section 173.306. Consistent with Packing Instruction P201 in the UN Recommendations, we would amend the paragraph (a)(4)(iii) conditions for transporting flammable, non-pressurized gas samples by revising the inner packagings limit from 2.5 L (0.66 gallons) to 5 L (1.3 gallons).

Section 173.315. We would revise paragraphs (a) and (i) to incorporate provisions for the use of UN portable tanks for the transportation of liquefied compressed gases, in addition to the requirements for DOT Specification 51 portable tanks. Revisions would refer to tank instruction T50 (see UN T Codes under § 172.102) for the transportation of liquefied compressed gases in UN portable tanks and would include minor differences in pressure relief device requirements applicable to UN portable tanks.

Part 175

Section 175.10. For consistency with the ICAO Technical Instructions, we are proposing to revise paragraph (a)(10) to clarify that lighters containing ''unabsorbed liquid fuel'' are prohibited on one's person or in checked or carry-on baggage. We are proposing to revise exclusions for alcoholic beverages as carry-on and checked baggage to impose a per passenger quantity limit and to restrict the exceptions to alcoholic beverages in retail packagings containing not more than 70% alcohol. We are proposing to revise paragraph (a)(16) to exclude alcoholic beverages. Also, we are proposing to add new paragraph (a)(17) to specify that alcoholic beverages containing more than 24% and not more than 70% alcohol by volume, when carried by passengers or crew in checked or carry-on baggage, are not subject to the HMR if in retail packagings not exceeding 5 liters (1.3 gallons) with a total net quantity per person of 5 liters (1.3 gallons). These proposed changes are consistent with the ICAO Technical Instructions.

Section 175.33. For harmonization with the ICAO Technical Instructions, we would revise paragraph (a) introductory text to add a requirement that the written pilot notification must be accurate and legible.

Section 175.78. We would revise this section to update and align segregation requirements with recent changes adopted in the ICAO Technical Instructions which were based on a UN decision to remove the distinction between primary and subsidiary risk labels. Separate rows and columns would be provided for Divisions 5.1 and 5.2. We would add a new provision to clarify that packages with multiple risks would not need to be segregated from other packages bearing the same UN number.

Section 175.85. Consistent with a new provision adopted in the ICAO Technical Instructions, we would revise paragraph (a) to authorize main deck Class C cargo compartments. Currently, hazardous materials may be carried in a main deck cargo compartment of a passenger aircraft provided the compartment is inaccessible to passengers and it meets certification requirements for a Class B cargo compartment. (Class C cargo compartments differ from Class B cargo compartments in that Class C compartments are required to have a built-in fire extinguishing system, in

addition to smoke or fire detection systems.)

Part 176

Section 176.2. In conjunction with the proposal to incorporate a requirement for vessel cargo to be in compliance with the INF Code (see § 176.720), we would add a definition for ''INF cargo'' under the § 176.2 definitions.

Section 176.63. For the stowage of Class 1 (explosive) materials on board a vessel, we would add a stowage location definition for ''closed cargo transport unit.'' This proposed addition coincides with the proposed addition of the vessel stowage category definitions contained in Amendment 30 to the IMDG Code. (See § 172.101(k).)

Section 176.84. Consistent with the IMDG Code we would revise paragraph (b) Table of provisions and paragraph (c)(2) stowage provisions. In the paragraph (b) Table of provisions, we would add two new stowage provisions for assignment to the entries, ''Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry with more than 39 percent available chlorine (8.8 percent available oxygen),'' ''Calcium hypochlorite, hydrated *or* Calcium hypochlorite hydrated mixtures *with not less than 5.5 percent but not more than 10 percent water*,'' and ''Calcium hypochlorite mixtures, dry *with more than 10 percent but not more than 39 percent available chlorine*.'' In the paragraph (c)(2), we would revise the list of notes for the stowage of Class 1 (explosive) material provisions.

Section 176.128. We would make an editorial change in § 176.128(c) by correcting an identification number.

Section 176.136. We would make an editorial change in § 176.136 by removing the word ''portable.''

Section 176.142. Based on a comment from the National Cargo Bureau, Inc., in § 176.142, paragraph (a), we would revise the list of hazardous materials that may not be transported in a vessel carrying Class 1 (explosive) materials to reflect the most current proper shipping names and to add one extremely flammable material, ''Methyl phosphonous dichloride, *pyrophoric liquid*,'' NA2845.

Section 176.720. We would add a new section to require a vessel carrying INF cargo in international transportation to comply with the ''International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships,'' (INF Code, 1998, English edition). The INF Code was adopted by the International Maritime Safety Committee and will be effective January 1, 2001 under the IMDG Code.

Part 177

Section 177.848. In paragraph (g)(3)(vi), we inadvertently added the terms ''special stowage'' and ''stowed'' from the corresponding vessel section of the HMR (§ 174.81) under HM–215C (64 FR 10742). In this NPRM, we propose to correct the wording by removing ''special stowage,'' which is not applicable to this section, and replacing ''stowed'' with ''loaded, transported and stored.'' We received a joint petition from the American Trucking Associations (ATA) and the Institute of Makers of Explosives (IME) (P–1396) requesting additional clarification of this paragraph. The paragraph reads:

''(vi) ''6'' means explosive articles in compatibility group G, other than fireworks and those requiring special stowage, may be stowed with articles of compatibility groups C, D and E, provided no explosive substances are carried in the same vehicle.''

In this paragraph and the corresponding paragraph in § 174.81, the petitioners request that the word ''other'' be inserted before the wording ''explosive substances.'' However, there is a distinction between the words ''articles'' and ''substances.'' This paragraph pertains to certain explosive articles allowed to be stowed if no explosive substances (not articles) are carried on the same vehicle.

Part 178

Section 178.273. We are proposing to add a new section by moving the current requirements for the approval of Specification portable tanks from § 173.32a to the proposed § 178.273. These current approval provisions will precede the requirements for UN portable tanks (as proposed in §§ 178.274 through 178.277).

Sections 178.274, 178.275, 178.276 and 178.277. Based on the eleventh revised edition of the UN Recommendations, we are proposing to incorporate four new sections into the HMR for the UN portable tank requirements. This proposed action is based on our own initiative and responds to a petition for rulemaking (P–1373). The requirements apply to the design and construction of portable tanks. The IMO Dangerous Goods, Solid Cargoes and Containers (DSC) Sub-Committee agreed to incorporate the new harmonized UN multimodal portable tank requirements into the reformatted IMDG Code, Amendment 30. The reformatted IMDG Code is scheduled to become effective on January 1, 2001. The IMDG Code also includes a provision to allow for the continued use of portable tanks designed and constructed under the current requirements (those in Amendments 29 or previous amendments to the IMDG Code as applicable, depending on the date of construction).

The IMO intends to allow construction under the new requirements on January 1, 2001, on a voluntary compliance basis, with a mandatory compliance date of January 1, 2003. On January 1, 2003, all new portable tanks will be required to be manufactured in accordance with the new requirements. For purposes of harmonization, we are proposing to incorporate the corresponding design, construction and use requirements for UN portable tanks in the HMR. In addition, in § 173.32 we are proposing to provide for the continued use of IM 101, 102 and DOT Specification 51 portable tanks, which is consistent with the provisions adopted by the IMO.

The design and construction requirements for UN portable tanks do not differ significantly from the existing IM 101 and 102 portable tanks and the DOT Specification 51 requirements. In general, the UN requirements are less restrictive. For example, 6 mm (0.2 inches) minimum thickness is required for most portable tanks, as opposed to the current minimum thickness of 6.35 mm (0.3 inches) for IM 101 and 102 portable tanks. While the majority of the proposed changes involve relaxations of the regulatory requirements, there would be implications for portable tank manufacturers, shippers and operators who transport hazardous materials in portable tanks, and efforts would need to be undertaken to familiarize those affected with the differences. For example, we would require UN portable tanks used for the transportation of liquefied compressed gases to be approved by a DOT-designated approval agency, and we would require all UN portable tanks to meet a 4 g impact test. In addition to portable tanks for liquids and liquefied compressed gases, we propose to incorporate requirements for portable tanks that are used to transport refrigerated liquified gases (cryogenic liquids). Currently, requirements for portable tanks used for refrigerated liquefied gases are not specified in the HMR, and we authorize their use only under DOT exemptions. The differences between UN portable tanks and the current portable tank requirements include, but are not limited to the following:

—The proposed definition for portable tank includes multimodal tanks with a capacity of more than 450 liters (118.9 gallons). Previously, IMO Type

5 and DOT Specification 51 tanks intended for the transport of liquefied compressed gases were limited to a capacity of more than 1000 liters (264.2 gallons).

—The proposed design temperature range is defined as −40 °C to 50 °C (−40 °F to 122.0 °F). This NPRM also proposes design temperatures to be considered for portable tanks subjected to severe climatic conditions. Current regulations specify −20 °C to 50 °C (−4.0 °F to 122.0 °F).

—The proposed UN leakage test for liquids specifies a test pressure not less than 25% of Maximum Allowable Working Pressure (MAWP). The current HMR requirements specify an internal pressure equivalent to MAWP, but not less than 0.2 bar (20.0 kPa) for liquids.

—The proposed test requires that the design and construction of portable tanks must take into account the effects of fatigue during normal conditions of transport. Currently, this is not required in the HMR.

—The proposed requirements specify an absolute minimum thickness of 3 mm (0.1 inches), regardless of the material used and regardless of whether additional protection is provided.

—A rail impact test of 4 g would be required for all portable tanks meeting the definition of ''Container'' in the International Convention for Safe Containers (CSC).

—The proposed requirements specify that the test pressure be 1.3 times the design pressure. Currently, under the HMR, DOT 51 portable tanks are required to have a test pressure of 1.5 times the design pressure; however, this is based on the vapor pressure of the hazardous material at 115 °F (46.1 °C), whereas the UN calculates the vapor pressure at 65 °C (149 °F). Therefore, the differences between 1.5 at 46 °C and 1.3 at 65 °C would not be significant.

—The proposed requirements include a figure for thermal conductance for the thermal insulation systems of shells intended for the transport of liquefied compressed gases.

—The proposed requirements include a definition for ''Holding time'' relevant to portable tanks used for the transportation of refrigerated liquefied gases. This is consistent with current HMR requirements in § 178.338–9 for cargo tanks.

—The proposed requirements specify the effectiveness of the insulation system (heat influx in watts) based on a test using the portable tank.

—The proposal allows the specified minimum values for austenitic steels to be increased by 15% according to recognized material standards when greater values are provided in the material inspection certificates.

—The proposed requirements allow the combined capacity of all pressure relief devices to be sufficient to limit the pressure to 120% of the MAWP for liquefied compressed gases.

—The proposed requirements include a new filling limit for the transport of helium.

Based on the above discussion (§§ 178.273 through 178.277), five new sections are proposed to be added as follows: § 178.273 would be added by moving the current requirements for the approval of Specification portable tanks from § 173.32a and introducing similar requirements for UN portable tanks; § 178.274 would be added for the UN portable tank general design and construction requirements; § 178.275 would be added for the additional specifications for UN portable tanks intended for the transportation of liquid and solid materials of Classes 3 through 9; § 178.276 would be added for the additional requirements for UN portable tanks intended for the transportation of liquefied compressed gases; and § 178.277 would be added for the additional requirements for the design, construction, inspection and testing of UN portable tanks intended for the transport of refrigerated liquefied gases.

Section 178.703. Paragraph (a)(1) would be revised by incorporating a minimum height of 12 mm (0.5 inches) for IBC markings and by adding a requirement to allow use of the ''W'' mark for approval of equivalent IBC packagings, as provided for in § 178.801(i).

Section 178.705. We are proposing to revise the minimum wall thickness requirements to take into account the capacity of the IBC, as well as the IBC design type.

Section 178.801. In paragraph (i), we are proposing to add an approval provision for the use of large packagings, as defined in § 171.8 of this NPRM, provided the large packagings conform to the construction standards, performance testing and packaging marking as specified in UN Recommendations.

Section 178.812. Based on our own initiative, we would revise paragraph (c)(1) and add a new paragraph (c)(3) to add an alternate method for conducting the top lift test for flexible IBCs. Currently, the proposed alternate method is authorized in several approvals issued by the Associate Administrator.

Part 180

Sections 180.601, 180.603, 180.605. We propose to move the qualification and maintenance requirements for portable tanks to part 180. We believe that these requirements would be more appropriately placed in part 180 along with the qualification and maintenance requirements for cargo tanks, IBCs and tank cars. Therefore, we propose to add a new subpart, subpart G, to part 180 for the qualification and maintenance of portable tanks, and to include the incorporation of UN portable tanks as proposed in this NPRM.

IV. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. The proposed rule is not considered a significant rule under the Regulatory Policies and Procedures of the Department of Transportation [44 FR 11034]. Because of the minimal economic impact of this proposed rule, preparation of a regulatory impact analysis or regulatory evaluation is not warranted.

B. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This proposed rule would preempt State, local and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous material transportation law, 49 U.S.C. 5101–5127, contains an express preemption provision (49 U.S.C. 5125(b)) that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous; or

(5) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This proposed rule addresses covered subject items (1), (2), (3), and (5) above and would preempt State, local, and Indian tribe requirements not meeting the ''substantively the same'' standard. This proposed rule is necessary to incorporate changes already adopted in international standards. If the changes proposed in this NPRM are not adopted in the HMR, U.S. companies, including numerous small entities competing in foreign markets, will be at an economic disadvantage. These companies would be forced to comply with a dual system of regulation. The proposed changes are intended to avoid this result.

Federal hazardous materials transportation law provides at 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. Thus, RSPA lacks discretion in this area. RSPA proposes that the effective date of Federal preemption will be 180 days from publication of a final rule in this matter in the **Federal Register**.

C. Executive Order 13084

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (''Consultation and Coordination with Indian Tribal Governments''). Because this proposed rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

D. Regulatory Flexibility Act

This proposed rule would incorporate changes introduced in the eleventh revised edition of the UN Recommendations, the 2001–2002 ICAO Technical Instructions, and Amendment 30 to the IMDG Code. It would apply to offerors and carriers of hazardous materials and would facilitate the transportation of hazardous materials in international commerce by providing consistency with international requirements.

The costs associated with this proposed rule are considered to be so minimal as to not warrant preparation of a regulatory impact analysis or regulatory evaluation. The majority of amendments should result in cost savings and would ease the regulatory compliance burden for shippers engaged in international commerce, including trans-border shipments within North America. For example, cost savings will be realized by shippers and carriers as a result of eliminating the differences between primary and subsidiary labels. As a result of this change, it will no longer be necessary to stock two sets of labels for each hazard class. To ease any burden associated with this change, we are proposing a reasonable transition period where labels meeting current and proposed requirements may be used. Other cost savings include: revising minimum thickness requirements for metal IBCs; providing greater harmonization with international regulations and flexibility for IBCs and portable tanks that may be used for the transportation of hazardous materials; authorizing the use of UN portable tanks while retaining current IM 101, 102 and DOT Specification 51 portable tank requirements and authorizations for their use; numerous deletions from the hazardous materials table and the marine pollutant list; more flexible requirements for transporting samples of hazardous materials; authorization to use a single explosives placard when explosives of several compatibility groups are transported in a single freight container or vehicle; several clarifications of existing regulatory requirements; and revised requirements for large lithium batteries which will simplify the regulatory requirements applicable to batteries used in high energy efficient hybrid vehicles. We are proposing immediate voluntary compliance (as of January 1, 2001 or the date of publication of the final rule, whichever occurs first), a delayed effective date and a one-year transition period to allow for training of employees and to ease any burden on entities affected by the proposed amendments. Many companies involved in domestic, as well as global operations, will realize economic benefits as a result of the proposed amendments in this rulemaking. Therefore, I certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification is subject to modification as a result of a review of comments received in response to this proposal.

E. Paperwork Reduction Act

We have current information collection approvals under OMB No. 2137–0557, Approvals for Hazardous Materials, which expires March 31, 2002, with 18,302 burden hours and $413,737.40 annual costs, and OMB No. 2137–0018, Inspection and Testing of Portable Tanks and Intermediate Bulk Containers, which expires March 31, 2002, with 51,340 burden hours and $10,235,000 annual costs. We believe that this proposed rule may result in minor incremental increases in the annual burden hours and costs. If these proposals are finalized, the current approvals would be revised and resubmitted to OMB for extension and re-approval.

Section 1320.8(d), Title 5, Code of Federal Regulations requires that RSPA provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collections that we may submit to OMB for extension and re-approval based on the requirements in this proposed rule. We have revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in this proposed rule since the information collections were last approved. We estimate that the total information collection and recordkeeping burdens as proposed in this rule would be revised as follows:

OMB No. 2137–0557:

Number of Respondents: 3,518.

Total Annual Responses: 3,869.

Total Annual Burden Hours: 18,381.

Total Annual Burden Cost: $413,737.40.

One-time Annual Start Up Burden Hours: 168.

One-time Annual Start Up Cost: $11,758.50.

Total Responses for First Year: 4,005.

Total Annual Burden Hours for First Year: 18,549.

Total Annual Burden Cost for First Year: $425,495.90.

We specifically request comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this proposed rule.

Requests for a copy of the information collection approvals, requests and data should be directed to Deborah Boothe, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW, Washington,

DC 20590–0001, Telephone (202) 366–8553.

Written comments should be addressed to the Dockets Management System as identified in the **ADDRESSES** section of this rulemaking. Comments should be received prior to the close of comment period identified in the **DATES** section of this rulemaking. Under the Paperwork Reduction Act of 1995, no person is required to respond to an information collection unless it displays a valid OMB control number. If these proposed requirements are adopted in a final rule, we will submit the revised information collection and recordkeeping requirements to the Office of Management and Budget for approval.

F. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is proposed to be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 171.7, in the paragraph (a)(3) table:

a. Under the entry ''American Society for Testing and Materials'', a new entry would be added in alpha-numeric order;

b. Under the entry ''International Atomic Energy Agency (IAEA)'', a new entry would be added in alhabetical order;

c. Under the entry ''International Civil Aviation Organization (ICAO)'', the existing entry would be revised;

d. Under the entry ''International Maritime Organization (IMO)'', the existing entry would be revised and a new entry would be added in appropriate alphabetical order;

e. Under the entry ''International Organization for Standardization'', three new entries would added in appropriate alphabetical/numerical order; and

f. Under the entry ''United Nations'', the existing entries would be revised.

The revisions and additions read as follows:

§ 171.7 Reference material.

(a) *Matter incorporated by reference.* * * *

(3) *Table of material incorporated by reference.* * * *

Source and name of material	49 CFR reference
* * * * * * *	
American Society for Testing and Materials	
* * * * * * *	
ASTM E 112–96 Standard Test Methods for Determining Average Grain Size, 1996 Edition.	178.274
* * * * * * *	
International Atomic Energy Agency (IAEA)	
* * * * * * *	
IAEA, Regulations for the Safe Transport of Radioactive Material, No. ST–1, 1996 Edition.	171.12(d)
* * * * * * *	
International Civil Aviation Organization (ICAO)	
* * * * * * *	
Technical Instructions for the Safe Transport of Dangerous Goods by Air, DOC 9284–AN/905, 2001–2002 Edition.	171.11; 172.191; 172.202; 172.401; 172.512; 172.519; 172.602

Source and name of material	49 CFR reference
International Maritime Organization (IMO)	
* * * *	* * *
International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes On Board Ships (INF Code).	176.720
International Maritime Dangerous Goods (IMDG) Code, as amended by Amendment 30 (2000 edition).	171.12; 172.401; 172.407; 173.21; 176.2; 176.5; 176.11; 176.27; 176.30.
International Organization for Standardization	
* * * *	* * *
ISO 1496–3 Series 1 freight containers—Specification and testing, 1996 edition ...	178.274
* * * *	* * *
ISO 4126–1 Safety valves Part 1: Safety valves,1991 edition	178.274
* * * *	* * *
ISO 6892 Metallic materials—Tensile testing, 1984 edition	178.274
* * * *	* * *
United Nations	
* * * *	* * *
UN Recommendations on the Transport of Dangerous Goods, Eleventh Revised Edition (1999).	172.102; 172.401; 172.407; 172.502; 173.1; 173.3; 173.21; 173.22; 173.24; 173.56; 173.57; 173.124; 173.166; 178.500; 178.700.
UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, Third Revised Edition (1999).	172.102; 173.21; 173.57; 173.58; 173.124; 173.128; 173.166; 173.185.

* * * * *

3. In § 171.8, the following definitions would be added in appropriate alphabetical order to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Large packaging means a packaging that—

(1) Consists of an outer packaging which contains articles or inner packagings; and

(2) Is designed for mechanical handling; and

(3) Exceeds 400 kg net mass or 450 liters (118.9 gallons) capacity and has a volume of not more than 3 m^3. (See § 178.801(i) of this subchapter); and.

(4) Conforms to the requirements for the construction, testing and marking of large packagings as specified in the UN Recommendations.

* * * * *

Liner means a separate tube or bag inserted into a packaging, (including IBCs and large packagings) but not forming an integral part of the packaging, including the closures of the packaging's openings.

* * * * *

Stabilized means that the hazardous material is in a condition that precludes uncontrolled reaction. This may be achieved by methods such as adding an inhibiting chemical, degassing the hazardous material to remove dissolved oxygen and inerting the air space in the package, or maintaining the hazardous material under temperature control.

* * * * *

UN portable tank means a multimodal tank having a capacity of more than 450 liters (118.9 gallons). It includes a shell fitted with service equipment and structural equipment, including stabilizing members external to the shell and skids, mountings or accessories to facilitate mechanical handling. The UN portable tank must be capable of being filled and discharged without the removal of its structural equipment and must be capable of being lifted when full. Cargo tanks, rail tank car tanks, non-metallic tanks and IBCs and packagings made to cylinder specifications are not UN portable tanks.

* * * * *

4. In § 171.10, in the paragraph (c)(2) Table of Conversion Factors for SI Units, a unit of measure would be added as the last entry to read as follows:

§ 171.10 Units of measure.

* * * * *

(c) * * *

(2) * * *

TABLE OF CONVERSION FACTORS FOR SI UNITS

Measurement	SI to U.S. standard	U.S. standard to SI
* * *	* * *	*
Force	1 Newton = 9.807 pound-force	1 Pound-force = 0.1020N.

* * * * *

5. In § 171.11, a new paragraph (d)(17) would be added to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

* * * * *

(d) * * *

(17) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

6. In § 171.12, in paragraph (b)(3), a sentence would be added at the end of the paragraph, a new paragraph (b)(19) would be added, and paragraphs (d)

heading and introductory text and (d)(4) would be revised to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(b) * * *

(3) * * * A viscous flammable liquid which is excepted from the requirements of the IMDG Code based on having a flash point of 23 °C (73.4 °F) or greater and less than or equal to 60.5 °C (140.9 °F), not meeting the toxic or corrosive definitions, not containing more than 20% nitrocellulose, and being packed in receptacles of less than 450 liters (118.9 gallons) capacity, may not be transported under the provisions of this section and is subject to the requirements of this subchapter.

* * * * *

(19) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

* * * * *

(d) *Use of International Atomic Energy Agency (IAEA) regulations for Class 7 (radioactive) materials.* Class 7 (radioactive) materials being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation when packaged, marked, labeled, and otherwise prepared for shipment in accordance with IAEA ''Regulations for the Safe Transport of Radioactive Material,'' Safety Series No. 6, 1985 edition, or ST–1, 1996 edition (incorporated by reference, see § 171.7), if:

* * * * *

(4) The country of origin for the shipment has adopted the corresponding edition (Safety Series No. 6, 1985 Edition, or ST–1, 1996 Edition) of the IAEA ''Regulations for the Safe Transport of Radioactive Material'';

* * * * *

7. In § 171.12a, a new paragraph (b)(18) would be added to read as follows:

§ 171.12a Canadian shipments and packagings.

* * * * *

(b) * * *

(18) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

8. In § 171.14, paragraphs (d) introductory text, (d)(1) and (d)(2) introductory text would be revised and a new paragraph (d)(4) would be added to read as follows:

§ 171.14 Transitional provisions for implementing certain requirements.

* * * * *

(d) A final rule published in the **Federal Register** on [publication date of final rule], effective October 1, 2001, resulted in revisions to this subchapter. During the transition period provided in paragraph (d)(1) of this section, a person may elect to comply with either the applicable requirements of this subchapter in effect on September 30, 2001, or the requirements published in the [publication date of final rule] final rule.

(1) *Transition dates.* The effective date of the [publication date of final rule] final rule is October 1, 2001. A delayed compliance date of October 1, 2002 is authorized. On October 1, 2002, all applicable regulatory requirements adopted in the [publication date of final rule] final rule must be met.

(2) *Intermixing old and new requirements.* Prior to the transition date in paragraph (d)(1) of this section, it is recommended that the hazard communication requirements be consistent where practicable. Marking, labeling, placarding, and shipping paper descriptions should conform to either the old requirements of this subchapter in effect on September 30, 2001, or the new requirements of this subchapter in the [publication date of final rule] final rule without intermixing communication elements. However, intermixing is permitted, during the applicable transition period, for packaging, hazard communication, and handling provisions, as follows:

* * * * *

(4) Until January 1, 2010, a hazardous material may be transported in an IM or IMO portable tank in accordance with the T Codes (special provisions) assigned to a hazardous material in Column (7) of the HMT in effect on September 30, 2000.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

9. The authority citation for part 172 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

10. In § 172.101, paragraph (c)(11) would be revised and new paragraphs (c)(16) and (k)(6) through (k)(20) would be added to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(c) * * *

(11) Except for a material subject to § 173.21, § 173.54, § 173.56(d), § 173.56(e)(1), § 173.124(a)(2)(iii) or § 173.128(c) of this subchapter, a hazardous waste or a sample of a material for which the hazard class is uncertain and must be determined by testing, may be assigned a tentative proper shipping name, hazard class/division, identification number, and packing group, if applicable, based on the shipper's tentative determination according to: Defining criteria in this subchapter; the hazard precedence prescribed in § 173.2a of this subchapter; and the shippers knowledge of the material. In addition, a sample of material that is to be tested is subject to the following requirements:

(i) A sample may not be an explosive, infectious substance, or radioactive material;

(ii) Except when the word ''Sample'' already appears in the proper shipping name, the word ''Sample'' must appear before the proper shipping name for the sample;

(iii) If the proper shipping description for a sample is assigned a ''G'' in Column (1) of the HMT, the provisions requiring a technical name for the constituent(s) do not apply;

(iv) A sample must be transported in a combination packaging which conforms to the requirements of this subchapter that are applicable to the tentative Packing Group assigned, and may not exceed a net mass of 2.5 kg. (5.5 pounds) per package;

(v) A sample may not be packed together with any other hazardous material;

(vi) For a sample that is a self-reactive material, the requirements in § 173.224(c)(3) apply; and

(vii) For a sample that is an organic peroxide, the requirements in § 173.225(c)(2) must be met.

* * * * *

(16) Unless it is already included in the proper shipping name in the Table, the qualifying words ''liquid'' or ''solid'' may be added in association with the proper shipping name when a hazardous material specifically listed by name in the Table may, due to the differing physical states of the various isomers of the material, be either a liquid or a solid (for example ''Dinitrotoluenes, liquid'' and ''Dinitrotoluenes, solid''). Use of the words ''liquid'' or ''solid'' is subject to

the limitations specified for the use of the words ''mixture'' or ''solution'' in paragraph § 172.101(c)(10) of this section. The qualifying word ''molten'' may be added in association with the proper shipping name when a hazardous material, which is a solid in accordance with the definition in § 171.8 of this subchapter, is offered for transportation in the molten state (for example, ''Alkylphenols, solid, n.o.s., molten'').

* * * * *

(k) * * *

(6) Stowage category ''01'' means the material may be stowed ''on deck'' or ''under deck'' on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(7) Stowage category ''02'' means the material may be stowed ''on deck'' or ''under deck'' on a cargo vessel (up to 12 passengers) and ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a passenger vessel.

(8) Stowage category ''03'' means the material may be stowed ''on deck'' or ''under deck'' on a cargo vessel (up to 12 passengers) and ''on deck'' in closed cargo transport units on a passenger vessel.

(9) Stowage category ''04'' means the material may be stowed ''on deck'' or ''under deck'' on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(10) Stowage category ''05'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(11) Stowage category ''06'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' on a cargo vessel (up to 12 passengers) and ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a passenger vessel.

(12) Stowage category ''07'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' on a cargo vessel (up to 12 passengers) and ''on deck'' only in closed cargo transport units on a passenger vessel.

(13) Stowage category ''08'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(14) Stowage category ''09'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(15) Stowage category ''10'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a cargo vessel (up to 12 passengers) and ''on deck'' only in closed cargo transport units on a passenger vessel.

(16) Stowage category ''11'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in magazine stowage type ''c'' on a cargo vessel (up to 12 passengers) and ''on deck'' only in closed cargo transport units on a passenger vessel.

(17) Stowage category ''12'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in magazine stowage type ''c'' on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(18) Stowage category ''13'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in magazine stowage type ''A'' on a cargo vessel (up to 12 passengers) and ''on deck'' only in closed cargo transport units on a passenger vessel.

(19) Stowage category ''14'' means the material may be stowed ''on deck'' in closed cargo transport units on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(20) Stowage category ''15'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

* * * * *

11. In § 172.101, the Hazardous Materials Table would be amended by removing, adding, or revising, in appropriate alphabetical sequence, the following entries to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
	[REMOVE:].												
	Accumulators, pressurized, pneumatic. *or* hydraulic (*containing non-flammable gas.*).	.....	NA1956.										
	Aldrin, *liquid* (PG II).	.....	NA2762.										
	Aldrin, *solid* (PG II).	.....	NA2761.										
	Antimony tribromide, solids (PG II).	.....	NA1549.										
	Antimony tribromide, solution (PG II).	.....	NA1549.										
	Antimony trifluoride, solution (PG II).	.....	NA1549.										
	Antimony trifluoride, solution (PG).	.....	NA1549.										
	Arsenic sulfide (PG II).	.....	NA1557.										
	Arsenic trisulfide (PG II).	.....	NA1557.										
	Barium styphnate (PG II).	.....	NA0473.										
	Calcium arsenite, solid (PG II).	.....	NA1574.										
	Chromic acid, solid (PG II).	.....	NA1463.										

	Denatured alcohol (PG I, II, III).	.....	NA1986.											
	Denatured alcohol (PG I, II, III).	.....	NA1987.											
	Dichlorobutene (PG I).	.....	NA2920.											
D	Dieldrin (PG II).	.....	NA2761.											
D	Diesel fuel	.....	NA1993.											
	Dodecylbenzene-sulfonic acid (PG II).	.....	NA2584.											
	Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol.* (PG II).	.....	NA1203.											
	Grenades, empty primed (PG II).	.....	NA0349.											
	Insecticide gases *flammable* n.o.s.	.....	NA1954.											
	Isobutyric anhydride (PG III).	.....	UN2530.											
	Lead mono-nitroresorcinate (PG II).	.....	NA0473.											
	Lighters for cigars, cigarettes, *etc., with lighter fluids.* (PG II).	.....	NA1226.											
	Maleic acid (PG III).	.....	NA2215.											
	Medicines, *corrosive, liquid*, n.o.s. (PG II, III).	.....	NA1760.											

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Medicines, *corrosive, liquid*, n.o.s. (PG II, III).	.....	NA1760.										
	Medicines, *corrosive, solid*, n.o.s. (PG II, III).	.....	NA1759.										
	Medicines, *flammable, liquid*, n.o.s. (PG I, II, III).	.....	NA1993.										
	Medicines, *flammable, solids*, n.o.s. (PG II).	.....	NA1325.										
	Medicines, *oxidizing substance, solid*, n.o.s. (PG II).	.....	NA1479.										
	Metal alkyl, solution, n.o.s. (PG II).	.....	NA9195.										
	Methacrylic acid, inhibited (PG III).	.....	UN2531.										
	Methyl parathion *liquid* (PG II).	.....	NA3018.										
	Methyl parathion *solid* (PG II).	.....	NA2783.										

Organic perioxide type F, solid temperature controlled. (PG III only).	.....	UN3120.										
Parathion (PG I, II).	.....	NA2783.										
Picric acide, wet, *with not less than 10 percent water.* (PG I).	.....	NA1344.										
Propargyl alcohol (PG II).	.....	NA1986.										
Refrigerating machine (PG III).	.....	NA1993.										
Refrigerating machines, *containing flammable, non-poisonous, liquefied gas.*	.....	NA1954.										
Selenium oxide (PG I).	.....	NA2811.										
Sodium hydrosulfide, solution (PG II).	.....	NA2922.										
Sodium selenite (PG II).	.....	NA2630.										
Sulfur trioxide, uninhibited (PG I).	.....	NA1829.										
Tetraethyl lead, liquid (PG I).	.....	NA1649.										
Tetraethyl pyrophosphate, *liquid* (PG I).	.....	NA3018.										

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Tetraethyl pyrophosphate *solid* (PG II).	.....	NA1707.										
	Titanium sulfate solution (PG II).	.....	NA1760.										
	mon-(Trichloro) tetra-(monopotassium dichloro)-panta-s-triazinetrione, dry (*with more than 39 percent available chlorine*). (PG II).	.....	NA2468.										
	Oxygen generator, checmical.	.....	UN3356.										
	Zirconium sulfate (PG III).	.....	NA9163.										
	*	*		*	*		*		*	*			
	[ADD:]												
	*	*		*	*		*		*	*			
	Aircraft engines (including turbines), see Engines, internal combustion.												
	*	*		*	*		*		*	*			
	Diesel fuel, *see* Gas oil.	3	NA1883	III	None	B1	150	203	242	60 L	220 L	A.	

*	*		*	*		*		*	*			
Fuel system components (including fuel control units (FCU), carburetor, fuel lines, fuel pumps) see Dangerous Goods in Apparatus. *or* Dangerous Goods in Machinery.												
*	*		*	*		*		*	*			
Methacrylic acid, stabilized.	8	UN2531 ...	II	8	T14	154	202	242	1 L	30 L	A	
*	*		*	*		*		*	*			
Nitroglycerin mixture, desensitized, liquid, n.o.s. *with not more than 30% nitroglycerin, by mass.*	3	UA3357	II	3	142	None	202	243	5 L	60 L	E	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
	Oxygen generator, chemical *(including when contained in associated equipment, e.g., passenger service units (PSUs), portable breathing equipment (PBE), etc.).*	5.1	UN3356	II	5.1	60.A51	None	212	None	Forbidden	25 kg gross.	D	56, 58, 69, 106
	Propellant, solid.	1.4C	UN0501		1.4C		None	62	None	Forbidden	Forbidden	A	24E
	*	*		*	*		*		*	*			
I	Radioactive material, excepted package—articles manufactured from natural uranium *or* depleted uranium *or* natural thorium.			7	UN2909		None	422, 426	422, 426	422, 426		A	
	*	*		*	*		*		*	*			
I	Radioactive material, excepted package—empty packaging.	7	UN2908		Empty		422, 428	422, 428	422, 428			A	

	*	*		*	*		*		*	*			
I	Radioactive material, excepted package—instruments *or* articles.	7	UN2911		None		422, 424	422, 424	422, 424			A	
	*	*		*	*		*		*	*			
I	Radioactive material, low specific activity (LSA–I) *non fissile or fissile-excepted.*	7	UN2912		7	W7	421, 422, 428	427	427			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, low specific activity (LSA–II) *non fissile or fissile-excepted.*	7	UN3321		7	W7	421, 422, 428	427	427			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, low specific activity (LSA–III) *non fissile or fissile excepted.*	7	UN3322		7	W7	421, 422, 428	427	427			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, surface contaminated objects (SCO–I *or* SCO–II) *non fissile or fissile-excepted.*	7	UN2913		7		421, 422, 428	427	427			A	95

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
I	Radioactive material, transported under special arrangement, fissile.	7	UN3331		7	139.							
	*	*		*	*		*		*	*			
I	Radioactive material, transported under special arrangement *non fissile or fissile-excepted.*	7	UN2919		7	139.							
	*	*		*	*		*		*	*			
I	Radioactive material, Type A package, fissile *non-special form.*	7	UN3327		7	W7, W8	453	417	417			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, Type A package *non-special form, non fissile or fissile-excepted.*	7	UN2915		7	W7, W8		415	415			A	95

	*	*		*	*		*		*	*			
I	Radioactive material, Type A package, special form *non fissile or fissile-excepted.*	7	UN3332		7	W7, W8		415, 476	415, 476			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, Type A package, special form, fissile.	7	UN3333		7	W7, W8	453	417, 476	417, 476			A	
	*	*		*	*		*		*	*			
I	Radioactive material, Type B(M) package, fissile.	7	UN3329		7		453	417	417			A	
	*	*		*	*		*		*	*			
I	Radioactive material, Type B(M) package *non fissile or fissile-excepted.*	7	UN2917		7			416	416			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, Type B(U) package, fissile.	7	UN3328		7		453	417	417			A	
	*	*		*	*		*		*	*			
I	Radioactive material, Type B(U) package *non fissile or fissile-excepted.*	7	UN2916		7			416	416			A	95
I	Radioactive material, uranium hexafluoride *non fissile or fissile-excepted.*	7	UN2978		7,8		423	420, 427	420, 427			A	95

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
I	Radioactive material, uranium hexafluoride, fissile.	7	UN2977		7,8		453	417, 420	417, 420			A	
	*	*		*	*		*		*	*			
	Refrigerating Machines *containing flammable, nontoxic, liquefied gas.*	2.1	UN3358		2.1		306	306	306	Forbidden	Forbidden	C	40
	*	*		*	*		*		*	*			
	Rockets *with inert head.*	1.2C	UN0502		1.2		None	62	None	Forbidden	Forbidden	B	1E, 5E
	*	*		*	*		*		*	*			
	1H-Tetrazole.	1.1D	UN0504		1.1D		None	62	None	Forbidden	Forbidden	B	1E, 5E
	*	*		*	*		*		*	*			
	[REVISE:]												
	*	*		*	*		*		*	*			
	Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry *with more than 39 percent available chlorine (8.8 percent available oxygen).*	5.1	UN1748	II	5.1	A7, A9, N34, W9.	152	212	None	5 kg	25 kg	D	4, 5, 25, 48, 56, 58, 69

	Calcium hypochlorite, hydrated *or* Calcium hypochlorite, hydrated mixtures, *with not less than 5.5 percent but not more than 10 percent water.*	5.1	UN2880	II	5.1	W9	152	212	240	5 kg	25 kg	D	4, 5, 25, 48, 56, 58, 69
	Calcium hypochlorite mixtures, dry *with more than 10 percent but not more than 39 percent available chlorine.*	5.1	UN2208	III	5.1	A1, A29, N34, W9.	152	213	240	25 kg	100 kg	D	4, 5, 25, 48, 56, 58, 69
	*	*		*	*		*		*	*			
	Dangerous Goods in Machinery. *or* Dangerous Goods in Apparatus.	9	UN3363			136	None	222	None	No limit	No limit	A	
	*	*		*	*		*		*	*			
	Fire extinguishers *containing.*	2.2	UN1044		2.2	18, 110	309	309	None	75 kg	150 kg	A	
	Magnesium granules, coated, *particle size not less than 149.*	4.3	UN295-	III	4.3	128, A1, A19, B108, B115.	151	213	240	25 kg	100 kg	A	
	*	*		*	*		*		*	*			
+, I	Methanol	3	UN1230	II	3, 6.1	T8	150	202	242	1 L	60 L	B	40
	*	*		*	*		*		*	*			
	Morpholine	8	UN2054	I	8, 3	T17	None	201	243	.5L	2.5L	C	25, 40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
G	Pyrophoric organometallic compound, water-reactive, n.o.s.	4.2	UN3203	I	4.2, 4.3	T28, T40	None	187	242	Forbidden	Forbidden	D	18
	*	*		*	*		*		*	*			
D	Radioactive material, excepted package—articles manufactured from natural *or* depleted uranium *or* natural thorium.	7	UN2910		None		422, 426	422, 426	422, 426			A	
	*	*		*	*		*		*	*			
D	Radioactive material, excepted package—empty package *or* empty packaging.	7	UN2910		empty		428	428	428			A	
	*	*		*	*		*		*	*			
D	Radioactive material, excepted package—instruments *or* articles.	7	UN2910		None		422, 424	422, 424	422, 424			A	
	*	*		*	*		*		*	*			
D	Radioactive material, fissile, n.o.s.	7	UN2918		7		453	417	417			A	40, 95

	*	*		*	*		*		*	*			
D	Radioactive material, low specific activity, n.o.s.. *or* Radioactive material, LSA, n.o.s..	7	UN2912		7		421, 428	427	427		A	.	
	*	*		*	*		*		*	*			
D	Radioactive material, n.o.s.	7	UN2982		7		421, 428	415, 416	415, 416			A	40, 95
	*	*		*	*		*		*	*			
D	Radioactive material, special form n.o.s.	7	UN2974		7		421, 424	415, 416	415, 416			A	
	*	*		*	*		*		*	*			
	Regulated medical waste.	6.2	UN3291	II	6.2	A13, A14	134	197	None	No limit	No limit	E	
	*	*		*	*		*		*	*			
D	Radioactive material, surface contaminated object. *or* Radioactive material SCO.			7	UN2913		7		421, 424, 426.	427	427	A	
	*	*		*	*		*		*	*			
D	Thorium metal, pyrophoric.	7	UN2975		7,4.2		None	418	None	Forbidden	Forbidden	D	
	*	*		*	*		*		*	*			
D	Thorium nitrate, solid.	7	UN2976		7,5.1		None	419	None	Forbidden	15 kg	A	
	*	*		*	*		*		*	*			
D	Uranium hexafluoride, *fissile excepted or non-fissile*.	7	UN2978		7,8		423	420, 427	420, 427				

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
D	Uranium, hexafluoride, fissile (*with more than 1 percent U-235*).	7	UN2977		7, 8		453	417, 420	417, 420			A	
	*	*		*	*		*		*	*			
D	Uranium metal, pyrophoric.	7	UN2979		7,4.2		None	418	None			D	
	*	*		*	*		*		*	*			
D	Uranyl nitrate hexahydrate solution.	7	UN2980		7, 8		421, 427	415, 416, 417.	415, 416, 417.			D	
	*	*		*	*		*		*	*			
D	Uranyl nitrate, solid.	7	UN2981		7,5.1		None	419	None	Forbidden	15 kg	A	
	*	*		*	*		*		*	*			

§ 172.101 [Amended]

12. In addition, in the § 172.101 Hazardous Materials Table, the following changes would be made:

a. In Column (1), a ''G'' would be added for the entries, ''Other regulated substances, liquid, n.o.s.'' and ''Other regulated substances, solid, n.o.s.''

b. In Column (2), the following proper shipping names would be revised as follows:

Current column 2 entry	Revise to read:
Lithium hypochlorite, dry *or* Lithium hypochlorite mixtures, dry.	Lithium hypochlorite, dry *with more than 39% available chlorine (8.8% available oxygen)* or Lithium hypochlorite mixtures, dry *with more than 39% available chlorine (8.8% available oxygen).*
Nitrocellulose membrane filters	Nitrocellulose membrane filters, *with not more than 12.6% nitrogen, by dry mass.*
Printing ink, *flammable*	Printing ink, *flammable or* Printing ink related material *(including printing ink thinning or reducing compound), flammable.*

c. In Column (2), for the following entries, the word ''inhibited'' would be revised to read ''stabilized'':

Acrolein, inhibited
Acrylic acid, inhibited
Acrylonitrile, inhibited
Bicyclo [2,2,1] hepta-2, 5-diene, inhibited *or* 2,5-Norbornadiene, inhibited.
Butadienes, inhibited
Butyl acrylates, inhibited
n-Butyl methacrylates, inhibited.
Butyl vinyl ether, inhibited
Chloral, anhydrous, inhibited
Chloroprene, inhibited
Cyanogen chloride, inhibited
Diketene, inhibited
Divinyl ether, inhibited
Ethyl acrylate, inhibited
Ethylacetylene, inhibited
Ethyleneimine, inhibited
Isobutyl acrylate, inhibited
Isobutyl methacrylate, inhibited
Isoprene, inhibited
Methacrylaldehyde, inhibited
Methacrylic acid, inhibited
Methacrylonitrile, inhibited
Methyl acrylate, inhibited
Methyl isopropenyl ketone, inhibited.
Methyl methacrylate monomer, inhibited.
Propadiene, inhibited
Propyleneimine, inhibited
Styrene monomer, inhibited
Tetrafluoroethylene, inhibited
Trifluorochloroethylene, inhibited
Vinyl acetate, inhibited
Vinyl bromide, inhibited
Vinyl butyrate, inhibited
Vinyl ethyl ether, inhibited
Vinyl fluoride, inhibited
Vinyl isobutyl ether, inhibited
Vinyl methyl ether, inhibited
Vinyl chloride, inhibited *or* Vinyl chloride, stabilized
Vinylidene chloride, inhibited
Vinylpyridines, inhibited
Vinyltoluene, inhibited
Vinyltrichlorosilane, inhibited

d. In Column (7), the following entry would be revised as follows:

Column (2) entry	Column (7) entry	Revise to read
Life-saving appliances, not self inflating *containing dangerous goods as equipment*	.....	143

e. In Column (7), the following entries would be revised as follows:

Note to reader: The following Table is listed in numerical order according to the UN identification number. Columns 10 and 11 are proposed special provisions for IBCs. Columns 8 and 9 are proposed special provisions for portable tanks. If adopted, these four columns would appear in the Special Provisions column (Column (7)) of the § 172.101 Hazardous Materials Table.

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1003	Air, refrigerated liquid, (cryogenic liquid) non-pressurized.	2.2		2.2, 5.1		318, 319	T75	TP22		
1003	Air, refrigerated liquid, (cryogenic liquid).	2.2		2.2, 5.1		318, 319	T75	TP22		
1005	Ammonia, anhydrous	2.2		2.2	13	314, 315	T50			
1005	Ammonia, anhydrous	2.3		2.3, 8	4	314, 315	T50			
1009	Bromotrifluoromethane or Refrigerant gas, R 13B1.	2.2		2.2		314, 315	T50			
1010	Butadienes, inhibited	2.1		2.1		314, 315	T50			
1011	Butane see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1012	Butylene see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1017	Chlorine	2.3		2.3, 8	2, B9, B14	314, 315	T50	TP19		
1018	Chlorodifluoromethane or Refrigerant gas R 22.	2.2		2.2		314, 315	T50			
1020	Chloropentafluoroethane or Refrigerant gas R 115.	2.2		2.2		314, 315	T50			
1021	1-Chloro-1,2,2,-tetrafluoroethane or Refrigerant gas R 124.	2.2		2.2		314, 315	T50			
1027	Cyclopropane	2.1		2.1		314, 315	T50			
1028	Dichlorodifluoromethane or Refrigerant gas R 12.	2.2		2.2		314, 315	T50			
1029	Dichlorofluoromethane or Refrigerant gas R 21.	2.2		2.2		314, 315	T50			
1030	1,1-Difluoroethane or Refrigerant gas R 152a.	2.1		2.1		314, 315	T50			
1032	Dimethylamine, anhydrous.	2.1		2.1		314, 315	T50			
1033	Dimethyl ether	2.1		2.1		314, 315	T50			
1036	Ethylamine	2.1		2.1	B77	314, 315	T50			
1037	Ethyl chloride	2.1		2.1	B43, B77	314, 315	T50			
1038	Ethylene, refrigerated liquid (cryogenic liquid).	2.1		2.1		318, 319	T75			
1040	Ethylene oxide or Ethylene oxide with nitrogen up to a total pressure of 1MPa (10 bar) at 50 degrees C.	2.3		2.3, 2.1	4	323	T50	TP20		
1041	Ethylene oxide and carbon dioxide mixtures with more than 9 percent but not more than 87 percent ethylene oxide.	2.1		2.1		314, 315	T50			
1052	Hydrogen fluoride, anhydrous.	8	I	8, 6.1	3, B7, B46, B71, B77, T24, T27.	243	T10	TP2		
1055	Isobutylene see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1060	Methyl acetylene and propadiene mixtures, stabilized.	2.1		2.1		314, 315	T50			
1061	Methylamine, anhydrous.	2.1		2.1		314, 315	T50			
1062	Methyl bromide	2.3		2.3	3, B14	314, 315	T50			
1063	Methyl chloride or Refrigerant gas R 40.	2.1		2.1		314, 315	T50			

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1064	Methyl mercaptan	2.3		2.3, 2.1	3, B7, B9, B14.	314, 315	T50			
1067	Dinitrogen tetroxide	2.3		2.3, 5.1, 8	1, B7, B14, B45, B46, B61, B66, B67, B77.	314	T50	TP21		
1073	Oxygen, refrigerated liquid (cryogenic liquid).	2.2		2.2, 5.1		318	T75	TP22		
1075	Petroleum gases, liquefied or Liquefied petroleum gas.	2.1		2.1		314, 315	T50			
1077	Propylene see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1078	Refrigerant gases, n.o.s..	2.2		2.2		314, 315	T50			
1079	Sulfur dioxide	2.3		2.3, 8	3, B14	314, 315	T50	TP19		
1082	Trifluorochloroethylene, inhibited.	2.3		2.3, 2.1	3, B14	314, 315	T50			
1083	Trimethylamine, anhydrous.	2.1		2.1		314, 315	T50			
1085	Vinyl bromide, inhibited.	2.1		2.1		314, 315	T50			
1086	Vinyl chloride, inhibited or Vinyl chloride, stabilized.	2.1		2.1	21, B44	314, 315	T50			
1087	Vinyl methyl ether, inhibited.	2.1		2.1	B44	314, 315	T50			
1088	Acetal	3	II	3	T7	242	T4	TP1	IB2	
1089	Acetaldehyde	3	I	3	A3, B16, T20, T26, T29.	243	T11	TP2 TP7		
1090	Acetone	3	II	3	T8	242	T4	TP1	IB2	
1091	Acetone oils	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1092	Acrolein, inhibited	6.1	I	6.1, 3	1, B9, B14, B30, B42, B72, B77, T38, T43, T44.	244	T22	TP2 TP7 TP13 TP38 TP44		
1093	Acrylonitrile, inhibited	3	I	3, 6.1	B9, T18, T26.	243	T14	TP2 TP13		
1098	Allyl alcohol	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1099	Allyl bromide	3	I	3, 6.1	T18	243	T14	TP2 TP13		
1100	Allyl chloride	3	I	3, 6.1	T18, T26	243	T14	TP2 TP13		
1104	Amyl acetates	3	III	3	B1, T1	242	T2	TP1	IB3	
1105	Pentanols	3	II	3	T1	242	T4	TP1 TP29	IB2	
1105	Pentanols	3	III	3	B1, B3, T1	242	T2	TP1	IB3	
1106	Amylamines	3	II	3, 8	T1	243	T7	TP1	IB2	
1106	Amylamines	3	III	3, 8	B1	242	T4	TP1	IB3	
1107	Amyl chlorides	3	II	3	T1	242	T4	TP1	IB2	
1108	1-Pentene (n-amylene).	3	I	3	T14	243	T11	TP2		
1109	Amyl formates	3	III	3	B1, T1	242	T2	TP1	IB3	
1110	n-Amyl methyl ketone	3	III	3	B1, T1	242	T2	TP1	IB3	
1111	Amyl mercaptans	3	II	3	A3, T8	242	T4	TP1	IB2	
1112	Amyl nitrate	3	III	3	B1, T1	242	T2	TP1	IB3	
1113	Amyl nitrites	3	II	3	T8	242	T4	TP1	IB2	
1114	Benzene	3	II	3	B101, T8	242	T4	TP1	IB2	
1120	Butanols	3	II	3	T1	242	T4	TP1 TP29	IB2	
1120	Butanols	3	III	3	B1, T1	242	T2	TP1	IB3	
1123	Butyl acetates	3	II	3	T1	242	T4	TP1	IB2	
1123	Butyl acetates	3	III	3	B1, T1	242	T2	TP1	IB3	
1125	n-Butylamine	3	II	3, 8	B101, T8	242	T7	TP1	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1126	1-Bromobutane	3	II	3	T1	242	T4	TP1	IB2	
1127	Chlorobutanes	3	II	3	B101, T8	242	T4	TP1	IB2	
1128	n-Butyl formate	3	II	3	T1	242	T4	TP1	IB2	
1129	Butyraldehyde	3	II	3	T8	242	T4	TP1	IB2	
1130	Camphor oil	3	III	3	B1, T1	242	T2	TP1	IB3	
1131	Carbon disulfide	3	I	3, 6.1	B16, T18, T26, T29.	243	T14	TP2 TP7 TP13		
1133	Adhesives, containing a flammable liquid.	3	I	3	B42, T7, T30.	243	T11	TP1 TP8 TP27		
1133	Adhesives, containing a flammable liquid.	3	II	3	B52, T7, T30.	242	T4	TP1 TP8	IB2	
1133	Adhesives, containing a flammable liquid.	3	III	3	B1, B52, T7, T30.	242	T2	TP1	IB3	
1134	Chlorobenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
1135	Ethylene chlorohydrin	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2	TP13 TP38 TP45	
1136	Coal tar distillates, flammable.	3	II	3	T8, T31	242	T4	TP1	IB2	
1136	Coal tar distillates, flammable.	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1139	Coating solution (includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoating, drum or barrel lining).	3	I	3	T42	243	T11	TP1 TP8 TP27		
1139	Coating solution (includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoating, drum or barrel lining).	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1139	Coating solution (includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoating, drum or barrel lining).	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1143	Crotonaldehyde, stabilized.	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1144	Crotonylene	3	I	3	T20	243	T11	TP2		
1145	Cyclohexane	3	II	3	B101, T8	242	T4	TP1	IB2	
1146	Cyclopentane	3	II	3	B101, T14	242	T7	TP1	IB2	
1147	Decahydronaphthalene.	3	III	3	B1, T1	242	T2	TP1	IB3	
1148	Diacetone alcohol	3	II	3	T1	242	T4	TP1	IB2	
1148	Diacetone alcohol	3	III	3	B1, T1	242	T2	TP1	IB3	
1149	Dibutyl ethers	3	III	3	B1, T1	242	T2	TP1	IB3	
1150	1,2-Dichloroethylene	3	II	3	T14	242	T7	TP2	IB2	
1152	Dichloropentanes	3	III	3	B1, T1	242	T2	TP1	IB3	
1153	Ethylene glycol diethyl ether.	3	III	3	B1, T1	242	T2	TP1	IB3	
1154	Diethylamine	3	II	3, 8	B101, N34, T8.	243	T7	TP1	IB2	
1155	Diethyl ether or Ethyl ether.	3	I	3	T21	243	T11	TP2		
1156	Diethyl ketone	3	II	3	T1	242	T4	TP1	IB2	
1157	Diisobutyl ketone	3	III	3	B1, T1	242	T2	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1158	Diisopropylamine	3	II	3, 8	B101, T8	243	T7	TP1	IB2	
1159	Diisopropyl ether	3	II	3	B101, T8	242	T4	TP1	IB2	
1160	Dimethylamine solution.	3	II	3, 8	T8, T34	243	T7	TP1	IB2	
1161	Dimethyl carbonate	3	II	3	T8	242	T4	TP1	IB2	
1162	Dimethyldichlorosilane.	3	II	3, 8	B77, T15, T26.	243	T7	TP2 TP13	IB2	
1163	Dimethylhydrazine, unsymmetrical.	6.1	I	6.1, 3, 8	2, B7, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP 45		
1164	Dimethyl sulfide	3	II	3	B100, T14	242	T7	TP2	IB1	BB8
1165	Dioxane	3	II	3	T8	242	T4	TP1	IB2	
1166	Dioxolane	3	II	3	T8	242	T4	TP1	IB2	
1167	Divinyl ether, inhibited.	3	I	3	T14	243	T11	TP2		
1169	Extracts, aromatic, liquid.	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1169	Extracts, aromatic, liquid.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1170	Ethanol or Ethyl alcohol Ethanol solutions or Ethyl alcohol solutions.	3	II	3	24, T1	242	T4	TP1	IB2	
1170	Ethanol or Ethyl alcohol or Ethanol solutions or Ethyl alcohol solutions.	3	III	3	24, B1, T1	242	T2	TP1	IB3	
1171	Ethylene glycol monoethyl ether.	3	III	3	B1, T1	242	T2	TP1	IB3	
1172	Ethylene glycol monoethyl ether.	3	III	3	B1, T1	242	T2	TP1	IB3	
1173	Ethyl acetate	3	II	3	T2	242	T4	TP1	IB2	
1175	Ethylbenzene	3	II	3	T1	242	T4	TP1	IB2	
1176	Ethyl borate	3	II	3	T8	242	T4	TP1	IB2	
1177	Ethylbutyl acetate	3	III	3	B1, T1	242	T2	TP1	IB3	
1178	2–Ethylbutyraldehyde	3	II	3	B1, T1	242	T4	TP1	IB2	
1179	Ethyl butyl ether	3	II	3	B1, B101, T1.	242	T4	TP1	IB2	
1180	Ethyl butyrate	3	III	3	B1, T1	242	T2	TP1	IB3	
1181	Ethyl chloroacetate	6.1	II	6.1, 3	T14	243	T7	TP2	IB2	
1182	Ethyl chloroformate	6.1	I	6.1, 3. 8	2, A3, A6, A7, B9, B14,.	B32, B74, N34,.	T38, T43, T45	244	T20	TP2 TP13 TP38 TP45
1183	Ethyldichlorosilane	4.3	I	4.3, 8, 3	A2, A3, A7, N34, T18, T26.	244	T10	TP2 TP7 TP13		
1184	Ethylene dichloride	3	II	3, 6.1	T14	243	T7	TP1	IB2	
1185	Ethyleneimine, inhibited.	6.1	I	6.1, 3	1, B9, B14, B30, B72, B77, N25, N32, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1188	Ethylene glycol monomethyl ether.	3	III	3	B1, T1	242	T2	TP1	IB3	
1189	Ethylene glycol monomethyl ether acetate.	3	III	3	B1, T1	242	T2	TP1	IB3	
1190	Ethyl formate	3	II	3	T8	242	T4	TP1	IB2	
1191	Octyl aldehydes	3	III	3	B1, T1	242	T2	TP1	IB3	
1192	Ethyl lactate	3	III	3	B1, T1	242	T2	TP1	IB3	
1193	Ethyl methyl ketone or Methyl ethyl ketone.	3	II	3	T8	242	T4	TP1	IB2	
1195	Ethyl propionate	3	II	3	T1	242	T4	TP1	IB2	
1196	Ethyltrichlorosilane	3	II	3, 8	A7, B100, N34, T15, T26.	243	T7	TP2 TP13	IB1	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1197	Extracts, flavoring, liquid.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1198	Formaldehyde, solutions, flammable.	3	III	3, 8	B1, T8	242	T4	TP1	IB3	
1199	Furaldehydes	6.1	II	6.1, 3	T15	243	T7	TP2	IB2	
1201	Fusel oil	3	II	3	T1	242	T4	TP1	IB2	
1201	Fusel oil	3	III	3	B1, T1	242	T2	TP1	IB3	
1202	Gas oil or Diesel fuel or Heating oil, light.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1203	Gasoline	3	II	3	B33, B101, T8.	242	T4	TP1	IB2	
1204	Nitroglycerin solution in alcohol with not more than 1 percent nitroglycerin.	3	II	3	N34, T25	None			IB2	
1206	Heptanes	3	II	3	T2	242	T4	TP1	IB2	
1207	Hexaldehyde	3	III	3	B1, T1	242	T2	TP1	IB3	
1208	Hexanes	3	II	3	B101, T8	242	T4	TP1	IB2	
1210	Printing ink, flammable.	3	I	3	T8, T31	243	T11	TP1 TP8		
1210	Printing ink, flammable.	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1210	Printing ink, flammable.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1212	Isobutanol or Isobutyl alcohol.	3	III	3	B1, T1	242	T2	TP1	IB3	
1213	Isobutyl acetate	3	II	3	T1	242	T4	TP1	IB2	
1214	Isobutylamine	3	II	3, 8	B101, T8	243	T7	TP1	IB2	
1216	Isooctenes	3	II	3	T8	242	T4	TP1	IB2	
1218	Isoprene, inhibited	3	I	3	T20	243	T11	TP2		
1219	Isopropanol or Isopropyl alcohol.	3	II	3	T1	242	T4	TP1	IB2	
1220	Isopropyl acetate	3	II	3	T1	242	T4	TP1	IB2	
1221	Isopropylamine	3	I	3, 8	T20	243	T11	TP2		
1222	Isopropyl nitrate	3	II	3	T25	None			IB2	BB7
1223	Kerosene	3	III	3	B1, T1	242	T2	TP2	IB3	
1224	Ketones, liquid, n.o.s.	3	I	3	T8, T31	243	T11	TP1 TP8 TP27		
1224	Ketones, liquid, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
1224	Ketones, liquid, n.o.s.	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1228	Mercaptans, liquid, flammable, toxic, n.o.s. or Mercaptan mixtures, liquid, flammable, toxic, n.o.s.	3	II	3, 6.1	T13	243	T11	TP2 TP27	IB2	
1228	Mercaptans, liquid, flammable, toxic, n.o.s. or Mercaptan mixtures, liquid, flammable, toxic, n.o.s.	3	III	3, 6.1	B1, T8	242	T7	TP1 TP28	IB3	
1229	Mesityl oxide	3	III	3	B1, T1	242	T2	TP1	IB3	
1230	Methanol	3	II	3	T8	242	T7	TP2	IB2	
1230	Methanol	3	II	3, 6.1	T8	242	T7	TP2	IB2	
1231	Methyl acetate	3	II	3	B101, T8	242	T4	TP1	IB2	
1233	Methylamyl acetate	3	III	3	B1, T1	242	T2	TP1	IB3	
1234	Methylal	3	II	3	T14	242	T7	TP2	IB2	BB8
1235	Methylamine, aqueous solution.	3	II	3, 8	B1, T8	243	T7	TP1	IB2	
1237	Methyl butyrate	3	II	3	T1	242	T4	TP1	IB2	
1238	Methyl chloroformate	6.1	I	6.1, 3, 8	1, B9, B14, B30, B72, N34, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1239	Methyl chloromethyl ether.	6.1	I	6.1, 3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP38 TP44		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1242	Methyldichlorosilane	4.3	I	4.3, 8, 3	A2, A3, A7, B6, B77, N34, T16, T26.	243	T10	TP2 TP7 TP13		
1243	Methyl formate	3	I	3	T20	243	T11	TP2		
1244	Methylhydrazine	6.1	I	6.1, 3, 8	1, B7, B9, B14, B30, B72, B77, N34, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1245	Methyl isobutyl ketone.	3	II	3	T1	242	T4	TP1	IB2	
1246	Methyl isopropenyl ketone, inhibited.	3	II	3	T7	242	T4	TP1	IB2	
1247	Methyl methacrylate monomer, inhibited.	3	II	3	T8	242	T4	TP1	IB2	
1248	Methyl propionate	3	II	3	B101, T2	242	T4	TP1	IB2	
1249	Methyl propyl ketone	3	II	3	T1	242	T4	TP1	IB2	
1250	Methyltrichlorosilane	3	I	3, 8	A7, B6, B77, N34, T14, T26.	243	T11	TP2 TP13		
1251	Methyl vinyl ketone, stabilized.	6.1	I	6.1, 3, 8	1, 25, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1262	Octanes	3	II	3	T1	242	T4	TP1	IB2	
1263	Paint including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.	3	I	3	T8, T31	243	T11	TP1 TP8		
1263	Paint related material including paint thinning, drying, removing, or reducing compound.	3	I	3	T8, T31	243	T11	TP1 TP8		
1263	Paint including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.	3	II	3	B52, T7, T30.	242	T4	TP1 TP8	IB2	
1263	Paint related material including paint thinning, drying, removing, or reducing compound.	3	II	3	B52, T7, T30.	242	T4	TP1 TP8	IB2	
1263	Paint including paint, lacquer,enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.	3	III	3	B1, B52, T7, T30.	242	T2	TP1	IB3	
1263	Paint related material including paint thinning, drying, removing, or reducing compound.	3	III	3	B1, B52, T7, T30.	242	T2	TP1	IB3	
1264	Paraldehyde	3	III	3	B1, T1	242	T2	TP1	IB3	
1265	Pentanes	3	I	3	T20	243	T11	TP2		
1265	Pentanes	3	II	3	T20	242	T4	TP1	IB2	BB8
1266	Perfumery products with flammable solvents.	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1266	Perfumery products with flammable solvents.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1267	Petroleum crude oil	3	I	3	T8, T31	243	T11	TP1 TP8		
1267	Petroleum crude oil	3	II	3	T8, T31	242	T4	TP1 TP8	IB2	
1267	Petroleum crude oil	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1268	Petroleum distillates, n.o.s. or Petroleum products, n.o.s.	3	I	3	T8, T31	243	T11	TP1 TP8		
1268	Petroleum distillates, n.o.s. or Petroleum products, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
1268	Petroleum distillates, n.o.s. or Petroleum products, n.o.s.	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1272	Pine oil	3	III3	B1, T1	242	T2	TP1	IB3		
1274	n-Propanol or Propyl alcohol, normal.	3	II	3	B1, T1	242	T4	TP1	IB2	
1274	n-Propanol or Propyl alcohol, normal.	3	III	3	B1, T1	242	T2	TP1	IB3	
1275	Propionaldehyde	3	II	3	T14	242	T7	TP1	IB2	
1276	n-Propyl acetate	3	II	3	T1	242	T4	TP1	IB2	
1277	Propylamine	3	II	3, 8	N34, T14	243	T7	TP1	IB2	
1278	Propyl chloride	3	II	3	N34, T14	242	T7	TP2	IB2	BB8
1279	1,2-Dichloropropane	3	II	3	N36, T1	242	T4	TP1	IB2	
1280	Propylene oxide	3	I	3	A3, N34,	243	T11	TP2 TP7		
1281	Propyl formates	3	II	3	T8	242	T4	TP1	IB2	
1282	Pyridine	3	II	3	T8	242	T4	TP2	IB2	
1286	Rosin oil	3	II	3	T7	242	T4	TP1	IB2	
1286	Rosin oil	3	III	3	B1, T1	242	T2	TP1	IB3	
1287	Rubber solution	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1287	Rubber solution	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1288	Shale oil	3	I	3	T7	243	T11	TP1 TP8 TP27		
1288	Shale oil	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1288	Shale oil	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1289	Sodium methylate solutions in alcohol.	3	II	3, 8	T8, T31	243	T7	TP1 TP8	IB2	
1289	Sodium methylate solutions in alcohol.	3	III	3, 8	B1, T7, T30.	242	T4	TP1	IB3	
1292	Tetraethyl silicate	3	III	3	B1, T1	242	T2	TP1	IB3	
1293	Tinctures, medicinal	3	II	3	T8, T31	242	T4	TP1 TP8	IB2	
1293	Tinctures, medicinal	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1294	Toluene	3	II	3	T1	242	T4	TP1	IB2	
1295	Trichlorosilane	4.3	I	4.3,	A7, N34, T24 T26.	244	T14	TP2 TP7		
1296	Triethylamine	3	II	3, 8	B101, T8	243	T7	TP1		IB2
1297	Trimethylamine, aqueous solutions with not more than 50 percent trimethylamine by mass.	3	I	3, 8	T42	243	T11	TP1		
1297	Trimethylamine, aqueous solutions with not more than 50 percent trimethylamine by mass.	3	II	3, 8	B1, T14	243	T7	TP1	IB2	
1297	Trimethylamine, aqueous solutions with not more than 50 percent trimethylamine by mass.	3	III	3, 8	B1	242	T7	TP1	IB3	
1298	Trimethylchlorosilane	3	II	3, 8	A3, A7, B77, N34, T14, T26.	243	T7	TP2 TP13	IB2	
1299	Turpentine	3	III	3	B1, T1	242	T2	TP1	IB3	
1300	Turpentine substitute	3	I	3	T1	243	T11	TP1 TP1 TP27		
1300	Turpentine substitute	3	II	3	T1	242	T4	TP1	IB2	
1300	Turpentine substitute	3	III	3	B1, T1	242	T2	TP1	IB3	
1301	Vinyl acetate, inhibited.	3	II	3	T8	242	T4	TP1	IB2	
1302	Vinyl ethyl ether, inhibited.	3	I	3	A3, B100, T14.	243	T11	TP2		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1300	Turpentine substitute	3	I	3	T1	243	T11	TP1 TP1 TP27		
1300	Turpentine substitute	3	II	3	T1	242	T4	TP1	IB2	
1300	Turpentine substitute	3	III	3	B1, T1	242	T2	TP1	IB3	
1301	Vinyl acetate, inhibited.	3	II	3	T8	242	T4	TP1	IB2	
1302	Vinyl ethyl ether, inhibited.	3	I	3	A3, B100, T14.	243	T11	TP2		
1303	Vinylidene chloride, inhibited.	3	I	3	T23, T29	243	T12	TP2 TP7		
1304	Vinyl isobutyl ether, inhibited.	3	II	3	T8	242	T4	TP1	IB2	
1305	Vinyltrichlorosilane, inhibited.	3	I	3, 8	A3, A7, B6, N34, T14, T26.	243	T11	TP2 TP13		
1306	Wood preservatives, liquid.	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1306	Wood preservatives, liquid.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1307	Xylenes	3	II	3	T1	242	T4	TP1	IB2	
1307	Xylenes	3	III	3	B1, T1	242	T2	TP1	IB3	
1308	Zirconium suspended in a liquid.	3	II	3		242			IB2	
1308	Zirconium suspended in a liquid.	3	III	3	B1	242			IB2	
1309	Aluminum powder, coated.	4.1	II	4.1		240			IB8	BB2, BB4
1309	Aluminum powder, coated.	4.1	III	4.1		240			IB8	BB3
1312	Borneol	4.1	III	4.1	A1	240			IB8	BB3
1313	Calcium resinate	4.1	III	4.1	A1, A19	240			IB6	
1314	Calcium resinate, fused.	4.1	III	4.1	A1, A19	240			IB4	
1318	Cobalt resinate, precipitated.	4.1	III	4.1	A1, A19	240			IB6	
1323	Ferrocerium	4.1	II	4.1	59, A19	240			IB8	BB2, BB4
1325	Flammable solids, organic, n.o.s.	4.1	II	4.1	A1	240	T3	TP1	IB8	BB2, BB4
1325	Flammable solids, organic, n.o.s.	4.1	III	4.1	A1	240	T1	TP1	IB8	BB3
1326	Hafnium powder, wetted with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.	4.1	II	4.1	A6, A19, A20 N34.	241			IB6	BB2
1328	Hexamethylenetetramine.	4.1	III	4.1	A1	240			IB8	BB3
1330	Manganese resinate	4.1	III	4.1	A1	240			IB6	
1332	Metaldehyde	4.1	III	4.1	A1	240			IB8	BB3
1333	Cerium, slabs, ingots, or rods.	4.1	II	4.1	N34	240			IB8	BB2, BB4
1334	Naphthalene, crude or Naphthalene, refined.	4.1	III	4.1	A1	240			IB8	BB3
1338	Phosphorus, amorphous.	4.1	III	4.1	A1, A19, B1, B9, B26.	243			IB8	BB3
1339	Phosphorus heptasulfide, free from yellow or white phosphorus.	4.1	II	4.1	A20, N34	240			IB4	
1340	Phosphorus pentasulfide, free from yellow or white phosphorus.	4.3	II	4.3, 4.1	A20, B59, B101, B106.	242			IB4	
1341	Phosphorus sesquisulfide, free from yellow or white phosphorus.	4.1	II	4.1	A20, N34	240			IB4	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1352	Titanium powder, wetted with not less than 25 percent water (a visible excess of water must be present (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.	4.1	II	4.1	A19, A20, N34.	240			IB6	BB2
1353	Fibers of Fabrics impregnated with weakly nitrated nitrocellulose, n.o.s..	4.1	III	4.1	A1	240			IB8	BB3
1358	Zirconium powder, wetted with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.	4.1	II	4.1	A19, A20, N34.	241			IB6	BB2
1361	Carbon, animal or vegetable origin.	4.2	II	4.2		242			IB6	
1361	Carbon, animal or vegetable origin.	4.2	III	4.2		241			IB8	BB3
1362	Carbon, activated	4.2	III	4.2		241			IB8	BB3
1363	Copra	4.2	III	4.2		241			IB8	BB3, BB6
1364	Cotton waste, oily	4.2	III	4.2		None			IB8	BB6
1365	Cotton, wet	4.2	III	4.2		241			IB8	BB6
1366	Diethylzinc	4.2	I	4.2, 4.3	B11, T28, T40.	244	T21	TP2 TP7		
1369	p-Nitrosodimethylaniline.	4.2	II	4.2	A19, A20, B101, N34.	241			IB6	BB2
1370	Dimethylzinc	4.2	I	4.2, 4.3	B11, B16, T28, T29, T40.	244	T21	TP2 TP7		
1373	Fibers or Fabrics, animal or vegetable or Synthentic, n.o.s. with animal or vegetable oil.	4.2	III	4.2	137	241			IB8	BB3
1374	Fish meal, unstablized or Fish scrap, unstabilized.	4.2	II	4.2	A1, A19	241			IB8	BB2
1376	Iron oxide, spent, or Iron sponge, spent obtained from coal gas purification.	4.2	III	4.2	B18	240			IB8	BB3
1378	Metal catalyst, wetted with a visible excess of liquid.	4.2	II	4.2	A2, A8, N34.	None			IB1	
1379	Paper, unsaturated oil treated incompletely dried (including carbon paper).	4.2	III	4.2	B101, B106.	241			IB8	BB3
1381	Phosphorus, white dry or Phosphorus, white, under water or Phosphorus white, in solution or Phosphorus, yellow dry or Phosphorus, yellow, under water or Phosphorus, yellow, in solution.	4.2	I	4.2, 6.1	B9, B26, N34, T15, T26, T33.	243	T9	TP3		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1382	Potassium sulfide, anhydrous or Potassium sulfide with less than 30 percent water of crystallization.	4.2	II	4.2	A19, A20, B16, B106, N34.	241			IB6	BB2
1384	Sodium dithionite or Sodium hydrosulfite.	4.2	II	4.2	A19, A20, B106.	241			IB6	BB2
1385	Sodium sulfide, anhydrous or Sodium sulfide with less than 30 percent water of crystallization.	4.2	II	4.2	A19, A20, B106, N34.	241			IB6	BB2
1386	Seed cake with more than 1.5 percent oil and not more than 11 percent moisture.	4.2	III	None	N7	241			IB8	BB3, BB6
1386	Seed cake, containing vegetable oil solvent extractions and expelled seeds, with not more than 10 percent of oil and when the amount of moisture is higher than 11 percent, with not more than 20 percent of oil and moisture combined.	4.2	III	None	N7	241			IB8	BB3, BB6
1390	Alkali metal amides	4.3	II	4.3	A6, A7, A8, A19, A20, B106.	241			IB7	BB2
1392	Alkaline earth metal amalgams.	4.3	I	4.3	A19, B101, B106, N34, N40.	242			IB4	BB1
1393	Alkaline earth metal alloys, n.o.s.	4.3	II	4.3	A19, B101, B106.	241			IB7	BB2
1394	Aluminum carbide	4.3	II	4.3	A20, B101, B106, N41.	242			IB7	BB2
1395	Aluminum ferrosilicon powder.	4.3	II	4.3, 6.1	A19, B106, B108.	242			IB5	BB2
1395	Aluminum ferrosilicon powder.	4.3	III	4.3, 6.1	A19, A20, B106, B108.	241			IB4	
1396	Aluminum powder, uncoated.	4.3	II	4.3	A19, A20, B106, B108.	242			IB7	BB2
1396	Aluminum powder, uncoated.	4.3	III	4.3	A19, A20, B106, B108.	241			IB8	BB4
1398	Aluminum silicon powder, uncoated.	4.3	III	4.3	A1, A19, B108.	241			IB8	BB4
1400	Barium	4.3	II	4.3	A19, B101, B106.	241			IB7	BB2
1401	Calcium	4.3	II	4.3	B101, B106.	241			IB7	BB2
1402	Calcium carbide	4.3	I	4.3	A1, A8, B55, B101, B106, N34.	242			IB4	BB1

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1402	Calcium carbide	4.3	II	4.3	A1, A8, B55, B59, B101, B106, N34.	241			IB7	BB2
1403	Calcium cyanamide with more than 0.1 percent of calcium carbide.	4.3	III	4.3	A1, A19, B105.	241			IB8	BB4
1405	Calcium silicide	4.3	II	4.3	A19, B105, B106.	241			IB7	BB2
1405	Calcium silicide	4.3	III	4.3	A1, A19, B106, B108.	241			IB8	BB4
1407	Cesium or Caesium	4.3	I	4.3	A19, B100, N34, N40.	242			IB1	BB1
1408	Ferrosilicon, with 30 percent or more but less than 90 percent silicon.	4.3	III	4.3, 6.1	A1, A19	240			IB8	BB4
1409	Metal hydrides, water-reactive, n.o.s.	4.3	II	4.3	A19, B101, B106, N34, N40.	242			IB4	
1415	Lithium	4.3	I	4.3	A7, A19, B100, N45.	244			IB1	BB1
1417	Lithium silicon	4.3	II	4.3	A19, A20, B105, B106.	241			IB7	BB2
1418	Magnesium, powder or Magnesium alloys, powder.	4.3	II	4.3, 4.2	A19, B56, B101, B106.	241			IB5	BB2
1418	Magnesium, powder or Magnesium alloys, powder.	4.3	III	4.3, 4.2	A19, B56, B106, B108.	241			IB8	BB4
1420	Potassium, metal alloys.	4.3	I	4.3	A19, A20, B27.	244			IB4	BB1
1422	Potassium sodium alloys.	4.3	I	4.3	A19, B27, N34, N40, T15, T26.	244	T9	TP3 TP7	IB4	BB1
1423	Rubidium	4.3	I	4.3	22, A7, A19, B100, N34, N40, N45.	242			IB1	BB1
1428	Sodium	4.3	I	4.3	A7, A8, A19, A20, B9, B48, B68, N34, T15, T29, T46.	244	T9	TP3 TP7 TP46	IB4	BB1
1431	Sodium methylate	4.2	II	4.2, 8	A19	242			IB5	BB2
1435	Zinc ashes	4.3	III	4.3	A1, A19, B108.	241			IB8	BB4
1436	Zinc powder or Zinc dust.	4.3	II	4.3, 4.2	A19, B109	242			IB7	BB2
1436	Zinc powder or Zinc dust.	4.3	III	4.3, 4.2	B108	242			IB8	BB4
1437	Zirconium hydride	4.1	II	4.1	A19, A20, N34.	240			IB4	
1438	Aluminum nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
1439	Ammonium dichromate.	5.1	II	5.1		242			IB8	BB2, BB4
1442	Ammonium perchlorate.	5.1	II	5.1	107, A9	242			IB6	BB2
1444	Ammonium persulfate	5.1	III	5.1	A1, A29	240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1439	Ammonium dichromate.	5.1	II	5.1		242			IB8	BB2, BB4
1442	Ammonium perchlorate.	5.1	II	5.1	107, A9	242			IB6	BB2
1444	Ammonium persulfate	5.1	III	5.1	A1, A29	240			IB8	BB3
1445	Barium chlorate	5.1	II	5.1, 6.1	A9, N34, T8.	242	T4	TP1	IB6	BB2
1446	Barium nitrate	5.1	II	5.1, 6.1		242			IB8	BB2, BB4
1447	Barium perchlorate	5.1	II	5.1, 6.1	T8	242	T4	TP1	IB6	BB2
1448	Barium permanganate.	5.1	II	5.1, 6.1		242			IB6	BB2
1449	Barium peroxide	5.1	II	5.1, 6.1		242			IB6	BB2
1450	Bromates, inorganic, n.o.s.	5.1	II	5.1		242			IB8	BB2, BB4
1451	Cesium nitrate or Caesium nitrate.	5.1	III	5.1	A1, A29	240			IB8	BB3
1452	Calcium chlorate	5.1	II	5.1	N34	242			IB8	BB2, BB4
1453	Calcium chlorite	5.1	II	5.1	A9, N34	242			IB8	BB2, BB4
1454	Calcium nitrate	5.1	III	5.1	34	240			IB8	BB3
1455	Calcium perchlorate	5.1	II	5.1		242			IB6	BB2
1456	Calcium permanganate.	5.1	II	5.1		242			IB6	BB2
1457	Calcium peroxide	5.1	II	5.1		242			IB6	BB2
1458	Chlorate and borate mixtures.	5.1	II	5.1	A9, N34	240			IB8	BB2, BB4
1458	Chlorate and borate mixtures.	5.1	III	5.1	A9, N34	240			IB8	BB3
1459	Chlorate and magnesium chloride mixtures.	5.1	II	5.1	A9, N34, T8.	240	T4	TP1	IB8	BB2, BB4
1459	Chlorate and magnesium chloride mixtures.	5.1	III	5.1	A9, N34, T8.	240	T4	TP1	IB8	BB3
1461	Chlorates, inorganic, n.o.s.	5.1	II	5.1	A9, N34	242			IB6	BB2
1462	Chlorites, inorganic, n.o.s.	5.1	II	5.1	A7, N34	242			IB6	BB2
1463	Chromium trioxide, anhydrous.	5.1	II	5.1, 8	B106	242			IB8	BB4
1465	Didymium nitrate	5.1	III	5.1	A1	240			IB8	BB3
1466	Ferric nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
1467	Guanidine nitrate	5.1	III	5.1	A1	240			IB8	BB3
1469	Lead nitrate	5.1	II	5.1, 6.1		242			IB8	BB2, BB4
1470	Lead perchlorate, solid.	5.1	II	5.1, 6.1	T8	242	T4	TP1	IB6	BB2
1470	Lead perchlorate, solution.	5.1	II	5.1, 6.1	T8	243	T4	TP1	IB1	
1471	Lithium hypochlorite, dry or Lithium hypochlorite mixtures, dry.	5.1	II	5.1	A9, N34	240			IB8	BB2, BB4
1472	Lithium peroxide	5.1	II	5.1	A9, N34	None			IB6	BB2
1473	Magnesium bromate	5.1	II	5.1	A1	242			IB8	BB4
1474	Magnesium nitrate	5.1	III	5.1	A1	240			IB8	BB3
1475	Magnesium perchlorate.	5.1	II	5.1		242			IB6	BB2
1476	Magnesium peroxide	5.1	II	5.1		242			IB6	BB2
1477	Nitrates, inorganic, n.o.s.	5.1	II	5.1		240			IB8	BB2, BB4
1477	Nitrates, inorganic, n.o.s.	5.1	III	5.1		240			IB8	BB3
1479	Oxidizing solid, n.o.s.	5.1	I	5.1		242			IB6	BB1
1479	Oxidizing solid, n.o.s.	5.1	II	5.1		240			IB8	BB2, BB4
1479	Oxidizing solid, n.o.s.	5.1	III	5.1		240			IB8	BB3
1481	Perchlorates, inorganic, n.o.s..	5.1	II	5.1		242			IB6	BB2
1481	Perchlorates, inorganic, n.o.s.	5.1	III	5.1		240			IB8	BB3
1482	Permanganates, inorganic, n.o.s.	5.1	II	5.1	26, A30	242			IB6	BB2
1482	Permanganates, inorganic, n.o.s..	5.1	III	5.1	A26, A30	240			IB8	BB3
1483	Peroxides, inorganic, n.o.s.	5.1	II	5.1	A7, A20, N34.	242			IB6	BB2
1483	Peroxides, inorganic, n.o.s.	5.1	III	5.1	A7, A20, N34.	240			IB8	BB3
1484	Potassium bromate	5.1	II	5.1		242			IB8	BB4
1485	Potassium chlorate	5.1	II	5.1	A9, N34	242			IB8	BB4
1486	Potassium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1489	Potassium perchlorate, solution.	5.1	II	5.1		242	T4	TP1	IB2	
1490	Potassium permanganate.	5.1	II	5.1		240			IB8	BB4
1491	Potassium peroxide	5.1	I	5.1	A20, N34	None			IB6	BB1
1492	Potassium persulfate	5.1	III	5.1	A1, A29	240			IB8	BB3
1493	Silver nitrate	5.1	II	5.1		242			IB8	BB4
1494	Sodium bromate	5.1	II	5.1		242			IB8	BB4
1495	Sodium chlorate	5.1	II	5.1	A9, N34, T8.	240	T4	TP1	IB8	BB4
1496	Sodium chlorite	5.1	II	5.1	A9, N34, T8.	242	T4	TP1	IB8	BB2, BB4
1498	Sodium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
1499	Sodium nitrate and potassium nitrate mixtures.	5.1	III	5.1	A1, A29	240			IB8	BB3
1500	Sodium nitrite	5.1	III	5.1, 6.1	A1, A29	240			IB8	BB3
1502	Sodium perchlorate	5.1	II	5.1		242			IB6	BB2
1503	Sodium permanganate.	5.1	II	5.1		242			IB6	BB2
1504	Sodium peroxide	5.1	I	5.1	A20, N34	None			IB6	BB1
1505	Sodium persulfate	5.1	III	5.1	A1	240			IB8	BB3
1506	Strontium chlorate	5.1	II	5.1	A1, A9, N34.	242			IB8	BB2, BB4
1507	Strontium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
1508	Strontium perchlorate	5.1	II	5.1		242			IB6	BB2
1509	Strontium peroxide	5.1	II	5.1		242			IB6	BB2
1510	Tetranitromethane	5.1	I	5.1, 6.1	2, B9, B14, B32, B74, T38, T43, T45.	None	T20	TP2 TP13 TP38 TP44		
1511	Urea hydrogen peroxide.	5.1	III	5.1, 8	A1, A7, A29.	240			IB8	BB3
1512	Zinc ammonium nitrite.	5.1	II	5.1		242			IB8	BB4
1513	Zinc chlorate	5.1	II	5.1	A9, N34	242			IB8	BB2, BB4
1514	Zinc nitrate	5.1	II	5.1		240			IB8	BB4
1515	Zinc permanganate	5.1	II	5.1		242			IB6B	B2
1516	Zinc peroxide	5.1	II	5.1		242			IB6	BB2
1541	Acetone cyanohydrin, stabilized.	6.1	I	6.1	2, A3, B9, B14, B32, B76, B77, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1544	Alkaloids, solid, n.o.s. or Alkaloid salts, solid, n.o.s. poisonous.	6.1	I	6.1		242			IB7	BB1
1544	Alkaloids, solid, n.o.s. or Alkaloid salts, solid, n.o.s. poisonous.	6.1	II	6.1		242			IB8	BB2, BB4
1544	Alkaloids, solid, n.o.s. or Alkaloid salts, solid, n.o.s. poisonous.	6.1	III	6.1		240			IB8	BB3
1545	Allyl isothiocyanate, stabilized.	6.1	II	6.1, 3	A3, A7	243	T7	TP2	IB2	
1546	Ammonium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1547	Aniline	6.1	II	6.1	T8	243	T7	TP2	IB2	
1548	Aniline hydrochloride	6.1	III	6.1		240			IB8	BB3
1549	Antimony compounds, inorganic, solid, n.o.s.	6.1	III	6.1	35	240			IB8	BB3
1550	Antimony lactate	6.1	III	6.1		240			IB8	BB3
1551	Antimony potassium tartrate.	6.1	III	6.1		240			IB8	BB3
1553	Arsenic acid, liquid	6.1	I	6.1	T18, T27	243	T20	TP2 TP7 TP13		
1554	Arsenic acid, solid	6.1	II	6.1		242			IB8	BB2, BB4
1555	Arsenic bromide	6.1	II	6.1		242			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1556	Arsenic compounds, liquid, n.o.s. inorganic, including arsenates n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	II	6.1		243			IB2	
1556	Arsenic compounds, liquid, n.o.s. inorganic, including arsenates n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	III	6.1		241			IB3	
1557	Arsenic compounds, solid, n.o.s. inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	I	6.1		242			IB7	BB1
1557	Arsenic compounds, solid, n.o.s. inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1557	Arsenic compounds, solid, n.o.s. inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	III	6.1		240			IB8	BB3
1558	Arsenic	6.1	II	6.1		242			IB8	BB2, BB4
1559	Arsenic pentoxide	6.1	II	6.1		242			IB8	BB2, BB4
1560	Arsenic trichloride	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1561	Arsenic trioxide	6.1	II	6.1		242			IB8	BB2, BB4
1562	Arsenical dust	6.1	II	6.1		242			IB8	BB2, BB4
1564	Barium compounds, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1564	Barium compounds, n.o.s.	6.1	III	6.1		240			IB8	BB3
1565	Barium cyanide	6.1	I	6.1	N74, N75	242			IB7	BB1
1566	Beryllium compounds, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1566	Beryllium compounds, n.o.s.	6.1	III	6.1		240			IB8	BB3
1567	Beryllium, powder	6.1	II	6.1, 4.1		242			IB8	BB2, BB4
1569	Bromoacetone	6.1	II	6.1, 3	2	245	T20	TP2 TP13		
1570	Brucine	6.1	I	6.1		242			IB7	BB1
1572	Cacodylic acid	6.1	II	6.1		242			IB8	BB2, BB4
1573	Calcium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1574	Calcium arsenate and calcium arsenite, mixtures, solid.	6.1	II	6.1		242			IB8	BB2, BB4
1575	Calcium cyanide	6.1	I	6.1	N79, N80	242			IB7	BB1
1577	Chlorodinitrobenzenes.	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1578	Chloronitrobenzenes meta or para, solid.	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1578	Chloronitrobenzene, ortho, liquid.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
1579	4-Chloro-o-toluidine hydrochloride.	6.1	III	6.1		240			IB8	BB3
1580	Chloropicrin	6.1	I	6.1	2, B7, B9, B14, B32, B46, B74, T38, T43, TP45.	244	T20	TP2 TP13 TP38 T45		
1581	Chloropicrin and methyl bromide mixtures.	2.3		2.3	2, B9, B14	314, 315	T50			
1582	Chloropicrin and methyl chloride mixtures.	2.3		2.3	2	245	T50			
1583	Chloropicrin mixtures, n.o.s.	6.1	II	6.1		243			IB2	
1583	Chloropicrin mixtures, n.o.s.	6.1	III	6.1		241			IB3	
1585	Copper acetoarsenite	6.1	II	6.1		242			IB8	BB2, BB4
1586	Copper arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1587	Copper cyanide	6.1	II	6.1		242			IB8	BB2, BB4
1588	Cyanides, inorganic, solid, n.o.s.	6.1	I	6.1	N74, N75	242			IB7	BB1
1588	Cyanides, inorganic, solid, n.o.s.	6.1	II	6.1	N74, N75	242			IB8	BB2, BB4
1588	Cyanides, inorganic, solid, n.o.s.	6.1	III	6.1	N74, N75	240			IB8	BB3
1590	Dichloroanilines, liquid.	6.1	II	6.1	T14	243	T7	TP2	IB2	
1590	Dichloroanilines, solid	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1591	o-Dichlorobenzene	6.1	III	6.1	T7	241	T4	TP1	IB3	
1593	Dichloromethane	6.1	III	6.1	N36, T13	241	T7	TP2	IB3	BB8
1594	Diethyl sulfate	6.1	II	6.1	B101, T14	243	T7	TP2	IB2	
1595	Dimethyl sulfate	6.1	I	6.1, 8	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1596	Dinitroanilines	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1597	Dinitrobenzenes, liquid.	6.1	II	6.1	11, T14	243	T7	TP2	IB2	
1597	Dinitrobenzenes, solid.	6.1	II	6.1	11	242			IB8	BB2, BB4
1598	Dinitro-o-cresol, solid	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1598	Dinitro-o-cresol, solution.	6.1	II	6.1	T14	243	T7	TP2	IB2	BB2, BB4
1599	Dinitrophenol solutions.	6.1	II	6.1	T8	243	T7	TP2	IB2	
1599	Dinitrophenol solutions.	6.1	III	6.1	T7	241	T4	TP1	IB3	
1600	Dinitrotoluenes, molten.	6.1	II	6.1	B100, T14	243	T7	TP3		
1601	Disinfectants, solid, toxic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1601	Disinfectants, solid, toxic, n.o.s.	6.1	III	6.1		240			IB8	BB3
1602	Dyes, liquid, toxic, n.o.s or Dye intermediates, liquid, toxic, n.o.s.	6.1	II	6.1		243			IB2	
1602	Dyes, liquid, toxic, n.o.s or Dye intermediates, liquid, toxic, n.o.s.	6.1	III	6.1		241			IB3	
1603	Ethyl bromoacetate	6.1	II	6.1, 3	T14	243	T7	TP2	IB2	
1604	Ethylenediamine	8	II	8, 3	T14	243	T7	TP2	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1605	Ethylene dibromide	6.1	I	6.1	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1606	Ferric arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1607	Ferric arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1608	Ferrous arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1611	Hexaethyl tetraphosphate, solid.	6.1	II	6.1	N76	242			IB8	BB2, BB4
1611	Hexaethyl tetraphosphate liquid.	6.1	II	6.1	N76	243			IB2	BB2, BB4
1613	Hydrocyanic acid, aqueous solutions or Hydrogen cyanide, aqueous solutions with not more than 20 percent hydrogen cyanide.	6.1	I	6.1	2, B61, B65, B77, B82.	244	T20	TP2 TP13		
1616	Lead acetate	6.1	III	6.1		240			IB8	BB3
1617	Lead arsenates	6.1	II	6.1		242			IB8	BB2, BB4
1618	Lead arsenites	6.1	II	6.1		242			IB8	BB2, BB4
1620	Lead cyanide	6.1	II	6.1		242			IB8BB2, BB4	
1621	London purple	6.1	II	6.1		242			IB8	BB2, BB4
1622	Magnesium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1623	Mercuric arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1624	Mercuric chloride	6.1	II	6.1		242			IB8	BB2, BB4
1625	Mercuric nitrate	6.1	II	6.1	N73	242			IB8	BB2, BB4
1626	Mercuric potassium cyanide.	6.1	I	6.1	N74, N75	242			IB7	BB1
1627	Mercurous nitrate	6.1	II	6.1		242			IB8	BB2, BB4
1629	Mercury acetate	6.1	II	6.1		242			IB8	BB2, BB4
1630	Mercury ammonium chloride.	6.1	II	6.1		242			IB8	BB2, BB4
1631	Mercury benzoate	6.1	II	6.1		242			IB8	BB2, BB4
1634	Mercury bromides	6.1	II	6.1		242			IB8	BB2, BB4
1636	Mercury cyanide	6.1	II	6.1	N74, N75	242			IB8	BB2, BB4
1637	Mercury gluconate	6.1	II	6.1		242			IB8	BB2, BB4
1638	Mercury iodide, solution.	6.1	II	6.1		243			IB8	BB2, BB4
1638	Mercury iodide, solid	6.1	II	6.1		242			IB2	BB2, BB4
1639	Mercury nucleate	6.1	II	6.1		242			IB8	BB2, BB4
1640	Mercury oleate	6.1	II	6.1		242			IB8	BB2, BB4
1641	Mercury oxide	6.1	II	6.1		242			IB8	BB2, BB4
1642	Mercury oxycyanide, desensitized.	6.1	II	6.1		242			IB8	BB2, BB4
1643	Mercury potassium iodide.	6.1	II	6.1		242			IB8	BB2, BB4
1644	Mercury salicylate	6.1	II	6.1		242			IB8	BB2, BB4
1645	Mercury sulfates	6.1	II	6.1		242			IB8	BB2, BB4
1646	Mercury thiocyanate	6.1	II	6.1		242			IB8	BB2, BB4
1647	Methyl bromide and ethylene dibromide mixtures, liquid.	6.1	I	6.1	2, B9, B14, B32, B74, N65, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
1648	Acetonitrile	3	II	3	T14	242	T7	TP2	IB2	
1649	Motor fuel anti-knock mixtures.	6.1	I	6.1, 3	14, B9, B90, T26, T39.	244	T14	TP2 TP13		
1650	beta-Naphthylamine	6.1	II	6.1	T12, T26	242	T7	TP2	IB8	BB2, BB4
1651	Naphthylthiourea	6.1	II	6.1		242			IB8	BB2, BB4
1652	Naphthylurea	6.1	II	6.1		242			IB8	BB2, BB4
1653	Nickel cyanide	6.1	II	6.1	N74, N75	242			IB8	BB2, BB4
1654	Nicotine	6.1	II	6.1		243			IB2	
1655	Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s..	6.1	I	6.1		242			IB7	BB1

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1655	Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1655	Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s..	6.1	III	6.1		240			IB8	BB3
1656	Nicotine hydrochloride or Nicotine hydrochloride solution.	6.1	II	6.1		243			IB2	BB2, BB4
1657	Nicotine salicylate	6.1	II	6.1		242			IB8	BB2, BB4
1658	Nicotine sulfate, solid	6.1	II	6.1		242			IB8	BB2, BB4
1658	Nicotine sulfate, solution.	6.1	II	6.1	T14	243	T7	TP2	IB2	
1659	Nicotine tartrate	6.1	II	6.1		242			IB8	BB2, BB4
1661	Nitroanilines (o-; m-; p-;).	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1662	Nitrobenzene	6.1	II	6.1	T14	243	T7	TP2	IB2	
1663	Nitrophenols (o-; m-; p-;).	6.1	III	6.1	T8, T38	240	T4	TP3 TP38	IB8	BB3
1664	Nitrotoluenes, solid m-, or p-.	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1664	Nitrotoluenes, liquid o-; m-; p-;.	6.1	II	6.1	T14	243	T7	TP2	IB2	BB2, BB4
1665	Nitroxylenes, (o-; m-; p-).	6.1	II	6.1	T14	243	T7	TP2	IB2	BB2, BB4
1669	Pentachloroethane	6.1	II	6.1	T14	243	T7	TP2	IB2	
1670	Perchloromethyl mercaptan.	6.1	I	6.1	2, A3, A7, B9, B14, B32, B74, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 T45		
1671	Phenol, solid	6.1	II	6.1	N78, T14	242	T6	TP2	IB8	BB2, BB4
1672	Phenylcarbylamine chloride.	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1673	Phenylenediamines (o-; m-; p-;).	6.1	III	6.1		240	T7	TP1	IB8	BB3
1674	Phenylmercuric acetate.	6.1	II	6.1		242			IB8	BB2, BB4
1677	Potassium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1678	Potassium arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1679	Potassium cuprocyanide.	6.1	II	6.1		242			IB8	BB2, BB4
1680	Potassium cyanide	6.1	I	6.1	B69, B77, N74, N75, T18, T26.	242	T14	TP2 TP13	IB7	BB1
1683	Silver arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1684	Silver cyanide	6.1	II	6.1		242			IB8	BB2, BB4
1685	Sodium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1686	Sodium arsenite, aqueous solutions.	6.1	II	6.1	T15	243	T7	TP2	IB2	
1686	Sodium arsenite, aqueous solutions.	6.1	III	6.1	T15	241	T4	TP2	IB3	
1687	Sodium azide	6.1	II	6.1	B28	242			IB8	BB2, BB4
1688	Sodium cacodylate	6.1	II	6.1		242			IB8	BB2, BB4
1689	Sodium cyanide	6.1	I	6.1	B69, B77, N74, N75, T42.	242	T14	TP2 TP13	IB7	BB1
1690	Sodium fluoride	6.1	III	6.1	T8	240	T4	TP1	IB8	BB3
1691	Strontium arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1692	Strychnine or Strychnine salts.	6.1	I	6.1		242			IB7	BB1
1693	Tear gas substances, liquid, n.o.s.	6.1	II	6.1		None			IB2	
1693	Tear gas substances, solid, n.o.s.	6.1	II	6.1		None			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1694	Bromobenzyl cyanides, solid.	6.1	I	6.1	T18	242	T14	TP2 TP13		
1694	Bromobenzyl cyanides, liquid.	6.1	I	6.1	T18	243	T14	TP2 TP13		
1695	Chloroacetone, stabilized.	6.1	I	6.1, 3, 8	2, B9, B14, B32, B74, N12, N32, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1697	Chloroacetophenone (CN), liquid.	6.1	II	6.1	A3, N12, N32, N33.	243	T11	TP2 TP13 TP27	IB2	
1697	Chloroacetophenone (CN), solid.	6.1	II	6.1	A3, N12, N32, N33, N34.	None	T7	TP2 TP13	IB8	BB2, BB4
1699	Diphenylchloroarsine, solid.	6.1	I	6.1	A8, B14, B32, N33, N34.	242			IB7	BB1
1699	Diphenylchloroarsine, liquid.	6.1	I	6.1	A8, B14, B32, N33, N34.	243	T14	TP2 TP13 TP27		
1701	Xylyl bromide	6.1	II	6.1	A3, A6, A7, N33.	None	T7	TP2 TP13	IB2	
1702	Tetrachloroethane	6.1	II	6.1	N36, T14	243	T7	TP2	IB2	
1704	Tetraethyl dithiopyrophosphate.	6.1	II	6.1		242			IB8	BB2, BB4
1707	Thallium compounds, n.o.s..	6.1	II	6.1		242			IB8	BB2, BB4
1708	Toluidines liquid	6.1	II	6.1	T14	243	T7	TP2	IB2	
1708	Toluidines solid	6.1	II	6.1		242	T7	TP2	IB8	BB2, BB4
1709	2,4-Toluylenediamine or 2,4-Toluenediamine.	6.1	III	6.1	T7	240	T4	TP1	IB8	BB3
1710	Trichloroethylene	6.1	III	6.1	N36, T1	241	T4	TP1	IB3	
1711	Xylidines, solution	6.1	II	6.1	T14	243	T7	TP2	IB2	
1711	Xylidines, solid	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1712	Zinc arsenate or Zinc arsenite or Zinc arsenate and zinc arsenite mixtures.	6.1	II	6.1		242			IB8	BB2, BB4
1713	Zinc cyanide	6.1	I	6.1		242			IB7	BB1
1715	Acetic anhydride	8	II	8, 3	A3, A6, A7, A10, B2, T8.	243	T7	TP2	IB2	
1716	Acetyl bromide	8	II	8	B2, T12, T26.	242	T8	TP2 TP12	IB2	
1717	Acetyl chloride	3	II	3, 8	A3, A6, A7, B100, N34, T18, T26.	243	T8	TP2 TP12	IB1	
1718	Butyl acid phosphate	8	III	8	T7	241	T4	TP1	IB3	
1719	Caustic alkali liquids, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
1719	Caustic alkali liquids, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
1722	Allyl chloroformate	6.1	I	6.1, 3, 8	2, B9, B14, B32, B74, N41, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1723	Allyl iodide	3	II	3, 8	A3, A6, B100, N34, T18.	243	T7	TP2 TP13	IB1	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1724	Allyltrichlorosilane, stablized.	8	II	8, 3	A7, B2, B6, N34, T8, T26.	243	T7	TP2 TP13	IB2	
1725	Aluminum bromide, anhydrous.	8	II	8	B106	240			IB8	BB2, BB4
1726	Aluminum chloride, anhydrous.	8	II	8	B106	240			IB8	BB2, BB4
1727	Ammonium hydrogendifluoride, solid.	8	II	8	B106, N34	240			IB8	BB2, BB4
1728	Amyltrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1729	Anisoyl chloride	8	II	8 B2, T8	242	T7	TP2	IB2		
1730	Antimony pentachloride, liquid.	8	II	8 B2, T8, T26.	242	T7	TP2	IB2		
1731	Antimony pentachloride, solutions.	8	II	8 B2, T8, T27.	242	T7	TP2	IB2		
1731	Antimony pentachloride, solutions.	8	III	8	T7, T26	241	T4	TP1	IB3	
1732	Antimony pentafluoride.	8	II	8, 6.1	A3, A6, A7, A10, N3, T12, T26.	243	T7	TP2	IB2	
1733	Antimony trichloride, liquid.	8	II	8	B2	242			IB2	
1733	Antimony trichloride, solid.	8	II	8	B106	240			IB8	BB2, BB4
1736	Benzoyl chloride	8	II	8	B2, T9, T26.	242	T8	TP2 TP12	IB2	
1737	Benzyl bromide	6.1	II	6.1, 8	A3, A7, N33, N34, T12, T26.	243	T8	TP2 TP12 TP13	IB2	
1738	Benzyl chloride	6.1	II	6.1, 8	A3, A7, B70, N33, N42, T12, T26.	243	T8	TP2 TP12 TP13	IB2	
1738	Benzyl chloride unstabilized.	6.1	II	6.1, 8	A3, A7, B8, B11, N33, N34, N43, T12, T26.	243	T8	TP2 TP12 TP13	IB2	
1739	Benzyl chloroformate	8	I	8	A3, A6, B4, N41, T18, T26.	243	T10	TP2 TP12 TP13		
1740	Hydrogendifluorides, n.o.s. solutions.	8	II	8	N3, N34	242			IB2	
1740	Hydrogendifluorides, n.o.s. solutions.	8	II	8	N3, N34	240			IB5	BB2, BB4
1740	Hydrogendifluorides, n.o.s. solutions.	8	III	8	N3, N34	241			IB3	BB3
1740	Hydrogendifluorides, n.o.s. solutions.	8	III	8	N3, N34	240			IB8	BB3
1742	Boron trifluoride acetic acid complex.	8	II	8	B2, B6, T9, T27.	242	T8	TP2 TP12	IB2	
1743	Boron trifluoride propionic acid complex.	8	II	8	B2, T9, T27.	242	T8 TP2 TP12	IB2 D		
1744	Bromine or Bromine solutions.	8	I	8, 6.1	1, A3, A6, B9, B64, B85, N34, N43, T18, T41.	249	T22	TP2 TP10 TP12 TP13		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1745	Bromine pentafluoride.	5.1	I	5.1, 6.1,	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP12 TP13, TP38		
1746	Bromine trifluoride	5.1	I	5.1, 6.1, 8	2, B9, B14, B32, B74, T38, T43, T45.	244	T22	TP2 TP12 TP13, TP38		
1747	Butyltrichlorosilane	8	II	8, 3	A7, B2, B6, N34, T8, T26.	243	T7	TP2 TP13	IB2	
1748	Calcium hypochlorite, dry or Calcium hypochlorite.	5.1	II	5.1	A7, A9, N34.	None			IB8	BB2, BB4
1750	Chloroacetic acid, solution.	6.1	II	6.1, 8	A7, N34, T8, T27.	243	T7	TP2	IB2	
1751	Chloroacetic acid, solid.	6.1	II	6.1, 8	A3, A7, N34.	242			IB8	BB4
1752	Chloroacetyl chloride	6.1	I	6.1, 8	2, A3, A6, A7, B3 B8, B9, B14, B32, B74, B77, N34, N43, T38, T43, T45.	244	T20	TP2 TP13, TP38, TP45		
1753	Chlorophenyltrichlorosilane.	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2	IB2	
1754	Chlorosulfonic acid (with or without sulfur trioxide).	8	I	8, 6.1	2, A3, A6, A10, B9, B10, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP12 TP38, TP45		
1755	Chromic acid solution	8	II	8	B2, T9, T27.	242	T8	TP2 TP12	IB2	
1755	Chromic acid solution	8	III	8	T8, T26	241	T4 TP1 TP12	IB3		
1756	Chromic fluoride, solid.	8	II	8		240			IB8	BB2, BB4
1757	Chromic fluoride, solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
1757	Chronic fluoride, solution.	8	III	8	T7	241	T4	TP1	IB3	
1758	Chromium oxychloride.	8	I	8	A3, A6, A7, B10, N34, T12, T26.	243 DT10	TP2 TP12			
1759	Corrosive solids, n.o.s.	8	I	8		242			IB7	BB1
1759	Corrosive solids, n.o.s.	8	II	8	128	240			IB8	BB2, BB4
1759	Corrosive solids, n.o.s.	8	III	8	128	240			IB8	BB3
1760	Corrosive liquids, n.o.s.	8	I	8	A7, B10, T42.	243	T14	TP2 TP27		
1760	Corrosive liquids, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
1760	Corrosive liquids, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
1761	Cupriethylenediamine solution.	8	II	8,	8, T26	243	T7	TP2	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1761	Cupriethylenediamine solution.	8	III	8,	T7	242	T7	TP1 TP28	IB3	
1762	Cyclohexenyltrichlorosilane.	8	II	8	A7, B2, N34, T8. T26.	242	T7	TP2 TP13	IB2	
1763	Cyclohexyltrichlorosilane.	8	II	8	A7, B2, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1764	Dichloroacetic acid	8	II	8	A3, A6, A7, B2, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1765	Dichloroacetyl chloride.	8	II	8	A3, A6, A7, B2, N34, T8, T26.	242	T7	TP2	IB2	
1766	Dichlorophenyltrichlorosilane.	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1767	Diethyldichlorosilane	8	II	8, 3	A7, B6, B100, N34, T8, T26.	243	T7	TP2 TP13	IB2	
1768	Difluorophosphoric acid, anhydrous.	8	II	8	A6, A7, B2, N5, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1769	Diphenyldichlorosilane.	8	II	8	A7, B2, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1770	Diphenylmethyl bromide.	8	II	8		240			IB8	BB2, BB4
1771	Dodecyltrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1773	Ferric chloride, anhydrous.	8	III	8		240			IB8	BB3
1775	Fluoroboric acid	8	II	8	A6, A7, B2, B15, N3, N34, T15, T27.	242	T7	TP2	IB2	
1776	Fluorophosphoric acid anhydrous.	8	II	8	A6, A7, B2, N3, N34, T9, T27.	242	T8	TP2 TP12	1B2	
1777	Fluorosulfonic acid	8	I	8	A3, A6, A7, A10, B6, B10, N3, T9, T27.	243	T10	TP2 TP12		
1778	Fluorosilicic acid	8	II	8	A6, A7, B2, B15, N3, N34, T12, T27.	242	T8	TP2 TP12	1B2	
1779	Formic acid	8	II	8	B2, B28, T8.	242	T7	TP2	IB2	
1780	Fumaryl chloride	8	II	8	B2, T8, T26.	242	T7	TP2	1B2	
1781	Hexadecyltrichlorosilane.	8	II	8	A7, B2, B6, N34, T8.	242	T7	TP2	1B2	
1782	Hexafluorophosphoric acid.	8	II	8	A6, A7, B2, N3, N34, T9, T27.	242	T8	TP2 TP12	1B2	
1783	Hexamethylenediamine solution.	8	II	8	T8	242	T7	TP2	1B2	
1783	Hexamethylenediamine solution.	8	III	8	T7	241	T4	TP1	1B3	
1784	Hexyltrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1786	Hydrofluoric acid and Sulfuric acid mixtures.	8	I	8, 6.1	A6, A7, B15, B23, N5, N34, T18, T27.	243	T10	TP2 TP12 TP13		
1787	Hydriodic acid	8	II	8	A3, A6, B2, N41, T9, T27.	242	T7	TP2	IB2	
1787	Hydriodic acid	8	III	8	T8, T26	241	T4	TP1	IB3	
1788	Hydrobromic acid, with not more than 49 percent hydrobromic acid.	8	II	8	A3, A6, B2, B15, N41, T9, T27.	242	T7	TP2	IB2	
1788	Hydrobromic acid, with more than 49 percent hydrobromic acid.	8	II	8	B2, B15, N41, T9, T27.	242	T7	TP2	IB2	
1788	Hydrobromic acid, with more than 49 percent hydrobromic acid.	8	III	8	T8, T26	241	T4	TP1	IB3	
1788	Hydrobromic acid, with not more than 49 percent hydrobromic acid.	8	III	8	T8, T26	241	T4	TP1	IB3	
1789	Hydrochloric acid	8	II	8	A3, A6, B3, B15, N41, T9, T27.	242	T8	TP2 TP12	IB2	
1789	Hydrochloric acid	8	III	8	T8, T26	241	T4	TP1 TP12	IB3	
1790	Hydrofluoric acid, with more than 60 percent strength.	8	I	8, 6.1	A6, A7, B4, B15, B23, N5, N34, T18, T27.	243	T10	TP2 TP12 TP13		
1790	Hydrofluoric acid, with not more than 60 percent strength.	8	II	8, 6.1	A6, A7, B15, B110, N5, N34, T18, T27.	243	T8	TP2 TP12	IB2	
1791	Hypochlorite solutions.	8	II	8	A7, B2, B15, N34, T7.	242	T7	TP2 TP24	IB2	BB5
1791	Hypochlorite solutions.	8	III	8	B104, N34, T7.	241	T4	TP2 TP24	IB3	
1792	Iodine monochloride	8	II	8	B6, N41, T8, T26.	240	T7	TP2	IB8	BB2, BB4
1793	Isopropyl acid phosphate.	8	III	8	T7	240	T4	TP1	IB8	BB3
1794	Lead sulfate with more than 3 percent free acid.	8	II	8		240			IB8	BB2, BB4
1796	Nitrating acid mixtures with more than 50 percent nitric acid.	8	I	8, 5.1	T12, T27	243	T10	TP2 TP12 TP13		
1796	Nitrating acid mixtures with not more than 50 percent nitric acid.	8	II	8	B2, T12, T27.	242	T8	TP2 TP12 TP13	IB2	
1798	Nitrohydrochloric acid	8	I	8	A3, B10, N41, T18, T27.	243	T10	TP2 TP12 TP13		
1799	Nonytrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1800	Octadecyltrichlorosilane.	8	II	8	A7, B2, B6, T8, N34.	242	T7	TP2 TP13	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1801	Octyltrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1802	Perchloric acid with not more than 50 percent acid by mass.	8	II	8, 5.1	N41, T9	243	T7	TP2	IB2	
1803	Phenolsulfonic acid, liquid.	8	II	8	B2, N41, T8.	242	T7	TP2	IB2	
1804	Phenyltrichlorosilane	8	II	8	A7, B6, N34, T8.	242	T7	TP2	IB2	
1805	Phosphoric acid	8	III	8	A7, N34, T7.	241	T4	TP1	IB3	BB3
1806	Phosphorus pentachloride.	8	II	8	A7, B106, N34.	240			IB8	BB2, BB4
1807	Phosphorus pentoxide.	8	II	8	A7, N34	240			IB8	BB2, BB4
1808	Phosphorus tribromide.	8	II	8	A3, A6, A7, B2, B25, N34, N43, T8.	242	T7	TP2	IB2	
1809	Phosphorus trichloride.	6.1	I	6.1, 8	2, B9, B14, B15, B32, B74, B77, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1810	Phosphorus oxychloride.	8	II	8, 6.1	2, A7, B9, B14, B32, B74, B77, N34, T38, T43, T45.	244	T20	TP2 TP38 TP45		
1811	Potassium hydrogendifluoride, solution.	8	II	8, 6.1	N3, N34, T8.	243	T7	TP2	IB8	BB2, BB4
1811	Potassium hydrogendifluoride, solid.	8	II	8, 6.1	B106, N3, N34, T8.	240	T7	TP2	IB2	BB2, BB4
1812	Potassium fluoride	6.1	III	6.1	T8	240	T4	TP1	IB8	BB3
1813	Potassium hydroxide, solid.	8	II	8		240			IB8	BB2, BB4
1814	Potassium hydroxide, solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
1814	Potassium hydroxide, solution.	8	III	8	T7	241	T4	TP1	IB3	
1815	Propionyl chloride	3	II	3, 8	B100, T8, T26.	243	T7	TP1	IB1	
1816	Propyltrichlorosilane	8	II	8, 3	A7, B2, B6, N34, T8, T26.	243	T7	TP2 TP13	IB2	
1817	Pyrosulfuryl chloride	8	II	8	B2, T9, T27.	242	T8	TP2 TP12	IB2	
1818	Silicon tetrachloride	8	II	8	A3, A6, B2, B6,.	T18, T26, T29.	242	T7	TP2 TP7	IB2
1819	Sodium aluminate, solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
1819	Sodium aluminate, solution.	8	III	8	T7	241	T4	TP1	IB3	
1823	Sodium hydroxide, solid.	8	II	8		240			IB8	BB2, BB4
1824	Sodium hydroxide solution.	8	II	8	B2, N34, T8.	242	T7	TP2	IB2	
1824	Sodium hydroxide solution.	8	III	8	N34, T7	241	T4	TP1	IB3	
1825	Sodium monoxide	8	II	8		240			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1826	Nitrating acid mixtures, spent with more than 50 percent nitric acid.	8	I	8, 5.1	T12, T27	243	T10	TP2 TP12 TP13		
1826	Nitrating acid mixtures spent with not more than 50 percent nitric acid.	8	II	8	B2, B100, T12, T27.	242	T8	TP2 TP12	IB2	
1827	Stannic chloride, anhydrous.	8	II	8	B2, T8, T26.	242	T7	TP2	IB2	
1828	Sulfur chlorides	8	I	8	5, A3, B10, B77, N34, T18, T27.	243	T20	TP2 TP12		
1829	Sulfur trioxide, inhibited or Sulfur trioxide, stabilized.	8	I	8, 6.1	2, A7, B9, B14, B32, B49, B74, B77, N34, T38, T43, T45.	244	T20	TP4 TP12 TP13 TP25 TP26 TP38 TP45		
1830	Sulfuric acid with more than 51 percent acid.	8	II	8	A3, A7, B3, B83, B84, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1831	Sulfuric acid, fuming with less than 30 percent free sulfur trioxide.	8	I	8	A3, A7, B84, N34, T18, T27.	243	T20	TP2 TP12 TP13		
1831	Sulfuric acid, fuming with 30 percent or more free sulfur trioxide.	8	I	8, 6.1	2, B9, B14, B32, B74, B77, B84, N34, T38, T43, T45.	244	T20	TP2 TP12 TP13		
1832	Sulfuric acid, spent	8	II	8	A3, A7, B2, B83, B84, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1833	Sulfurous acid	8	II	8	B3, T8	242	T7	TP2	IB2	
1834	Sulfuryl chloride	8	I	8, 6.1	1, A3, B6, B9, B10, B14, B30, B74, B77, N34, T38, T43, T44.	244	T22	TP2 TP12 TP38 TP44		
1835	Tetramethylammonium hydroxide.	8	II	8	B2, T8	242	T7	TP2	IB2	
1836	Thionyl chloride	8	I	8	A7, B6, B10, N34, T18, T27.	243	T10	TP2 TP12 TP13		
1837	Thiophosphoryl chloride.	8	II	8	A3, A7, B2, B8, B25, B101, N34, T12.	242	T7	TP2	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1838	Titanium tetrachloride	8	II	8, 6.1	2, A3, A6, B7, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1839	Trichloroacetic acid	8	II	8	A7, N34	240			IB8	BB2, BB4
1840	Zinc chloride, solution	8	III	8	T7	241	T4	TP1	IB3	
1841	Acetaldehyde ammonia.	9	III	9		240			IB8	BB6
1843	Ammonium dinitro-o-cresolate.	6.1	II	6.1	T8	242	T7	TP2	IB8	BB2, BB4
1846	Carbon tetrachloride	6.1	II	6.1	N36, T8	243	T7	TP2	IB2	
1847	Potassium sulfide, hydrated with not less than 30 percent water of crystallization.	8	II	8		240			IB8	BB2, BB4
1848	Propionic acid	8	III	8	T7	241	T4	TP1	IB3	
1849	Sodium sulfide, hydrated with not less than 30 percent water.	8	II	8	T8	240	T7	TP2	IB8	BB2, BB4
1858	Hexafluoropropylene, compressed or Refrigerant gas R 1216.	2.2		2.2		314, 315	T50			
1862	Ethyl crotonate	3	II	3	T1	242	T4	TP2	IB2	
1863	Fuel, aviation, turbine engine.	3	I	3	T7	243	T11	TP1 TP8		
1863	Fuel, aviation, turbine engine.	3	II	3	T1	242	T4	TP1 TP8	IB2	
1863	Fuel, aviation, turbine engine.	3	III	3	B1, T1	242	T2	TP1	IB3	
1865	n-Propyl nitrate	3	II	3	T25	None			IB2	BB7
1866	Resin solution, flammable.	3	I	3	B52, T8, T31.	243	T11	TP1 TP8		
1866	Resin solution, flammable.	3	II	3	B52, T7, T30.	242	T4	TP1 TP8	IB2	
1866	Resin solution, flammable.	3	III	3	B1, B52, T7, T30.	242	T2	TP1	IB3	
1868	Decaborane	4.1	II	4.1, 6.1	A19, A20	None			IB6	BB2
1869	Magnesium or Magnesium alloys with more than 50 percent magnesium in pellets, turnings or ribbons.	4.1	III	4.1	A1	240			IB8	BB3
1871	Titanium hydride	4.1	II	4.1	A19, A20, N34.	241			IB4	
1872	Lead dioxide	5.1	III	5.1	A1	240			IB8	BB3
1873	Perchloric acid with more than 50 percent but not more than 72 percent acid, by mass.	5.1	I	5.1, 8	A2, A3, N41, T9, T27.	243	T10	TP1 TP12		
1884	Barium oxide	6.1	III	6.1		240			IB8	BB3
1885	Benzidine	6.1	II	6.1		242			IB8	BB2, BB4
1886	Benzylidene chloride	6.1	II	6.1	T8	243	T7	TP2	IB2	
1887	Bromochloromethane	6.1	III	6.1	T7	241	T4	TP1	IB3	
1888	Chloroform	6.1	III	6.1	N36, T14	241	T7	TP2	IB3	
1891	Ethyl bromide	6.1	II	6.1	B100, T17	243	T7	TP2 TP13	IB2	BB8
1892	Ethyldichloroarsine	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1894	Phenylmercuric hydroxide.	6.1	II	6.1		242			IB8	BB2, BB4
1895	Phenylmercuric nitrate.	6.1	II	6.1		242			IB8	BB2, BB4
1897	Tetrachloroethylene	6.1	III	6.1	N36, T1	241	T4	TP1	IB3	
1898	Acetyl iodide	8	II	8	B2, B101, T9.	242	T7	TP2 TP13	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1902	Diisooctyl acid phosphate.	8	III	8	T7	241	T4	TP1	IB3	
1903	Disinfectant, liquid, corrosive, n.o.s.	8	I	8	A7, B10, T42.	243	T14	TP2 TP27		
1903	Disinfectants, liquid, corrosive n.o.s.	8	II	8	B2	242	T7	TP2	IB2	
1903	Disinfectants, liquid, corrosive n.o.s.	8	III	8		241	T4	TP1	IB3	
1905	Selenic acid	8	I	8	N34	242			IB7	BB1
1906	Sludge, acid	8	II	8	A3, A7, B2, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1907	Soda lime with more than 4 percent sodium hydroxide.	8	III	8		240			IB8	BB3
1908	Chlorite solution	8	II	8	A3, A6, A7,B2, N34, T8.	242	T7	TP2 TP24	IB2	
1908	Chlorite solution	8	III	8	A3, A6, A7, B2, N34, T8.	241	T4	TP2 TP24	IB3	
1910	Calcium oxide	8	III	8		240			IB8	BB3
1912	Methyl chloride and methylene chloride mixtures.	2.1		2.1		314, 315	T50			
1913	Neon, refrigerated liquid (cryogenic liquid).	2.2		2.2		None	T75			
1914	Butyl propionates	3	III	3	B1, T1	242	T2	TP1	IB3	
1915	Cyclohexanone	3	III	3	B1, T1	242	T2	TP1	IB3	
1916	2,2'-Dichlorodiethyl ether.	6.1	II	6.1, 3	N33, N34, T8.	243	T7	TP2	IB2	
1917	Ethyl acrylate, inhibited.	3	II	3	T8	242	T4	TP1 TP13	IB2	
1918	Isopropylbenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
1919	Methyl acrylate, inhibited.	3	II	3	T8	242	T4	TP1 TP13	IB2	
1920	Nonanes	3	III	3	B1, T1	242	T2	TP1	IB3	
1921	Propyleneimine, inhibited.	3	I	3, 6.1	A3, N34, T25.	243	T14	TP2 TP13		
1922	Pyrrolidine	3	II	3, 8	T1	243	T7	TP1	IB2	
1923	Calcium dithionite or Calcium hydrosulfite.	4.2	II	4.2	A19, A20	241			IB6	BB2
1929	Potassium dithionite or Potassium hydrosulfite.	4.2	II	4.2	A8, A19, A20.	241			IB6	BB2
1931	Zinc dithionite or Zinc hydrosulfite.	9	III	None		240			IB8	
1932	Zirconium scrap	4.2	III	4.2	N34	240			IB8	BB3
1935	Cyanide solutions, n.o.s.	6.1	I	6.1	B37, T18, T26.	243	T14	TP2 TP13 TP27		
1935	Cyanide solutions, n.o.s.	6.1	II	6.1	T18, T26	243	T11	TP2 TP13 TP27	IB2	
1935	Cyanide solutions, n.o.s.	6.1	III	6.1	T18, T26	241	T7	TP2 TP13 TP28	IB3	
1938	Bromoacetic acid, solid.	8	II	8	A7, N34, T9.	240	T7		IB8	BB2, BB4
1938	Bromoacetic acid, solution.	8	II	8	B2, T9	242	T7	TP2	IB2	
1939	Phosphorus oxybromide.	8	II	8	B8, B106, N41, N43.	240	T7	TP2	IB8	BB2, BB4
1940	Thioglycolic acid	8	II	8	A7, B2, N34, T8.	242	T7	TP2	IB2	
1941	Dibromodifluoromethane, R12B2.	9	III	None	T22	241	T11	TP2		
1942	Ammonium nitrate, with not more than 0.2 percent of combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance.	5.1	III	5.1	A1, A29	240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1951	Argon, refrigerated liquid (cryogenic liquid).	2.2		2.2		318	T75			
1958	1,2-Dichloro-1,1,2,2-Tetrafluoroethane or Refrigerant gas R114.	2.2		2.2		314, 315	T50			
1961	Ethane, refrigerated liquid.	2.1		2.1		315	T75			
1963	Helium, refrigerated liquid (cryogenic liquid).	2.2		2.2		318	T75			
1965	Hydrocarbon gas mixture, liquefied, n.o.s.	2.1		2.1		314, 315	T50			
1966	Hydrogen, refrigerated liquid (cryogenic liquid).	2.1		2.1		318, 319	T75			
1969	Isobutane see also Petroleum gases, 315 liquefied.	2.1		2.1	19	314, 315	T50			
1970	Krypton, refrigerated liquid (cryogenic liquid).	2.2		2.2		None	T75			
1972	Methane, refrigerated liquid (cryogenic liquid) or Natural gas, refrigerated liquid (cryogenic liquid), with high methane content).	2.1		2.1		318	T75			
1973	Chlorodifluoromethane and chloropentafluoroethane mixture or Refrigerant gas R 502 with fixed boiling point, with approximately 49 percent chlorodifluoromethane R502.	2.2		2.2		314, 315	T50			
1974	Chlorodifluorobromomethane or Refrigerant gas R 12B1.	2.2		2.2		314, 315	T50			
1976	Octafluorocyclobutane or Refrigerant gas RC318.	2.2		2.2		314, 315	T50			
1977	Nitrogen, refrigerated liquid cryogenic liquid.	2.2		2.2		318	T75			
1978	Propane see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1983	1-Chloro-2,2,2-trifluoroethane or Refrigerant gas R 133a.	2.2		2.2		314, 315	T50			
1986	Alcohols, flammable, toxic, n.o.s.	3	I	3, 6.1	T8, T31	243	T14	TP2 TP13 TP27		
1986	Alcohols, flammable, toxic, n.o.s.	3	II	3, 6.1	T8, T31	243	T11	TP2 TP27	IB2	
1986	Alcohols, flammable, toxic, n.o.s.	3	III	3, 6.1	B1, T8, T31.	242	T7	TP1 TP28	IB3	
1987	Alcohols, n.o.s	3	I	3	T8, T31	243	T11	TP1 TP8 TP27		
1987	Alcohols, n.o.s	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
1987	Alcohols, n.o.s	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1988	Aldehydes, flammable, toxic, n.o.s.	3	I	3, 6.1	T8, T31	243	T14	TP2 TP13 TP27		
1988	Aldehydes, flammable, toxic, n.o.s.	3	II	3, 6.1	T8, T31	243	T11	TP2 TP27	IB2	
1988	Aldehydes, flammable, toxic, n.o.s.	3	III	3, 6.1	B1, T8, T31.	242	T7	TP1 TP28	IB3	
1989	Aldehydes, n.o.s	3	I	3	T8, T31	243	T11	TP1 TP27		
1989	Aldehydes, n.o.s	3	II	3	T8, T31	242	T7	TP1 TP8 TP 28	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1989	Aldehydes, n.o.s	3	II	3	T8, T31	242	T7	TP1 TP8 TP 28	IB2	
1989	Aldehydes, n.o.s	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1990	Benzaldehyde	9	III	9	T1	241	T2	TP1	IB3	
1991	Chloroprene, inhibited.	3	I	3, 6.1	B57, T15	243	T14	TP2 TP6 TP13		
1992	Flammable liquids, toxic, n.o.s.	3	I	3, 6.1	T42	243	T14	TP2 TP13 TP27		
1992	Flammable liquids, toxic, n.o.s.	3	II	3, 6.1	T18	243	T7	TP2 TP13	IB2	
1992	Flammable liquids, toxic, n.o.s.	3	III	3, 6.1	B1, T18	242	T7	TP1 TP28	IB3	
1993	Flammable liquids, n.o.s.	3	I	3	T42	243	T11	TP1		
1993	Flammable liquids, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
1993	Flammable liquids, n.o.s.	3	III	3	B1, B52, T7, T30.	242	T4	TP1 TP29	IB3	
1994	Iron pentacarbonyl	6.1	I	6.1, 3	1, B9, B14, B30, B72, B77, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1999	Tars, liquid including road asphalt and oils, bitumen and cut backs.	3	II	3	B13, T7, T30.	242	T3	TP3 TP29	IB2	
1999	Tars, liquid including road asphalt and oils, bitumen and cut backs.	3	III	3	B1, B13, T7, T30.	242	T1	TP3	IB3	
2001	Cobalt naphthenates, powder.	4.1	III	4.1	A19	240			IB8	BB3
2002	Celluloid, scrap	4.2	III	4.2		241			IB8	BB3
2003	Metal alkyls water-reactive, n.o.s. or Metal aryls water-reactive, n.o.s.	4.2	I	4.2, 4.3	B11, T42	244	T21	TP2 TP7		
2004	Magnesium diamide	4.2	II	4.2	A8, A19, A20.	241			IB6	
2008	Zirconium powder, dry.	4.2	II	4.2	A19, A20, N5, N34.	241			IB6	BB2
2008	Zirconium powder, dry.	4.2	III	4.2		241			IB8	BB3
2009	Zirconium, dry, finished sheets, strip or coiled wire.	4.2	III	4.2	A1, A19	240			IB8	
2014	Hydrogen peroxide, aqueous solutions with more than 40 percent but not more than 60 percent hydrogen peroxide (stabilized as necessary).	5.1	II	5.1, 8	12, A3, A6, B53, B80, B81, B85, B104, B110, T14, T37.	243	T7	TP2 TP6 TP24 TP37	IB2	BB5
2014	Hydrogen peroxide, aqueous solutions with not less than 20 percent but not more than 40 percent hydrogen peroxide (stabilized as necessary).	5.1	II	5.1, 8	A2, A3, A6, B53, B104, B110, T14, TP37.	243	T7	TP2 TP6 TP24 T37	IB2	BB5
2015	Hydrogen peroxide, stabilized or Hydrogen peroxide aqueous solutions, stabilized with more than 60 percent hydrogen peroxide.	5.1	I	5.1, 8	12, B53, B80, B81, B85, T15, T37.	243	T10	TP2 TP6 TP24 TP37		
2018	Chloroanilines, solid	6.1	II	6.1	T14, T38	242	T7	TP2 TP38	IB8	BB2, BB4
2019	Chloroanilines, liquid	6.1	II	6.1	T14	243	T7	TP2	IB2	
2020	Chlorophenols, solid	6.1	III	6.1	T7	240	T4	TP1	IB8	BB3
2021	Chlorophenols, liquid	6.1	III	6.1	T7	241	T4	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2022	Cresylic acid	6.1	II	6.1, 8	B110, T8	243	T7	TP2 TP13	IB2	
2023	Epichlorohydrin	6.1	II	6.1, 3	T14	243	T7	TP2 TP13	IB2	
2024	Mercury compounds, liquid, n.o.s.	6.1	II	6.1		243			IB2	
2024	Mercury compounds, liquid, n.o.s.	6.1	III	6.1		241			IB3	
2025	Mercury compounds, solid, n.o.s.	6.1	I	6.1		242			IB7	BB1
2025	Mercury compounds, solid, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
2025	Mercury compounds, solid, n.o.s.	6.1	III	6.1		240			IB8	BB3
2026	Phenylmercuric compounds, n.o.s.	6.1	I	6.1		242			IB7	BB1
2026	Phenylmercuric compounds, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
2026	Phenylmercuric compounds, n.o.s.	6.1	III	6.1		240			IB8	BB3
2027	Sodium arsenite, solid.	6.1	II	6.1		242			IB8	BB2, BB4
2030	Hydrazine hydrate or Hydrazine aqueous solutions, with not less than 37 percent but not more than 64 percent hydrazine, by mass.	8	II	8, 6.1	B16, B53, B110, T15.	243	T7	TP2 TP13	IB2	
2031	Nitric acid other than red fuming, with more than 70 percent nitric acid.	8	I	8, 5.1	B47, B53, T9, T27.	243	T10	TP2 TP12 TP13		
2031	Nitric acid other than red fuming, with not more than 70 percent nitric acid.	8	II	8	B2, B47, B53, T9, T27.	242	T8	TP2 TP12	IB2	
2032	Nitric acid, red fuming.	8	I	8, 5.1, 6.1	2, B9, B32, B74, T38, T43, T45.	244	T20	TP2 TP12 TP13 TP38 TP45		
2033	Potassium monoxide	8	II	8		240			IB8	BB2, BB4
2035	1,1,1-Trifluoroethane, compressed or Refrigerant gas R 143a.	2.1		2.1		314, 315	T50			
2038	Dinitrotoluenes, liquid	6.1	II	6.1	T8	243	T7	TP2	IB2	
2038	Dinitrotoluenes, solid	6.1	II	6.1	T8	242	T7	TP2	IB8	BB2, BB4
2045	Isobutyraldehyde or Isobutyl aldehyde.	3	II	3	T8	242	T4	TP1	IB2	
2046	Cymenes	3	III	3	B1, T1	242	T2	TP1	IB3	
2047	Dichloropropenes	3	II	3	T8	242	T4	TP1	IB2	
2047	Dichloropropenes	3	III	3	B1, T8	242	T2	TP1	IB3	
2048	Dicyclopentadiene	3	III	3	B1, T1	242	T2	TP1	IB3	
2049	Diethylbenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
2050	Diisobutylene, isomeric compounds.	3	II	3	T1	242	T4	TP1	IB2	
2051	2-Dimethylaminoethanol.	8	II	8, 3	B2, T8	243	T7	TP2	IB2	
2052	Dipentene	3	III	3	B1, T1	242	T2	TP1	IB3	
2053	Methyl isobutyl carbinol.	3	III	3	B1, T1	242	T2	TP1	IB3	
2054	Morpholine	3	III	3	B1, T1	242	T10	TP2		
2055	Styrene monomer, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2056	Tetrahydrofuran	3	II	3	T8	242	T4	TP1	IB2	
2057	Tripropylene	3	II	3	T1	242	T4	TP1	IB2	
2057	Tripropylene	3	III	3	B1, T1	242	T2	TP1	IB3	
2058	Valeraldehyde	3	II	3	T1	242	T4	TP1	IB2	
2059	Nitrocellulose, solution, flammable with not more than 12.6 percent nitrogen, by mass, and not more than 55 percent nitrocellulose.	3	II	3	T8, T31	242	T4	TP1 TP8	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2059	Nitrocellulose, solution, flammable with not more than 12.6 percent nitrogen, by mass, and not more than 55 percent nitrocellulose.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
2067	Ammonium nitrate fertilizers; uniform non-segregating mixtures of ammonium nitrate with added matter which is inorganic and chemically inert towards ammonium nitrate, with not less than 90 percent ammonium nitrate and not more than 0.2 percent.	5.1	III	5.1	52	240			IB8	BB3
2071	Ammonium nitrate fertilizers: uniform non-segregating mixtures of nitrogen/phosphate or nitrogen/potash types or complete fertilizers of nitrogen/phosphate/potash type, with not more than 70 percent ammonium nitrate and not more than 0.4 percent total.	9	III	9	132	240			IB8	
2074	Acrylamide	6.1	III	6.1	T8	240	T4	TP1	IB8	BB3
2075	Chloral, anhydrous, inhibited.	6.1	II	6.1	B101, T14	243	T7	TP2	IB2	
2076	Cresols	6.1	II	6.1, 8	B110, T8	243	T7	TP2	IB8	BB2, BB4
2077	alpha-Naphthylamine	6.1	III	6.1	T7	240	T3	TP1	IB8	BB3
2078	Toluene diisocyanate	6.1	II	6.1	B110, T14	243	T7	TP2 TP13	IB2	
2079	Diethylenetriamine	8	II	8	B2, T8	242	T7	TP2	IB2	
2187	Carbon dioxide, refrigerated liquid.	2.2		2.2		314, 315	T75			
2201	Nitrous oxide, refrigerated liquid.	2.2		2.2, 5.1	B6	314, 315	T75	TP22		
2205	Adiponitrile	6.1	III	6.1	T1	241	T3	TP1	IB3	
2206	Isocyanates, toxic, n.o.s. or Isocyanate, solutions, toxic, n.o.s., flash point more than 61 degrees C and boiling point less than 300 degrees C.	6.1	II	6.1	T15	243	T11	TP2 TP13 TP27	IB2	
2206	Isocyanates, toxic, n.o.s. or Isocyanate, solutions, toxic, n.o.s., flash point more than 61 degrees C and boiling point less than 300 degrees C.	6.1	III	6.1	T8	241	T7	TP1 TP13 TP28	IB3	
2208	Calcium hypochlorite mixtures, dry, with more than 10 percent but not more than 39 percent available chlorine.	5.1	III	5.1	A1, A29, B103, N34.	240			IB8	BB3
2209	Formaldehyde, solutions, with not less than 25 percent formaldehyde.	8	III	8	T1	241	T4	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2210	Maneb or Maneb preparations with not less than 60 percent maneb.	4.2	III	4.2, 4.3	57, A1, A19, B105.	242			IB6	
2211	Polymeric beads, expandable, evolving flammable vapor.	9	III	None	32	221			IB8	BB6
2212	Blue asbestos (Crocidolite) or Brown asbestos (amosite, mysorite).	9	II	9		240			IB8	BB2, BB4
2213	Paraformaldehyde	4.1	III	4.1	A1	240			IB8	BB3
2214	Phthalic anhydride with more than .05 percent maleic anhydride.	8	III	8	T7	240	T4	TP3	IB8	BB3
2215	Maleic anhydride	8	III	8	T7	240	T4	TP1	IB8	BB3
2215	Maleic anhydride	8	III	8	T7	240	T4	TP3		
2216	Fish meal, stabilized or Fish scrap, stabilized.	9	III	None		218			IB8	
2217	Seed cake with not more than 1.5 percent oil and not more than 11 percent moisture.	4.2	III	None	N7	241			IB8	BB3, BB6
2218	Acrylic acid, inhibited	8	II	8, 3	B2, T8	243	T7	TP2	IB2	
2219	Allyl glycidyl ether	3	III	3	B1, T7	242	T2	TP1	IB3	
2222	Anisole	3	III	3	B1, T1	242	T2	TP1	IB3	
2224	Benzonitrile	6.1	II	6.1	T14	243	T7	TP2	IB2	
2225	Benzene sulfonyl chloride.	8	III	8	T8	241	T4	TP1	IB3	
2226	Benzotrichloride	8	II	8	B2, B101, T15.	242	T7	TP2	IB2	
2227	n-Butyl methacrylate, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2232	2-Chloroethanal	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2233	Chloroanisidines	6.1	III	6.1		240			IB8	BB3
2234	Chlorobenzotrifluorides.	3	III	3	B1, T1	242	T2	TP1	IB3	
2235	Chlorobenzyl chlorides.	6.1	III	6.1	T8	241	T4	TP1	IB3	
2236	3-Chloro-4-methylphenyl isocyanate.	6.1	II	6.1		243			IB2	
2237	Chloronitroanilines	6.1	III	6.1		240			IB8	BB3
2238	Chlorotoluenes	3	III	3	B1, T1	242	T2	TP1	IB3	
2239	Chlorotoluidines solid	6.1	III	6.1		240	T4	TP1	IB8	BB3
2239	Chlorotoluidines liquid.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
2240	Chromosulfuric acid	8	I	8	A3, A6, A7, B4, B6, N34, T12, T27.	243	T10	TP2 TP12 TP13		
2241	Cycloheptane	3	II	3	T1	242	T4	TP1	IB2	
2242	Cycloheptene	3	II	3	B1, T7	242	T4	TP1	IB2	
2243	Cyclohexyl acetate	3	III	3	B1, T1	242	T2	TP1	IB3	
2244	Cyclopentanol	3	III	3	B1, T1	242	T2	TP1	IB3	
2245	Cyclopentanone	3	III	3	B1, T1	242	T2	TP1	IB3	
2246	Cyclopentene	3	II	3	B101, T13	242	T7	TP2	IB2	BB8
2247	n-Decane	3	III	3	B1, T1	242	T2	TP1	IB3	
2248	Di-n-butylamine	8	II	8, 3	T8	243	T7	TP2	IB2	
2250	Dichlorophenyl isocyanates.	6.1	II	6.1		242	T7	TP2	IB8	BB2, BB4
2251	Bicyclo(2,2,1)hepta-2,5-diene, inhibited or 2,5-Norbornadiene, inhibited.	3	II	3		242	T7	TP2	IB2	
2252	1,2-Dimethoxyethane	3	II	3	T1	242	T4	TP1	IB2	
2253	N,N-Dimethylaniline	6.1	II	6.1	T8	243	T7	TP2	IB1	
2256	Cyclohexene	3	II	3	B101, T7	242	T4	TP1	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2257	Potassium	4.3	I	4.3	A19, A20, B27, B100, N6, N34, T15, T26.	244	T9	TP3 TP7	IB1	BB1
2258	1,2-Propylenediamine	8	II	8, 3	A3, A6, N34, T8.	243	T7	TP2	IB2	
2259	Triethylenetetramine	8	II	8	B2, T8	242	T7	TP2	IB2	
2260	Tripropylamine	3	III	3, 8	B1, T8	242	T4	TP1	IB3	
2261	Xylenols	6.1	II	6.1	T8	242	T7	TP2	IB8	BB2, BB4
2262	Dimethylcarbamoyl chloride.	8	II	8	B2, T8	242	T7	TP2	IB2	
2263	Dimethylcyclohexanes.	3	II	3	T1	242	T4	TP1	IB2	
2264	Dimethylcyclohexylamine.	8	II	8, 3	B2, T8	243	T7	TP2	IB2	
2265	N,N-Dimethylformamide.	3	III	3	B1, T1	242	T2	TP2	IB3	
2266	Dimethyl-N-propylamine.	3	II	3,8	T14, T26	243	T7	TP2 TP13	IB2	
2267	Dimethyl thiophosphoryl chloride.	6.1	II	6.1, 8	T7	243	T7	TP2	IB2	
2269	3,3′-Iminodipropylamine.	8	III	8	T8	241	T4	TP2	IB3	
2270	Ethylamine, aqueous solution with not less than 50 percent but not more than 70 percent ethylamine.	3	II	3, 8	T14	243	T7	TP1	IB2	
2271	Ethyl amyl ketone	3	III	3	B1, T1	242	T2	TP1	IB3	
2272	N-Ethylaniline	6.1	III	6.1	T2	241	T4	TP1	IB3	
2273	2-Ethylaniline	6.1	III	6.1	T2	241	T4	TP1	IB3	
2274	N-Ethyl-N-benzylaniline.	6.1	III	6.1	T2	241	T4	TP1	IB3	
2275	2-Ethylbutanol	3	III	3	B1, T1	242	T2	TP1	IB3	
2276	2-Ethylhexylamine	3	III	3, 8	B1, T2	242	T4	TP1	IB3	
2277	Ethyl methacrylate	3	II	3	T1	242	T4	TP1	IB2	
2278	n-Heptene	3	II	3	B101, T8	242	T4	TP1	IB2	
2279	Hexachlorobutadiene	6.1	III	6.1	T7	241	T4	TP1	IB3	
2280	Hexamethylenediamine, solid.	8	III	8		240	T4	TP1	IB8	BB3
2281	Hexamethylene diisocyanate.	6.1	II	6.1	B101, T14	243	T7	TP2 TP13	IB2	
2282	Hexanols	3	III	3	B1, T1	242	T2	TP1	IB3	
2283	Isobutyl methacrylate, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2284	Isobutyronitrile	3	II	3, 6.1	T17	243	T7	TP2 TP13	IB2	
2285	Isocyanatobenzotrifluorides.	6.1	II	6.1, 3	5, B101, T14.	243	T7	TP2	IB2	
2286	Pentamethylheptane	3	III	3	B1, T1	242	T2	TP1	IB3	
2287	Isoheptenes	3	II	3	T7	242	T4	TP1	IB2	
2288	Isohexenes	3	II	3	T7	242	T11	TP1	IB2	BB8
2289	Isophoronediamine	8	III	8	T8	241	T4	TP1	IB3	
2290	Isophorone diisocyanate.	6.1	III	6.1	T7	241	T4	TP2	IB3	
2291	Lead compounds, soluble, n.o.s..	6.1	III	6.1	138	240			IB8	BB3
2293	4-Methoxy-4-methylpentan-2-one.	3	III	3	B1, T1	242	T2	TP1	IB3	
2294	N-Methylaniline	6.1	III	6.1	T7	241	T4	TP1	IB3	
2295	Methyl chloroacetate	6.1	I	6.1, 3	T42	243	T14	TP2 TP13		
2296	Methylcyclohexane	3	II	3	B1, T1	242	T4	TP1	IB2	
2297	Methylcyclohexanone	3	III	3	B1, T1	242	T2	TP1	IB3	
2298	Methylcyclopentane	3	II	3	T8	242	T4	TP1	IB2	
2299	Methyl dichloroacetate.	6.1	III	6.1	T1	241	T4	TP1	IB3	
2300	2-Methyl-5-ethylpyridine.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2301	2-Methylfuran	3	II	3	T7	242	T4	TP1	IB2	
2302	5-Methylhexan-2-one	3	III	3	B1, T1	242	T2	TP1	IB3	
2303	Isopropenylbenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
2304	Naphthalene, molten	4.1	III	4.1	A1,T8	241	T1	TP3	IB1	
2305	Nitrobenzenesulfonic acid.	8	II	8		242			IB2	
2306	Nitrobenzotrifluorides	6.1	II	6.1	T8	243	T7	TP2	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2307	3-Nitro-4-chlorobenzotrifluoride.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2308	Nitrosylsulfuric acid	8	II	8	A3, A6, A7, B2, N34, T9, T27.	242	T8	TP2 TP12	IB2	
2309	Octadiene	3	II	3	B1, T1	242	T4	TP1	IB2	
2310	Pentane-2,4-dione	3	III	3, 6.1	B1, T1	242	T4	TP1	IB3	
2311	Phenetidines	6.1	III	6.1	T7	241	T4	TP1	IB3	
2312	Phenol, molten	6.1	II	6.1	B14, B100, T8.	243	T7	TP3		
2313	Picolines	3	III	3	B1, T8	242	T4	TP1	IB3	
2315	Polychlorinated biphenyls, liquid.	9	II	9	9, 81	241	T4	TP1	IB3	
2315	Polychlorinated biphenyls, solid.	9	II	9	9, 81	240			IB7	
2316	Sodium cuprocyanide, solid.	6.1	I	6.1		242			IB7	BB1
2317	Sodium cuprocyanide, solution.	6.1	I	6.1	T8, T26	243	T14	TP2 TP13		
2318	Sodium hydrosulfide, with less than 25 percent water of crystallization.	4.2	II	4.2	A7, A19, A20.	241			IB6	BB2
2319	Terpene hydrocarbons, n.o.s.	3	III	3	B1 T1	242	T4	TP1 TP29	IB3	
2320	Tetraethylenepentamine.	8	III	8	T2	241	T4	TP1	IB3	
2321	Trichlorobenzenes, liquid.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2322	Trichlorobutene	6.1	II	6.1	T8	243	T7	TP2	IB2	
2323	Triethyl phosphite	3	III	3	B1, T1	242	T2	TP1	IB3	
2324	Triisobutylene	3	III	3	B1, T7, T30.	242	T4	TP1	IB3	
2325	1,3,5-Trimethylbenzene.	3	III	3	B1, T1	242	T2	TP1	IB3	
2326	Trimethylcyclohexylamine.	8	III	8	T2	241	T4	TP1	IB3	
2327	Trimethylhexamethylenediamines	8	III	8	T7	241	T4	TP1	IB3	
2328	Trimethylhexamethylene diisocyanate.	6.1	III	6.1	T8	241	T4	TP2 TP13	IB3	
2329	Trimethyl phosphite	3	III	3	B1, T1	242	T2	TP1	IB3	
2330	Undecane	3	III	3	B1, T1	242	T2	TP1	IB3	
2331	Zinc chloride, anhydrous.	8	III	8		240			IB8	BB3
2332	Acetaldehyde oxime	3	III	3	B1 T8	242	T4	TP1	IB3	
2333	Allyl acetate	3	II	3, 6.1	T8	243	T7	TP1 TP13	IB2	
2334	Allylamine	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2335	Allyl Dethyl ether	3	II	3, 6.1	T8	243	T7	TP1 TP13	IB2	
2336	Allyl formate	3	I	3, 6.1	T18, T26	243	T14	TP2 TP13		
2337	Phenyl mercaptan	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2338	Benzotrifluoride	3	II	3	T2	242	T4	TP1	IB2	
2339	2-Bromobutane	3	II	3	B1, T1	242	T4	TP1	IB2	
2340	2-Bromoethyl ethyl ether.	3	II	3	T7	242	T4	TP1	IB2	
2341	1-Bromo-3-methylbutane.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
2342	Bromomethylpropanes.	3	II	3	T7, T30	242	T4	TP1	IB2	
2343	2-Bromopentane	3	II	3	T1	242	T4	TP1	IB2	
2344	Bromopropanes	3	II	3	T7	242	T4	TP1	IB2	
2344	Bromopropanes	3	III	3	T2	242	T2	TP1	IB3	
2345	3-Bromopropyne	3	II	3	T8	242	T4	TP1	IB2	
2346	Butanedione	3	II	3	T1	242	T4	TP1	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2347	Butyl mercaptans	3	II	3	A3, T8	242	T4	TP1	IB2	
2348	Butyl acrylates, inhibited.	3	III	3	B1, T8, T31.	242	T2	TP1	IB3	
2350	Butyl methyl ether	3	II	3	T8	242	T4	TP1	IB2	
2351	Butyl nitrites	3	I	3	T8	243	T11	TP1 TP8 TP27		
2351	Butyl nitrites	3	II	3	T8	242	T4	TP1	IB2	
2351	Butyl nitrites	3	III	3	B1, T8	242	T2	TP1	IB3	
2352	Butyl vinyl ether, inhibited.	3	II	3	B101, T7	242	T4	TP1	IB2	
2353	Butyryl chloride	3	II	3, 8	B100, T9, T26.	243	T8	TP2 TP12 TP13	IB2	
2354	Chloromethyl ethyl ether.	3	II	3, 61	T8	243	T7	TP1	IB2	
2356	2-Chloropropane	3	I	3	N36, T14	243	T11	TP2 TP13		
2357	Cyclohexylamine	8	II	8, 3	B101, T8, T26.	243	T7	TP2	IB2	
2358	Cyclooctatetraene	3	II	3	T8	242	T4	TP1	IB2	
2359	Diallylamine	3	II	3, 6.1, 8	T8	243	T7	TP1	IB2	
2360	Diallylether	3	II	3, 6.1	N12, T8	243	T7	TP1 TP13	IB2	
2361	Diisobutylamine	3	III	3, 8	B1, T1	242	T4	TP1	IB3	
2362	1,1-Dichloroethane	3	II	3	B101, T7	242	T4	TP1	IB2	
2363	Ethyl mercaptan	3	I	3	T21	243	T11	TP2 TP13		
2364	n-Propyl benzene	3	III	3	B1, T1	242	T2	TP1	IB3	
2366	Diethyl carbonate	3	III	3	B1, T1	242	T2	TP1	IB3	
2367	alpha-Methylvaleraldehyde.	3	II	3	B1, T1	242	T4	TP1	IB2	
2368	alpha-Pinene	3	III	3	B1, T1	242	T2	TP1	IB3	
2370	1-Hexene	3	II	3	B101, T8	242	T4	TP1	IB2	
2371	Isopentenes	3	I	3	T20	243	T11	TP2		
2372	1,2-Di–(dimethylamino)ethane.	3	II	3	T8	242	T4	TP1	IB2	
2373	Diethoxymethane	3	II	3	T8	242	T4	TP1	IB2	
2374	3,3-Diethoxypropene	3	II	3	T1	242	T4	TP1	IB2	
2375	Diethyl sulfide	3	II	3	B101, T14	243	T7	TP1 TP13	IB2	
2376	2,3-Dihydropyran	3	II	3	T7	242	T4	TP1	IB2	
2377	1,1-Dimethoxyethane	3	II	3	T13	242	T7	TP1	IB2	
2378	2-Dimethylaminoacetonitrile.	3	II	3, 6.1	T8	243	T7	TP1	IB2	
2379	1,3-Dimethylbutylamine.	3	II	3, 8	T8	243	T7	TP1	IB2	
2380	Dimethyl diethoxysilane.	3	II	3	T8	242	T4	TP1	IB2	
2381	Dimethyl disulfide	3	II	3	T8	242	T4	TP1	IB2	
2382	Dimethyl hydrazine, symmetrical.	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2383	Dipropyl amine	3	II	3, 8	T8	243	T7	TP1	IB2	
2384	Di-n-propyl ether	3	II	3	T1	242	T4	TP1	IB2	
2385	Ethyl isobutyrate	3	II	3	T1	242	T4	TP1	IB2	
2386	1-Ethylpiperidine	3	II	3, 8	T8	243	T7	TP1	IB2	
2387	Fluorobenzene	3	II	3	B101, T8	242	T4	TP1	IB2	
2388	Fluorotoluenes	3	II	3	T8	242	T4	TP1	IB2	
2389	Furan	3	I	3	T18	243	T12	TP2 TP13		
2390	2-Iodobutane	3	II	3	T8	242	T4	TP1	IB2	
2391	Iodomethylpropanes	3	II	3	T8	242	T4	TP1	IB2	
2392	Iodopropanes	3	III	3	B1, T8	242	T2	TP1	IB3	
2393	Isobutyl formate	3	II	3	T1	242	T4	TP1	IB2	
2394	Isobutyl propionate	3	III	3	B1, T1	242	T2	TP1	IB3	
2395	Isobutyryl chloride	3	II	3, 8	B100, T9, T26.	243	T7	TP2	IB1	
2396	Methacrylaldehyde, inhibited.	3	II	3, 6.1	45, T8	243	T7	TP1 TP13	IB2	
2397	3-Methylbutan-2-one	3	II	3	T1	242	T4	TP1	IB2	
2398	Methyl tert-butyl ether	3	II	3	B101, T14	242	T7	TP1	IB2	
2399	1-Methylpiperidine	3	II	3, 8	T8	243	T7	TP1	IB2	
2400	Methyl isovalerate	3	II	3	T1	242	T4	TP1	IB2	
2401	Piperidine	8	I	3, 88, 3	T2, T17	243	T10	TP2		
2402	Propanethiols	3	II	3	T8	242	T4	TP1 TP13	IB2	
2403	Isopropenyl acetate	3	II	3	T1	242	T4	TP1	IB2	
2404	Propionitrile	3	II	3, 6.1	T14	243	T7	TP1 TP13	IB2	
2405	Isopropyl butyrate	3	III	3	B1, T1	242	T2	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2406	Isopropyl isobutyrate	3	II	3	T1	242	T4	TP1	IB2	
2407	Isopropyl chloroformate.	6.1	I	6.1, 3, 8	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
2409	Isopropyl propionate	3	II	3	T1	242	T4	TP1	IB2	
2410	1,2,3,6-Tetrahydropyridine.	3	II	3	T8	242	T4	TP1	IB2	
2411	Butyronitrile	3	II	3, 6.1	T14	243	T7	TP1 TP13	IB2	
2412	Tetrahydrothiophene	3	II	3	T7	242	T4	TP1	IB2	
2413	Tetrapropylorthotitanate.	3	III	3	B1, T8	242	T4	TP1	IB3	
2414	Thiophene	3	II	3	B101, T2	242	T4	TP1	IB2	
2416	Trimethyl borate	3	II	3	T14	242	T7	TP1	IB2	
2424	Octafluoropropane or Refrigerant gas R 218.	2.2		2.2		314, 315	T50			
2426	Ammonium nitrate, liquid (hot concentrated solution).	5.1		5.1	B5, B100, T25.	243	T7			
2427	Potassium chlorate, aqueous solution.	5.1	II	5.1	A2, T8	241	T4	TP1	IB2	
2427	Potassium chlorate, aqueous solution.	5.1	III	5.1	A2, T8	241	T4	TP1	IB2	
2428	Sodium chlorate, aqueous solution.	5.1	II	5.1	A2, B6, T8	241	T4	TP1	IB2	
2428	Sodium chlorate, aqueous solution.	5.1	III	5.1	A2, T8	241	T4	TP1	IB2	
2429	Calcium chlorate aqueous solution.	5.1	II	5.1	A2, N41, T8.	242	T4	TP1	IB2	
2429	Calcium chlorate aqueous solution.	5.1	III	5.1	A2, N41, T8.	241	T4	TP1	IB2	
2430	Alkylphenols, solid, n.o.s. (including C2–C12 homologues).	8	I	8	T8	242	T10	TP2 TP28	IB7	BB1
2430	Alkylphenols, solid, n.o.s. (including C2–C12 homologues).	8	II	8	T8	240	T3	TP2	IB8	BB2, BB4
2430	Alkylphenols, solid, n.o.s. (including C2–C12 homologues).	8	III	8	T8	240	T3	TP1	IB8	BB3
2431	Anisidines	6.1	III	6.1	T1	241	T4	TP1	IB3	
2432	N,N-Diethylaniline	6.1	III	6.1	T2	241	T4	TP1	IB3	
2433	Chloronitrotoluenes, solid.	6.1	III	6.1		240			IB8	BB3
2433	Chloronitrotoluenes liquid.	6.1	III	6.1		241	T4	TP1	IB3	
2434	Dibenzyldichlorosilane.	8	II	8	B2, T8, T26.	242	T7	TP2 TP13	IB2	
2435	Ethylphenyldichlorosilane.	8	II	8	A7, B2, N34, T8, T26.	242	T7	TP2 TP13	IB2	
2436	Thioacetic acid	3	II	3	T8	242	T4	TP1	IB2	
2437	Methylphenyldichlorosilane.	8	II	8	T8, T26	242	T7	TP2 TP13	IB2	
2438	Trimethylacetyl chloride.	6.1	I	6.1, 8, 3	2, A3, A6, A7, B3, B9, B14, B32, B74, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2439	Sodium hydrogendifluoride solution.	8	II	8	N3, N34	242			IB8	BB2, BB4
2439	Sodium hydrogendifluoride, solid.	8	II	8	B106, N3, N34.	240			IB8	BB2, BB4 s
2440	Stannic chloride, pentahydrate.	8	III	8		240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2442	Trichloroacetyl chloride.	8	II	8, 6.1	2, A3, A7, B9, B14, B32, B74, N34, T38, T43, T45.	244	T20	TP2 TP38, TP45		
2443	Vanadium oxytrichloride.	8	II	8	A3, A6, A7, B2, B16, N34, T8, T26.	242	T7	TP2	IB2	
2444	Vanadium tetrachloride.	8	I	8	A3, A6, A7, B4, N34, T8, T26.	243	T10	TP2		
2445	Lithium alkyls	4.2	I	4.2, 4.3	B11, T28, T40.	244	T21	TP2 TP7		
2446	Nitrocresols	6.1	III	6.1		240			IB8	BB3
2447	Phosphorus white, molten.	4.2	I	4.2, 6.1	B9, B26, N34, T15, T26, T29.	243	T21	TP3 TP7 TP26		
2448	Sulfur, molten	4.1	III	4.1	T9, T38	247	T1	TP3 TP38	IB1	
2456	2-Chloropropene	3	I	3	A3, N36, T20.	243	T11	TP2		
2457	2,3-Dimethylbutane	3	II	3	T13	242	T7	TP1	IB2	
2458	Hexadienes	3	II	3	B101, T7	242	T4	TP1	IB2	
2459	2-Methyl-1-butene	3	I	3	T14	243	T11	TP2		
2460	2-Methyl-2-butene	3	II	3	T14	242	T7	TP1	IB2	BB8
2461	Methylpentadienes	3	II	3	T7	242	T4	TP1	IB2	
2464	Berylium nitrate	5.1	II	5.1, 6.1		242			IB8	BB2, BB4
2465	Dichloroisocyanuric acid, dry or Dichloroisocyanuric acid salts.	5.1	II	5.1	28	240			IB8	BB4
2466	Potassium superoxide.	5.1	I	5.1	A20	None			IB6	BB1
2468	Trichloroisocyanuric acid, dry.	5.1	II	5.1		240			IB8	BB4
2469	Zinc bromate	5.1	III	5.1	A1, A29	240			IB8	BB3
2470	Phenylacetonitrile, liquid.	6.1	III	6.1	T8	241	T4	TP1	IB3	
2471	Osmium tetroxide	6.1	I	6.1	A8, B100, N33, N34.	242			IB7	BB1
2473	Sodium arsanilate	6.1	III	6.1		240			IB8	BB3
2474	Thiophosgene	6.1	II	6.1	2, A7, B9, B14, B32, B74, N33, N34, T38, T43, T45.	244	T20	TP2 TP38 TP45		
2475	Vanadium trichloride	8	III	8		240			IB8	BB3
2477	Methyl isothiocyanate	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2478	Isocyanates, flammable, toxic, n.o.s. or Isocyanate solutions, flammable, toxic, n.o.s. flashpoint less than 23 degrees C.	3	II	3, 6.1	5, A3, A7, T15.	243	T11	TP2 TP13 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2480	Methyl isocyanate	6.1	I	6.1, 3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2481	Ethyl isocyanate	3	I	3, 6.1	1, A7, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2482	n-Propyl isocyanate	6.1	I	6.1, 3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2483	Isopropyl isocyanate	3	I	3, 6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2484	tert-Butyl isocyanate	6.1	I	6.1, 3	1, A7, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2485	n-Butyl isocyanate	6.1	I	6.1, 3	2, A7, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2486	Isobutyl isocyanate	3	I	3, 6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27		
2487	Phenyl isocyanate	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, N33, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2488	Cyclohexyl isocyanate.	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2490	Dichloroisopropyl ether.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2491	Ethanolamine or Ethanolamine solutions.	8	III	8	T7	241	T4	TP1	IB3	
2493	Hexamethyleneimine	3	II	3, 8	B101, T8	243	T7	TP1	IB2	
2496	Propionic anhydride	8	III	8	T2	241	T4	TP1	IB3	
2498	1, 2, 3, 6-Tetrahydrobenzaldehyde.	3	III	3	B1, T1	242	T2	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2501	Tris-(1-aziridiny-l)phosphine oxide, solution.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2501	Tris-(1-aziridiny-l)phosphine oxide, solution.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2502	Valeryl chloride	8	II	8, 3	A3, A6, A7, B2, N34, T8.	243	T7	TP2	IB2	
2503	Zirconium tetrachloride.	8	III	8		240			IB8	BB3
2504	Tetrabromoethane	6.1	III	6.1	T7	241	T4	TP1	IB3	
2505	Ammonium fluoride	6.1	III	6.1		240			IB8	BB3
2506	Ammonium hydrogen sulfate.	8	II	8		240			IB8	BB2, BB4
2507	Chloroplatinic acid, solid.	8	III	8		240			IB8	BB3
2508	Molybdenum pentachloride.	8	III	8	T8, T26	240	T4	TP1	IB8	BB3
2509	Potassium hydrogen sulfate.	8	II	8	A7, N34	240			IB8	BB2, BB4
2511	2-Chloropropionic acid.	8	III	8	T8	241	TP2	IB3		
2512	Aminophenols (o-; m-; p-).	6.1	III	6.1	T1	240	T4	TP1	IB8	BB3
2513	Bromoacetyl bromide	8	II	8	B2, T9, T26.	242	T8	TP2 TP12	IB2	
2514	Bromobenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
2515	Bromoform	6.1	III	6.1	T7	241	T4	TP1	IB3	
2516	Carbon tetrabromide	6.1	III	6.1		240			IB8	BB3
2517	1-Chloro-1,1-difluoroethanes or Refrigerant gas R 142b.	2.1		2.1		314, 315	T50			
2518	1,5,9-Cyclododecatriene.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2520	Cyclooctadienes	3	III	3	B1, T1	242	T2	TP1	IB3	
2521	Diketene, inhibited	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2522	2-Dimethylaminoethyl methacrylate.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2524	Ethyl orthoformate	3	III	3	B1, T7	242	T2	TP1	IB3	
2525	Ethyl oxalate	6.1	III	6.1	T1	241	T4	TP1	IB3	
2526	Furfurylamine	3	III	3, 8	B1, T1	242	T4	TP1	IB3	
2527	Isobutyl acrylate, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2528	Isobutyl isobutyrate	3	III	3	B1, T1	242	T2	TP1	IB3	
2529	Isobutyric acid	3	III	3, 8	B1, T1	242	T4	TP1	IB3	
2531	Methacrylic acid, inhibited.	8	III	8	T8, T47	241	T4	TP1 TP18	IB3	
2533	Methyl trichloroacetate.	6.1	III	6.1	T1	241	T4	TP1	IB3	
2535	4-Methylmorpholine or n-methylmorpholine.	3	II	3, 8	B6, T8	243	T7	TP1	IB2	
2536	Methyltetrahydrofuran	3	II	3	B101, T7	242	T4	TP1	IB2	
2538	Nitronaphthalene	4.1	III	4.1	A1	240			IB8	BB3
2541	Terpinolene	3	III	3	B1, T1	242	T2	TP1	IB3	
2542	Tributylamine	6.1	II	6.1	B110, T14	243	T7	TP2	IB2	
2545	Hafnium powder, dry	4.2	II	4.2	A19, A20, B101, B106, N34.	241			IB6	BB2
2545	Hafnium powder, dry	4.2	III	4.2	B100, B106.	241			IB8	BB3
2546	Titanium powder, dry	4.2	II	4.2	A19, A20, N5, N34.	241			IB6	BB2
2546	Titanium powder, dry	4.2	III	4.2		241			IB8	BB3
2547	Sodium superoxide	5.1	I	5.1	A20, N34	None			IB6	BB1
2552	Hexafluoroacetone hydrate.	6.1	II	6.1	T14	243	T7	TP2	IB2	
2554	Methyl allyl chloride	3	II	3	B101, T8	242	T4	TP1 TP13	IB2	
2558	Epibromohydrin	6.1	I	6.1, 3	T18, T26	243	T14	TP2 TP13		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2560	2-Methylpentan-2-ol	3	III	3	B1, T1	242	T2	TP1	IB3	
2561	3-Methyl-1-butene	3	I	3	T20	243	T11	TP2		
2564	Trichloroacetic acid, solution.	8	II	8	A3, A6, A7, B2, N34, T8.	242	T7	TP2	IB2	
2564	Trichloroacetic acid, solution.	8	III	8	A3, A6, A7, N34, T7.	241	T4	TP1	IB3	
2565	Dicyclohexylamine	8	III	8	T8	241	T4	TP1	IB3	
2567	Sodium pentachlorophenate.	6.1	II	6.1		242			IB8	BB2, BB4
2570	Cadmium compounds	6.1	I	6.1		242			IB7	BB1
2570	Cadmium compounds	6.1	II	6.1		242			IB8	BB2, BB4
2570	Cadmium compounds	6.1	III	6.1		240			IB8	BB3
2571	Alkylsulfuric acids	8	II	8	B2, T9, T27.	242	T8	TP2 TP12 TP13	IB2	
2572	Phenylhydrazine	6.1	II	6.1	T8	243	T7	TP2	IB2	
2573	Thallium chlorate	5.1	II	5.1, 6.1		242			IB6	BB2
2574	Tricresyl phosphate with more than 3 percent ortho isomer.	6.1	II	6.1	A3, N33, N34, T8.	243	T7	TP2	IB2	
2576	Phosphorus oxybromide, molten.	8	II	8	B2, B8, N41, N43, T8, T27.	242	T7	TP3 TP13	IB1	
2577	Phenylacetyl chloride	8	II	8	B2, T8, T26.	242	T7	TP2	IB2	
2578	Phosphorus trioxide	8	III	8		240			IB8	BB3
2579	Piperazine	8	III	8	T7	240	T4	TP1	IB8	BB3
2580	Aluminum bromide, solution.	8	III	8	T8	241	T4	TP1	IB3	
2581	Aluminum chloride, solution.	8	III	8	T8	241	T4	TP1	IB3	
2582	Ferric chloride, solution.	8	III	8	B15, T8	241	T4	TP1	IB3	
2583	Alkyl sulfonic acids, solid or Aryl sulfonic acids, solid, with more than 5 percent free sulfuric acid.	8	II	8		240			IB8	BB2, BB4
2584	Alkyl sulfonic acids, liquid or Aryl sulfonic acids, liquid with more than 5 percent free sulfuric acid.	8	II	8	B2, T8, T27.	242	T8	TP2 TP12 TP13	IB2	
2585	Alkyl sulfonic acids, solid or Aryl sulfonic acids, solid with not more than 5 percent free sulfuric acid.	8	III	8		240			IB8	BB3
2586	Alkyl sulfonic acids, liquid or Aryl sulfonic acids, liquid with not more than 5 percent free sulfuric acid.	8	III	8	T8	241	T4	TP1	IB3	
2587	Benzoquinone	6.1	II	6.1		242			IB8	BB2, BB4
2588	Pesticides, solid, toxic, n.o.s..	6.1	I	6.1		242			IB7	
2588	Pesticides, solid, toxic, n.o.s..	6.1	II	6.1		242			IB8	BB2, BB4
2588	Pesticides, solid, toxic, n.o.s..	6.1	III	6.1		240			IB8	BB3
2589	Vinyl chloroacetate	6.1	II	6.1, 3	T14	243	T7	TP2	IB2	
2590	White asbestos (chrysotile, actinolite, anthophyllite, tremolite).	9	III	9		240			IB8	BB2, BB3
2591	Xenon, refrigerated liquid (cryogenic liquids).	2.2		2.2		None	T75			

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2602	Dichlorodifluoromethane and difluoroethane azeotropic mixture or Refrigerant gas R 500 with approximately 74 percent dichlorodifluoromethane.	2.2		2.2		314, 315	T50			
2603	Cycloheptatriene	3	II	3, 6.1	T14	243	T7	TP1 TP13	IB2	
2604	Boron trifluoride diethyl etherate.	8	I	8, 3	A19, T8, T26.	243	T10	TP2		
2605	Methoxymethyl isocyanate.	3	I	3, 6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2606	Methyl orthosilicate	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2607	Acrolein dimer, stabilized.	3	III	3	B1, T1	242	T2	TP1	IB3	
2608	Nitropropanes	3	III	3	B1, T1	242	T2	TP1	IB3	
2609	Triallyl borate	6.1	III	6.1		241			IB3	
2610	Triallylamine	3	III	3, 8	B1, T1	242	T4	TP1	IB3	
2611	Propylene chlorohydrin.	6.1	II	6.1, 3	T9	243	T7	TP2 TP13	IB2	
2612	Methyl propyl ether	3	II	3	T14	242	T7	TP2	IB2	BB8
2614	Methallyl alcohol	3	III	3	B1, T1	242	T2	TP1	IB3	
2615	Ethyl propyl ether	3	II	3	B101, T8	242	T4	TP1	IB2	
2616	Triisopropyl borate	3	II	3	T8, T31	242	T4	TP1	IB2	
2616	Triisopropyl borate	3	III	3	B1, T8, T31.	242	T2	TP1	IB3	
2617	Methylcyclohexanols, flammable.	3	III	3	B1, T2	242	T2	TP1	IB3	
2618	Vinyltoluenes, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2619	Benzyldimethylamine	8	II	8, 3	B2, T1	243	T7	TP2	IB2	
2620	Amyl butyrates	3	III	3	B1, T1	242	T2	TP1	IB3	
2621	Acetyl methyl carbinol.	3	III	3	B1, T1	242	T2	TP1	IB3	
2622	Glycidaldehyde	3	II	3, 6.1	T8	243	T7	TP1	IB2	BB8
2624	Magnesium silicide	4.3	II	4.3	A19, A20, B105, B106.	241			IB7	BB2
2626	Chloric acid aqueous solution, with not more than 10 percent chloric acid.	5.1	II	5.1	T25	None			IB2	
2627	Nitrites, inorganic, n.o.s..	5.1	II	5.1	33	None			IB8	BB4
2628	Potassium fluoroacetate.	6.1	I	6.1		242			IB7	BB1
2629	Sodium fluoroacetate	6.1	I	6.1		242			IB7	BB1
2630	Selenates or Selenites.	6.1	I	6.1		242			IB7	BB1
2642	Fluoroacetic acid	6.1	I	6.1	B100	242			IB7	BB1
2643	Methyl bromoacetate	6.1	II	6.1	B100, T8	243	T7	TP2	IB2	
2644	Methyl iodide	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2645	Phenacyl bromide	6.1	II	6.1	B106	242			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2646	Hexachlorocyclopentadiene.	6.1	I	6.1	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2647	Malononitrile	6.1	II	6.1		242			IB8	BB2, BB4
2648	1,2-Dibromobutan-3-one.	6.1	II	6.1		243			IB2	
2649	1,3-Dichloroacetone	6.1	II	6.1		242			IB8	BB2, BB4
2650	1,1-Dichloro-1-nitroethane.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2651	4,4'-Diaminodiphenyl methane.	6.1	III	6.1		240	T4	TP1	IB8	BB3
2653	Benzyl iodide	6.1	II	6.1	T8	243	T7	TP2	IB2	
2655	Potassium fluorosilicate.	6.1	III	6.1		240			IB8	BB3
2656	Quinoline	6.1	III	6.1	T8	241	T4	TP1	IB3	
2657	Selenium disulfide	6.1	II	6.1		242			IB8	BB2, BB4
2659	Sodium chloroacetate	6.1	III	6.1		240			IB8	BB3
2660	Nitrotoluidines (mono).	6.1	III	6.1		240			IB8	BB3
2661	Hexachloroacetone	6.1	III	6.1	T8	241	T4	TP1	IB3	
2662	Hydroquinone	6.1	III	6.1		240	T4	TP1	IB8	BB3
2664	Dibromomethane	6.1	III	6.1	T7	241	T4	TP1	IB3	
2667	Butyltoluenes	6.1	III	6.1	T2	241	T4	TP1	IB3	
2668	Chloroacetonitrile	6.1	II	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP38 TP45	IBC99	
2669	Chlorocresols, solid	6.1	II	6.1		242	T7		IB8	BB2, BB3
2669	Chlorocresols, liquid	6.1	II	6.1	T8	243	T7	TP2	IB2	
2670	Cyanuric chloride	8	II	8		240			IB8	BB2, BB4
2671	Aminopyridines (o-; m-; p-).	6.1	II	6.1	T7	242	T7	TP2	IB8	BB2, BB4
2672	Ammonia solutions, relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia.	8	III	8	T14	241	T7	TP1	IB3	
2673	2-Amino-4-chlorophenol.	6.1	II	6.1		242			IB8	BB2, BB4
2674	Sodium fluorosilicate	6.1	III	6.1		240			IB8	BB3
2677	Rubidium hydroxide solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
2677	Rubidium hydroxide solution.	8	III	8	T7	241	T4	TP1	IB3	
2678	Rubidium hydroxide	8	II	8	T8	240	T7	TP2	IB8	BB2, BB4
2679	Lithium hydroxide, solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
2679	Lithium hydroxide, solution.	8	III	8	T8	241	T4	TP2	IB3	
2680	Lithium hydroxide, monohydrate or Lithium hydroxide, solid.	8	II	8		240			IB8	BB2, BB4
2681	Caesium hydroxide solution or Cesium hydroxide solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
2681	Caesium hydroxide solution or Cesium hydroxide solution.	8	III	8	T7	241	T4	TP1	IB3	
2682	Caesium hydroxide or Cesium hydroxide.	8	II	8		240			IB8	BB2, BB4
2683	Ammonium sulfide solution.	8	II	8, 6.1, 3	T14	243	T7	TP2 TP13	IB1	
2684	Diethylaminopropylamine.	3	III	3, 8	B1, T8	242	T4	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2685	N,N-Diethylethylenediamine.	8	II	8, 3	T8	243	T7	TP2	IB2	
2686	2-Diethylaminoethanol.	8	II	8, 3	B2, T15, T26.	243	T7	TP2	IB2	
2687	Dicyclohexylammonium nitrite.	4.1	III	4.1		240			IB8	BB3
2688	1-Chloro-3-bromopropane.	6.1	III	6.1	T2	241	T4	TP1	IB3	
2689	Glycerol alpha-monochlorohydrin.	6.1	III	6.1	T2	241	T4	TP1	IB3	
2690	N-n-Butyl imidazole	6.1	II	6.1	T8	243	T7	TP2	IB2	
2691	Phosphorus pentabromide.	8	II	8	A7, B106, N34.	240			IB8	BB2, BB4
2692	Boron tribromide	8	I	8, 6.1	2, A3, A7, B9, B14, B32, B74, N34, T38, T43, T45.	244	T20	TP2 TP12 TP13 TP38 TP45		
2693	Bisulfites, aqueous solutions, n.o.s.	8	III	8	T8	241	T7	TP1 TP28	IB3	
2698	Tetrahydrophthalic anhydrides with more than 0.05 percent of maleic anhydride.	8	III	8		240			IB8	BB3
2699	Trifluoroacetic acid	8	I	8	A3, A6, A7, B4, N3, N34, T18, T27.	243	T10	TP2 TP12		
2705	1-Pentol	8	II	8	B2, T8	242	T7	TP2	IB2	
2707	Dimethyldioxanes	3	II	3	T8, T31	242	T4	TP1	IB2	
2707	Dimethyldioxanes	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
2709	Butyl benzenes	3	III	3	B1, T1	242	T2	TP1	IB3	
2710	Dipropyl ketone	3	III	3	B1, T1	242	T2	TP1	IB3	
2713	Acridine	6.1	III	6.1		240			IB8	BB3
2714	Zinc resinate	4.1	III	4.1	A1	240			IB6	
2715	Aluminum resinate	4.1	III	4.1		240			IB6	
2716	1,4-Butynediol	6.1	III	6.1	A1	240			IB8	BB3
2717	Camphor, synthetic	4.1	III	4.1	A1	240			IB8	BB3
2719	Barium bromate	5.1	II	5.1, 6.1		242			IB8	BB2, BB4
2720	Chromium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
2721	Copper chlorate	5.1	II	5.1	A1	242			IB8	BB2, BB4
2722	Lithium nitrate	5.1	III	5.1	A1	240			IB8	BB3
2723	Magnesium chlorate	5.1	II	5.1		242			IB8	BB2, BB4
2724	Manganese nitrate	5.1	III	5.1	A1	240			IB8	BB3
2725	Nickel nitrate	5.1	III	5.1	A1	240			IB8	BB3
2726	Nickel nitrite	5.1	III	5.1	A1	240			IB8	BB3
2727	Thallium nitrate	6.1	II	6.1, 5.1		242			IB6	BB2
2728	Zirconium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
2729	Hexachlorobenzene	6.1	III	6.1		241			IB3	
2730	Nitroanisole	6.1	III	6.1	T8	240	T4	TP1	IB8	BB3
2732	Nitrobromobenzenes solid.	6.1	III	6.1		240	T4	TP1	IB8	BB3
2732	Nitrobromobenzenes liquid.	6.1	III	6.1	T8, T38	241	T4	TP1 TP38	IB3	
2733	Amines, flammable, corrosive, n.o.s. or Polyamines, flammable, corrosive, n.o.s.	3	I	3, 8	T42	243	T14	TP1 TP27		
2733	Amines, flammable, corrosive, n.o.s. or Polyamines, flammable, corrosive, n.o.s.	3	II	3, 8	T8, T31	243	T11	TP1 TP27	IB2	
2733	Amines, flammable, corrosive, n.o.s. or Polyamines, flammable, corrosive, n.o.s.	3	III	3, 8	B1, T8, T31.	242	T7	TP1 TP28	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2734	Amines, liquid, corrosive, flammable, n.o.s. or Polyamines, liquid, corrosive, flammable, n.o.s.	8	I	8, 3	A3, A6, N34, T8, T31.	243	T14	TP2 TP27		
2734	Amines, liquid, corrosive, flammable, n.o.s. or Polyamines, liquid, corrosive, flammable, n.o.s.	8	II	8, 3	T8, T31	243	T11	TP2 TP27	IB2	
2735	Amines, liquid, corrosive, n.o.s, or Polyamines, liquid, corrosive, n.o.s.	8	I	8	A3, A6, B10, N34, T42.	243	T14	TP2 TP27		
2735	Amines, liquid, corrosive, n.o.s, or Polyamines, liquid, corrosive, n.o.s.	8	II	8	B2, T8	242	T11	TP1 TP27	IB2	
2735	Amines, liquid, corrosive, n.o.s, or Polyamines, liquid, corrosive, n.o.s.	8	III	8	T8	241	T7	TP1 TP28	IB3	
2738	N-Butylaniline	6.1	II	6.1	T8	243	T7	TP2	IB2	
2739	Butyric anhydride	8	III	8	T2	241	T4	TP1	IB3	
2740	n-Propyl chloroformate.	6.1	I	6.1, 3, 8	2, A3, A6, A7, B9, B14, B32, B74, B77, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
2741	Barium hypochlorite with more than 22 percent available chlorine.	5.1	II	5.1, 6.1	A7, A9, N34.	None			IB8	BB2, BB4
2742	Chloroformates, toxic, corrosive, flammable, n.o.s.	6.1	II	6.1, 8, 3	5	243	T7	TP2	IB1	
2743	n-Butyl chloroformate	6.1	I	6.1, 8, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2744	Cyclobutyl chloroformate.	6.1	II	6.1, 8, 3	T18	243	T7	TP2 TP13	IB1	
2745	Chloromethyl chloroformate.	6.1	II	6.1, 8	T18	243	T7	TP2 TP13	IB2	
2746	Phenyl chloroformate	6.1	II	6.1, 8	T12	243	T7	TP2 TP13	IB2	
2747	tert-Butylcyclohexylchloroformate.	6.1	III	6.1	T8	241	T4	TP1	IB3	
2748	2-Ethylhexyl chloroformate.	6.1	II	6.1, 8	T12	243	T7	TP2 TP13	IB2	
2749	Tetramethylsilane	3	I	3	T21, T26	243	T14	TP2		
2750	1,3-Dichloropropanol-2.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2751	Diethylthiophosphoryl chloride.	8	II	8	B2, T8	240	T7	TP2	IB8	BB2, BB4
2752	1,2-Epoxy-3-ethoxypropane.	3	III	3	B1, T1	242	T2	TP1	IB3	
2753	N-Ethylbenzyltoluidines solid.	6.1	III	6.1		240	T7	TP1	IB8	BB3
2753	N-Ethylbenzyltoluidines liquid.	6.1	III	6.1	T14	241	T7	TP1	IB3	
2754	N-Ethyltoluidines	6.1	II	6.1	T14	243	T7	TP2	IB2	
2757	Carbamate pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2757	Carbamate pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2757	Carbamate pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2758	Carbamate pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2758	Carbamate pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2759	Arsenical pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2759	Arsenical pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2759	Arsenical pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2760	Arsenical pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2760	Arsenical pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2761	Organochlorine pesticides, solid toxic.	6.1	I	6.1		242			IB7	BB1
2761	Organochlorine pesticides, solid toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2761	Organochlorine pesticides, solid toxic.	6.1	III	6.1		240			IB8	BB3
2762	Organochlorine pesticides liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2762	Organochlorine pesticides liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2763	Triazine pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2763	Triazine pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2763	Triazine pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2764	Triazine pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2764	Triazine pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2771	Thiocarbamate pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2771	Thiocarbamate pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2771	Thiocarbamate pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2772	Thiocarbomate pesticide, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2772	Thiocarbomate pesticide, liquid, flammable, toxic, flashpoint less than 23 degrees C..	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2775	Copper based pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2775	Copper based pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2775	Copper based pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2776	Copper based pesticides, liquid, flammable, tox, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2776	Copper based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2777	Mercury based pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2777	Mercury based pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2777	Mercury based pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2778	Mercury based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2778	Mercury based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2779	Substituted nitrophenol pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2779	Substituted nitrophenol pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2779	Substituted nitrophenol pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2780	Substituted nitrophenol pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 T27		
2780	Substituted nitrophenol pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2781	Bipyridilium pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2781	Bipyridilium pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2781	Bipyridilium pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2782	Bipyridilium pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2782	Bipyridilium pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2783	Organophosphorus pesticides, solid, toxic.	6.1	I	6.1	N77	242			IB7	BB1
2783	Organophosphorus pesticides, solid, toxic.	6.1	II	6.1	N77	242			IB8	BB2, BB4
2783	Organophosphorus pesticides, solid, toxic.	6.1	III	6.1	N77	240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2784	Organophosphorus pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1	T42	243	T14	TP2 TP13 TP27		
2784	Organophosphorus pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1	T18	243	T11	TP2 TP13 TP27	IB2	
2785	4-Thiapentanal	6.1	III	6.1	T8	241	T4	TP1	IB3	
2786	Organotin pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BBl
2786	Organotin pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2786	Organotin pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2787	Organotin pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2787	Organotin pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2788	Organotin compounds, liquid, n.o.s.	6.1	I	6.1	A3, N33, N34, T42.	243	T14	TP2 TP13 TP27		
2788	Organotin compounds, liquid, n.o.s.	6.1	II	6.1	A3, N33, N34, T14.	243	T11	TP2 TP13 TP27	IB2	
2788	Organotin compounds, liquid, n.o.s.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2789	Acetic acid, glacial or Acetic acid solution, with more than 80 percent acid, by mass.	8	II	8, 3	A3, A6, A7, A10, B2, T8.	243	T7	TP2	IB2	
2790	Acetic acid solution, not less than 50 percent but not more than 80 percent acid, by mass.	8	II	8	A3, A6, A7, A10, B2, T8.	242	T7	TP2	IB2	
2790	Acetic acid solution, with more than 10 percent and less than 50 percent acid by mass.	8	III	8	T8	242	T4	TP1	IB3	
2793	Ferrous metal borings or Ferrous metal shavings or Ferrous metal turnings or Ferrous metal cuttings in a form liable to self-heating.	4.2	III	4.2	A1, A19, B101.	241			IB8	BB3, BB6
2796	Battery fluid, acid	8	II	8	A3, A7, B2, B15, N6, N34, T9, T27.	242	T8	TP2 TP12	IB2	
2796	Sulfuric acid with not more than 51% acid.	8	II	8	A3, A7, B2, B15, N6, N34, T9, T27.	242	T8	TP2 TP12	IB2	
2797	Battery fluid, alkali	8	II	8	B2, N6, T8	242	T7	TP2	IB2	
2798	Phenyl phosphorus dichloride.	8	II	8	B2, B15, T8, T26.	242	T7	TP2	IB2	
2799	Phenyl phosphorus thiodichloride.	8	II	8	B2, B15, T8, T26.	242	T7	TP2	IB2	
2801	Dyes, liquid, corrosive, n.o.s. or Dye intermediates liquid, corrosive, n.o.s.	8	I	8	11, B10	243	T14	TP2 TP27		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2801	Dyes, liquid, corrosive, n.o.s. or Dye intermediates, liquid, corrosive, n.o.s.	8	II	8	11, B2, T14.	242	T11	TP2 TP27	IB2	
2801	Dyes, liquid, corrosive, n.o.s. or Dye intermediates liquid, corrosive, n.o.s.	8	III	8	11, T7	241	T7	TP1 TP28	IB3	
2802	Copper chloride	8	III	8		240			IB8	BB3
2805	Lithium hydride, fused solid.	4.3	II	4.3	A8, A19, A20, B101, B106.	241			IB4	
2806	Lithium nitride	4.3	I	4.3	A19, B101, B106, N40.	242			IB4	BB1
2810	Toxic, liquids, organic, n.o.s. Inhalation hazard, Packing Group I, Zone A.	6.1	I	6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 TP38 TP44		
2810	Toxic, liquids, organic, n.o.s. Inhalation hazard, Packing Group I, Zone B.	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 TP38 TP45		
2810	Toxic, liquids, organic, n.o.s.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2810	Toxic, liquids, organic, n.o.s.	6.1	II	6.1	B110, T14	243	T11	TP2 TP13 TP27	IB2	
2810	Toxic, liquids, organic, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
2811	Toxic solids, organic, n.o.s.	6.1	I	6.1		242			IB7	
2811	Toxic solids, organic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
2811	Toxic solids, organic, n.o.s.	6.1	III	6.1		240			IB8	BB3
2812	Sodium aluminate, solid.	8	III	8		240			IB8	BB3
2813	Water reactive solid, n.o.s.	4.3	1	4.3	B101, B106, N40.	240			IB4	
2813	Water-reactive solid, n.o.s.	4.3	II	4.3	B101, B106.	242			IB7	BB2
2813	Water-reactive solid, n.o.s.	4.3	III	4.3	B105, B106.	T7	241		IB8	BB4
2815	N-Aminoethylpiperazine.	8	III	8	T7	241	T4	TP1	IB3	
2817	Ammonium hydrogendifluoride, solution.	8	II	8, 6.1	N34, T15	243	T8	TP2 TP12 TP13	IB2	
2817	Ammonium hydrogendifluoride, solution.	8	III	8, 6.1	T8	241	T4	TP1 TP12 TP13	IB3	
2818	Ammonium polysulfide, solution.	8	II	8, 6.1	T14	243	T7	TP2 TP13	IB2	
2818	Ammonium polysulfide, solution.	8	III	8, 6.1	T7	241	T4	TP1 TP13	IB3	
2819	Amyl acid phosphate	8	III	8	T7	241	T4	TP1	IB3	
2820	Butyric acid	8	III	8	T1	241	T4	TP1	IB3	
2821	Phenol solutions	6.1	II	6.1	T14	243	T7	TP2	IB2	
2821	Phenol solutions	6.1	III	6.1	T7	241	T4	TP1	IB3	
2822	2-Chloropyridine	6.1	II	6.1	T14	243	T7	TP2	IB2	
2823	Crotonic acid, solid	8	III	8		240			IB8	BB3
2823	Crotonic acid liquid	8	III	8		241	T4	TP1	IB3	
2826	Ethyl chlorothioformate.	8	II	8, 6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP38 TP45		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2829	Caproic acid	8	III	8	T1	241	T4	TP1	IB3	
2830	Lithium ferrosilicon	4.3	II	4.3	A19, B105, B106.	241			IB7	BB2
2831	1,1,1-Trichloroethane	6.1	III	6.1	N36, T7	241	T4	TP1	IB3	
2834	Phosphorous acid	8	III	8	T7	240	T3	TP1	IB8	BB3
2835	Sodium aluminum hydride.	4.3	II	4.3	A8, A19, A20, B100.	242			IB1	
2837	Bisulfate, aqueous solution.	8	II	8	A7, B2, N34, T8, T26.	242	T7	TP2	IB2	
2837	Bisulfate, aqueous solution.	8	III	8	A7, N34, T7, T26.	241	T4	TP1	IB3	
2838	Vinyl butyrate, inhibited.	3	II	3	T7	242	T4	TP1	IB2	
2839	Aldol	6.1	II	6.1	T8	243	T7	TP2	IB2	
2840	Butyraldoxime	3	III	3	B1, T1	242	T2	TP1	IB3	
2841	Di-n-amylamine	3	III	3, 6.1	B1, T8	242	T4	TP1	IB3	
2842	Nitroethane	3	III	3	B1, T8	242	T2	TP1	IB3	
2844	Calcium manganese silicon.	4.3	III	4.3	A1, A19, B105, B106.	241			IB8	BB2, BB4
2845	Pyrophoric liquids, organic, n.o.s.	4.2	I	4.2	B11, T42	244	T22	TP2 TP7 TP38 TP45		
2849	3-Chloropropanol-1	6.1	III	6.1	T8	241	T4	TP1	IB3	
2850	Propylene tetramer	3	III	3	B1, T1	242	T2	TP1	IB3	
2851	Boron trifluoride dihydrate.	8	II	8	T9, T27	240	T7	TP2	IB8	BB2, BB4
2853	Magnesium fluorosilicate.	6.1	III	6.1		240			IB8	BB3
2854	Ammonium fluorosilicate.	6.1	III	6.1		240			IB8	BB3
2855	Zinc fluorosilicate	6.1	III	6.1		240			IB8	BB3
2856	Fluorosilicates, n.o.s	6.1	III	6.1		240			IB8	BB3
2858	Zirconium, dry, coiled wire, finished metal sheets, strip (thinner than 254 microns but not thinner than 18 microns).	4.1	III	4.1	A1	240			IB8	
2859	Ammonium metavanadate.	6.1	II	6.1		242			IB8	BB2, BB4
2861	Ammonium polyvanadate.	6.1	II	6.1		242			IB8	BB2, BB4
2862	Vanadium pentoxide, non-fused form.	6.1	III	6.1		240			IB8	BB3
2863	Sodium ammonium vanadate.	6.1	II	6.1		242			IB8	BB2, BB4
2864	Potassium metavanadate.	6.1	II	6.1		242			IB8	BB2, BB4
2865	Hydroxylamine sulfate.	8	III	8		240			IB8	BB3
2869	Titanium trichloride mixtures.	8	II	8	A7, B106, N34.	240			IB8	BB2, BB4
2869	Titanium trichloride mixtures.	8	III	8	A7, N34	240			IB8	BB3
2871	Antimony powder	6.1	III	6.1		240			IB8	BB3
2872	Dibromochloropropane.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2873	Dibutylaminoethanol	6.1	III	6.1	T1	241	T4	TP1	IB3	
2874	Furfuryl alcohol	6.1	III	6.1	T2	241	T4	TP1	IB3	
2875	Hexachlorophene	6.1	III	6.1		240			IB8	BB3
2876	Resorcinol	6.1	III	6.1		240			IB8	BB3
2878	Titanium sponge granules or Titanium sponge powders.	4.1	III	4.1	A1	240			IB8	BB3
2879	Selenium oxychloride	8	I	8, 6.1	A3, A6, A7, N34, T12, T27.	243	T10	TP2 TP12 TP13		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2880	Calcium hypochlorite, hydrated or Calcium hypochlorite, hydrated mixtures, with not less than 5.5 percent but not more than 10 percent water.	5.1	II	5.1		240			IB8	BB2, BB4
2881	Metal catalyst, dry	4.2	II	4.2	N34	242			IB6	BB2
2881	Metal catalyst, dry	4.2	III	4.2	N34	241			IB8	BB3
2902	Pesticides, liquid, toxic, n.o.s.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2902	Pesticides, liquid, toxic, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
2902	Pesticides, liquid, toxic, n.o.s.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2903	Pesticides, liquid, toxic, flammable, n.o.s flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2903	Pesticides, liquid, toxic, flammable, n.o.s flashpoint not less than 23 degrees C.	6.1	II	6.1,3	T14	243	T11	TP2 TP13 TP27	IB2	
2903	Pesticides, liquid, toxic, flammable, n.o.s flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2	IB3	
2904	Chlorophenolates, liquid or Phenolates, liquid.	8	III	8		241			IB3	
2905	Chlorophenolates, solid or Phenolates, solid.	8	III	8		240			IB8	BB3
2907	Isosorbide dinitrate mixture with not less than 60 percent lactose, mannose, starch or calcium hydrogen phosphate.	4.1	II	4.1		None			IB6	BB2
2912	Radioactive material, low specific activity, n.o.s or Radioactive material, LSA, n.o.s.	7		7		427	T5	TP4		
2913	Radioactive material, surface contaminated object, n.o.s or Radioactive material, SCO.	7		7		427	T5	TP4		
2920	Corrosive liquids, flammable, n.o.s.	8	I	8, 3	B10, T42	243	T14	TP2 TP27		
2920	Corrosive liquids, flammable, n.o.s.	8	II	8, 3	B2, T15, T26.	243	T11	TP2 TP27	IB2	
2921	Corrosive solids, flammable, n.o.s.	8	I	8, 4.1	B106	242			IB6	
2921	Corrosive solids, flammable, n.o.s.	8	II	8, 4.1		242			IB8	BB2, BB4
2922	Corrosive liquids, toxic, n.o.s.	8	I	8, 6.1	A7, B10, T18, T27.	243	T14	TP2 TP13 TP27		
2922	Corrosive liquids, toxic, n.o.s.	8	II	8, 6.1	B3, T18, T26.	243	T7	TP2	IB2	
2922	Corrosive liquids, toxic, n.o.s.	8	III	8, 6.1	T8	241	T7	TP1 TP28	IB3	
2923	Corrosive solids, toxic, n.o.s.	8	I	8, 6.1		242			IB7	
2923	Corrosive solids, toxic, n.o.s.	8	II	8, 6.1		240			IB8	
2923	Corrosive solids, toxic, n.o.s.	8	III	8, 6.1		240			IB8	BB3
2924	Flammable liquids, corrosive, n.o.s.	3	I	3, 8	T42	243	T14	TP2		
2924	Flammable liquids, corrosive, n.o.s.	3	II	3, 8	T15, T26	243	T11	TP2 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2924	Flammable liquids, corrosive, n.o.s.	3	III	3, 8	B1, T15, T26.	242	T7	TP1 TP28	IB3	
2925	Flammable solids, corrosive, organic, n.o.s.	4.1	II	4.1, 8	A1, B106	242			IB6	BB2
2925	Flammable solids, corrosive, organic, n.o.s.	4.1	III	4.1, 8	A1, B106	242			IB6	
2926	Flammable solids, toxic, organic, n.o.s.	4.1	II	4.1, 6.1	A1, B106	242			IB6	BB2
2926	Flammable solids, toxic, organic, n.o.s.	4.1	III	4.1, 6.1	A1, B106	242			IB6	
2927	Toxic liquids, corrosive, organic, n.o.s, inhalation hazard, Packing Group I, Zone B.	6.1	I	6.1, 8	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 TP38 TP45		
2927	Toxic liquids, corrosive, organic, n.o.s.	6.1	I	6.1, 8	T42	243	T14	TP2 TP13 TP27		
2927	Toxic liquids, corrosive, organic, n.o.s, inhalation hazard, Packing Group I, Zone A.	6.1	I	6.1, 8	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 TP38 TP44		
2927	Toxic liquids, corrosive, organic, n.o.s.	6.1	II	6.1, 8	T42	243	T11	TP2 TP27	IB2	
2928	Toxic solids, corrosive, organic, n.o.s.	6.1	I	6.1, 8		242			IB7	
2928	Toxic solids, corrosive, organic, n.o.s.	6.1	II	6.1, 8		242			IB6	BB2
2929	Toxic liquids, flammable, organic, n.o.s, inhalation hazard, Packing Group I, Zone B.	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 TP38 TP45		
2929	Toxic liquids, flammable, organic, n.o.s.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2929	Toxic liquids, flammable, organic, n.o.s, inhalation hazard, Packing Group I, Zone A.	6.1	I	6.1, 3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 TP38 TP44		
2929	Toxic liquids, flammable, organic, n.o.s.	6.1	II	6.1, 3	T15	243	T11	TP2 TP13 TP27	IB2	
2930	Toxic solids, flammable, organic, n.o.s.	6.1	I	6.1, 4.1	B106	242			IB6	
2930	Toxic solids, flammable, organic, n.o.s.	6.1	II	6.1, 4.1	B106	242			IB8	BB2, BB4
2931	Vanadyl sulfate	6.1	II	6.1		242			IB8	BB2, BB4
2933	Methyl 2-chloropropionate.	3	III	3	B1, T7	242	T2	TP1	IB3	
2934	Isopropyl 2-chloropropionate.	3	III	3	B1, T1	242	T2	TP1	IB3	
2935	Ethyl 2-chloropropionate.	3	III	3	B1, T1	242	T2	TP1	IB3	
2936	Thiolactic acid	6.1	II	6.1	T8	242	T7	TP2	IB8	BB2, BB4
2937	alpha-Methylbenzyl alcohol.	6.1	III	6.1	T1	241	T4	TP1	IB3	
2940	9-Phosphabicyclononanes or Cyclooctadiene phosphines.	4.2	II	4.2	A19	241			IB6	BB2
2941	Fluoroanilines	6.1	III	6.1	T8	241	T4	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2942	2-Trifluoromethylaniline.	6.1	III	6.1		241			IB3	
2943	Tetrahydrofurfurylamine.	3	III	3	B1, T1	242	T2	TP1	IB3	
2945	N-Methylbutylamine	3	II	3, 8	T8	243	T7	TP1	IB2	
2946	2-Amino-5-diethylaminopentane.	6.1	III	6.1	T1	241	T4	TP1	IB3	
2947	Isopropyl chloroacetate.	3	III	3	B1, T1	242	T2	TP1	IB3	
2948	3-Trifluoromethylaniline.	6.1	II	6.1	T14	243	T7	TP2	IB2	
2949	Sodium hydrosulfide with not less than 25 percent water of crystallization.	8	II	8	A7	240	T7	TP2	IB8	BB2, BB4
2950	Magnesium granules, coated particle size not less than 149 microns.	4.3	III	4.3	A1, A19, B108.	240			IB8	BB4
2965	Boron trifluoride dimethyl etherate.	4.3	I	4.3, 8, 3	A19, T12, T26.	243	T10	TP2 TP7		
2966	Thioglycol	6.1	II	6.1	T8	243	T7	TP2	IB2	
2967	Sulfamic acid	8	III	8		240			IB8	BB3
2968	Maneb stabilized or Maneb preparations, stabilized against self-heating.	4.3	III	4.3	54, A1, A19, B108.	242			IB8	BB4
2969	Castor beans or Castor meal or Castor pomace or Castor flake.	9	II	None		240			IB8	BB2, BB4
2983	Ethyene oxide and propylene oxide mixtures, with not more than 30 percent ethylene oxide.	3	I	3, 6.1	5, A11, N4, N34, T24, T29.	243	T14	TP2 TP7 TP13		
2984	Hydrogen peroxide, aqueous solutions with not less than 8 percent but less than 20 percent hydrogen peroxide (stabilized as necessary).	5.1	III	5.1	17, A1, B104, T8, T37.	241	T4	TP1 TP6 TP24 TP37	IB2	BB5
2985	Chlorosilanes, flammable, corrosive, n.o.s.	3	II	3, 8	B100, T17, T26.	243	T11	TP2 TP13 TP27	IB1	
2986	Chlorosilanes, corrosive, flammable, n.o.s.	8	II	8, 3	B100, T18, T26.	243	T11	TP2 TP27	IB2	
2987	Chlorosilanes, corrosive, n.o.s.	8	II	8	B2, T14, T26.	242	T14	TP2 TP27	IB2	
2988	Chlorosilanes, water-reactive, flammable, corrosive, n.o.s.	4.3	I	4.3, 3, 8	A2, T24, T26.	244	T10	TP2 TP7 TP13		
2989	Lead phosphite, dibasic.	4.1	II	4.1		240			IB8	BB2, BB4
2989	Lead phosphite, dibasic.	4.1	III	4.1		240			IB8	BB3
2991	Carbamate pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2991	Carbamate pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
2991	Carbamate pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2992	Carbamate pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2992	Carbamate pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27		
2992	Carbamate pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2993	Arsenical pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2993	Arsenical pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
2993	Arsenical pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
2994	Arsenical pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2994	Arsenical pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
2994	Arsenical pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2995	Organochlorine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2995	Organochlorine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
2995	Organochlorine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
2996	Organochlorine pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2996	Organochlorine pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
2996	Organochlorine pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2997	Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2997	Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
2997	Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	T14	242	T7	TP2 TP28	IB3	
2998	Triazine pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2998	Triazine pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
2998	Triazine pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3002	Phenyl urea pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP27		
3002	Phenyl urea pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T7	TP2		
3002	Phenyl urea pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T4	TP1		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3005	Thiocarbamate pesticides, liquid, flammable, toxic, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13		
3005	Thiocarbamate pesticides, liquid, flammable, toxic, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3005	Thiocarbamate pesticides, liquid, flammable, toxic, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	T14	242	T7	TP2 TP28	IB3	
3006	Thiocarbamate pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13		
3006	Thiocarbamate pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3006	Thiocarbamate pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3009	Copper based pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
3009	Copper based pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3009	Copper based pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
3010	Copper based pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3010	Copper based pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3010	Copper based pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3011	Mercury based pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
3011	Mercury based pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3011	Mercury based pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	T14	242	T7	TP2 TP28	IB3	
3012	Mercury based pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3012	Mercury based pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3012	Mercury based pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3013	Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
3013	Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3013	Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
3014	Substituted nitrophenol pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3014	Substituted nitrophenol pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3014	Substituted nitrophenol pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3015	Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1,	T42	243	T14	TP2 TP13 TP27		
3015	Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 4	T14	243	T11	TP2 TP13 TP27	IB2	
3015	Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1,	B1, T14	242	T7	TP2 TP28	IB3	
3016	Bipyridilium pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3016	Bipyridilium pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3016	Bipyridilium pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3017	Organophosphorus pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	N76, T42	243	T14	TP2 TP13 TP27		
3017	Organophosphorus pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	N76, T14	243	T11	TP2 TP13 TP27	IB2	
3017	Organophosphorus pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, N76, T14.	242	T7	TP2 TP28	IB3	
3018	Organophosphorus pesticides, liquid, toxic.	6.1	I	6.1	N76, T42	243	T14	TP2 TP13 TP27		
3018	Organophosphorus pesticides, liquid, toxic.	6.1	II	6.1	N76, T14	243	T11	TP2 TP13 TP27	IB2	
3018	Organophosphorus pesticides, liquid, toxic.	6.1	III	6.1	N76, T14	241	T7	TP2 TP28	IB3	
3019	Organotin pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
3019	Organotin pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3019	Organotin pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
3020	Organotin pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3020	Organotin pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3020	Organotin pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3021	Pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	I	3, 6.1	B5	243	T14	TP2 TP13 TP27		
3021	Pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
3022	1,2-Butylene oxide, stabilized.	3	II	3	T8	242	T4	TP1	IB2	
3023	2-Methyl-2-heptanethiol.	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
3024	Coumarin derivative pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
3024	Coumarin derivative pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
3025	Coumarin derivative pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	I	6.1, 3		243	T14	TP2 TP13 TP27		
3025	Coumarin derivative pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	II	6.1, 3		243	T11	TP2 TP13 TP27	IB2	
3025	Coumarin derivative pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1	242	T7	TP1 TP28	IB3	
3026	Coumarin derivative pesticides, liquid, toxic.	6.1	I	6.1		243	T14	TP2 TP13 TP27		
3026	Coumarin derivative pesticides, liquid, toxic.	6.1	II	6.1		243	T11	TP2 TP27	IB2	
3026	Coumarin derivative pesticides, liquid, toxic.	6.1	III	6.1		241	T7	TP1 TP28	IB3	
3027	Coumarin derivative pesticides, solid, toxic.	6.1	I	6.1		242	T14	TP2 TP27	IB7	BB1
3027	Coumarin derivative pesticides, solid, toxic.	6.1	II	6.1		242	T11	TP2 TP27	IB8	BB2, BB4
3027	Coumarin derivative pesticides, solid, toxic.	6.1	III	6.1		240	T7	TP1 TP28	IB8	BB3
3048	Aluminum phosphide pesticides.	6.1	I	6.1	A8	242			IB7	BB1
3049	Metal alkyl halides water-reactive, n.o.s. or Metal aryl halides water-reactive, n.o.s.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3050	Metal alkyl hydrides water-reactive, n.o.s. or Metal aryl hydrides water-reactive, n.o.s.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3051	Aluminum alkyls	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3052	Aluminum alkyl halides.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3052	Aluminum alkyl halides.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3053	Magnesium alkyls	4.2	I	4.2, 4.3	B11, T28, T29, T40.	244	T21	TP2 TP7		
3054	Cyclohexyl mercaptan.	3	III	3	B1, T1	242	T2	TP1	IB3	
3055	2-(2-Aminoethoxy) ethanol.	8	III	8	T2	241	T4	TP1	IB3	
3056	n-Heptaldehyde	3	III	3	B1, T1	242	T2	TP1	IB3	
3057	Trifluoroacetyl chloride.	2.3, 8		2.3, 8	2, B7, B9, B14.	314, 315	T50	TP21		
3065	Alcoholic beverages	3	II	3	24, B1, T1	242	T4	TP1	IB2	
3065	Alcoholic beverages	3	III	3	24, B1, N11, T1.	242	T2	TP1	IB3	
3066	Paint or Paint related material.	8	II	8	B2, T14	242	T7	TP2	IB2	
3066	Paint or Paint related material.	8	III	8	B52, T7	241	T4	TP1	IB3	
3070	Ethylene oxide and dichlorodifluoromethane mixture, with not more than 12.5 percent ethylene oxide.	2.2		2.2		314, 315	T50			
3071	Mercaptans, liquid, toxic, flammable, n.o.s. or Mercaptan mixtures, liquid, toxic, flammable, n.o.s., flash point not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3073	Vinylpyridines, inhibited.	6.1	II	6.1, 3, 8	B100, T8	243	T7	TP2 TP13	IB1	
3076	Aluminum alkyl hydrides.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3077	Environmentally hazardous substances, solid, n.o.s.	9	III	9	8, B54, N20.	240			IB8	
3078	Cerium, turnings or gritty powder.	4.3	II	4.3	A1, B106, B109.	242			IB7	BB2
3079	Methacrylonitrile, inhibited.	3	I	3, 6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
3080	Isocyanates, toxic, flammable, n.o.s. or Isocyanate solutions, toxic, flammable, n.o.s., flash point not less than 23 degrees C but not more than 61 degrees C and boiling point less than 300 degrees C.	6.1	II	6.1, 3	T15	243	T11	TP2 TP13 TP27	IB2	
3082	Environmentally hazardous substances, liquid, n.o.s.	9	III	9	8, T1	241	T4	TP1 TP29	IB3	
3084	Corrosive solids, oxidizing, n.o.s.	8	II	8, 5.1	B100	242			IB6	BB2
3085	Oxidizing solid, corrosive, n.o.s.	5.1	II	5.1, 8		242			IB6	BB2
3085	Oxidizing solid, corrosive, n.o.s.	5.1	III	5.1, 8		240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3086	Toxic solids, oxidizing, n.o.s.	6.1	II	6.1, 5.1		242			IB6	BB2
3087	Oxidizing solid, toxic, n.o.s.	5.1	II	5.1, 6.1		242			IB6	BB2
3087	Oxidizing solid, toxic, n.o.s.	5.1	III	5.1, 6.1		240			IB8	BB3
3088	Self-heating, solid, organic, n.o.s.	4.2	II	4.2	B101	241			IB6	BB2
3088	Self-heating, solid, organic, n.o.s.	4.2	III	4.2	B101	241			IB8	BB3
3089	Metal powders, flammable, n.o.s.	4.1	II	4.1		240			IB8	BB2, BB4
3089	Metal powders, flammable, n.o.s.	4.1	III	4.1		240			IB6	
3092	1-Methoxy-2-propanol	3	III	3	B1, T1	242	T2	TP1	IB3	
3093	Corrosive liquids, oxidizing, n.o.s.	8	II	8, 5.1		243			IB2	
3095	Corrosive solids, self-heating, n.o.s.	8	II	8, 4.2		242			IB6	BB2
3096	Corrosive solids, water-reactive, n.o.s.	8	II	8, 4.3	B105	242			IB6	BB2
3098	Oxidizing liquid, corrosive, n.o.s.	5.1	II	5.1, 8		243			IB1	
3098	Oxidizing liquid, corrosive, n.o.s.	5.1	III	5.1, 8		242			IB2	
3099	Oxidizing liquid, toxic, n.o.s.	5.1	II	5.1, 6.1		243			IB1	
3099	Oxidizing liquid, toxic, n.o.s.	5.1	III	5.1, 6.1		242			IB2	
3109	Organic peroxide type F, liquid.	5.2	II	5.2	225	T23			IB52	BB5
3110	Organic peroxide type F, solid.	5.2	II	5.2	T42	225	T23			
3119	Organic peroxide type F, liquid, temperature controlled.	5.2	II	5.2		225	T23		IB52	BB5
3120	Organic peroxide type F, solid, temperature controlled.	5.2	II	5.2		225	T23			
3122	Toxic liquids, oxidizing, n.o.s. Inhalation Hazard, Packing Group I, Zone B.	6.1	I	6.1, 5.1	2, B9, B14, B32, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
3122	Toxic liquids, oxidizing, n.o.s. Inhalation hazard, Packing Group I, Zone A.	6.1	I	6.1, 5.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
3122	Toxic liquids, oxidizing, n.o.s.	6.1	II	6.1, 5.1		243			IB2	
3123	Toxic liquids, water-reactive, n.o.s. Inhalation hazard, packing group I, Zone A.	6.1	I	6.1, 4.3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
3123	Toxic liquids, water-reactive, n.o.s. Inhalation hazard, Packing group I, Zone B.	6.1	I	6.1, 4.3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
3123	Toxic liquids, water-reactive, n.o.s.	6.1	II	6.1, 4.3		243			IB2	
3124	Toxic solids, self-heating, n.o.s.	6.1	II	6.1, 4.2		242			IB6	BB2
3125	Toxic solids, water-reactive, n.o.s.	6.1	II	6.1, 4.3		B101	242		IB6	BB2
3126	Self-heating, solid, corrosive, organic, n.o.s.	4.2	II	4.2, 8		242			IB5	BB2

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3126	Self-heating, solid, corrosive, organic, n.o.s.	4.2	III	4.2, 8		242			IB8	BB3
3128	Self-heating, solid, toxic, organic, n.o.s.	4.2	II	4.2, 6.1		242			IB5	BB2
3128	Self-heating, solid, toxic, organic, n.o.s.	4.2	III	4.2, 6.1		242			IB8	BB3
3129	Water-reactive liquid, corrosive, n.o.s.	4.3	II	4.3, 8	B106	243			IB1	
3129	Water-reactive liquid, corrosive, n.o.s.	4.3	III	4.3, 8	B106	242			IB2	
3130	Water-reactive liquid, toxic, n.o.s.	4.3	II	4.3, 6.1	B106	243			IB1	
3130	Water-reactive liquid, toxic, n.o.s.	4.3	III	4.3, 6.1	B106	242			IB2	
3131	Water-reactive solid, corrosive, n.o.s.	4.3	II	4.3, 8	B101, B106.	242			IB6	BB2
3131	Water-reactive solid, corrosive, n.o.s.	4.3	III	4.3, 8	B105, B106.	241			IB8	BB4
3132	Water-reactive solid, flammable, n.o.s.	4.3	I	4.3, 4.1	B101, B106, N40.	242			IB4	
3132	Water-reactive solid, flammable, n.o.s.	4.3	II	4.3, 4.1	B101, B106.	242			IB4	
3132	Water-reactive solid, flammable, n.o.s.	4.3	III	4.3, 4.1	B105, B106.	241			IB6	
3134	Water-reactive solid, toxic, n.o.s.	4.3	II	4.3, 6.1	B105, B106.	242			IB5	BB2
3134	Water-reactive solid, toxic, n.o.s.	4.3	III	4.3, 6.1	B105, B106.	241			IB8	BB4
3135	Water-reactive solid, self-heating, n.o.s.	4.3	II	4.3, 4.2	B101, B106.	242			IB5	BB2
3135	Water-reactive solid, self-heating, n.o.s.	4.3	III	4.3, 4.2	B101, B106.	241			IB8	BB4
3136	Trifluoromethane, refrigerated liquid.	2.2		2.2		314, 315	T75			
3138	Ethylene, acetylene and propylene mixture, refrigerated liquid with at least 71.5 percent ethylene with not more than 22.5 percent acetylene and not more than 6 percent propylene.	2.1		2.1		314, 315	T75			
3139	Oxidizing liquid, n.o.s	5.1	II	5.1	127, A2	242			IB2	
3139	Oxidizing liquid, n.o.s	5.1	III	5.1	127, A2	241			IB2	
3140	Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	6.1	I	6.1	A4, T42	243	T14	TP2 TP27		
3140	Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3140	Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3141	Atimony compounds, inorganic, liquid, n.o.s.	6.1	III	6.1	35, T7	241	T7	TP1 TP28	IB3	
3142	Disinfectants, liquid, toxic, n.o.s.	6.1	I	6.1	A4, T42	243	T14	TP2 TP27		
3142	Disinfectants, liquid, toxic, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3142	Disinfectants, liquid, toxic, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3143	Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	6.1	I	6.1	A5	242	T14	TP2 TP27	IB7	BB1
3143	Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
3143	Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	6.1	III	6.1	240				IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3144	Nicotine compounds, liquid, n.o.s. or Nicotine preparations, liquid, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3144	Nicotine compounds, liquid, n.o.s. or Nicotine preparations, liquid, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3145	Alkylphenols, liquid, n.o.s. (including C2-C12 homologues).	8	I	8	T8	243	T14	TP2		
3145	Alkylphenols, liquid, n.o.s. (including C2-C12 homologues).	8	II	8	T8	242	T11	TP2 TP27	IB2	
3145	Alkylphenols, liquid, n.o.s. (including C2-C12 homologues).	8	III	8	T7	241	T7	TP1 TP28	IB3	
3146	Organotin compounds, solid, n.o.s.	6.1	I	6.1	A5	242			IB7	BB1
3146	Organotin compounds, solid, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
3146	Organotin compounds, solid, n.o.s.	6.1	III	6.1		240			IB8	BB3
3147	Dyes, solid, corrosive, n.o.s or Dye intermediates corrosive, n.o.s solid.	8	I	8		242			IB7	BB1
3147	Dyes, solid, corrosive, n.o.s. or Dye intermediates, solid, corrosive, n.o.s.	8	II	8	240				IB8	BB2, BB4
3147	Dyes, solid, corrosive, n.o.s. or Dye intermediates, solid, corrosive, n.o.s.	8	III	8		240			IB8	BB3
3148	Water-reactive liquid, n.o.s.	4.3	II	4.3	B106	243			IB1	
3148	Water-reactive liquid, n.o.s.	4.3	III	4.3	B106	242			IB2	
3149	Hydrogen peroxide and peroxyacetic acid mixtures, stabilized with acids, water and not more than 5 percent peroxyacetic acid.	5.1	II	5.1, 8	A2, A3, A6, B53, B104, B110, T14.	243	T7	TP2 TP6 TP24	IB2	BB5
3151	Polyhalogenated biphenyls, liquid or Polyhalogenated terphenyls liquid.	9	II	9		241			IB3	
3152	Polyhalogenated biphenyls, solid or Polyhalogenated terphenyls, solid.	9	II	9		241			IB8	BB2, BB4
3153	Perfluoro(methyl vinyl ether).	2.1		2.1		314, 315	T50			
3155	Pentachlorophenol	6.1	II	6.1		242			IB8	BB2, BB4
3158	Gas, refrigerated liquid, n.o.s. (cryogenic liquid).	2.2		2.2		318	T75			
3159	1,1,1,2-Tetrafluoroethane or Refrigerant gas R 134a.	2.2		2.2		314, 315	T50			
3161	Liquefied gas, flammable, n.o.s.	2.1		2.1		314, 315	T50			
3163	Liquefied gas, n.o.s	2.2		2.2		314, 315	T50			
3170	Aluminum smelting by-products or Aluminum remelting by-products.	4.3	II	4.3	128, B106, B115.	242			IB7	BB2

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3170	Aluminum smelting by-products or Aluminum remelting by-products.	4.3	III	4.3	128, B106, B115.	241			IB8	BB4
3174	Titanium disulphide	4.2	III	4.2		241			IB8	BB3
3175	Solids containing flammable liquid, n.o.s.	4.1	II	4.1	47	240			IB6	BB2
3176	Flammable solid, organic, molten, n.o.s.	4.1	II	4.1	T9	240	T3	TP3 TP26	IB1	
3176	Flammable solid, organic, molten, n.o.s.	4.1	III	4.1	T9	240	T1	TP3 TP26	IB1	
3178	Flammable solid, inorganic, n.o.s.	4.1	II	4.1	A1	240			IB8	BB2, BB4
3178	Flammable solid, inorganic, n.o.s.	4.1	III	4.1	A1	240			IB8	BB3
3179	Flammable solid, toxic, inorganic, n.o.s.	4.1	II	4.1, 6.1	A1, B106	242			IB6	BB2
3179	Flammable solid, toxic, inorganic, n.o.s.	4.1	III	4.1, 6.1	A1, B106	242			IB6	
3180	Flammable solid, corrosive, inorganic, n.o.s.	4.1	II	4.1, 8	A1, B106	242			IB6	BB2
3180	Flammable solid, corrosive, inorganic, n.o.s.	4.1	III	4.1, 8	A1, B106	242			IB6	
3181	Metal salts of organic compounds, flammable, n.o.s.	4.1	II	4.1	A1	240			IB8	BB2, BB4
3181	Metal salts of organic compounds, flammable, n.o.s.	4.1	III	4.1	A1	240			IB8	BB3
3182	Metal hydrides, flammable, n.o.s.	4.1	II	4.1	A1	240			IB4	
3182	Metal hydrides, flammable, n.o.s.	4.1	III	4.1	A1	240			IB4	
3183	Self-heating liquid, organic, n.o.s.	4.2	II	4.2		242			IB2	
3183	Self-heating liquid, organic, n.o.s..	4.2	III	4.2		241			IB2	
3184	Self-heating liquid, toxic, organic, n.o.s.	4.2	II	4.2, 6.1		243			IB2	
3184	Self-heating liquid, toxic, organic, n.o.s.	4.2	III	4.2, 6.1		241			IB2	
3185	Self-heating liquid, corrosive, organic, n.o.s.	4.2	II	4.2, 8		243			IB2	
3185	Self-heating liquid, corrosive, organic, n.o.s.	4.2	III	4.2, 8		241			IB2	
3186	Self-heating liquid, inorganic, n.o.s.	4.2	II	4.2		242			IB2	
3186	Self-heating liquid, inorganic, n.o.s.	4.2	III	4.2		241			IB2	
3187	Self-heating liquid, toxic, inorganic, n.o.s.	4.2	II	4.2, 6.1		243			IB2	
3187	Self-heating liquid, toxic, inorganic, n.o.s.	4.2	III	4.2, 6.1		241			IB2	
3188	Self-heating liquid, corrosive, inorganic, n.o.s.	4.2	II	4.2, 8		243			IB2	
3188	Self-heating liquid, corrosive, inorganic, n.o.s.	4.2	III	4.2, 8		241			IB2	
3189	Metal powder, self-heating, n.o.s.	4.2	II	4.2		241			IB6	BB2
3189	Metal powder, self-heating, n.o.s.	4.2	III	4.2		241			IB8	BB3
3190	Self-heating solid, inorganic, n.o.s.	4.2	II	4.2		241			IB6	BB2
3190	Self-heating solid, inorganic, n.o.s.	4.2	III	4.2		241			IB8	BB3
3191	Self-heating solid, toxic, inorganic, n.o.s.	4.2	II	4.2, 6.1		242			IB5	BB2

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3191	Self-heating solid, toxic, inorganic, n.o.s.	4.2	III	4.2, 6.1		242			IB8	BB3
3192	Self-heating solid, corrosive, inorganic, n.o.s.	4.2	II	4.2, 8		242			IB5	BB2
3192	Self-heating solid, corrosive, inorganic, n.o.s.	4.2	III	4.2, 8		242			IB8	BB3
3203	Pyrophoric organometallic compound, water-reactive, n.o.s.	4.2	I	4.2, 4.3	T28, T40	242	T21	TP2 TP7		
3203	Pyrophoric organometallic compound, water-reactive, n.o.s.	4.2	I	4.2, 4.3	T28, T40	242	T21	TP2 TP7		
3205	Alkaline earth metal alcoholates, n.o.s.	4.2	II	4.2	65	241			IB6	BB2
3205	Alkaline earth metal alcoholates, n.o.s.	4.2	III	4.2	65	241			IB8	BB3
3206	Alkali metal alcoholates, self-heating, corrosive, n.o.s.	4.2	II	4.2, 8	64	242			IB5	BB2
3206	Alkali metal alcoholates, self-heating, corrosive, n.o.s.	4.2	III	4.2, 8	64	242			IB8	BB3
3207	Organometallic compound or Compound solution or Compound dispersion, water-reactive, flammable, n.o.s.	4.3	I	4.3, 3	T28	244	T13	TP2 TP7		
3207	Organometallic compound or Compound solution or Compound dispersion, water-reactive, flammable, n.o.s.	4.3	II	4.3, 3	T28	243	T7	TP2 TP7	IB1	BB2
3207	Organometallic compound or Compound solution or Compound dispersion, water-reactive, flammable, n.o.s.	4.3	III	4.3, 3	T28, B101, B106.	242	T7	TP2 TP7	IB2	BB4
3208	Metallic substance, water-reactive, n.o.s.	4.3	I	4.3	B101, B106.	242			IB4	
3208	Metallic substance, water-reactive, n.o.s.	4.3	II	4.3	B101, B106.	242			IB7	BB2
3208	Metallic substance, water-reactive, n.o.s.	4.3	III	4.3	B105, B108.	241			IB8	BB4
3209	Metallic substance, water-reactive, self-heating, n.o.s.	4.3	II	4.3, 4.2	B101, B106.	242			IB5	BB2
3209	Metallic substance, water-reactive, self-heating, n.o.s.	4.3	III	4.3, 4.2	B101, B106.	242			IB8	BB4
3210	Chlorates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	T8	242	T4	TP1	IB2	
3211	Perchlorates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	T8	242	T4	TP1	IB2	
3211	Perchlorates, inorganic, aqueous solution, n.o.s.	5.1	III	5.1	T8	241	T4	TP1	IB2	
3212	Hypochlorites, inorganic, n.o.s.	5.1	II	5.1		240			IB8	BB2, BB4
3213	Bromates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	T8	242	T4	TP1	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3214	Permanganates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	26, T8	242	T4	TP1	IB2	
3215	Persulfates, inorganic, n.o.s.	5.1	III	5.1		240			IB8	BB3
3216	Persulfates, inorganic, aqueous solution, n.o.s.	5.1	III	5.1	T2	241	T4	TP1 TP29	IB2	
3218	Nitrates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	58, T8	242	T4	TP1	IB2	
3218	Nitrates, inorganic, aqueous solution, n.o.s.	5.1	III	5.1	58, T8	241	T4	TP1	IB2	
3219	Nitrites, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	T8	242	T4	TP1	IB1	
3219	Nitrites, inorganic, aqueous solution, n.o.s.	5.1	III	5.1	T8	241	T4	TP1	IB2	
3220	Pentafluoroethane or Refrigerant gas R 125.	2.2		2.2		314, 315	T50			
3241	2-Bromo-2-nitropropane-1,3-diol.	4.1	III	4.1	46	None			IB8	BB3
3242	Azodicarbonamide	4.1	II	4.1	38	240			IB8	
3243	Solids containing toxic liquid, n.o.s.	6.1	II	6.1	48	240			IB2	
3244	Solids containing corrosive liquid, n.o.s.	8	II	8	49	240			IB5	
3246	Methanesulfonyl chloride.	6.1	I	6.1, 8	2, 25, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP12 TP13 TP38 TP45		
3247	Sodium peroxoborate, anhydrous.	5.1	II	5.1		240			IB8	BB4
3248	Medicine, liquid, flammable, toxic, n.o.s.	3	II	3, 6.1	36	None			IB2	
3248	Medicine, liquid, flammable, toxic, n.o.s.	3	III	3, 6.1	36	None			IB3	
3250	Chloroacetic acid, molten.	6.1	II	6.1, 8	T9	243	T7	TP3	IB1	
3251	Isosorbide-5-mononitrate.	4.1	III	4.1	66	240			IB8	
3252	Difluoromethane or Refrigerant gas R 32.	2.1		2.1		314, 315	T50			
3253	Disodium trioxosilicate.	8	III	8		240			IB8	BB3
3256	Elevated temperature liquid, flammable, n.o.s, with flash point above 37.8 C, at or above its flash point.	3	III	3	T1	247	T3	TP3 TP29	IB1	
3257	Elevated temperature liquid, n.o.s, at or above 100 C and below its flash point (including molten metals, molten salts, etc.).	9	III	9	T1	247	T3	TP3 TP29	IB1	
3259	Amines, solid, corrosive, n.o.s, or Polyamines, solid, corrosive n.o.s.	8	I	8		242			IB7	BB1
3259	Amines, solid, corrosive, n.o.s, or Polyamines, solid, corrosive n.o.s.	8	II	8		240			IB8	BB2, BB4
3259	Amines, solid, corrosive, n.o.s, or Polyamines, solid, corrosive n.o.s.	8	III	8		240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3260	Corrosive solid, acidic, inorganic, n.o.s.	8	I	8		242			IB7	BB1
3260	Corrosive solid, acidic, inorganic, n.o.s.	8	II	8		240			IB8	BB2, BB4
3260	Corrosive solid, acidic, inorganic, n.o.s.	8	III	8		240			IB8	BB3
3261	Corrosive solid, acidic, organic, n.o.s.	8	I	8		242			IB7	BB1
3261	Corrosive solid, acidic, organic, n.o.s.	8	II	8		240			IB8	BB2, BB4
3261	Corrosive solid, acidic, organic, n.o.s.	8	III	8		240			IB8	BB3
3262	Corrosive solid, basic, inorganic, n.o.s.	8	I	8		242			IB7	BB1
3262	Corrosive solid, basic, inorganic, n.o.s.	8	II	8		240			IB8	BB2, BB4
3262	Corrosive solid, basic, inorganic, n.o.s.	8	III	8		240			IB8	BB3
3263	Corrosive solid, basic, organic, n.o.s.	8	I	8		242			IB7	BB1
3263	Corrosive solid, basic, organic, n.o.s.	8	II	8		240			IB8	BB2, BB4
3263	Corrosive solid, basic, organic, n.o.s.	8	III	8		240			IB8	BB3
3264	Corrosive liquid, acidic, inorganic, n.o.s.	8	I	8	B10	243	T14	TP2 TP27		
3264	Corrosive liquid, acidic, inorganic, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
3264	Corrosive liquid, acidic, inorganic, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
3265	Corrosive liquid, acidic, organic, n.o.s.	8	I	8	B10	243	T14	TP2 TP27		
3265	Corrosive liquid, acidic, organic, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
3265	Corrosive liquid, acidic, organic, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
3266	Corrosive liquid, basic, inorganic, n.o.s.	8	I	8	B10	243	T14	TP2 TP27		
3266	Corrosive liquid, basic, inorganic, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
3266	Corrosive liquid, basic, inorganic, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
3267	Corrosive liquid, basic, organic, n.o.s.	8	I	8	B10	243	T14	TP2 TP27		
3267	Corrosive liquid, basic, organic, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
3267	Corrosive liquid, basic, organic, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
3271	Ethers, n.o.s	3	II	3	T8	242	T7	TP1 TP8 TP28	IB2	
3271	Ethers, n.o.s	3	III	3	B1, T7	242	T4	TP1 TP29	IB3	
3272	Esters, n.o.s	3	II	3	T8	242	T7	TP1 TP8 TP28	IB2	
3272	Esters, n.o.s	3	III	3	B1, T7	242	T4	TP1 TP29	IB3	
3273	Nitriles, flammable, toxic, n.o.s.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
3273	Nitriles, flammable, toxic, n.o.s.	3	II	3, 6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3274	Alcoholates solution, n.o.s, in alcohol.	3	II	3, 8		243			IB2	
3275	Nitriles, toxic, flammable, n.o.s.	6.1	I	6.1, 3	5	243	T14	TP2 TP13 TP27		
3275	Nitriles, toxic, flammable, n.o.s.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3276	Nitriles, toxic, n.o.s	6.1	I	6.1	5	243	T14	TP2 TP13 TP27		
3276	Nitriles, toxic, n.o.s	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3276	Nitriles, toxic, n.o.s	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3277	Chloroformates, toxic, corrosive, n.o.s.	6.1	II	6.1, 8	T12, T26	243	T8	TP2 TP13 TP28	IB2	
3278	Organophosphorus compound, toxic n.o.s.	6.1	I	6.1	5	243	T14	TP2 TP13 TP27	IB7	
3278	Organophosphorus compound, toxic n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3278	Organophosphorus compound, toxic n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3279	Organophosphorus compound, toxic, flammable, n.o.s.	6.1	I	6.1, 3	5	243	T14	TP2 TP13		
3279	Organophosphorus compound, toxic, flammable, n.o.s.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3280	Organoarsenic compound, n.o.s.	6.1	I	6.1	5	242	T14	TP2 TP27	IB7	BB1
3280	Organoarsenic compound, n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3280	Organoarsenic compound, n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3281	Metal carbonyls, n.o.s.	6.1	I	6.1	5	243	T14	TP2 TP13 TP27		
3281	Metal carbonyls, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3281	Metal carbonyls, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3282	Organometallic compound, toxic n.o.s.	6.1	I	6.1	B106	242	T14	TP2 TP27	IB7	BB1
3282	Organometallic compound, toxic n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3282	Organometallic compound, toxic n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3283	Selenium compound, n.o.s.	6.1	I	6.1		242	T14	TP2 TP27	IB7	BB1
3283	Selenium compound, n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3283	Selenium compound, n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3284	Tellurium compound, n.o.s.	6.1	I	6.1		242	T14	TP2 TP27	IB7	BB1
3284	Tellurium compound, n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3284	Tellurium compound, n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3285	Vanadium compound, n.o.s.	6.1	I	6.1	242	T14	TP2 TP27	IB7	BB1	
3285	Vanadium compound, n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3285	Vanadium compound, n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3286	Flammable liquid, toxic, corrosive, n.o.s.	3	I	3, 6.1, 8		243	T14	TP2 TP13 TP27		
3286	Flammable liquid, toxic, corrosive, n.o.s.	3	II	3, 6.1, 8	T14	243	T11	TP2 TP13 TP27	IB2	
3287	Toxic liquid, inorganic, n.o.s.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3287	Toxic liquid, inorganic, n.o.s Inhalation Hazard, Packing Group I, Zone A.	6.1	I	6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 T38 T44		
3287	Toxic liquid, inorganic, n.o.s Inhalation Hazard, Packing Group I, Zone B.	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 T38, T45		
3287	Toxic liquid, inorganic, n.o.s.	6.1	II	6.1	B110, T14	243	T11	TP2 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3287	Toxic liquid, inorganic, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3288	Toxic solid, inorganic, n.o.s.	6.1	I	6.1		242			IB7	
3288	Toxic solid, inorganic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
3288	Toxic solid, inorganic, n.o.s.	6.1	III	6.1		240			IB8	BB3
3289	Toxic liquid, corrosive, inorganic, n.o.s.	6.1	I	6.1, 8	T42	243	T14	TP2 TP13 TP27		
3289	Toxic liquid, corrosive, inorganic, n.o.s Inhalation Hazard, Packing Group I, Zone B.	6.1	I	6.1, 8	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 TP38 TP45		
3289	Toxic liquid, corrosive, inorganic, n.o.s inhalation Hazard, Packing Group I, Zone A.	6.1	I	6.1, 8	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 TP38 TP44		
3289	Toxic liquid, corrosive, inorganic, n.o.s.	6.1	II	6.1, 8	T14	243	T11	TP2 TP27	IB2	
3290	Toxic solid, corrosive, inorganic, n.o.s.	6.1	I	6.1, 8		242			IB7	
3290	Toxic solid, corrosive, inorganic, n.o.s.	6.1	II	6.1, 8		242			IB6	BB2
3293	Hydrazine, aqueous solution with not more than 37 percent hydrazine, by mass.	6.1	III	6.1	T7	241	T4	TP1	IB3	
3294	Hydrogen cyanide, solution in alcohol with not more than 45 percent hydrogen cyanide.	6.1	I	6.1, 3	2, 25, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
3295	Hydrocarbons, liquid, n.o.s.	3	I	3	T8, T31	243	T11	TP1 TP8		
3295	Hydrocarbons, liquid, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
3295	Hydrocarbons, liquid, n.o.s.	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
3296	Heptafluoropropane or Refrigerant gas R 227.	2.2		2.2		314, 315	T50			
3297	Ethylene oxide and chlorotetrafluoroethane mixture with not more than 8.8 percent.	2.2		2.2		314, 315	T50			
3298	Ethylene oxide and pentafluoroethane mixture with not more than 7.9 percent ethylene oxide.	2.2		2.2		314, 315	T50			
3299	Ethylene oxide and tetrafluoroethane mixture with not more than 5.6 percent ethylene oxide.	2.2		2.2		314, 315	T50			
3301	Corrosive liquid, self-heating, n.o.s.	8	II	8, 4.2	B2	242			IB1	
3302	2-Dimethylaminoethyl acrylate.	6.1	II	6.1	T8	243	T7	TP2	IB2	
3311	Gas, refrigerated liquid, flammable, n.o.s (crygoenic liquid).	2.2		2.2, 5.1		318	T75			

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3312	Gas, refrigerated liquid, flammable, n.o.s (cryogenic liquid).	2.1		2.1		318	T75			
3313	Organic pigments, self-heating.	4.2	II	4.2		241			IB8	BB4
3313	Organic pigments, self-heating.	4.2	III	4.2	B101	241			IB8	BB3
3314	Plastic molding compound in dough, sheet or extruded rope form evolving flammable vapor.	9	III	9	32	221			IB8	BB6
3318	Ammonia solution, relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.	2.2		2.2	13	314, 315	T50			
3318	Ammonia solution, relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.	2.3		2.3, 8	4	314, 315	T50			
3320	Sodium borohydride and sodium hydroxide solution, with not more than 12 percent sodium borohydride and not more than 40 percent sodium hydroxide by mass.	8	II	8	B2, N34, T8.	242	T7	TP2	IB2	
3320	Sodium borohydride and sodium hydroxide solution, with not more than 12 percent sodium borohydride and not more than 40 percent sodium hydroxide by mass.	8	III	8	B2, N34, T7.	241	T4	TP2	IB3	
3336	Mercaptans, liquid, flammable, n.o.s., or Mercaptan mixture, liquid, flammable, n.o.s.	3	I	3	T23	243	T11	TP2		
3336	Mercaptans, liquid, flammable, n.o.s., or Mercaptan mixture, liquid, flammable, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
3336	Mercaptans, liquid, flammable, n.o.s., or Mercaptan mixture, liquid, flammable, n.o.s.	3	III	3	B1, B52, T7, T30.	241	T4	TP1 TP29	IB3	
3337	Refrigerant gas R 404A.	2.2				314, 315	T50			
3338	Refrigerant gas R 407A.	2.2				314, 315	T50			
3339	Refrigerant gas R 407B.	2.2				314, 315	T50			
3340	Refrigerant gas R 407C.	2.2				314, 315	T50			
3341	Thiourea dioxide	4.2	II	4.2		241			IB6	BB2
3341	Thiourea dioxide	4.2	III	4.2		241			IB8	BB3
3342	Xanthates	4.2	II	4.2		241			IB6	BB2
3342	Xanthates	4.2	III	4.2		241			IB8	BB3
3345	Phenoxyacetic acid derivative pesticide, solid, toxic.	6.1	I	6.1		242			IB7	BB1
3345	Phenoxyacetic acid derivative pesticide, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3345	Phenoxyacetic acid derivative pesticide, solid, toxic.	6.1	III	6.1		240			IB8	BB3
3346	Phenoxyacetic acid derivative pesticide, liquid flammable, toxic flashpoint less than 23° C.	3	I	3, 6.1	T23	243	T14	TP2 TP13 TP27		
3346	Phenoxyacetic acid derivative pesticide, liquid flammable, toxic flashpoint less than 23° C.	3	II	3, 6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3347	Phenoxyacetic acid derivative pesticide, liquid, toxic, flammable, flashpoint not less than 23° C.	6.1	I	6.1, 3	T24, T26	243	T14	TP2 TP13 TP27		
3347	Phenoxyacetic acid derivative pesticide, liquid, toxic, flammable, flashpoint not less than 23° C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3347	Phenoxyacetic acid derivative pesticide, liquid, toxic, flammable, flashpoint not less than 23° C.	6.1	III	6.1, 3	T14	241	T7	TP2 TP28	IB3	
3348	Phenoxyacetic acid derivative pesticide, liquid, toxic.	6.1	I	6.1	T24, T26	243	T14	TP2 TP13 TP27		
3348	Phenoxyacetic acid derivative pesticide, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3348	Phenoxyacetic acid derivative pesticide, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3349	Pyrethroid pesticide, solid, toxic.	6.1	I	6.1		242			IB7	BB1
3349	Pyrethroid pesticide, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
3349	Pyrethroid pesticide, solid, toxic.	6.1	III	6.1		230			IB8	BB3
3350	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint less than 23° C.	3	I	3, 6.1	T24, T26	243	T14	TP2 TP13 TP27		
3350	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint less than 23° C.	3	II	3, 6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3351	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint not less than 23° C.	6.1	I	6.1, 3	T24, T26	243	T14	TP2 TP13 TP27		
3351	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint not less than 23° C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3351	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint not less than 23° C.	6.1	III	6.1, 3	T14	241	T7	TP2 TP28	IB3	
3352	Pyrethroid pesticide, liquid toxic.	6.1	I	6.1		242	T14	TP2 TP13 TP27		
3352	Pyrethroid pesticide, liquid toxic.	6.1	II	6.1		242	T11	TP2 TP27	IB2	
3352	Pyrethroid pesticide, liquid toxic.	6.1	III	6.1		240	T7	TP2 TP28	IB3	

f. In Columns (9A) and (9B), the following entries would be revised as follows:

Note to readers: *** means no change to current limit.

Column (2)	Column (4)	Column (5)	Column (9A) Revise to read:	Column (9B) Revise to read:
Acetone cyanohydrin, stabilized	UN1541	I	***	Forbidden.
Boron tribromide	UN2692	I	***	Forbidden.
n-Butyl chloroformate	UN2743	I	Forbidden	Forbidden.
n-Butyl isocyanate	UN2485	I	***	Forbidden.
Bisulfites, aqueous solutions, n.o.s	UN2693	III	5 L	60 L.
Cells, containing sodium	UN3292	II	25 kg gross	
Chloroacetonitrile	UN2668	II	***	Forbidden.
Chloroform	UN1888	III	60 L	220 L.
Crotonaldehyde, stabilized	UN1143	I		Forbidden.
Diethyl sulfide	UN2375	II	5 L.	
Divinyl ether, inhibited	UN1167	I		30 L.
Lithium battery	UN3090	II	5 kg gross	***
Methacrylonitrile, inhibited	UN3079	I	***	Forbidden.
Methyl bromide and ethylene dibromide mixtures, liquid	UN1647	I	***	Forbidden.
Methyl orthosilicate	UN2606	I	***	Forbidden.
Nitrogen trifluoride, compressed	UN2451		75 kg	150 kg.
Nitrous oxide, refrigerated liquid	UN2201		Forbidden	Forbidden.
Nitromethane	UN1261	II	***	Forbidden.
Phosphorus oxychloride	UN1810	II	***	Forbidden.
n-Propyl chloroformate	UN2740	I	***	Forbidden.
Sulfur trioxide, inhibited *or* Sulfur trioxide, stabilized	UN1829	I	***	Forbidden.
Tear gas substances, solid, n.o.s.	UN1693	I	***	15 kg.
Titanium tetrachloride	UN1838	II	***	Forbidden.
Thiophosgene	UN2474	II	***	Forbidden.

g. In Columns (10A) and (10B), the following entries would be revised as follows:

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Ammonium nitrate-fuel oil mixture *containing only prilled ammonium nitrate and fuel oil*	NA0331	10	19E
Ammonium nitrate, *with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance.*	UN0222	10	19E
Ammonium perchlorate	UN0402	10	19E
Ammonium picrate, *dry or wetted with less than 10 percent water, by mass*	UN0004	10	5E, 19E
Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	UN0171	03	
Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	UN0254	03	
Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	UN0297	02	
Ammunition, incendiary *liquid or gel, with burster, expelling charge or propelling charge*	UN0247	04	23E
Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge.*	UN0243	08	8E, 14E, 15E, 17E
Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge.*	UN0244	08	8E, 14E, 15E, 17E
Ammunition, incendiary *with or without burster, expelling charge or propelling charge*	UN0009	03	
Ammunition, incendiary *with or without burster, expelling charge, or propelling charge*	UN0010	03	
Ammunition, incendiary *with or without burster, expelling charge, or propelling charge*	UN0300	02	
Ammunition, practice	UN0362	02	
Ammunition, practice	UN0488	03	
Ammunition, proof	UN0363	02	
Ammunition, smoke, white phosphorus *with burster,expelling charge, or propelling charge*	UN0245	08	8E, 14E, 15E, 17E
Ammunition, smoke, white phosphorus *with burster, expelling charge, or propelling charge*	UN0246	08	8E, 14E, 15E, 17E
Ammunition, smoke *with or without burster, expelling charge or propelling charge*	UN0015		8E, 17E, 20E
Ammunition, smoke *with or without burster, expelling charge or propelling charge*	UN0016		8E, 17E, 20E
Ammunition, smoke *with or without burster, expelling charge or propelling charge*	UN0303		7E, 8E, 14E, 15E, 17E
Ammunition, tear-producing *with burster, expelling charge or propelling charge*	UN0018		8E, 17E, 20E
Ammunition, tear-producing *with burster, expelling charge or propelling charge*	UN0019		8E, 17E, 20E
Ammunition, tear-producing *with burster, expelling charge or propelling charge*	UN0301		7E, 8E, 14E, 15E, 17E
Ammunition, toxic *with burster, expelling charge, or propelling charge*	UN0020	08	8E, 14E, 15E, 17E
Ammunition, toxic *with burster, expelling charge, or propelling charge*	UN0021	08	8E, 14E, 15E, 17E
Articles, explosive, extremely insensitive *or* Articles, EEI	UN0486	07	
Articles, explosive, n.o.s	UN0349	05	
Articles, explosive, n.o.s	UN0350	06	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Articles, explosive, n.o.s	UN0351	06	
Articles, explosive, n.o.s	UN0352	06	
Articles, explosive, n.o.s	UN0353	06	
Articles, explosive, n.o.s	UN0354	08	8E, 14E, 15E, 17E
Articles, explosive, n.o.s	UN0355	08	8E, 14E, 15E, 17E
Articles, explosive, n.o.s	UN0356	08	8E, 14E, 15E, 17E
Articles, explosive, n.o.s	UN0462	07	
Articles, explosive, n.o.s	UN0463	07	
Articles, explosive, n.o.s	UN0464	07	
Articles, explosive, n.o.s	UN0465	08	
Articles, explosive, n.o.s	UN0466	07	
Articles, explosive, n.o.s	UN0467	07	
Articles, explosive, n.o.s	UN0468	07	
Articles, explosive, n.o.s	UN0469	08	
Articles, explosive, n.o.s	UN0470	07	
Articles, explosive, n.o.s	UN0471	06	
Articles, explosive, n.o.s	UN0472	08	
Articles, pyrophoric	UN0380	08	8E, 14E, 15E, 17E
Articles, pyrotechnic *for technical purposes*	UN0428	07	
Articles, pyrotechnic *for technical purposes*	UN0429	07	
Articles, pyrotechnic *for technical purposes*	UN0430	07	
Articles, pyrotechnic *for technical purposes*	UN0431	06	
Articles, pyrotechnic *for technical purposes*	UN0432	05	
Barium azide, *dry or wetted with less than 50 percent water, by mass.*	UN0224	12	
Barium styphnate	NA0473		
Black powder, compressed *or* Gunpowder, compressed *or* Black powder, in pellets *or* Gunpowder, in pellets.	UN0028	10	
Black powder *or* Gunpowder, *granular or as a meal*	UN0027	10	
Bombs, photo-flash	UN0037	08	
Bombs, photo-flash	UN0038	03	
Bombs, photo-flash	UN0039	03	
Bombs, photo-flash	UN0299	03	
Bombs, *with bursting charge*	UN0033	08	
Bombs, *with bursting charge*	UN0034	03	
Bombs, *with bursting charge*	UN0035	03	
Bombs, *with bursting charge*	UN0291	08	
Bombs with flammable liquid, *with bursting charge*	UN0399	04	23E
Bombs with flammable liquid, *with bursting charge*	UN0400	04	23E
Boosters with detonator	UN0225	11	
Boosters with detonator	UN0268	07	
Boosters, *without detonator*	UN0042	07	
Boosters, *without detonator*	UN0283	07	
Bursters, *explosive*	UN0043	07	
Cartridges, flash	UN0049	07	
Cartridges, flash	UN0050	07	
Cartridges for weapons, blank	UN0326	07	
Cartridges for weapons, blank	UN0413	07	
Cartridges for weapons, blank *or* Cartridges, small arms, blank	UN0014	05	
Cartridges for weapons, blank *or* Cartridges, small arms, blank	UN0327	07	
Cartridges for weapons, blank *or* Cartridges, small arms, blank	UN0338	06	
Cartridges for weapons, inert projectile	UN0328	03	
Cartridges for weapons, inert projectile *or* Cartridges, small arms	UN0012	05	
Cartridges for weapons, inert projectile *or* Cartridges, small arms	UN0339	06	
Cartridges for weapons, inert projectile *or* Cartridges, small arms	UN0417	06	
Cartridges for weapons, *with bursting charge*	UN0005	08	
Cartridges for weapons, *with bursting charge*	UN0006	03	
Cartridges for weapons, *with bursting charge*	UN0007	08	
Cartridges for weapons, *with bursting charge*	UN0321	03	
Cartridges for weapons, *with bursting charge*	UN0348	08	
Cartridges for weapons, *with bursting charge*	UN0412	02	
Cartridges, oil well	UN0277	07	
Cartridges, oil well	UN0278	06	
Cartridges, power device	UN0275	07	
Cartridges, power device	UN0276	06	
Cartridges, power device	UN0323	05	
Cartridges, power device	UN0381	07	
Cartridges, signal	UN0054	07	
Cartridges, signal	UN0312	06	
Cartridges, signal	UN0405	05	
Cases, cartridge, empty with primer	UN0055	05	
Cases, cartridges, empty with primer	UN0379	06	
Cases, combustible, empty, without primer	UN0446	06	
Cases, combustible, empty, without primer	UN0447	07	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Charges, bursting, plastics bonded	UN0457	07	
Charges, bursting, plastics bonded	UN0458	07	
Charges, bursting, plastics bonded	UN0459	06	
Charges, bursting, plastics bonded	UN0460	05	
Charges, demolition	UN0048	03	
Charges, depth	UN0056	03	
Charges, explosive, commercial *without detonator*	UN0442	07	
Charges, explosive, commercial *without detonator*	UN0443	07	
Charges, explosive, commercial *without detonator*	UN0444	06	
Charges, explosive, commercial *without detonator*	UN0445	05	
Charges, propelling	UN0271	07	
Charges, propelling	UN0272	07	
Charges, propelling	UN0415	07	
Charges, propelling	UN0491	06	
Charges, propelling, for cannon	UN0242	10	
Charges, propelling, for cannon	UN0279	10	
Charges, propelling, for cannon	UN0414	10	
Charges, shaped, flexible, linear	UN0237	06	
Charges, shaped, flexible, linear	UN0288	07	
Charges, shaped, *without detonator*	UN0059	07	
Charges, shaped, *without detonator*	UN0439	07	
Charges, shaped, *without detonator*	UN0440	06	
Charges, shaped, *without detonator*	UN0441	05	
Charges, supplementary explosive	UN0060	10	
Components, explosive train, n.o.s	UN0382	11	
Components, explosive train, n.o.s	UN0383	06	
Components, explosive train, n.o.s	UN0384	05	
Components, explosive train, n.o.s	UN0461	11	
Contrivances, water-activated, *with burster, expelling charge or propelling charge*	UN0248	08	8E, 14E, 15E, 17E
Contrivances, water-activated, *with burster, expelling charge or propelling charge*	UN0249	08	8E, 14E, 15E, 17E
Cord, detonating, *flexible*	UN0065	07	
Cord, detonating, *flexible*	UN0289	06	
Cord detonating *or* Fuse detonating *metal clad*	UN0102	07	
Cord, detonating *or* Fuse, detonating *metal clad*	UN0290	07	
Cord, detonating, mild effect *or* Fuse, detonating, mild effect *metal clad*	UN0104	06	
Cord, igniter	UN0066	06	
Cutters, cable, explosive	UN0070	05	
Cyclotetramethylenetetranitramine, desensitized *or* Octogen, desensitized *or* HMX, desensitized.	UN0484	10	
Cyclotetramethylenetetranitramine, wetted *or* HMX, wetted *or* Octogen, *wetted with not less than 15 percent water, by mass*.	UN0226	10	
Cyclotrimethylenetrinitramine, desensitized *or* Cyclonite, desensitized *or* Hexogen, desensitized *or* RDX, desensitized.	UN0483	10	
Cyclotrimethylenetrinitramine, wetted *or* Cyclonite, wetted *or* Hexogen, wetted *or* RDX, wetted *with not less than 15 percent water by mass*.	UN0072	10	
Deflagrating metal salts of aromatic nitroderivatives, n.o.s	UN0132	10	5E
Detonator assemblies, non-electric *for blasting*	UN0360	11	
Detonator assemblies, non-electric *for blasting*	UN0361	06	
Detonator assemblies, non-electric *for blasting*	UN0500	05	
Detonators, electric, *for blasting*	UN0030	11	
Detonators, electric, *for blasting*	UN0255	06	
Detonators, electric *for blasting*	UN0456	05	
Detonators for ammunition	UN0073	11	
Detonators for ammunition	UN0364	11	
Detonators for ammunition	UN0365	06	
Detonators for ammunition	UN0366	05	
Detonators, non-electric, *for blasting*	UN0029	11	
Detonators, non-electric, *for blasting*	UN0267	06	
Detonators, non-electric *for blasting*	UN0455	05	
Diazodinitrophenol, *wetted with not less than 40 percent water or mixture of alcohol and water, by mass*.	UN0074	12	
Diethyleneglycol dinitrate, desensitized *with not less than 25 percent non-volatile, water-insoluble phlegmatizer, by mass*.	UN0075	13	21E
Dinitroglycoluril *or* Dingu	UN0489	10	
Dinitrophenol, *dry or wetted with less than 15 percent water, by mass*	UN0076	10	5E
Dinitrophenolates *alkali metals, dry or wetted with less than 15 percent water, by mass*	UN0077	10	5E
Dinitroresorcinol, *dry or wetted with less than 15 percent water, by mass*	UN0078	10	5E
Dinitrosobenzene	UN0406	10	
Dipicryl sulfide, *dry or wetted with less than 10 percent water, by mass*	UN0401	10	
Explosive, blasting, type A	UN0081	10	21E
Explosive, blasting, type B	UN0082	10	
Explosive, blasting, type B *or* Agent blasting, Type B	UN0331	10	
Explosive, blasting, type C	UN0083	10	22E

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Explosive, blasting, type D	UN0084	10	
Explosive, blasting, type E	UN0241	10	19E
Explosive, blasting, type E *or* Agent blasting, Type E	UN0332	10	
Fireworks	UN0333	07	
Fireworks	UN0334	07	
Fireworks	UN0335	07	
Fireworks	UN0336	06	
Fireworks	UN0337	05	
Flares, aerial	UN0093	07	
Flares, aerial	UN0403	06	
Flares, aerial	UN0404	05	
Flares, aerial	UN0420	07	
Flares, aerial	UN0421	07	
Flares, surface	UN0092	07	
Flares, surface	UN0418	07	
Flares, surface	UN0419	07	
Flash powder	UN0094	15	
Flash powder	UN0305	15	
Fracturing devices, explosive, *without detonators for oil wells*	UN0099	07	
Fuse, igniter *tubular metal clad*	UN0103	06	
Fuse, non-detonating *instantaneous or quickmatch*	UN0101	07	
Fuse, safety	UN0105	05	
Fuzes, detonating	UN0106	11	
Fuzes, detonating	UN0107	11	
Fuzes, detonating	UN0257	06	
Fuzes, detonating	UN0367	05	
Fuzes, detonating, *with protective features*	UN0408	07	
Fuzes, detonating, *with protective features*	UN0409	07	
Fuzes, detonating, *with protective features*	UN0410	06	
Fuzes, igniting	UN0316	07	
Fuzes, igniting	UN0317	06	
Fuzes, igniting	UN0368	05	
Grenades, empty primed	NA0349	05	
Grenades, *hand or rifle, with bursting charge*	UN0284	07	
Grenades, *hand or rifle, with bursting charge*	UN0285	07	
Grenades, *hand or rifle, with bursting charge*	UN0292	08	
Grenades, *hand or rifle, with bursting charge*	UN0293	08	
Grenades, practice, *hand or rifle*	UN0110	05	
Grenades, practice, *hand or rifle*	UN0318	07	
Grenades, practice, *hand or rifle*	UN0372	07	
Grenades, practice, *Hand or rifle*	UN0452	06	
Guanyl nitrosaminoguanylidene hydrazine, wetted *with not less than 30 percent water, by mass.*	UN0113	12	
Guanyl nitrosaminoguanyltetrazene, wetted *or* Tetrazene, wetted *with not less than 30 percent water or mixture of alcohol and water, by mass.*	UN0114	12	
Hexanitrodiphenylamine *or* Dipicrylamine *or* Hexyl	UN0079	10	
Hexanitrostilbene	UN0392	10	
Hexolite, *or* Hexotol *dry or wetted with less than 15 percent water, by mass*	UN0118	10	
Hexotonal	UN0393	10	
Igniters	UN0121	07	
Igniters	UN0314	07	
Igniters	UN0315	07	
Igniters	UN0325	06	
Igniters	UN0454	05	
Jet perforating guns, charged oil well, with detonator	NA0124	07	
Jet perforating guns, charged oil well, with detonator	NA0494	06	
Jet perforating guns, charged, *oil well, without detonator*	UN0124	07	
Jet perforating guns, charged, *oil well, without detonator*	UN0494	06	
Lead azide, wetted *with not less than 20 percent water or mixture of alcohol and water, by mass.*	UN0129	12	
Lead mononitroresorcinate	NA0473	12	
Lead styphnate, wetted *or* Lead trinitroresorcinate, wetted *with not less than 20 percent water or mixture of alcohol and water, by mass.*	UN0130	12	
Lighters, fuse	UN0131	05	
Mannitol hexanitrate, wetted *or* Nitromannite, wetted *with not less than 40 percent water, or mixture of alcohol and water, by mass.*	UN0133	10	
5-Mercaptotertrazol-1-acetic acid	UN0448	09	
Mercury fulminate, wetted *with not less than 20 percent water, or mixture of alcohol and water, by mass.*	UN0135	12	
Mines *with bursting charge*	UN0136	08	
Mines *with bursting charge*	UN0137	03	
Mines *with bursting charge*	UN0138	03	
Mines *with bursting charge*	UN0294	08	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Model rocket motor	NA0276	06	
Model rocket motor	NA0323	05	
Nitro urea	UN0147	10	
5-Nitrobenzotriazol	UN0385	10	
Nitrocellulose, *dry or wetted with less than 25 percent water (or alcohol), by mass*	UN0340	13	27E
Nitrocellulose, plasticized *with not less than 18 percent plasticizing substance, by mass*	UN0343	10	
Nitrocellulose, *unmodified or plasticized with less than 18 percent plasticizing substance, by mass.*	UN0341	13	27E
Nitrocellulose, wetted *with not less than 25 percent alcohol, by mass*	UN0342	10	
Nitroglycerin, desensitized *with not less than 40 percent non-volatile water insoluble phlegmatizer, by mass.*	UN0143	13	21E
Nitroglycerin, solution in alcohol, *with more than 1 percent but not more than 10 percent nitrogylcerin.*	UN0144	10	21E
Nitroguanidine *or* Picrite, *dry or wetted with less than 20 percent water, by mass*	UN0282	10	
Nitrostarch, *dry or wetted with less than 20 percent water, by mass*	UN0146	10	
Nitrotriazolone *or* NTO	UN0490	10	
Octolite *or* Octol, *dry or wetted with less than 15 percent water, by mass*	UN0266	10	
Octonal	UN0496	10	
Pentaerythrite tetranitrate *or* Pentaerythritol tetranitrate *or* PETN, *with not less than 7 percent wax by mass.*	UN0411	10	
Pentaerythrite tetranitrate, wetted *or* Pentaerythritol tetranitrate, wetted, *or* PETN, wetted *with not less than 25 percent water,* by mass, *or* Pentaerythrite tetranitrate, *or* Pentaerythritol tetranitrate *or* PETN, desensitized *with not less than 15 percent phlegmatizer by mass.*	UN0150	10	
Pentolite, *dry or wetted with less than 15 percent water, by mass*	UN0151	10	
Powder cake, wetted *or* Powder paste, wetted *with not less than 17 percent alcohol by mass.*	UN0433	10	
Powder cake, wetted *or* Powder paste, wetted *with not less than 25 percent water, by mass.*	UN0159	10	
Powder, smokeless	UN0160	.....	26E
Powder, smokeless	UN0161	.....	26E
Primers, cap type	UN0044	05	
Primers, cap type	UN0377	11	
Primers, cap type	UN0378	06	
Primers, tubular	UN0319	07	
Primers, tubular	UN0320	06	
Primers, tubular	UN0376	05	
Projectiles, *inert with tracer*	UN0345	01	
Projectiles, *inert, with tracer*	UN0424	03	
Projectiles, *inert, with tracer*	UN0425	02	
Projectiles, *with burster or expelling charge*	UN0346	03	
Projectiles, *with burster or expelling charge*	UN0347	02	
Projectiles, *with burster or expelling charge*	UN0426	08	
Projectiles, *with burster or expelling charge*	UN0427	08	
Projectiles, *with burster or expelling charge*	UN0434	03	
Projectiles, *with burster or expelling charge*	UN0435	02	
Projectiles, *with bursting charge*	UN0167	08	
Projectiles, *with bursting charge*	UN0168	03	
Projectiles, *with bursting charge*	UN0169	03	
Projectiles, *with bursting charge*	UN0324	08	
Projectiles, *with bursting charge*	UN0344	02	
Propellant, liquid	UN0495	10	
Propellant, liquid	UN0497	10	
Propellant, solid	UN0498	.....	26E
Propellant, solid	UN0499	.....	26E
RDX and HMX mixtures, wetted *with not less than 15 percent water by mass or* RDX and HMX mixtures, desensitized *with not less than 10 percent phlegmatizer by mass.*	UN0391	10	
Release devices, explosive	UN0173	05	
Rivets, explosive	UN0174	05	
Rocket motors	UN0186	03	
Rocket motors	UN0280	03	
Rocket motors	UN0281	03	
Rocket motors, liquid fueled	UN0395	04	23E
Rocket motors, liquid fueled	UN0396	04	23E
Rocket motors with hypergolic liquids *with or without an expelling charge*	UN0250	08	8E, 14E, 15E,
Rocket motors with hypergolic liquids *with or without an expelling charge*	UN0322	08	8E, 14E, 15E,
Rockets, line-throwing	UN0238	07	
Rockets, line-throwing	UN0240	07	
Rockets, line-throwing	UN0453	06	
Rockets, liquid fueled *with bursting charge*	UN0397	04	23E
Rockets, liquid fueled *with bursting charge*	UN0398	04	23E
Rockets, *with bursting charge*	UN0180	08	
Rockets, *with bursting charge*	UN0181	03	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Rockets, *with bursting charge*	UN0182	03	
Rockets, *with bursting charge*	UN0295	08	
Rockets, *with expelling charge*	UN0436	03	
Rockets, *with expelling charge*	UN0437	03	
Rockets, *with expelling charge*	UN0438	02	
Rockets, *with inert head*	UN0183	03	
Samples, explosive, *other than initiating explosives*	UN0190	14	
Signal devices, hand	UN0191	06	
Signal devices, hand	UN0373	05	
Signals, distress, *ship*	UN0194	07	
Signals, distress, *ship*	UN0195	07	
Signals, railway track, explosive	UN0192	07	
Signals, railway track, explosive	UN0193	05	
Signals, railway track, explosive	UN0492	07	
Signals, railway track, explosive	UN0493	06	
Signals, smoke	UN0196	07	
Signals, smoke	UN0197	06	
Signals, smoke	UN0313	07	
Signals, smoke	UN0487	07	
Sodium dinitro-o-cresolate, *dry or wetted with less than 15 percent water, by mass*	UN0234	10	5E
Sodium picramate, *dry or wetted with less than 20 percent water, by mass*	UN0235	10	5E
Sounding devices, explosive	UN0204	08	
Sounding devices, explosive	UN0296	08	
Sounding devices, explosive	UN0374	07	
Sounding devices, explosive	UN0375	07	
Substances, explosive, n.o.s	UN0357		8E, 14E, 15E, 17E
Substances, explosive, n.o.s	UN0358		8E, 14E, 15E, 17E
Substances, explosive, n.o.s	UN0359		8E, 14E, 15E, 17E
Substances, explosive, n.o.s	UN0473	12	
Substances, explosive, n.o.s	UN0474	10	
Substances, explosive, n.o.s	UN0475	10	
Substances, explosive, n.o.s	UN0476	08	
Substances, explosive, n.o.s	UN0477	10	
Substances, explosive, n.o.s	UN0478	08	
Substances, explosive, n.o.s	UN0479	09	
Substances, explosive, n.o.s	UN0480	09	
Substances, explosive, n.o.s	UN0481	05	
Substances, explosive, n.o.s	UN0485	08	
Substances, explosive, very insensitive, n.o.s., *or* Substances, EVI, n.o.s	UN0482	10	
Tetranitroaniline	UN0207	10	
Tetrazol-1-acetic acid	UN0407	09	
Torpedoes, liquid fueled, *with inert head*	UN0450	04	23E
Torpedoes, liquid fueled, *with or without bursting charge*	UN0449	04	23E
Torpedoes *with bursting charge*	UN0329	03	
Torpedoes *with bursting charge*	UN0330	08	
Torpedoes *with bursting charge*	UN0451	03	
Toy Caps	NA0337	05	
Tracers for ammunition	UN0212	07	
Tracers for ammunition	UN0306	06	
Trinitro-meta-cresol	UN0216	10	5E
Trinitroaniline *or* Picramide	UN0153	10	
Trinitroanisole	UN0213	10	
Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass*	UN0214	10	
Trinitrobenzenesulfonic acid	UN0386	10	5E
Trinitrobenzoic acid, *dry or wetted with less than 30 percent water, by mass*	UN0215	10	5E
Trinitrochlorobenzene *or* Picryl chloride.	UN0155	10	
Trinitrofluorenone	UN0387	10	
Trinitronaphthalene	UN0217	10	
Trinitrophenetole	UN0218	10	
Trinitrophenol *or* Picric acid, *dry or wetted with less than 30 percent water, by mass*	UN0154	10	5E
Trinitrophenylmethylnitramine *or* Tetryl.	UN0208	10	
Trinitroresorcinol *or* Styphnic acid, *dry or wetted with less than 20 percent water, or mixture of alcohol and water, by mass.*	UN0219	10	5E
Trinitroresorcinol, wetted *or* Styphnic acid, wetted *with not less than 20 percent water, or mixture of alcohol and water by mass.*	UN0394	10	5E
Trinitrotoluene and Trinitrobenzene mixtures or TNT and trinitrobenzene mixtures *or* TNT and hexanitrostilbene mixtures or Trinitrotoluene and hexanitrostilnene mixtures.	UN0388	10	
Trinitrotoluene mixtures containing Trinitrobenzene and Hexanitrostilbene *or* TNT mixtures containing trinitrobenzene and hexanitrostilbene.	UN0389	10	
Trinitrotoluene *or* TNT, *dry or wetted with less than 30 percent water, by mass*	UN0209	10	
Tritonal	UN0390	10	
Urea nitrate, *dry or wetted with less than 20 percent water, by mass*	UN0220	10	
Warheads, rocket *with burster or expelling charge*	UN0370	02	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Warheads, rocket *with burster or expelling charge*	UN0371	08	
Warheads, rocket *with bursting charge*	UN0286	03	
Warheads, rocket *with bursting charge*	UN0287	03	
Warheads, rocket *with bursting charge*	UN0369	08	
Warheads, torpedo *with bursting charge*	UN0221	03	
Zirconium picramate, *dry or wetted with less than 20 percent water, by mass.*	UN0236	10	5E

13. In Appendix B to § 172.101, paragraphs 1. and 2. would be revised and the List of Marine Pollutants would be amended by removing 73 entries, adding 2 entries and revising 2 entries in appropriate alphabetical order to read as follows:

Appendix B to § 172.101—List of Marine Pollutants

1. See § 171.4 of this subchapter for applicability of marine pollutants. This appendix lists potential marine pollutants as defined in § 171.8 of this subchapter.

2. Marine pollutants listed in this appendix are not necessarily listed by name in the § 172.101 Table. If a marine pollutant not listed by name or by synonym in the § 172.101 Table meets the definition of any hazard Class 1 through 8, then you must determine the class and division of the material in accordance with § 173.2a of this subchapter. You must also select the most appropriate hazardous material description and proper shipping name. If a marine pollutant not listed by name or by synonym in the § 172.101 Table does not meet the definition of any Class 1 through 8, then you must offer it for transportation under the most appropriate of the following two Class 9 entries: ''Environmentally hazardous substances, liquid, n.o.s.,'' UN3082, or ''Environmentally hazardous substances, solid, n.o.s.,'' UN3077.

* * * * *

LIST OF MARINE POLLUTANTS

S.M.P. (1)	Marine pollutant (2)
[Remove:]	Acetal
	Acetaldehyde
	Amyl mercaptans
	Anisole
	Benzaldehyde
	Butyl benzenes
	n-Butyl butyrate
	Butylphenols, liquid
	Butylphenols, solid
	Butyraldehyde
	Calcium naphthenate
	Camphor oil
	Chlorotoluenes (ortho-, meta-, para-)
	Coal tar
	Coal tar naphtha
	Creosote (coal tar)
	Creosote (wood tar)
	Cresols (o-; m-; p-)
	Cresylic acid
	Cresylic acid sodium salt
	normal-Decaldehyde
	normal-Decanol
	Decyl acrylate
	Dichlorobenzene (meta; ortho; para)
	Dichlorophenols, liquid
	Dichlorophenols, solid
	2,4-Dichlorophenoxyacetic acid (see also 2,4D)
	2,4 Dichlorophenoxyacetic acid diethanolamine salt
	2,4 Dichlorophenoxyacetic acid dimethylamine salt
	2,4-Dichlorophenoxyacetic acid triisopropylamine salt
	Diethybenzenes (mixed isomers)
	Diisopropylnaphthalene
	Dimethyl disulphide
	Dimethyl glyoxal (butanedione)
	Dimethyl sulphide
	Diphenyl ether
	Diphenyl ether/biphenyl phenyl ether mixtures
	Diphenyl/diphenyl ether (mixtures)
	EPTC (ISO)
	Ethyl acrylate, inhibited
	2-Ethylbutyraldehyde
	2-Ethylhexenal
	Ethyl chlorothioformate
	2,4-Hexadiene aldehyde
	normal-Hexaldehyde

LIST OF MARINE POLLUTANTS—Continued

S.M.P. (1)	Marine pollutant (2)
	Iron oxide, spent
	Iron sponge, spent
	Isobutyl aldehyde
	Isobutyl isobutyrate
	Isobutyl priopionate
	Isobutyraldehyde
	Isodecaldehyde
	Isodecanol
	Isononanol
	Isooctanol
	Isopropylbenzene
	Isovaleraldehyde
	1-Methyl-4-ethylbenzene
	2-Methyl-5-ethylpyridine
	Methyl salicylate
	2-Methylbutyraldehyde
	Methylnaphthalenes, liquid
	Methylnaphthalenes, solid
	Naphthalene, crude *or* refined
	Naphthalene, molten
	Naphthenic acids, liquid
	Naphthenic acids, solid
	Nitrocresols
	Nitrotolueunes (ortho-;meta-;para-), liquid
	Nitrotoluenes (ortho-;meta-;para-), solid
	1-Nonanal
	1-Nonanol
	1-Octanol
	alpha-Pinene
	Propanethiols
	Propionaldehyde
	n-Propylbenzene
	Styrene monomer, inhibited
	n-Tetramethylbenzenes
	4-Thiapentanal
	1,2,3-Trimethylbenzene
	1,2,4-Trimethyl benzene
	1,3,5-Trimethyl benzene
	Turpentine
	1-Undecanol
	normal-Valeraldehyde
	Vinyltoluenes, inhibited *mixed isomers*
	Xylenols
[Add:]	
* * * * * * *	
	Chlorotoluenes (meta-;para-)
* * * * * * *	
	Desmedipham
* * * * * * *	
PP	Diclofop-methyl
* * * * * * *	
	Dichlorobenzene (para)
* * * * * * *	
	Diisopropylnaphthalenes, mixed isomers
* * * * * * *	
PP	Fenchlorazole-ethyl
* * * * * * *	
PP	Fenoxapro-ethyl
* * * * * * *	
PP	Fenoxaprop-P-ethyl
* * * * * * *	
	Linuron

LIST OF MARINE POLLUTANTS—Continued

S.M.P. (1)	Marine pollutant (2)
* * * * * * *	
PP	Silafluofen
* * * * * * *	
PP	1,2,3-Trichlorobenzene
* * * * * * *	
[Revise:]	
* * * * * * *	
PP	Dodecyl hydroxypropyl sulfide
* * * * * * *	

14. In § 172.102, in paragraph (c)(1), Special Provisions 43, 110, 128 and 136 would be revised and Special Provisions 139, 142 and 143 would be added; paragraph (c)(3) introductory text, Special Provisions B53 and B69 and paragraphs (c)(4) and (c)(7) would be revised; and in paragraph (c)(8), Specials Provisions W7, W8 and W9 would be added in numerical order to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

43 The membrane filters, including paper separators and coating or backing materials, that are present in transport, must not be able to propagate a detonation as tested by one of the tests described in the UN Manual of Tests and Criteria, Part I, Test series 1(a). On the basis of the results of suitable burning rate tests, and taking into account the standard tests in the UN Manual of Tests and Criteria, Part III, subsection 33.2.1, nitrocellulose membrane filters in the form in which they are to be transported that do not meet the criteria for a Division 4.1 material are not subject to the requirements of this subchapter. Packagings must be so constructed that explosion is not possible by reason of increased internal pressure. Nitrocellulose membrane filters covered by this entry, each with a mass not exceeding 0.5 g, are not subject to the requirements of this subchapter when contained individually in an article or a sealed packet.

* * * * *

110 Fire extinguishers transported under UN1044 may include installed actuating cartridges (cartridges, power device of Division 1.4C or 1.4S), without changing the classification of Division 2.2, provided the aggregate quantity of deflagrating (propellant) explosives does not exceed 3.2 grams per extinguishing unit.

* * * * *

128 Regardless of the provisions of § 172.101(c)(12), aluminum smelting by-products, aluminum remelting by-products and coated magnesium granules described under these entries meeting the definition of Class 8, Packing Group II or III, may be classed as a Division 4.3 material and transported under this entry. The presence of a Class 8 hazard must be communicated as required by this part for subsidiary hazards.

* * * * *

136 This entry only applies to machinery and apparatus containing hazardous materials as in integral element of the machinery or apparatus. It may not be used to describe machinery or apparatus for which a proper shipping name exists in the § 172.101 Table. Except when approved by the Associate Administrator, machinery or apparatus may only contain hazardous materials for which exceptions are referenced in Column (8) of the § 172.101 Table and are provided in part 173, subpart D, of this subchapter. Hazardous materials shipped under this entry are excepted from the labeling requirements of this subchapter unless offered for transportation or transported by aircraft and are not subject to the placarding requirements of subpart F of part 173 of this subchapter. Orientation markings as described in § 172.312 (a)(2) are required when liquid hazardous materials may escape due to incorrect orientation. The machinery or apparatus, if unpackaged, or the packaging in which it is contained shall be marked ''Dangerous goods in machinery'' or ''Dangerous goods in apparatus'', as appropriate, with the identification number UN3363. For transportation by aircraft, machinery or apparatus may not contain any material forbidden for transportation by passenger or cargo aircraft. The Associate Administrator may except from the requirements of this subchapter, equipment, machinery and apparatus provided:

a. It is shown that it does not pose a significant risk in transportation;

b. The quantities of hazardous materials do not exceed those specified in § 173.4 of this subchapter; and

c. The equipment, machinery or apparatus conforms with § 173.222 of this subchapter.

* * * * *

139 Use of the ''special arrangement'' proper shipping names for international shipments must be made under an IAEA Certificate of Competent Authority issued by the U.S. Competent Authority in accordance with the requirements in § 173.471, § 173.472, or § 173.473 of this subchapter. Use of these proper shipping names for domestic shipments may be made only under a DOT exemption, as defined in, and in accordance with the requirements of subpart B of part 107 of this subchapter.

* * * * *

142 These hazardous materials may not be classified and transported unless authorized by the Associate Administrator. The Associate Administrator will base the authorization on results from Series 2 tests and a Series 6(c) test from the UN Manual of Tests and Criteria on packages as prepared for transport in accordance with the requirements of this subchapter.

143 These articles may contain:

a. Division 2.2 compressed gases, including oxygen;

b. Signal devices (Class 1) which may include smoke and illumination signal flares. Signal devices must be packed in plastic or fiberboard inner packagings;

c. Electric storage batteries;

d. First aid kits; or

e. Strike anywhere matches.

* * * * *

(3) *''B'' codes.* These provisions apply only to bulk packagings, other than IBCs:

Code/Special Provisions

* * * * *

B53 Packagings must be made of either aluminum or steel.

* * * * *

B69 Dry sodium cyanide or potassium cyanide may be shipped in sift-proof weather-resistant metal covered hopper cars, covered motor vehicles, portable tanks or non-specification bins. Bins must be approved by the Associate Administrator.

* * * * *

(4) *Table 1—IBC Codes and BB Special IBC Packing Provisions.* These

provisions apply only to transportation in IBCs:

TABLE 1.—IBC CODES[1]

IBC Code	Authorized IBCs
IB1	*Authorized IBCs:* Metal (31A, 31B and 31N). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB2	*Authorized IBCs:* Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB3	*Authorized IBCs:* Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1 and 31HA2, 31HB2, 31HN2, 31HD2 and 31HH2). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB4	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N).
IB5	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 21HZ1 and 31HZ1).
IB6	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2). *Additional Requirement:* Composite IBCs 11HZ2 and 21HZ2 may not be used when the hazardous materials being transported may become liquid during transport.
IB7	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2); Wooden (11C, 11D and 11F). *Additional Requirement:* Liners of wooden IBCs must be sift-proof.
IB8	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2); Fiberboard (11G); Wooden (11C, 11D and 11F); Flexible (13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 or 13M2).
IB99	IBCs are only authorized if approved by the Associate Administrator.

[1] 1 IBCs may be used for the transportation of hazardous materials when no IBC code is assigned in the § 172.101 Hazardous Materials Table for the specific material if approved by the Associate Administrator.

TABLE 2.—ORGANIC PEROXIDE IBC CODE (IB52)[1]

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature (°C)	Emergency temperature (°C)
3109	ORGANIC PEROXIDE, TYPE F, LIQUID				
	tert-Butyl hydroperoxide, not more than 72% with water	31A	1250		
	tert-Butyl peroxyacetate, not more than 32% in diluent type A	31A	1250		
		31HA1	1000		
	tert-Butyl peroxy-3,5,5-trimethylhexanoate, not more than 32% in diluent type A.	31A	1250		
		31HA1	1000		
	Cumyl hydroperoxide, not more than 90% in diluent type A	31HA1	1250		
	Dibenzoyl peroxide, not more than 42% as a stable dispersion	31H1	1000		
	Di-tert-butyl peroxide, not more than 52% in diluent type A	31A	1250		
		31HA1	1000		
	1,1-Di-(tert-butylperoxy) cyclohexane, not more than 42% in diluent type A.	31H1	1000		
	Dilauroyl peroxide, not more than 42%, stable dispersion, in water	31HA1	1000		
	Isopropyl cumyl hydroperoxide, not more than 72% in diluent type A.	31HA1	1250		
	p-Menthyl hydroperoxide, not more than 72% in diluent type A	31HA1	1250		
	Peroxyacetic acid, stabilized, not more than 17%	31H1	1500		
		31HA1	1500		
		31A	1500		
3119	ORGANIC PEROXIDE, TYPE F, LIQUID, TEMPERATURE CONTROLLED				
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B.	31HA1	1000	+30	+35
		31A	1250	+30	+35
	tert-Butyl peroxyneodecanoate, not more than 32% in diluent type A.	31A	1250	0	+10

TABLE 2.—ORGANIC PEROXIDE IBC CODE (IB52)[1]—Continued

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature (°C)	Emergency temperature (°C)
	tert-Butyl peroxyneodecanoate, not more than 42% stable dispersion, in water.	31A	1250	−5	+5
	tert-Butyl peroxypivalate, not more than 27% in diluent type B	31HA1	1000	+10	+15
		31A	1250	+10	+15
	Cumyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1250	−15	−5
	Di-(4-tert-butylcyclohexyl) peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1000	+30	+35
	Dicetyl peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1000	+30	+35
	Di-(2-ethylhexyl) peroxydicarbonate, not more than 52%, stable dispersion, in water.	31A	1250	−20	−10
	Dimyristyl peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1000	+15	+20
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 38% in diluent type A.	31HA1	1000	+10 C	+15
		31A	1250	+10 C	+15
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 52%, stable dispersion, in water.	31A	1250	+10	+15
	1,1,3,3-Tetramethylbutyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1250	−5	+5

[1] This IBC Code applies to organic peroxides of type F. For formulations not listed in this table, only IBCs that are approved by the Associate Administrator may be used.

TABLE 3.—BB CODES

BB1	IBCs must be packed in closed freight containers or a closed transport vehicle.
BB2	When IBCs other than metal or rigid plastics IBCs are used, they must be offered for transportation in a closed freight container or a closed transport vehicle.
BB3	Flexible IBCs shall be sift-proof and water-resistant or shall be fitted with a sift-proof and water-resistant liner.
BB4	Flexible, fiberboard or wooden IBCs must be sift-proof and water-resistant or be fitted with a sift-proof and water-resistant liner.
BB5	IBCs must be provided with a device to allow venting. The inlet to the venting device must be located in the vapor space of the IBC under maximum filling conditions.
BB6	Non-specification bulk bins are authorized.
BB7	For UN identification numbers 1327, 1363, 1364, 1365, 1386, 1841, 2211, 2217, 2793 and 3314, IBCs are not required to meet the IBC performance tests specified in part 178 of this subchapter.

* * * * *

(7) *''T'' codes.* (i) These provisions apply to the transportation of UN portable tanks. Portable tank instructions specify the requirements applicable to a portable tank when used for the transportation of a specific hazardous material. These requirements must be met in addition to the design and construction specifications in part 178 of this subchapter. Portable tank instructions T1 through T22 specify the applicable minimum test pressure, the minimum shell thickness (in reference steel), bottom opening requirements and pressure relief requirements. In T23, the organic peroxides and self-reactive substances which are authorized to be transported in portable tanks are listed along with the applicable control and emergency temperatures. Liquefied compressed gases are assigned to portable tank instruction T50. T50 provides the maximum allowable working pressures, bottom opening requirements, pressure relief requirements and degree of filling requirements for liquefied compressed gases permitted for transport in portable tanks. Refrigerated liquefied gases which are authorized to be transported in portable tanks are specified in tank instruction T75.

(ii) The following table specifies the portable tank requirements applicable to T Codes T1 through T22. Column 1 specifies the T Code. Column 2 specifies the minimum test pressure, in bar (1 bar = 14.5 psig), at which the periodic hydrostatic testing required by § 173.32b of this subchapter must be conducted. Column 3 specifies the section reference for minimum shell thickness or, alternatively, the minimum shell thickness value. Column 4 specifies the applicability of § 178.275(f)(3) of this subchapter for the pressure relief devices. When the word ''Normal'' is indicated, § 178.275(f)(3) of this subchapter does not apply. Column 5 either references the applicable requirements for bottom openings in part 178 of this subchapter, or references ''Prohibited'' which means bottom openings are prohibited. The table follows:

TABLE OF PORTABLE TANK T CODES

[Portable Tank Instructions: T1–T22—Portable tank instructions. T1–T22 apply to liquid and solid hazardous materials of Classes 3 through 9 which are transported in portable tanks.]

Portable tank instruction (1)	Minimum test pressure (bar) (2)	Minimum shell thickness (in mm-reference steel) (See § 178.274(d)) (3)	Pressure-relief requirements (See § 178.275(f)) (4)	Bottom opening requirements (See § 178.275(c)) (5)
T1	1.5	§ 178.274(d)(2)	Normal	§ 178.274(c)(2).
T2	1.5	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T3	2.65	§ 178.274(d)(2)	Normal	§ 178.275(c)(2).
T4	2.65	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T5	2.65	§ 178.274(d)(2)	§ 178.275(f)(3)	Prohibited.
T6	4	§ 178.274(d)(2)	Normal	§ 178.275(c)(2).
T7	4	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T8	4	§ 178.274(d)(2)	Normal	Prohibited.
T9	4	6 mm	Normal	Prohibited.
T10	4	6 mm	§ 178.275(f)(3)	Prohibited.
T11	6	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T12	6	§ 178.274(d)(2)	§ 178.275(f)(3)	§ 178.275(c)(3).
T13	6	6 mm	Normal	Prohibited.
T14	6	6 mm	§ 178.275(f)(3)	Prohibited.
T15	10	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T16	10	§ 178.274(d)(2)	§ 178.275(f)(3)	§ 178.275(c)(3).
T17	10	6 mm	Normal	§ 178.275(c)(3).
T18	10	6 mm	§ 178.275(f)(3)	§ 178.275(c)(3).
T19	10	6 mm	§ 178.275(f)(3)	Prohibited.
T20	10	8 mm	§ 178.275(f)(3)	Prohibited.
T21	10	10 mm	Normal	Prohibited.
T22	10	10 mm	§ 178.275(f)(3)	Prohibited.

(iii) The following table specifies the portable tank requirements applicable to T23 for self-reactive substances of Division 4.1 and organic peroxides of Division 5.2 which are authorized to be transported in portable tanks:

PORTABLE TANK INSTRUCTION

[T23—Portable tank instruction. T23 applies to self-reactive substances of Division 4.1 and organic peroxides of Division 5.2.]

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel)	Bottom opening requirements	Pressure-relief requirements	Filling limits	Control temperature (°C)	Emergency temperature (°C)
3109	Organic peroxide, Type F, liquid.	444444	See § 178.274(d)(2).	See § 178.275(c)(3).	See § 178.275(j)(1).	Not more than 90% at 59 °F (15 °C).		
	tert-Butyl hydroperoxide not more than 72% water. (Provided that steps have been taken to achieve the safety equivalence of 65% tert-Butyl hydroperoxide and 35% water.).		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Cumyl hydro-peroxide, not more than 90% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Di-tert-butyl peroxide, not more than 32% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Isopropyl cumyl hydro-peroxide, not more than 72% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	p-Menthyl hydro-peroxide, not more than 72% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Pinanyl hydro-peroxide, not more than 50% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
3110	Organic peroxide, Type F, solid.	4	§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Dicumyl peroxide. Maximum quantity per portable tank 2,000 kg.							
3119	Organic peroxide, Type F, liquid, temperature controlled.	444444	See § 178.274(d)(2).	See § 178.275(c)(3).	See § 178.275(j)(1).	Not more than 90% at 59 °F (15 °C).	As approved by Assoc. Admin. for HMS.	As approved by Assoc. Admin. for HMS.

PORTABLE TANK INSTRUCTION—Continued

[T23—Portable tank instruction. T23 applies to self-reactive substances of Division 4.1 and organic peroxides of Division 5.2.]

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel)	Bottom opening requirements	Pressure-relief requirements	Filling limits	Control temperature (°C)	Emergency temperature (°C)
	tert-Butyl peroxyacetate, not more than 32% in diluent type B.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	+30	+35
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	+15	+20
	tert-Butyl peroxypivalate, not more than 27% in diluent type B.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	−5	+10
	tert-Butyl peroxy-3,5,5-trimethyl-hexanoate, not more than 32% in diluent type B.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	+35	+40
	Di-(3,5,-trimethyl-hexanoyl) peroxide, not more than 38% in diluent type A.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	0	+5
3120	Organic peroxide, Type F, solid, temperature controlled.	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	As approved by Assoc. Admin. for HMS.	As approved by Assoc. Admin. for HMS.
3229	Self-reactive liquid Type F ..	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
3230	Self-Reactive solid Type F	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
3239	Self-reactive liquid Type F, temperature controlled.	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	As approved by Assoc. Admin. for HMS.	As approved by Assoc. Admin. for HMS.
3240	Self-reactive solid Type F, temperature controlled.	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	As approved by Assoc. Admin. for HMS.	As approved by Assoc. Admin. for HMS.

(iv) The following portable tank instruction applies to portable tanks used for the transportation of liquefied compressed gases. The T50 table provides the UN identification number and proper shipping name for each liquefied compressed gas authorized to be transported in a T50 portable tank. The following table provides maximum allowable working pressures, bottom opening requirements, pressure relief device requirements and degree of filling requirements for each liquefied compressed gases permitted for transportation in a T50 portable tank:

Note to reader: *We are proposing to revise the word ''stabilized'' in the proper shipping names below to read ''inhibited'' (see preamble discussion under § 172.101).*

PORTABLE TANK INSTRUCTION

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
1005	Ammonia, anhydrous	29.0 25.7 22.0 19.7	Allowed	§ 178.276(e)	0.53
1009	Bromotrifluoromethane *or* Refrigerant gas R 13B1	38.0 34.0 30.0 27.5	.....do	Normal	1.13
1010	Butadienes, stabilized	7.5 7.0 7.0 7.0	.....do	.....do	0.55
1011	Butane	7.0 7.0 7.0 7.0	.....do	.....do	0.51

PORTABLE TANK INSTRUCTION—Continued

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
1012	Butylene	8.0 7.0 7.0 7.0	.....do	.....do	0.53
017	Chlorine	19.0 17.0 15.0 13.5	Not allowed	§ 178.276(e)	1.25
1018	Chlorodifluoromethane *or* Refrigerant gas R 22	26.0 24.0 21.0 19.0	Allowed	Normal	1.03
1020	Chloropentafluoroethane *or* Refrigerant gas R 115	23.0 20.0 18.0 16.0	.....do	.....do	1.06
1021	1-Chloro-1,2,2,2-tetrafluoroethane *or* Refrigerant gas R 124.	10.3 9.8 7.9 7.0	.....do	.....do	1.2
1027	Cyclopropane	18.0 16.0 14.5 13.0	.....do	.....do	0.53
1028	Dichlorodifluoromethane *or* Refrigerant gas R 12	16.0 15.0 13.0 11.5	.....do	.....do	1.15
1029	Dichlorofluoromethane *or* Refrigerant gas R 21	7.0 7.0 7.0 7.0	.....do	.....do	1.23
1030	1,1-Difluoroethane *or* Refrigerant gas R 152a	16.0 14.0 12.4 11.0	.....do	.....do	0.79
1032	Dimethylamine, anhydrous	7.0 7.0 7.0 7.0	.....do	.....do	0.59
1033	Dimethyl ether	15.5 13.8 12.0 10.6	.....do	.....do	0.58
1036	Thylamine	7.0 7.0 7.0 7.0	.....do	.....do	0.61
1037	Ethyl chloride	7.0 7.0 7.0 7.0	.....do	.....do	0.8
1040	Ethylene oxide *with nitrogen up to a total pressure of 1MPa (10 bar) at 50 °C.*	−10	Not allowed	§ 178.276(e)	.078
1041	Ethylene oxide and carbon dioxide mixture *with more than 9% but no more than 87% ethylene oxide.*	[1]	Allowed	Normal	See § 173.32(f)
1055	Isobutylene	8.1 7.0 7.0 7.0	.....do	.....do	0.52
1060	Methyl acetylene and propadiene mixture, stabilized.	28.0 24.5 22.0 20.0	.....do	.....do	0.43

PORTABLE TANK INSTRUCTION—Continued

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
1061	Methylamine, anhydrous	10.8 9.6 7.8 7.0	.....do	.....do	0.58
1062	Methyl bromide	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)	1.51
1063	Methyl chloride *or* Refrigerant gas R 40	14.5 12.7 11.3 10.0	Allowed	Normal	.081
1064	Methyl mercaptan	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)	0.78
1067	Dinitrogen tetroxide	7.0 7.0 7.0 7.0	....do	§ 178.276(e)	1.3
1075	Petroleum gas, liquefied	(1)	Allowed	Normal	See § 173.32(f)
1077	Propylene	28.0 24.5 22.0 20.0	.....do	.....do	0.43
1078	Refrigerant gas, n.o.s	(1)	.....do	.....do	See § 173.32(f)
1079	Sulphur dioxide	11.6 10.3 8.5 7.6	Not Allowed	§ 178.276(e)	1.23
1082	Trifluorochloroethylene, stabilized *or* Refrigerant gas R 1113.	17.0 15.0 13.1 11.6	.....do	§ 178.276(e)	1.13
1083	Trimethylamine, anhydrous	7.0 7.0 7.0 7.0	Allowed	Normal	0.56
1085	Vinyl bromide, stabilized	7.0 7.0 7.0 7.0	.....do	.....do	1.37
1086	Vinyl chloride, stabilized	10.6 9.3 8.0 7.0	.....do	.....do	0.81
1087	Vinyl methyl ether, stabilized	7.0 7.0 7.0 7.0	.....do	.....do	0.67
1581	Chloropicrin and methyl bromide mixture	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)	1.51
1582	Chloropicrin and methyl chloride mixture	19.2 16.9 15.1 13.1	.....do	§ 178.276(e)	0.81
1858	Hexafluoropropylene compressed *or* Refrigerant gas R 1216.	19.2 16.9 15.1 13.1	Allowed	Normal	1.11

PORTABLE TANK INSTRUCTION—Continued

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
1912	Methyl chloride and methylene chloride mixture	15.2 13.0 11.6 10.1	.....do	.....do	0.81
1958	1,2-Dichloro-1,1,2,2-tetrafluoroethane *or* Refrigerant gas R 114.	7.0 7.0 7.0 7.0	.....do	.....do	1.3
1965	Hydrocarbon gas, mixture liquefied, n.o.s	([1])	.....do	.....do	See § 173.32(f)
1969	Isobutane	8.5 7.5 7.0 7.0	.....do	.....do	0.49
1973	Chlorodifluoromethane and chloropentafluoroethane mixture *with fixed boiling point, with approximately 49% chlorodifluoromethane or* Refrigerant gas R 502.	28.3 25.3 22.8 20.3	.....do	.....do	1.05
1974	Chlorodifluorobromomethane *or* Refrigerant gas R 12B1.	7.4 7.0 7.0 7.0	.....do	.....do	1.61
1976	Octafluorocyclobutane *or* Refrigerant gas RC 318	8.8 7.8 7.0 7.0	.....do	.....do	1.34
1978	Propane	22.5 20.4 18.0 16.5	.....do	.....do	0.42
1983	1-Chloro-2,2,2-trifluoroethane *or* Refrigerant gas R 133a.	7.0 7.0 7.0 7.0	.....do	.....do	1.18
2035	1,1,1-Trifluoroethane compressed *or* Refrigerant gas R 143a.	31.0 27.5 24.2 21.8	.....do	.....do	0.76
2424	Octafluoropropane *or* Refrigerant gas R 218	23.1 20.8 18.6 16.6	.....do	.....do	1.07
2517	1-Chloro-1,1-difluoroethane *or* Refrigerant gas R 142b.	8.9 7.8 7.0 7.0	.....do	.....do	0.99
2602	Dichlorodifluoromethane and difluoroethane azeotropic mixture *with approximately 74% dichlorodifluoromethane or* Refrigerant gas R 500.	20.0 18.0 16.0 14.5	.....do	.....do	1.01
3057	Trifluoroacetyl chloride	14.6 12.9 11.3 9.9	Not allowed	§ 178.276(e)	1.17
3070	Ethylene oxide and dichlorodifluoromethane mixture *with not more than 12.5% ethylene oxide*.	14.0 12.0 11.0 9.0	Allowed	§ 178.276(e)	1.09
3153	Perfluoro (methyl vinyl ether)	14.3 13.4 11.2 10.2	.....do	Normal	1.14
3159	1,1,1,2-Tetrafluoroethane *or* Refrigerant gas R 134a.	17.7 15.7 13.8 12.1	.....do	.....do	1.04

PORTABLE TANK INSTRUCTION—Continued

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
3161	Liquefied gas, flammable, n.o.s.	(1)	do	do	See § 173.32(f)
3163	Liquefied gas, n.o.s.	(1)	do	do	See § 173.32(f)
3220	Pentafluoroethane *or* Refrigerant gas R 125	34.4 30.8 27.5 24.5	do	do	0.95
3252	Difluoromethane *or* Refrigerant gas R 32	43.0 39.0 34.4 30.5	do	do	0.78
3296	Heptafluoropropane *or* Refrigerant gas R 227	16.0 14.0 12.5 11.0	do	do	1.2
3297	Ethylene oxide and chlorotetrafluoroethane mixture, *with not more than 8.8% ethylene oxide*.	8.1 7.0 7.0 7.0	do	do	1.16
3298	Ethylene oxide and pentafluoroethane mixture, *with not more than 7.9% ethylene oxide*.	25.9 23.4 20.9 18.6	do	do	1.02
3299	Ethylene oxide and tetrafluoroethane mixture, *with not more than 5.6% ethylene oxide*.	16.7 14.7 12.9 11.2	do	do	1.03
3318	Ammonia solution, *relative density less* than 0.880 at 15 °C in water, with more than 50% ammonia.	(1)	do	§ 178.276(e)	§ 173.32(f)
3337	Refrigerant gas R 404A	31.6 28.3 25.3 22.5	do	Normal	0.84
3338	Refrigerant gas R 407A	31.3 28.1 25.1 22.4	do	do	0.95
3339	Refrigerant gas R 407B	33.0 29.6 26.5 23.6	do	do	0.95
3340	Refrigerant gas R 407C	29.9 26.8 23.9 21.3	do	do	0.95

[1] See MAWP definition in § 178.276(a).

(v) When portable tank instruction T75 is referenced in Column (7) of the § 172.101 Table, the applicable refrigerated liquefied gases are authorized to be transported in portable tanks in accordance with the requirements of § 178.277 of this subchapter.

(vi) When a specific portable tank instruction is specified by a T Code in Column (7) of the § 172.101 Table for a specific hazardous material, a Specification portable tank conforming to an alternative tank instruction may be used if:

(A) the portable tank has a higher or equivalent test pressure (for example, 4 bar when 2.65 bar is specified);

(B) the portable tank has greater or equivalent wall thickness (for example, 10 bar when 6 bar is specified);

(C) the portable tank has a pressure relief device as specified in the T Code or is preceded by a frangible disc when no frangible disc is required. If a frangible disc is required in series with the pressure relief device, the alternative portable tank must be fitted with a frangible disc; and

(D) the portable tank is fitted with bottom openings having two or three effective means of closure or no bottom openings when two effective means of closure are specified; or the portable tank has no bottom openings or three effective means of closure when three effective means of closure are specified. If no bottom openings are authorized, the alternative portable tank must not have bottom openings.

(vii) When a hazardous material is not assigned a portable tank T Code or TP 9 is referenced in Column (7) of the § 172.101 Table, the hazardous material may only be transported in a portable tank if approved by the Associate Administrator.

(viii) Portable tank special provisions are assigned to certain hazardous materials to specify requirements that are in addition to those provided by the portable tank instructions or the requirements in part 178 of this subchapter. Portable tank special provisions are designated with the abbreviation TP (tank provision) and are assigned to specific hazardous materials in Column (7) of the § 172.101 Table. The following is a list of the portable tank special provisions:

Code/Special Provisions

TP1 The maximum degree of filling must not exceed the degree of filling determined by the following (see Note 1 following TP3 for an explanation of the coefficients):

$$\left(\text{Degree of filling} = \frac{97}{1+\alpha\,(tr-tf)}\right).$$

TP2 The maximum degree of filling must not exceed the degree of filling determined by the following (see Note 1 following TP3):

$$\left(\text{Degree of filling} = \frac{95}{1+\alpha\,(tr-tf)}\right).$$

TP3 a. For liquids transported under elevated temperature, the maximum degree of filling is determined by the following:

$$\left(\text{Degree of filling} = 95\frac{dr}{df}\right).$$

Where: α is the mean coefficient of cubical expansion of the liquid between the mean temperature of the liquid during filling (t_f) and the maximum mean bulk temperature during transportation (t_r) both in degrees celsius.

b. For liquids transported under ambient conditions α may be calculated using the formula:

$$\propto = \frac{d_{15} - d_{50}}{35\ d_{50}}$$

Where: d_{15} and d_{50} are the densities of the liquid at 15 °C (59 °F) and 50 °C (122 °F), respectively.

TP4 The maximum degree of filling for portable tanks must not exceed 90%.

TP5 [Reserved.]

TP6 To prevent the tank from bursting in an event, including fire engulfment under the conditions prescribed in CGA pamphlet S–1.2 (see § 171.7 of this subchapter), it must be equipped with pressure relief devices that are adequate in relation to the capacity of the tank and the nature of the hazardous material transported.

TP7 The vapor space must be purged of air by nitrogen or other means.

TP8 A portable tank having a minimum test pressure of 1.5 bar (150 kPa) may be used when the flashpoint of the hazardous material transported is greater than 0 °C (32 °F).

TP9 A hazardous material assigned to special provision TP9 in Column (7) of the § 172.101 Table may only be transported in a portable tank if approved by the Associate Administrator.

TP10 The portable tank must be fitted with a lead lining at least 5 mm (0.2 inches) thick. The lead lining must be tested annually to ensure that it is intact and functional. Another suitable lining material may be used if approved by the Associate Administrator.

TP12 This material is considered highly corrosive to steel.

TP13 Self-contained breathing apparatus must be provided when this hazardous material is transported by sea.

TP16 The tank must be protected against over and under pressurization which may be experienced during transportation. The means of protection must be approved by the approval agency designated to approve the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter. The pressure relief device must be preceded by a frangible disk in accordance with the requirements of § 178.275(f)(3) of this subchapter to prevent crystallization of the product in the pressure relief device.

TP17 Only inorganic non-combustible materials may be used for thermal insulation of the tank.

TP18 The temperature of this material must be maintained between 18 °C (64.4 °F) and 40 °C (104 °F) while in transportation. Portable tanks containing solidified methacrylic acid must not be reheated during transportation.

TP19 The calculated wall thickness must be increased by 3 mm at the time of construction. Wall thickness must be verified ultrasonically at intervals midway between periodic hydraulic tests (every 2.5 years). The portable tank must not be used if the wall thickness is less than that prescribed by the applicable T code in Column (7) of the Table for this material.

TP20 This hazardous material must only be transported in insulated tanks under a nitrogen blanket.

TP21 The wall thickness must not be less than 8 mm. Tanks must be hydraulically tested and internally inspected at intervals not exceeding 2.5 years.

TP22 Lubricants for portable tank fittings must be oxygen compatible.

TP24 The portable tank may be fitted with a device to prevent the build up of excess pressure due to the slow decomposition of the hazardous material being transported. The device must be in the vapor space when the tank is filled under maximum filling conditions. This device must also prevent an unacceptable amount of leakage of liquid in the case of overturning.

TP25 Sulphur trioxide 99.95% pure and above may be transported in tanks without an inhibitor provided that it is maintained at a temperature equal to or above 32.5 °C (90.5 °F).

TP26 The heating device must be exterior to the shell. For UN 3176, this requirement only applies when the hazardous material reacts dangerously with water.

TP27 A portable tank having a minimum test pressure of 4 bar (400 kPa) may be used provided the calculated test pressure is 4 bar or less based on the MAWP of the hazardous material, as defined in § 178.275, where the test pressure is 1.5 times the MAWP.

TP28 A portable tank having a minimum test pressure of 2.65 bar (265 kPa) may be used provided the calculated test pressure is 2.65 bar or less based on the MAWP of the hazardous material, as defined in § 178.275 of this subchapter, where the test pressure is 1.5 times the MAWP.

TP29 A portable tank having a minimum test pressure of 1.5 bar (150.0 kPa) may be used provided the calculated test pressure is 1.5 bar or less based on the MAWP of the hazardous materials, as defined in § 178.275 of this subchapter, where the test pressure is 1.5 times the MAWP.

TP30 This hazardous material may only be transported in insulated tanks.

TP31 This hazardous material may only be transported in tanks in the solid state.

TP37 IM portable tanks are only authorized for the shipment of hydrogen peroxide solutions in water containing 72% or less hydrogen peroxide by weight. Pressure relief devices shall be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure. In addition, the portable tank must be designed so that internal surfaces may be effectively cleaned and passivated. Each tank must be equipped with pressure relief devices conforming to the following requirements:

Concentration of hydrogen peroxide solution	Total venting capacity in standard cubic feet per hour (S.C.F.H.) per pound of hydrogen peroxide solution
52% or less	11
Over 52%, but not greater than 60%	22
Over 60%, but not greater than 72%	32

TP38 Each tank must be insulated with an insulating material so that the overall thermal conductance at 15.5 °C (60 °F) is no more than 1.5333 kilojoules per hour per square meter per degree Celsius (0.075 Btu per hour per square foot per degree Fahrenheit) temperature differential. Insulating materials may not promote corrosion to steel when wet.

TP44 Each portable tank must be made of stainless steel, except that steel other than stainless steel may be used in accordance with the provisions of § 173.24b(b) of this

subchapter. Thickness of stainless steel for tank shell and heads must be the greater of 7.62 mm (0.300 inch) or the thickness required for a portable tank with a design pressure at least equal to 1.5 times the vapor pressure of the hazardous material at 46 °C (115 °F).

TP45 Each portable tank must be made of stainless steel, except that steel other than stainless steel may be used in accordance with the provisions of 173.24b(b) of this subchapter. Thickness of stainless steel for portable tank shells and heads must be the greater of 6.35 mm (0.250 inch) or the thickness required for a portable tank with a design pressure at least equal to 1.3 times the vapor pressure of the hazardous material at 46 °C (115 °F).

TP46 Portable tanks in sodium metal service are not required to be hydrostatically retested.

TP47 This hazardous material is not permitted for transport in IM portable tanks.

* * * * *

(8) * * *

Code/Special Provisions

W7 Vessel stowage category for uranyl nitrate hexahydrate solution is ''D'' as defined in § 172.101(k)(4).

W8 Vessel stowage category for pyrophoric thorium metal or pyrophoric uranium metal is ''D'' as defined in § 172.101(k)(4).

W9 When offered for transportation by water, the following Specification packagings are not authorized unless approved by the Associate Administrator: Woven plastic bags, plastic film bags, textile bags, paper bags, IBCs and bulk packagings.

* * * * *

13. In addition, in § 172.102, in paragraph (c)(3), Special Provisions B100, B101, B103, B104, B105, B106, B108, B109 and B110 would be removed.

14. In § 172.203, paragraph (d)(11) would be revised, new paragraphs (i)(5) and (i)(6) would be added, and paragraph (n) would be revised to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(d) * * *

(11) For a shipment of low specific activity material or surface contaminated objects, the appropriate group notation of LSA–I, LSA–II, LSA–III, SCO–I, or SCO–II, unless these symbols are contained in the proper shipping name.

* * * * *

(i) * * *

(5) Minimum flashpoint if 61°C or below (in °C closed cup (c.c.).

(6) Subsidiary hazards not communicated in the proper shipping name.

* * * * *

(n) *Elevated temperature materials.* If a liquid material in a package meets the definition of an elevated temperature material in § 171.8 of this subchapter, and the fact that it is an elevated temperature material is not disclosed in the proper shipping name (for example, when the words ''Molten'' or ''Elevated temperature'' are part of the proper shipping name), the word ''HOT'' must immediately precede the proper shipping name of the material on the shipping paper.

* * * * *

15. In § 172.402, paragraph (b) would be revised to read as follows:

§ 172.402 Additional labeling requirements.

* * * * *

(b) *Display of hazard class on labels.* The appropriate hazard class or division number must be displayed in the lower corner of a primary hazard label and a subsidiary hazard label. A subsidiary label meeting the specifications of this section which were in effect on [Date of publication of final rule] (such as, a label without the hazard class or division number displayed in the lower corner of the label) may continue to be used as a subsidiary label in domestic transportation by rail or highway until October 1, 2005, provided the color tolerances are maintained and are in accordance with the display requirements in this subchapter.

* * * * *

§ 172.405 [Amended]

16. In § 172.405, the following changes would be made:

a. In paragraph (a) introductory text, the wording ''subsidiary label when—'' would be removed and ''subsidiary label.'' would be added in its place.

b. Paragraphs (a)(1) and (a)(2) would be removed.

17. In § 172.411, the section heading, the text of paragraph (c) preceding the labels, and paragraph (d) would be revised to read as follows:

§ 172.411 EXPLOSIVE 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 labels.

* * * * *

(c) Except for size and color, the EXPLOSIVE 1.4, EXPLOSIVE 1.5 and EXPLOSIVE 1.6 labels must be as follows:

* * * * *

(d) In addition to complying with § 172.407, the background color on the EXPLOSIVE 1.4, EXPLOSIVE 1.5, EXPLOSIVE 1.6 and EXPLOSIVE subsidiary label must be orange. The ''*'' shall be replaced with the appropriate compatibility group. The compatibility group letter must be shown as a capitalized Roman letter. Division numerals must measure at least 30 mm (1.2 inches) in height and at least 5 mm (0.2 inches) in width.

18. In addition, in § 172.411, in paragraph (c), the wording ''EXPLOSIVE SUBSIDIARY LABEL:'' and the label following it would be removed.

19. In § 172.504, in paragraph (g), a sentence would be added at the end of the existing text and paragraphs (g)(1) through (g)(4) would be added to read as follows:

§ 172.504 General placarding requirements.

* * * * *

(g) * * * When more than one compatibility group placard is required for Class 1 materials, only one placard is required to be displayed as follows:

(1) Explosive articles of compatibility groups C, D or E may be placarded displaying compatibility group E.

(2) Explosive articles of compatibility groups C, D, E or N may be placarded displaying compatibility group D.

(3) Explosive substances of compatibility groups C and D may be placarded displaying compatibility group D.

(4) Explosive articles of compatibility groups C, D, E or G, except for fireworks, may be placarded displaying compatibility group E.

20. In § 172.519, paragraph (b)(4) would be revised to read as follows:

§ 172.519 General specifications for placards.

* * * * *

(b) * * *

(4) For a placard corresponding to the primary or subsidiary hazard class of a material, the hazard class or division number must be displayed in the lower corner of the placard. A permanently affixed subsidiary placard meeting the specifications of this section which were in effect on [date of publication of final rule] (such as, a placard without the hazard class or division number displayed in the lower corner of the placard) and which was installed prior to October 1, 2001, may continue to be used as a subsidiary placard in domestic transportation by rail or highway, provided the color tolerances are maintained and are in accordance with the display requirements in this subchapter. Stocks of non-permanently affixed subsidiary placards in compliance with the requirements in effect on [date of publication of final rule], may continue to be used in domestic transportation by rail or highway until October 1, 2005, or until current stocks are depleted, whichever occurs first.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

21. The authority citation for part 173 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.53.

22. In § 173.2a, in paragraph (b), in the Precedence of Hazard Table, in the first column, the first three entries would be amended by adding a footnote reference ''[2]'' immediately following ''I'', ''II'', and ''III'', respectively, and in footnote 2 at the end of the table would be revised to read as follows:

§ 173.2a Classification of a material having more than one hazard.

* * * * *

(b) * * *

PRECEDENCE OF HAZARD TABLE

* * * * * * *

[2] Materials of Division 4.1 other than self-reactive substances and solid desensitized explosives, and materials of Class 3 other than liquid desensitized explosives.

* * * * *

23. In § 173.4, paragraph (a)(1) introductory text is revised to read as follows:

§ 173.4 Small quantity exceptions.

(a) * * *

(1) The maximum quantity of material per inner receptacle or article is limited to:

* * * * *

24. In § 173.24b, paragraph (e) would be added to read as follows:

§ 173.24b Additional general requirements for bulk packagings.

* * * * *

(e) *Specification packagings and UN standard packagings manufactured outside the United States*—(1) *UN portable tanks.* A UN portable tank manufactured in the United States must conform in all details to the applicable requirements in this part, the specification requirements in part 178 of this subchapter and the retest requirements in part 180 of this subchapter.

(2) *UN portable tanks manufactured outside the United States.* A UN portable tank manufactured outside the United States, in accordance with national or international regulations based on the UN Recommendations on the Transport of Dangerous Goods and is an authorized packaging, it may be filled, offered and transported in the United States, if the § 172.101 Table of this subchapter authorizes the hazardous material and it conforms to the applicable T code and tank provision codes assigned to the hazardous material in Column (7) of the Table. In addition, the portable tank must be in accordance with the following:

(i) Conform to applicable provisions in the UN Recommendations on the Transport of Dangerous Goods (Incorporated by reference, see § 171.7 of this subchapter) and the requirements of this subpart;

(ii) Be capable of passing the prescribed tests in part 178 of this subchapter applicable to the UN portable tank specification;

(iii) Be designed and manufactured according to the ASME Code (Incorporated by reference, see § 171.7 of this subchapter) or a pressure vessel design code approved by the Associate Administrator;

(iv) Be approved by the Associate Administrator when the portable tank is designed and constructed under the provisions of an alternative arrangement (see § 178.274(a)(2) of this subchapter); and

(v) When manufactured in a country other than the United States, the competent authority of the country of manufacture must provide reciprocal treatment for UN portable tanks manufactured in the United States.

25. Section 173.32 would be revised to read as follows:

§ 173.32 Requirements for the use of portable tanks.

(a) *General requirements.* No person may offer a hazardous material for transportation in a portable tank except as authorized by this subchapter.

(1) Except as otherwise provided in this subpart, a portable tank may not be used for the transportation of a hazardous material unless it meets the requirements of this subchapter.

(2) No person may fill and offer for transportation a portable tank when the prescribed periodic test or inspection under subpart G of part 180 of this subchapter has become due until the test or inspection has been successfully completed. This requirement does not apply to any portable tank filled prior to the test or inspection due date.

(3) When a portable tank is used as a cargo tank container, it shall conform to all the requirements prescribed for cargo tank containers. (See § 173.33.)

(b) *Substitute packagings.* A particular Specification portable tank may be substituted for another portable tank as follows:

(1) An IM or UN portable tank may be used whenever an IM or UN portable tank having less stringent requirements is authorized provided the portable tank meets or exceeds the requirements for pressure-relief devices, bottom outlets and any other special provisions specified in § 172.102(c)(7)(vi) of this subchapter.

(2) Where a Specification IM101 or IM102 portable tank is prescribed, a Specification 51 portable tank otherwise conforming to the special commodity requirements of § 172.102(c)(7) of this subchapter may be used.

(3) A DOT Specification 51 portable tank may be used whenever a DOT Specification 56, 57, or 60 portable tank is authorized. A DOT Specification 60 portable tank may be used whenever a DOT Specification 56 or 57 portable tank is authorized. A higher integrity tank used instead of a specified portable tank must meet the same design profile; for example, a DOT Specification 51 portable tank must be lined if used instead of a lined DOT Specification 60 portable tank.

(c) *Grandfather provisions for portable tanks*—(1) *Continued use of specification 56 and 57 portable tanks.* Continued use of an existing portable tank constructed to DOT Specification 56 or 57 is authorized only for a tank constructed before October 1, 1996. A stainless steel portable tank internally lined with polyethylene that was constructed on or before October 1, 1996, and that meets all requirements of DOT Specification 57 except for being equipped with a polypropylene discharge ball valve and polypropylene secondary discharge opening closure, may be marked as a Specification 57 portable tank and used in accordance with the provisions of this section.

(2) A DOT Specification 51 and IM 101 or IM 102 portable tank may not be manufactured after January 1, 2003 may continue to be used for the transportation of a hazardous material provided they fulfill the requirements of

this subchapter, including the specification requirements and the requirements of this subchapter for the transportation of the particular hazardous material (see § 171.14(d)(5) of this subchapter), and provided it conforms to the periodic inspection and tests specified for the particular portable tank in subpart G of part 180 of this subchapter. On and after January 1, 2003, all newly manufactured portable tanks must conform to the requirements for the design, construction and approval of UN portable tanks as specified in §§ 178.273, 178.274, 178.275, 178.276 and 178.277 of this subchapter.

(3) A DOT Specification portable tank manufactured prior to January 1, 1992 that is equipped with a non-reclosable pressure relief device may continue in service for the hazardous materials for which it is authorized. Except for a DOT Specification 56 or 57 portable tank, a DOT Specification portable tank manufactured after January 1, 1992, used for materials meeting the definition for Division 6.1 liquids, Packing Group I or II, Class 2 gases, or Class 3 or 4 liquids, must be equipped with a re-closing pressure relief valve having adequately sized venting capacity.

(d) *Maximum Allowable Working Pressure.* (1) Prior to filling and offering a portable tank for transportation, the shipper must confirm that the portable tank conforms to the specification required for the hazardous material and that the maximum allowable working pressure (MAWP) of the portable tank is greater than or equal to the highest pressure obtained under the following conditions:

(i) For compressed gases and certain refrigerated liquids that are not cryogenic liquids and that are not transported in a UN portable tank, the pressure prescribed in § 173.315. For liquefied compressed gases transported in a UN portable tank, the pressures prescribed in T50 in § 172.102 of this subchapter.

(ii) For liquid hazardous materials the pressures specified in § 178.275(a) of this subchapter used for determining the MAWP.

(iii) The maximum pressure used to load or unload the hazardous material.

(2) Unless otherwise specified, where a portable tank is authorized, the minimum tank design pressure is 172 kPa (25 psig) for any Packing Group I or Packing Group II liquid hazardous material that meets more than one hazard class definition.

(e) *External inspection prior to filling.* Each portable tank must be given a complete external inspection. Any unsafe condition must be corrected prior to its being offered for transportation. The external inspection shall include a visual inspection of:

(1) The shell, piping, valves and other appurtenances for corroded areas, dents, defects in welds and other defects such as missing, damaged, or leaking gaskets;

(2) All flanged connections or blank flanges for missing or loose nuts and bolts;

(3) All emergency devices for corrosion, distortion, or any damage or defect that could prevent their normal operation;

(4) All required markings on the tank for legibility; and

(5) Any device for tightening manhole covers to ensure such devices are operative and adequate to prevent leakage at the manhole cover.

(f) *Loading requirements.* (1) A hazardous material may not be loaded in a portable tank if the part of the tank or any of its appurtenances having contact with the material during transportation would be damaged, would cause a dangerous reaction with the material or would compromise the ability of the portable tank to retain the hazardous material.

(2) A hazardous material may not be loaded in a portable tank unless it has pressure relief devices providing total relieving capacity meeting the requirements of this subchapter.

(3) Except during a hydrostatic test, a portable tank may not be subjected to a pressure greater than its maximum allowable working pressure.

(4) A portable tank may not be loaded to a gross weight greater than the maximum allowable gross weight specified on its identification plate.

(5) Except for a non-flowable solid or a liquid with a viscosity of 2,680 centistokes (millimeters squared per second) or greater at 20°C (68 °F), a portable tank or compartment thereof having a volume greater than 7,500 L (1,980 gallons) may not be loaded to a filling density of more than 20% and less than 80% by volume. This filling restriction does not apply if a portable tank is divided by partitions or surge plates into compartments of not more than 7,500 L (1,980) capacity. Portable tanks must not be offered for transportation in an ullage condition liable to produce an unacceptable hydraulic force due to surge.

(6) The outage for a portable tank may not be less than 2% at a temperature of 50 °C (122 °F). For UN portable tanks, the applicable maximum filling limits apply as specified according to the assigned TP codes in Column (7) of the § 172.101 Table of this subchapter except when transported domestically.

(7) Each tell-tale indicator for the space between a frangible disc and a safety relief valve mounted in series must be checked after the tank is filled and prior to transportation to ensure that the frangible disc is leak free. Any leakage through the frangible disc must be corrected prior to offering the tank for transportation. The tell-tale device must be designed to prevent the loss of any hazardous material through the device itself while the tank is in transportation.

(8) During filling, the temperature of the hazardous materials shall not exceed the limits of the design temperature range of the portable tank.

(9) The maximum mass of liquefied compressed gas per liter (gallon) of shell capacity (kg/L or lbs./gal.) may not exceed the density of the liquefied compressed gas at 50 °C (122 °F). The portable tank must not be liquid full at 60 °C (140 °F).

(g) *Relief system.* Any DOT Specification portable tank manufactured prior to January 1, 1992 that is equipped with a non-reclosable pressure relief device may continue in service for the hazardous materials for which it it is authorized. Except for DOT Specification 56 and 57 portable tanks, any DOT Specification portable tank manufactured after January 1, 1992 used for materials meeting the definition for Division 6.1 liquids Packing Group I or II, Class 2 gases, or Class 3 or 4 liquids must be equipped with a reclosing pressure relief valve having adequately sized venting capacity.

(h) *Additional requirements for specific modal transport.* In addition to other applicable requirements, the following apply:

(1) A portable tank containing a hazardous material may not be loaded on a highway or rail transport vehicle unless loaded entirely within the horizontal outline thereof, without overhang or projection of any part of the tank assembly. In addition, for unloading a portable tank, see § 177.834(h) of this subchapter.

(2) A portable tank used for the transportation of flammable liquids by rail may not be fitted with non-reclosing pressure relief devices except in series with reclosing pressure relief valves.

(3) A portable tank or Specification 106A or 110A multi-unit tank car containing a hazardous material may not be offered for transportation aboard a passenger vessel unless:

(i) The vessel is operating under a change to its character of vessel certification as defined in § 171.8 of this subchapter; and

(ii) The material is permitted to be transported aboard a passenger vessel in the § 172.101 Table of this subchapter.

(i) *Additional general commodity specific requirements.* In addition to other applicable requirements, the following requirements apply:

(1) Each uninsulated portable tank used for the transportation of liquefied compressed gases must have an exterior surface finish that is significantly reflective, such as a light-reflecting color if painted, or a bright reflective metal or other material if unpainted.

(2) If a hazardous material is being transported in a molten state, the portable tank must be thermally insulated with suitable insulation material of sufficient thickness that the overall thermal conductance is not more than 0.080 Btu per hour per square foot per degree Fahrenheit differential.

(j) *Additional requirements for portable tanks other than IM specification and UN portable tanks.* (1) The bursting strength of any piping and fittings must be at least four times the design pressure of the tank, and at least four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves) that may subject piping to pressures greater than the design pressure of the tank.

(2) Pipe joints must be threaded, welded or flanged. If threaded pipe is used, the pipe and pipe fittings must not be lighter than (Schedule 80) weight. Non-malleable metals must not be used in the construction of valves or fittings. Where copper tubing is permitted, joints must be brazed or be of equally strong metal union type. The melting point of brazing material may not be lower than 1,000 °F (537.8°C). The method of joining tubing must not decrease the strength of the tubing such as by the cutting of threads.

(3) Non-malleable metals may not be used in the construction of valves or fittings.

(4) Suitable provision must be made in every case to allow for expansion, contraction, jarring and vibration of all pipe. Slip joints may not be used for this purpose.

(5) Piping and fittings must be grouped in the smallest practicable space and must be protected from damage as required by the specification.

(6) All piping, valves and fittings on every portable tank must be leakage tested with gas or air after installation and proved tight at not less than the design pressure of the portable tank on which they are used. In the event of replacement, all such piping, valves, or fittings so replaced must be tested in accordance with the requirements of this section before the portable tank is returned to transportation service. The requirements of this section apply to all hoses used on portable tanks, except that hoses may be tested either before or after installation on the portable tank.

(7) All materials used in the construction of portable tanks and their appurtenances may not be subject to destructive attack by the contents of the tank.

(8) All parts of the portable tanks and appurtenances for anhydrous ammonia must be steel. No aluminum, copper, silver, zinc, nor their alloys may be used. Brazed joints may not be used.

(9) Each outlet of a portable tank used for the transportation of liquefied compressed gases, except carbon dioxide, must be provided with a suitable automatic excess-flow valve (see definition in § 178.337–1(g) of this subchapter). These valves must be located inside the portable tank or at a point outside the portable tank where the line enters or leaves the portable tank. The valve seat must be located inside the portable tank or may be located within a welded flange or its companion flange, or within a nozzle or within a coupling. The installation must be made in such a manner as to reasonably assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

(i) Safety device connections and liquid level gauging devices that are constructed so that the outward flow of tank contents willl not exceed that passed by an opening of 0.1397 cm (0.0550 inches) are not required to be equipped with excess-flow valves.

(ii) An excess-flow valve must close automatically if the flow reaches the rated flow of gas or liquid specified by the original valve manufacturer when piping mounted directly on the valve is sheared off before the first valve, pump, or fitting downstream from the excess flow valve.

(iii) An excess-flow valve may be designed with a by-pass, not to exceed a 0.1016 cm (0.040 inches) diameter opening to allow equalization of pressure.

(iv) Filling and discharge lines must be provided with manually operated shut-off valves located as close to the tank as practical. The use of ''Stop-Check'' valves to satisfy with one valve the requirements of this section is forbidden.

(10) Each portable tank used for carbon dioxide and nitrous oxide must be lagged with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 Btu per square foot per degree Fahrenheit differential in temperature per hour. The conductance must be determined at 60° Fahrenheit. Insulation material used on portable tanks for nitrous oxide must be noncombustible.

(11) A refrigerating and/or heating coil or coils must be installed in portable tanks used for carbon dioxide and nitrous oxide. Such coils must be tested externally to at least the same pressure as the test pressure of the portable tank. The coils must also be tested internally to at least twice the working pressure of the heating or refrigerating system to be used, but in no case less than the test pressure of the portable tank. Such coils must be securely anchored. The refrigerant or heating medium to be circulated through the coil or coils must be such as to cause no adverse chemical reaction with the portable tank or its contents in the event of leakage.

§ 173.32a [Removed]

26. § 173.32a would be removed.

§ 173.32b [Removed]

27. § 173.32b would be removed.

§ 173.32c [Removed]

28. § 173.32c would be removed.

29. In § 173.61, paragraph (e)(3) would be revised and a new paragraph (e)(8) would be added to read as follows:

§ 173.61 Mixed packaging requirements.

* * * * *

(e) * * *

(3) Explosives of compatibility group S may be packaged together with explosives of all other compatibility groups except A and L, and the entire package shall be treated as belonging to any of the packaged compatibility groups except S.

* * * * *

(8) Explosive articles of compatibility groups C, D, E and G, except for fireworks and articles requiring special packaging, may be packaged together and the entire package shall be treated as belonging to compatibility group E.

§ 173.62 [Amended]

30. In § 173.62, in paragraph (c), in the Explosives Packing Instructions Table, in the fourth column, the following changes would be made in appropriate packaging specification number order:

a. For packing instruction entries, 112(a), 112(b), 112(c), 113, 115, 116, 130, 131, 134, 135, 136, 138, 140, 141, 142 and 144, under the word ''Drums'', the wording ''plywood (1D)'' would be added in the alpha-numeric order of the parenthetical.

b. For the packing instruction entries, 112(c), 113, 115, 134, 138 and 140, under the word ''Drums'', the wording ''plastics, removable head (1H2)'' would be added in the alpha-numeric order of the parenthetical.

c. For the packing instruction entries, 134 and 138, under the word ''Drums'', the wording ''fiberboard (1G)'' would be added in the alpha-numeric order of the parenthetical.

d. For the packing instruction entry, 144, under the wording ''plastics, expanded (4H1)'', the word ''Drums.'' would be added and under the new word ''Drums.'', the wording, ''steel, removable head (1A2)'', ''Aluminum, removable head (1B2)'' and ''plastics, removable head (1H2)'' would be added in the alpha-numeric order of the parenthetical.

e. For the packing instruction entry, 144, under the word ''Boxes'', the wording ''plastics, solid (4H2)'' would be added in the alpha-numeric order of the parenthetical.

f. For the packing instruction entries, 112(c) and 113, under the word ''Boxes'', the wording ''aluminum (4B)'' would be added in the alpha-numeric order of the parenthetical.

31. In § 173.128, paragraph (d)(1)(ii) would be revised to read as follows:

§ 173.128 Class 5, Division 5.2—Definitions and types.

* * * * *

(a) * * *

(1) * * *

(ii) A mixture of organic peroxides prepared according to § 173.225(c)(3); or

* * * * *

32. In § 173.150, paragraph (d)(2) is revised to read as follows:

§ 173.150 Exceptions for Class 3 (flammable) and combustible liquids.

* * * * *

(d) * * *

(2) Is in an inner packaging of five liters (1.3 gallons) or less, and is not transported as checked or carry-on baggage by passenger aircraft, except as provided in § 175.10(a)(17) of this subchapter; or

* * * * *

33. In § 173.162, paragraph (a) introductory text and (a)(1) would be revised to read as follows:

§ 173.162 Gallium.

(a) Except when packaged in cylinders or steel flasks, gallium must be packaged in packagings which meet the requirements of part 178 of this subchapter at the Packing Group I performance level for transportation by aircraft, and at the Packing Group III performance level for transport by highway, rail or vessel, as follows:

(1) In combination packagings intended to contain liquids consisting of glass, earthenware or rigid plastic inner packagings with a maximum net mass of 15 kg (33 pounds) each. The inner packagings must be packed in wood boxes (4C1, 4C2, 4D, 4F), fiberboard boxes (4G), plastic boxes (4H1, 4H2), fiber drums (1G) or removable head steel and plastic drums or jerricans (1A2, 1H2, 3A2 or 3H2) with sufficient cushioning materials to prevent breakage. Either the inner packagings or the outer packagings must have inner liners or bags of strong leakproof and puncture-resistant material impervious to the contents and completely surrounding the contents to prevent it from escaping from the package, irrespective of its position.

* * * * *

34. In § 173.185, a new sentence would be added at the end of paragraph (a), paragraphs (b) introductory text, (b)(1), (b)(2), (b)(5), (c)(1), (c)(2), and (c)(3) would be revised, and a heading would be added to paragraph (c) to read as follows:

§ 173.185 Lithium batteries and cells.

(a) * * * For the purposes of this subchapter, ''lithium content'' means the mass of lithium in the anode of a lithium metal or lithium alloy cell, except in the case of a lithium ion cell where the ''equivalent lithium content'' in grams is calculated to be 0.3 times the rated capacity in ampere-hours.

(b) *Exceptions.* Cells and batteries are not subject to the requirements of this subchapter if they meet the following requirements:

(1) Each cell with a liquid cathode may contain no more than 0.5 g of lithium content. Each cell with a solid cathode may contain no more than 1.0 g lithium content. Each lithium ion cell may contain no more than 1.5 g of equivalent lithium content;

(2) Each battery with a liquid cathode may contain an aggregate quantity of no more than 1.0 g lithium content. Each battery with a solid cathode may contain an aggregate quantity of no more than 2.0 g of lithium content. Each lithium-ion battery may contain an aggregate quantity of no more than 8.0 grams of equivalent lithium content;

* * * * *

(5) If when fully charged, the aggregate lithium content of the anodes in a liquid cathode battery is more than 0.5 g, or the aggregate lithium content of the anodes in a solid cathode battery is more than 1.0 g, then the battery may not contain a liquid or gas that is a hazardous material according to this subchapter unless the liquid or gas, if free, would be completely absorbed or neutralized by other materials in the battery.

(c) *Additional exceptions.* * * *

(1) The lithium content of the anode of each cell, when fully charged, is not more than 5 g;

(2) The aggregate lithium content of the anodes of each battery, when fully charged, is not more than 25 g;

(3) Each cell or battery is of the type proven to be non-dangerous by testing in accordance with tests in the UN Manual of Tests and Criteria (incorporated by reference, see § 171.7 of this subchapter). Such testing must be carried out on each type of cell or battery prior to the initial transport of that type; and

* * * * *

35. In § 173.224, paragraph (b)(4) would be revised; in the table following paragraph (b)(7), the following entry would be added in the appropriate alphabetical order; and paragraph (d) would be removed, to read as follows:

§ 173.224 Packaging and control and emergency temperatures for self-reactive materials.

* * * * *

(b) * * *

(4) *Packing method.* Column 4 specifies the highest packing method which is authorized for the self-reactive material. A packing method corresponding to a smaller package size may be used, but a packing method corresponding to a larger package size may not be used. The Table of Packing Methods in § 173.225(d) defines the packing methods. Bulk packagings are authorized as specified in § 173.225(d) for Type F self-reactive substances. Additional bulk packagings are authorized if approved by the Associate Administrator.

* * * * *

(7) * * *

SELF-REACTIVE SUBSTANCES

Self-reactive substance (1)	Identification No. (2)	Concentration—(%) (3)	Packing method (4)	Control temperature—(°C) (5)	Emergency temperature (6)	Notes (7)
* * *		*	*	*		*
2,2′-Azodi(isobutyronitrile) as a water based paste	3224	≤50%	OP6	.....	.....	.....
* * *		*	*	*		*

* * * * *

36. In § 173.225, in paragraph (b), in the Organic Peroxide Table, the following entries would be removed and added in the appropriate alphabetical order; in Column (8), ''7'' and ''10'' would be removed each place they appear; and in the ''NOTES'' immediately following the Table, Notes ''7'' and ''10'' would be removed and reserved and Notes ''26'' and ''27'' would be added in the appropriate numerical order; and paragraphs (e) introductory text, (e)(3), and (e)(5) would be revised to read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

* * * * *

(b) * * *

ORGANIC PEROXIDE TABLE

Technical name (1)	ID number (2)	Concentration (mass %) (3)	Diluent (mass %) A (4a)	Diluent (mass %) B (4b)	Diluent (mass %) I (4c)	Water (mass %) (5)	Packing method (6)	Temperature (°C) Control (7a)	Temperature (°C) Emergency (7b)	Note (8)
* * *		*		*			*		*	
[REMOVE:]										
tert-Amyl peroxybenzoate	UN3105	≤96	≥4	.....	.....	.....	OP7	.....	.....	.....
* * *		*		*			*		*	
tert-Butyl peroxy-2-ethylhexanoate	UN3119	≤32	.....	≥68	.....	.....	Bulk	10	15	14
* * *		*		*			*		*	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3117	≤42	.....	.....	.....	.....	OP8	0	10	
* * *		*		*			*		*	
tert-Butyl peroxyneoheptanoate	UN3115	≤77	≥23	.....	.....	.....	OP7	10	15	
* * *		*		*			*		*	
tert-Butyl peroxypivalate	UN3119	≤27	.....	≥73	.....	.....	Bulk	−5	5	14
* * *		*		*			*		*	
Cumyl peroxyneoheptanoate	UN3115	≤77	≥23	.....	.....	.....	OP7	0	10	
* * *		*		*			*		*	
Cyclohexanone peroxide(s)	UN3105	≤72	.....	≥28	.....	.....	OP7	.....	.....	5
* * *		*		*			*		*	
1,1-Di-(tert-butylperoxy)-3,5,5- trimethylcyclohexane	UN3101	>90–100	.....	.....	.....	.....	OP5			
1,1-Di-(tert-butylperoxy)-3,5,5- trimethylcyclohexane	UN3103	>57–90	≥10	.....	.....	.....	OP5			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane	UN3106	≤57	.....	.....	≥43	.....	OP7.			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane	UN3107	≤57	≥43	.....	.....	.....	OP8			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane	UN3107	≤32	≥26	≥42	.....	.....	OP8			
* * *		*		*			*		*	
Di-(2-ethylhexyl) peroxydicarbonate	UN3115	≤77	.....	≥23	.....	.....	OP7	−15	−5	
* * *		*		*			*		*	
Diisopropyl peroxydicarbonate	UN3115	≤52	.....	≥48	.....	.....	OP7	−10	0	
* * *		*		*			*		*	
2,5-Dimethyl-2,5-di-(2-ethylhexanoylperoxy)hexane	UN3115	≤100	.....	.....	.....	.....	OP7	20	25	.....
* * *		*		*			*		*	
Dimyristyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42	.....	.....	.....	.....	IBC	15	25	10
* * *		*		*			*		* –	
Di-n-propyl peroxydicarbonate	UN3113	≤100	.....	.....	.....	.....	OP4	−25	−15	.....
* * *		*		*			*		*	
Di-(3,5,5-trimethylhexanoyl) peroxide	UN3119	≤38	≥62	.....	.....	.....	Bulk	−10	0	14
* * *		*		*			*		*	
Isopropyl sec-butyl peroxydicarbonate [and] Di-sec-butyl peroxy-dicarbonate [and] Di-isopropyl peroxydicarbonate.	UN3115	≤32 +≤15–18 +≤12–15	≥38	.....	.....	.....	OP7	−20	−10	.....
* * *		*		*			*		*	
2,4,4-Trimethylpentyl-2-peroxyneodecanoate	UN3115	≤72	.....	≥28	.....	.....	OP7	−5	5	.....
2,4,4-Trimethylpentyl-2-peroxyneodecanoate [as a stable dispersion in water]..	UN3119	≤52	.....	.....	.....	.....	OP8	−5	5	
2,4,4-Trimethylpentyl-2-peroxy phenoxyacetate	UN3115	≤37	.....	≥63	.....	.....	OP7	−10	0	

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Note
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
[ADD:]										
tert-Amyl peroxybenzoate	UN3103	≤100					OP5			
* * *		*		*			*		*	
tert-Butyl peroxy-2-ethylhexanoate	UN3119	≤32		≥68			Bulk	15	20	14
* * *		*		*			*		*	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3117	≤52					OP8	0	10	
* * *		*		*			*		*	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤42					IBC	−5	5	10
* * *		*		*			*		*	
tert-Butyl peroxyneodecanoate	UN3119	≤32	≥68				IBC	0	10	10
* * *		*		*			*		*	
tert-Butyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	0	10	
* * *		*		*			*		*	
tert-Butyl peroxypivalate	UN3119	≤27		≥73			Bulk	5	10	14
* * *		*		*			*		*	
Cumyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					IBC	−15	−5	
* * *		*		*			*		*	
Cumyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	−10	0	
* * *		*		*			*		*	
Cyclohexanone peroxide(s)	UN3105	≤72	≥28				OP7			5
* * *		*		*			*		*	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3101	>90–100					OP5			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3103	>57–90	≥10				OP5			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3105	≤77		≥23			OP7			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3106	≤57			≥43		OP7			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3107	≤57	≥43				OP8			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3107	≤32	≥26	≥42			OP8			
* * *		*		*			*		*	
2,2-Di-(4,4-di-(tert-butylperoxy cyclohexyl) propane	UN3107	≤ 22		≥78			OP8			
* * *		*		*			*		*	
Di-(2-ethylhexyl) peroydicarbonate [as a stable dispersion in water].	UN3119	≤52					IBC	−20	−10	
* * *		*		*			*		*	
Di-(2-ethoxyethyl) peroxydicarbonate	UN3115	≤52		≥48			OP7	−10	0	
* * *		*		*			*		*	
Di-(2-ethylhexyl) peroxydicarbonate	UN3115	≤77	≥23				OP7	−15	−5	
* * *		*		*			*		*	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water].	UN3117	≤ 62					OP8	−15	−5	
* * *		*		*			*		*	
Diisopropyl peroxydicarbonate	UN3115	≤52		≥48			OP7	−20	−10	
* * *		*		*			*		*	
Di-(3-methoxybutyl) peroxydicarbonate	UN3115	≤ 52		≥48			OP7	−5	5	
* * *		*		*			*		*	
Di-(3-methylbenzoyl) peroxide+Benzoyl (3-methylbenzoyl) peroxide+Dibenzoyl peroxide.	UN3115	≤ 20+ ≤18+ ≤4		≥58			OP7	35	40	
* * *		*		*			*		*	
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane	UN3108	≤77			≥23		OP8			
* * *		*		*			*		*	
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3	UN3101	>86–100					OP5			
* * *		*		*			*		*	
Dimyristyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					IBC	15	20	10
* * *		*		*			*		*	
Di-n-propyl peroxydicarbonate	UN3113	≤100					OP3	−25	−15	
* * *		*		*			*		*	
Di-n-propyl peroxydicarbonate	UN3113	≤77		≥23			OP5	−20	−10	
* * *		*		*			*		*	
tert-Hexyl peroxyneodecanoate	UN3115	≤71	≥29				OP7	0	10	
* * *		*		*			*		*	
tert-Hexyl peroxypivalate	UN3115	≤72		≥28			OP7	10	15	
* * *		*		*			*		*	
Methyl ethyl ketone peroxide(s)	UN3105	≤37	≥55			≥8	OP7 26			

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Note
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
* * *		*		*			*		*	
1,1,3,3-Tetramethylbutyl peroxyneodecanoate	UN3115	≤72	.....	≥28	.....	.....	OP7	−5	5	.....
1,1,3,3-Tetramethylbutyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52	.....	.....	.....	.....	IBC −5	−5	−10	
1,1,3,3-Tetramethylbutyl peroxy phenoxyacetate	UN3115	≤37	.....	≥63	.....	.....	OP7	−10	0	.....
* * *		*		*			*		*	
3,6,9-Triethyl-3,6,9-trimethyl-1,4,7-triperoxonane	UN3105	≤42	≥58	.....	.....	.....	OP7	.....	.....	27
* * *		*		*			*		*	

Notes:

* * * * *

26. Available oxygen must be ≤ 10%.
27. Available oxygen must be ≤ 7.6%.

* * * * *

(e) *Bulk packagings for organic peroxides.* The following bulk packagings are authorized:

* * * * *

(3) *Portable tanks.* The following requirements apply to portable tanks intended for the transport of Type F organic peroxides or Type F self-reactive substances. DOT 51, 57, IM 101 portable tanks, and UN portable tanks that conform to the requirements of T23 (see § 172.102(c)(7) of this subchapter), when T23 is specified in Column (7) of the § 171.101 Table of this subchapter for the Type F organic peroxide or Type F self-reactive substance. Type F organic peroxide or self-reactive substance formulations other than those indicated in T23 may be transported in portable tanks if approved by the Associate Administrator. The following conditions also apply:

(i) The portable tank must be designed for a test pressure of at least 0.4 MPa (4 bar).

(ii) Portable tanks must be fitted with temperature-sensing devices.

(iii) Portable tanks must be fitted with pressure relief devices and emergency-relief devices. Vacuum-relief devices may also be used. Pressure relief devices must operate at pressures determined according to both the properties of the hazardous material and the construction characteristics of the portable tank. Fusible elements are not allowed in the shell.

(iv) The pressure relief devices must consist of reclosing devices fitted to prevent significant build-up within the portable tank of the decomposition products and vapors released at a temperature of 50 °C (122 °F). The capacity and start-to-discharge pressure of the relief devices must be in accordance with the applicable requirements of this subchapter specified for the portable tank. The start-to-discharge pressure must in no case be such that liquid would escape from the pressure relief devices if the portable tank were overturned.

(v)(A) The emergency-relief devices may be of the reclosing or frangible types, or a combination of the two, designed to vent all the decomposition products and vapors evolved during a period of not less than one hour of complete fire engulfment as calculated by the following formula:

$$q = 70961\ F\ A^{0.82}$$

Where:
q = heat absorption (W)
A = wetted area (m^2)

(B) Insulation factor (F) in the formula in paragraph (e)(3)(v)(A) of this section equals 1 for non-insulated vessels and for insulated vessels F is calculated using the following formula:

$$F = \frac{U\left(923 - T_{PO}\right)}{47032}$$

Where:
U = K/L = heat transfer coefficient of the insulation ($W \cdot m^{-2} \cdot K^{-1}$); where K = heat conductivity of insulation layer ($W \cdot m^{-1} \cdot K^{-1}$), and L = thickness of insulation layer (m).
T_{PO} = temperature of material at relieving conditions (K).

(vi) The start-to-discharge pressure of emergency-relief devices must be higher than that specified for the pressure relief devices in paragraph (e)(3)(iv) of this section. The emergency-relief devices must be sized and designed in such a way that the maximum pressure in the shell never exceeds the test pressure of the portable tank.

Note to Paragraph (e)(3)(vi): An example of a method to determine the size of emergency-relief devices is given in Appendix 5 of the UN Manual of Tests and Criteria (incorporated by reference, see § 171.7 of this subchapter).

(vii) For insulated portable tanks, the capacity and setting of emergency-relief devices must be determined assuming a loss of insulation from 1 percent of the surface area.

(ix) Vacuum-relief devices and reclosing devices on portable tanks used for flammable hazardous materials must be provided with flame arresters. Any reduction of the relief capacity caused by the flame arrester must be taken into account and the appropriate relief capacity must be provided.

(x) Service equipment such as devices and external piping must be designed and constructed so that no hazardous material remains in them after filling the portable tank.

(xi) Portable tanks may be either insulated or protected by a sun-shield. If the SADT of the hazardous material in the portable tank is 55 °C (131 °F) or less, the portable tank must be completely insulated. The outer surface must be finished in white or bright metal.

(xii) The degree of filling must not exceed 90% at 15 °C (59 °F).

(xiii) DOT 57 metal portable tanks are authorized only for tert-butyl cumyl peroxide, di-(2-tert-butylperoxyisopropyl-benzene(s), dicumyl peroxide and mixtures of two or more of these peroxides.

* * * * *

(5) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to IB52 (see 172.102(c)(4) of this subchapter), as applicable, and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group II performance level. The following additional requirements also apply:

(i) IBCs shall be provided with a device to allow venting during transportation. The inlet to the pressure

relief device shall be sited in the vapor space of the IBC under maximum filling conditions during transportation.

(ii) To prevent explosive rupture of metal IBCs or composite IBCs with complete metal casing, the emergency-relief devices shall be designed to vent all the decomposition products and vapors evolved during self-accelerating decomposition or during a period of not less than one hour of complete fire-engulfment as calculated by the formula in paragraph (e)(3)(v) of this section. The control and emergency temperatures specified in IB52 are based on a non-insulated IBC.

37. In § 173.240, paragraphs (c) and (d) would be revised to read as follows:

§ 173.240 Bulk packagings for certain low hazard solid materials.

* * * * *

(c) *Portable tanks and closed bulk bins.* DOT 51, 56, 57 and 60 portable tanks; IMO type 1, 2 and 5, and IM 101 and IM 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; and sift-proof non-DOT Specification portable tanks and closed bulk bins are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

38. In § 173.241, paragraphs (c) and (d) would be revised to read as follows:

§ 173.241 Bulk packagings for certain low hazard liquid and solid materials.

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; IMO type 1, 2 and 5, and IM 101 and IM 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; and non-DOT Specification portable tanks suitable for transport of liquids are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

39. In § 173.242, paragraphs (c) introductory text and (d) would be revised to read as follows:

§ 173.242 Bulk packagings for certain medium hazard liquids and solids, including solids with dual hazards.

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; Specification IM and UN portable tanks when a T Code is specified in Column (7) of the § 172.101 Hazardous Materials Table for a specific hazardous material; and marine portable tanks conforming to 46 CFR part 64 are authorized. DOT Specification 57 portable tanks used for the transport by vessel of Class 3, Packaging Group II materials must conform to the following:

* * * * *

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

* * * * *

40. In § 173.243, paragraphs (c) and (d) would be revised to read as follows:

§ 173.243 Bulk packaging for certain high hazard liquids and dual hazard materials which pose a moderate hazard.

* * * * *

(c) *Portable tanks.* DOT Specification 51 and 60 portable tanks; UN portable tanks when a T code is specified in Column (7) of the § 172.101 Table of this subchapter for a specific hazardous material; and marine portable tanks conforming to 46 CFR part 64 with design pressure of at least 172.4 kPa (25 psig) are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2, and

(iv) Composite: 11HZ2 and 21HZ2.

* * * * *

41. In § 173.247, paragraph (c) would be revised to read as follows:

§ 173.247 Bulk packaging for certain elevated temperature materials (Class 9) and certain flammable elevated temperature materials (Class 3).

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; IM 101, 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; metal IBCs and non-

specification portable tanks equivalent in structural design and accident damage resistance to specification packagings are authorized.

* * * * *

42. In § 173.306, paragraph (a)(4)(iii) would be revised to read as follows:

§ 173.306 Limited quantities of compressed gases.

(a) * * *

(4) * * *

(iii) Non-pressurized gases, flammable must be packed in hermetically-sealed glass or metal inner packagings of not more than 5 L (1.3 gallons) overpacked in a strong outer packaging.

* * * * *

43. In § 173.315, the text of paragraph (a) preceding the table and paragraphs (i)(1)((iii), (i)(3), (i)(4) and (i)(8) would be revised and paragraph (i)(7) would be removed and reserved to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) Liquefied compressed gases that are transported in UN portable tanks must be loaded and offered for transportation in accordance with tank provision T50 in § 172.102 of this subchapter. A liquefied compressed gas offered for transportation in a cargo tank motor vehicle or a portable tank must be prepared in accordance with this section, § 173.32, § 173.33 and subpart E or subpart G of part 180 of this subchapter; for cryogenic liquids, also see § 173.326 and § 173.328. Except for UN portable tanks, a liquefied compressed gas must be loaded and offered for transportation in accordance with the following table:

* * * * *

(i) * * *

(1) * * *

(iii) For an insulated tank, the required relieving capacity of the relief valves must be the same as for an uninsulated tank, unless the insulation will remain in place and will be effective under fire conditions. In this case, except for UN portable tanks, each insulated tank must be covered by a sheet metal jacket of not less than 16 gauge thickness. For UN portable tanks where the relieving capacity of the valves has been reduced on the basis of the insulation system, the insulation system must remain effective at all temperatures less than 649 °C (1200.2 °F) and be jacketed with a material having a melting point of 700 °C (1292.0 °F) or greater.

* * * * *

(3) Each safety relief valve on a portable tank, other than a UN portable tank, must be set to start-to-discharge at pressure no higher than 110% of the tank design pressure and no lower than the design pressure specified in paragraph (a) of this section for the gas transported. For UN portable tanks used for liquefied compressed gases and constructed in accordance with the requirements of § 178.276 of this subchapter, the pressure relief device(s) must conform to § 178.276(e) of this subchapter.

(4) Except for UN portable tanks, each safety relief valve must be plainly and permanently marked with the pressure in p.s.i.g. at which it is set to discharge, with the actual rate of discharge of the device in cubic feet per minute of the gas or of air at 60 °F (15.6 °C) and 14.7 p.s.i.a., and with the manufacturer's name or trade name and catalog number. The start-to-discharge valve must be visible after the valve is installed. The rated discharge capacity of the device must be determined at a pressure of 120% of the design pressure of the tank. For UN portable tanks, each pressure relief device must be clearly and permanently marked as specified in § 178.274(f)(1) of this subchapter.

* * * * *

(8) Each safety relief valve outlet must be provided with a protective device to prevent the entrance and accumulation of dirt and water. This device must not impede flow through the valve. Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

44. The authority citation for Part 175 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

45. In § 175.10, paragraphs (a)(10) and (a)(16) would be revised, and paragraph (a)(17) would be added to read as follows:

§ 175.10 Exceptions.

(a) * * *

(10) Safety matches or a lighter intended for use by an individual when carried on one's person. However, lighters containing unabsorbed liquid fuel (other than liquefied gas), lighter fuel, and lighter refills are not permitted on one's person or in checked or carry-on baggage.

* * * * *

(16) Perfumes and colognes, purchased through duty-free sales, carried by passengers or crew in carry-on baggage.

(17) Alcoholic beverages containing—

(i) Not more than 24% alcohol by volume; or

(ii) More than 24% and not more than 70% alcohol by volume when in retail packagings not exceeding 5 liters (1.3 gallons) carried by a crewmember or passenger in checked or carry-on baggage, with a total net quantity per person of 5 liters (1.3 gallons) for such beverages.

* * * * *

46. In § 175.33, paragraph (a) introductory text would be revised to read as follows:

§ 175.33 Notification of pilot-in-command.

(a) Except as provided in § 175.10, when a hazardous material subject to the provisions of this subchapter is carried in an aircraft, the operator of the aircraft must provide the pilot-in-command with accurate and legible written information as early as practicable before departure of the aircraft, which specifies at least the following:

* * * * *

47. Section 175.78 would be revised to read as follows:

§ 175.78 Stowage compatibility of cargo.

(a) For stowage on an aircraft, in a cargo facility, or in any other area at an airport designated for the stowage of hazardous materials, packages containing hazardous materials which might react dangerously with one another may not be placed next to each other or in a position that would allow a dangerous interaction in the event of leakage.

(b) As a minimum, the segregation instructions prescribed in the following Segregation Table must be followed to maintain acceptable segregation between packages containing hazardous materials with different hazards. The Segregation Table instructions in paragraph (c) of this section apply whether or not the class or division is the primary or subsidiary risk. The Segregation Table follows:

SEGREGATION TABLE

Hazard label	Class or division							
	1	2	3	4.2	4.3	5.1	5.2	8
1	Note 1	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2
1	Note 2							
2	Note 2							
3	Note 2					X		
4.2	Note 2					X		
4.3	Note 2					X		X
5.1	Note 2		X	X				
5.2	Note 2							
8	Note 2				X			

(c) Instructions for using the Segregation Table are as follows:

(1) The dots at the intersection of a row and column indicate that no restrictions apply.

(2) The letter ''X'' at the intersection of a row and column indicates that packages containing these classes of hazardous materials may not be stowed next to or in contact with each other, or in a position which would allow interaction in the event of leakage of the contents.

(3) *Note 1.* ''Note 1'' at the intersection of a row and column means the following:

(i) For explosives in compatibility groups A through K and N—

(A) Packages bearing the same compatibility group letter and the same division number may be stowed together.

(B) Explosives of the same compatibility group, but different divisions may be stowed together provided the whole shipment is treated as belonging to the division having the smaller number. However, when explosives of Division 1.5 Compatibility Group D are stowed together with explosives of Division 1.2 Compatibility Group D, the whole shipment must be treated as Division 1.1, Compatibility Group D.

(C) Packages bearing different compatibility group letters may not be stowed , whether or not they belong to the same division, except as provided in paragraphs (c)(3)(ii) and (iii) of this section.

(ii) Explosives in Compatibility Group L may not be stowed with explosives in other compatibility groups. They may only be stowed with the same type of explosives in Compatibility Group L.

(iii) Explosives of Division 1.4, Compatibility Group S, may be stowed with explosives of all compatibility groups except for Compatibility Groups A and L.

(iv) Other than explosives of Division 1.4, Compatibility Group S (see paragraph (c)(3)(iii) of this section), and Compatibility Groups C, D and E that may be stowed together, explosives that do not belong in the same compatibility group may not be stowed together.

(A) Any combination of substances in Compatibility Groups C and D must be assigned to the most appropriate compatibility group shown in the § 172.101 Hazardous Materials Table.

(B) Explosives in Compatibility Group N may be stowed together with explosives in Compatibility Groups C, D and E when the combination is assigned Compatibility Group D.

(4) *Note 2.* ''Note 2'' at the intersection of a row and column means that other than explosives of Division 1.4, Compatibility Group S, explosives may not be stowed together with that class.

(5) Packages containing hazardous materials with multiple hazards in the class or divisions, which require segregation in accordance with the Segregation Table need not be segregated from other packages bearing the same UN number.

(6) A package labeled ''BLASTING AGENT'' may not be stowed next to or in a position that will allow contact with a package of special fireworks or railway torpedoes.

48. In § 175.85 paragraph (a) would be revised to read as follows:

§ 175.85 Cargo location.

(a) Except as provided in § 175.10, no person may carry a hazardous material subject to the requirements of this subchapter in the cabin of a passenger-carrying aircraft or on the flight deck of any aircraft. Hazardous materials may be carried in a main deck cargo compartment of a passenger aircraft provided that the compartment is inaccessible to passengers and that it meets all certification requirements for a Class B aircraft cargo compartment in 14 CFR 25.857(b) or for a Class C aircraft cargo compartment in 14 CFR 25.857(c).

* * * * *

PART 176—CARRIAGE BY VESSEL

49. The authority citation for part 176 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

50. In § 176.2, the following definition would be added in appropriate alphabetical order to read as follows:

§ 176.2 Definitions.

* * * * *

INF cargo means packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes as those terms are defined in the ''International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships'' (incorporated by reference, see § 171.7 of this subchapter).

* * * * *

51. In § 176.63, a new paragraph (e) would be added to read as follows:

§ 176.63 Stowage locations.

* * * * *

(e) *Closed cargo transport unit,* for the purpose of stowage of Class 1 (explosive) materials on board a vessel, means a clean, substantial, weatherproof box structure which can be secured to the ship's structure and includes a closed freight container, a closed vehicle, a closed rail wagon or a portable magazine. When this stowage is specified, stowage in small compartments such as deckhouses and mast lockers or oversized weatherproof packages (overpacks) are acceptable alternatives. The floor of any closed cargo transport unit or compartment shall be constructed of wood, close boarded or arranged so that goods are stowed on sparred gratings, wooden pallets or dunnage. Provided that the necessary additional specifications are met, a closed cargo transport unit may be used for Class 1 (explosive) magazine stowage type ''A,'' ''B'' or ''C,'' but not as a portable magazine.

52. In § 176.84, in paragraph (b) Table of provisions, the entries ''4'' and ''5''

would be revised, paragraph (c)(1) would be revised, in paragraph (c)(2), the List of Notes would be revised and paragraph (c)(3) would be removed to read as follows:

§ 176.84 Other requirements for stowage and segregation for cargo vessels and passenger vessels.

* * * * *

(b) *Table of provisions:*

Code	Provisions
* *	* * *
4	Stow ''Separated from'' liquid organic materials.
5	Stow ''Separated from'' powdered metals and their compounds.

Code	Provisions
* *	* * *

(c) * * *

(1) Explosive substances and explosive articles must be stowed in accordance with Column (10A) and Columm (10B) of the § 172.101 Table of this subchapter.

Notes	Provisions
5E	Stow ''away from'' lead and its compounds.
7E	Stowage category ''04'' for projectiles or cartridges for guns, cannons or mortars; Stowage category ''08'' for other types.
8E	When under deck, special stowage is required.
14E	On deck, cargo transport unit must be steel.
15E	On deck, cargo transport unit must be leakproof.
17E	On deck stowage is recommended.
19E	Substances which contain ammonium nitrate or other ammonium salts must be stowed ''away from'' Explosive, blasting, type C, UN0083.
20E	Stowage category ''03'' for projectiles or cartridges for guns, cannons or mortars; Stowage category ''07'' for other types; magazines must be of steel construction that prevents leakage.
21E	Cargo space ventilation must be carefully controlled to avoid excessive condensation.
22E	May not be stowed together with explosive substances containing ammonium nitrate or other ammonium salts. Segregate from other Class 1 (explosive) materials in the same manner as is required for flammable liquids.
23E	Stowage category ''13'' and, for on deck stowage, non-metallic lining of closed cargo transport unit is required when not in effectively sealed, sift-proof packages; Stowage category ''10'' permitted when in effectively sealed, sift-proof packages.
26E	For closed cargo transport unit, a non-metallic lining is required.
27E	Stow away from alkaline compounds.

§ 176.128 [Amended]

53. In § 176.128, in paragraph (c), the word ''UN 0600'' would be revised to read ''UN 0060''.

§ 176.136 [Amended]

54. In § 176.136, in paragraph (e), the word ''portable'' would be removed.

55. In § 176.142, paragraph (a) would be revised to read as follows:

§ 176.142 Hazardous materials of extreme flammability.

(a) Except as allowed by paragraph (b) of this section, certain hazardous materials of extreme flammability may not be transported in a vessel carrying Class 1 (explosive) materials. This prohibition applies to the following liquid hazardous materials:

Carbon disulfide: UN1131, Class 3
Diethylzinc: UN1366, Division 4.2
Dimethylzinc: UN1370, Division 4.2
Magnesium alkyls: UN3053, Division 4.2
Methyl phosphorous dichloride: NA2845, Division 6.1
Nickel carbonyl: UN1259, Division 6.1
Pyrophoric liquid, inorganic, n.o.s.: UN3194, Division 4.2
Pyrophoric liquids, organic, n.o.s.: UN2845, Division 4.2
Pyrophoric organometallic compound, water-reactive, n.o.s.: UN3203, Division 4.2

* * * * *

56. A new section § 176.720 would be added to subpart M to read as follows:

§ 176.720 Requirements for carriage of INF cargo in international transportation.

(a) A vessel carrying INF cargo in international transportation must meet the requirements of the INF Code (incorporated by reference, see § 171.7 of this subchapter) in addition to all other applicable requirements of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

57. The authority citation for part 177 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

58. In § 177.848, paragraph (g)(3)(vi) would be revised to read as follows:

§ 177.848 Segregation of hazardous materials.

* * * * *

(g) * * *

(3) * * *

(vi) ''6'' means explosive articles in compatibility group G, other than fireworks and those requiring special handling, may be loaded, transported and stored with articles of compatibility groups C, D and E, provided no explosive substances are carried in the same vehicle.

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

59. The authority citation for part 178 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

60. A new section § 178.273 would be added to subpart H to read as follows:

§ 178.273 Approval of Specification IM portable tanks and UN portable tanks.

(a) *Application for approval.* (1) An owner or manufacturer of a portable tank shall apply for approval to a designated approval agency authorized to approve the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter.

(2) Each application for approval must contain the following information:

(i) Three complete copies of all engineering drawings, calculations, and

test data necessary to ensure that the design meets the relevant specification.

(ii) The manufacturer's serial number that will be assigned to each portable tank.

(iii) A statement as to whether the design type has been examined by any approval agency previously and judged unacceptable. Affirmative statements must be documented with the name of the approval agency, reason for nonacceptance, and the nature of modifications made to the design type.

(b) *Action by approval agency.* The approval agency shall perform the following activities:

(1) Review the application for approval to determine whether it is complete and conforms with the requirements of paragraph (a) of this section. If an application is incomplete, it will be returned to the applicant and the applicant will be informed in what respects the application is incomplete.

(2) Review all drawings and calculations to ensure that the design is in compliance with all requirements of the relevant specification. If the application is approved, one set of the approved drawings, calculations, and test data shall be returned to the applicant. The second and third (inspector's copy) sets of approved drawings, calculations, and test data shall be retained by the approval agency. Maintain drawings and approval records for as long as the portable tank remains in service. The drawings and records must be provided to DOT upon request.

(3) Witness all tests required for the approval of the portable tank specified in § 178.273 and part 180, subpart G, of this subchapter.

(4) Ensure, through appropriate inspection that each portable tank is fabricated in all respects in conformance with the approved drawings, calculations, and test data.

(5) Determine and ensure that the portable tank is suitable for its intended use and that it conforms to the requirements of this subchapter.

(6) For UN portable tanks intended for liquefied compressed gases and Division 6.1 liquids which meet the inhalation toxicity criteria (Zone A or B) as defined in § 173.132 of this subchapter, or that are designated as toxic by inhalation materials in the § 172.101 Table of this subchapter, the approval agency must ensure that:

(i) The portable tank has been constructed in accordance with the ASME Code, Section VIII, Division 1 (incorporated by reference, see § 171.7 of this subchapter). ASME Code, Section VIII, Division II or other design code may be used if approved by the Associate Administrator (see § 178.274(b)(1));

(ii) All applicable provisions of the design and construction have been met to the satisfaction of the designated approval agency in accordance with the rules established in the ASME Code and that the portable tank meets the requirements of the ASME Code or other design code if approved by the Associate Administrator (see § 178.274(b)(1)), and all the applicable requirements specified in this subchapter;

(iii) The authorized inspector has carried out all the inspections specified by the rules established in the ASME Code; and

(iv) The portable tank is marked with a U stamp code symbol under the authority of an authorized independent inspector.

(7) For UN portable tanks the approval certificate must also include the following:

(i) The results of the applicable framework and rail impact test specified in part 180, subpart G, of this subchapter; and

(ii) The results of the initial inspection and test in § 180.605 of this subchapter.

(8) Upon successful completion of all requirements of this subpart, the approval agency shall:

(i) Apply its name, identifying mark or identifying number, and the date upon which the approval was issued, to the metal identification marking plate attached to the portable tank. Any approvals for UN portable tanks authorizing design or construction alternatives (Alternate Arrangements) approved by the Associate Administrator (see § 178.274(a)(2)) must be indicated on the plate as specified in § 178.274(i).

(ii) Issue an approval certificate for each portable tank or, in the case of a series of identical portable tanks manufactured to a single design type, for each series of portable tanks. The approval certificate must include all the information required to be displayed on the required metal identification plate required by § 178.270–14 for IM portable tanks, § 178.245–6 for specification 51 steel portable tanks, or § 178.274(i) for UN portable tanks. The approval certificate must attest that the approval agency designated to approve the portable tank has approved the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter and that the portable tank is suitable for its intended purpose and meets the requirements of this subchapter. When a series of portable tanks is manufactured without change in the design type, the certificate may be valid for the entire series of portable tanks representing a single design type. For UN portable tanks, the certificate must refer to the prototype test report, the hazardous materials or group of hazardous materials allowed to be transported, the materials of construction of the shell and lining (when applicable) and an approval number. The approval number must consist of the distinguishing sign or mark of the country (''USA'' for the United States of America) where the approval was granted and a registration number.

(iii) Retain a copy of each approval certificate.

(9) The approval agency must remain independent from the manufacturer. The approval agency and the authorized inspector may be the same entity.

(c) *Manufacturers' responsibilities.* The manufacturer is responsible for compliance with the applicable specifications for the design and construction of portable tanks. In addition to responsibility for compliance, manufacturers are responsible for ensuring that the contracted approval agency and authorized inspector, if applicable, are qualified, reputable and competent. The manufacturer of a portable tank must:

(1) Comply with all the applicable requirements of the ASME Code (incorporated by reference, see § 171.7 of this subchapter) and of this subpart including, but not limited to, ensuring that the quality control, design calculations and required tests are performed and that all aspects of the portable tank meet the applicable requirements.

(2) Obtain and use a designated approval agency, if applicable, and obtain and use a DOT-designated approval agency to approve the design, construction and certification of the portable tank.

(3) Provide a statement in the manufacturers' data report attesting that each portable tank that is manufactured complies with the relevant specification and all the applicable requirements of this subchapter.

(4) Maintain records of the qualification of portable tanks for at least 5 years and provide copies to the approval agency and the owner of the tank. Provide records to the U.S. DOT upon request.

(d) *Denial of application for approval.* If an approval agency finds that a portable tank cannot be approved for any reason, it shall so notify the applicant in writing and shall provide the applicant with the reasons for which the approval is denied. A copy of the

notification letter shall be provided to the Associate Administrator. An applicant aggrieved by a decision of an approval agency may appeal the decision in writing within 90 days of receipt to the Associate Administrator.

(e) *Modifications to approved portable tanks.* (1) Prior to modification of any approved portable tank which may affect conformance of an IM or UN portable tank, which may involve a change to the design type or which may affect its ability to retain the hazardous material in transportation, the person desiring to make such modification shall inform the approval agency that issued the initial approval of the portable tank (or if unavailable another approval agency) of the nature of the modification and request approval of the modification. The owner or manufacturer shall supply the approval agency with three sets of all revised drawings, calculations, and test data relative to the intended modification.

(2) A statement as to whether the intended modification has been examined by any approval agency previously judged unacceptable. An affirmative statement must be documented with the name of the approving agency, the reason for nonacceptance, and the nature of changes made to the modification since its original rejection.

(3) The approval agency shall review the request for modification, and if it is determined that the proposed modification is in full compliance with the relevant DOT specification, including a UN portable tank, the request shall be approved and the approval agency shall perform the following activities:

(i) Return one set of the approved revised drawings, calculations, and test data to the applicant. The second and third sets of the approved revised drawings, calculations, and data shall be retained by the approval agency as required in § 107.404(a)(3) of this subchapter.

(ii) Ensure through appropriate inspection that all modifications conform to the revised drawings, calculations, and test data.

(iii) Determine the extent to which retesting of the modified tank is necessary based on the nature of the proposed modification, and ensure that all required retests are satisfactorily performed.

(iv) If modification to an approved tank alters any information on the approval certificate, issue a new approval certificate for the modified tank and ensure that any necessary changes are made to the metal identification plate. A copy of each newly issued approval certificate shall be retained by the approval agency and by the owner of each portable tank.

(4) If it determined that the proposed modification is not in compliance with the relevant DOT specification, the request shall be denied. The procedures of paragraph (d) of this section apply to such denial.

(f) *Termination of Approval Certificate.* (1) The Associate Administrator may terminate an approval issued under this section if he determines that:

(i) Information upon which the approval was based is fraudulent or substantially erroneous; or

(ii) Termination of the approval is necessary to adequately protect against risks to life and property; or

(iii) The approval was not issued by the approval agency in good faith; or

(iv) That the portable tank does not meet the specification.

(2) Before an approval is withdrawn, the Associate Administrator gives the interested party(ies):

(i) Written notice of the facts or conduct believed to warrant the withdrawal;

(ii) Opportunity to submit oral and written evidence; and

(iii) Opportunity to demonstrate or achieve compliance with the application requirement.

(3) If the Associate Administrator determines that a certificate of approval must be withdrawn to preclude a significant and imminent adverse affect on public safety, he shall withdraw the certificate of approval issued by a designated approval agency. In such circumstances, the procedures of paragraphs (f)(2) (ii) and (iii) of this section need not be provided prior to withdrawal of the approval, but shall be provided as soon as practicable thereafter.

61. Section 178.274 would be added to subpart H to read as follows:

§ 178.274 Specifications for UN portable tanks.

(a) *General.* (1) Each UN portable tank must meet the requirements of this section. In addition to the requirements of this section, requirements specific to UN portable tanks used for liquid and solid hazardous materials, liquefied compressed gases and refrigerated liquefied gases are provided in §§ 178.275, 178.276 and 178.277, respectively. Requirements for approval, maintenance, inspection, testing and use are provided in § 178.273 and part 180, subpart G, of this subchapter. Any portable tank which meets the definition of a ''container'' within the terms of the International Convention for Safe Containers (CSC) must meet the requirements of the CSC as amended and 49 CFR parts 450 through 453 and must have a CSC safety approval plate.

(2) In recognition of scientific and technological advances, the technical requirements applicable to UN portable tanks may be varied if approved by the Associate Administrator and the portable tank is shown to provide a level of safety equal to or exceeding the requirements of this subchapter with respect to the compatibility of the transported hazardous materials and the ability of the portable tank to withstand impact, loading and fire conditions. Portable tanks approved to alternative technical requirements must be marked ''Alternative Arrangement'' as specified in paragraph (i) of this section.

(3) *Definitions.* The following definitions apply for the purposes of design and construction of UN portable tanks under this subpart:

Alternate Arrangement portable tank means a UN portable tank that has been approved to alternative technical requirements or testing methods other than those specified for UN portable tanks in part 178 or part 180 of this subchapter.

Approval agency means the designated approval agency authorized to approve the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter.

Design pressure is defined differently depending on the hazardous materials intended to be transported in the portable tank. See §§ 178.275, 178.276 and 178.277 as applicable.

Design type means a portable tank or series of portable tanks made of materials of the same material specifications and thicknesses, manufactured by a single manufacturer, using the same fabrication techniques (for example, welding procedures) and made with equivalent structural equipment, closures, and service equipment.

Fine grain steel means steel which has a ferritic grain size of 6 or finer when determined in accordance with ASTM E 112 (incorporated by reference, see § 171.7 of this subchapter).

Jacket means the outer insulation cover or cladding which may be part of the insulation system.

Leakage test means a test using gas to subject the shell and its service equipment to an effective internal pressure of not less than 25% of the MAWP. For portable tanks used for refrigerated liquefied gases the leakage test must be conducted at an effective internal pressure of not less than 90% of the MAWP.

Maximum allowable working pressure (MAWP) is defined differently depending on the hazardous materials intended to be transported in the portable tank. See §§ 178.275, 178.276 and 178.277, as applicable.

Maximum permissible gross mass (MPGM) means the sum of the tare mass of the portable tank and the heaviest hazardous material authorized for transportation.

Mild steel means a steel with a guaranteed minimum tensile strength of 360 N/mm² to 440 N/mm² and a guaranteed minimum elongation at fracture as specified in paragraph § 178.274(c)(11).

Offshore portable tank means a portable tank specially designed for repeated use in the transportation of hazardous materials to, from and between offshore facilities. An offshore portable tank is designed and constructed in accordance with the Guidelines for the Approval of Containers Handled in Open Seas specified in the IMDG Code (incorporated by reference, see § 171.7 of this subchapter).

Reference steel means a steel with a tensile strength of 370 N/mm² and an elongation at fracture of 27%.

Service equipment means measuring instruments and filling, discharge, venting, safety, heating, cooling and insulating devices.

Shell means the part of the portable tank which retains the hazardous materials intended for transportation, including openings and their closures, but does not include service equipment or external structural equipment.

Structural equipment means the reinforcing, fastening, protective and stabilizing members external to the shell.

Test pressure means the maximum gauge pressure at the top of the shell during the hydraulic pressure test equal to not less than 1.5 times the design pressure for liquids and 1.3 for liquefied compressed gases. The minimum test pressure for portable tanks intended for specific hazardous materials is specified in the applicable portable tank T code assigned to a particular hazardous material in the § 172.101 Table of this subchapter.

(b) *General design and construction requirements.* (1) The design temperature range for the shell must be −40 °C to 50 °C (−40 °F to 122 °F) for hazardous materials transported under normal conditions of transportation, except for portable tanks used for refrigerated liquefied gases where the minimum design temperature must not be higher than the lowest (coldest) temperature (for example, service temperature) of the contents during filling, discharge or transportation. For hazardous materials handled under elevated temperature conditions, the design temperature must not be less than the maximum temperature of the hazardous material during filling, discharge or transportation. More severe design temperatures must be considered for portable tanks subjected to severe climatic conditions (for example, portable tanks transported in arctic regions). Shells must be designed and constructed in accordance with the requirements of the ASME Code, Section VIII, Division 1 (incorporated by reference, see § 171.7 of this subchapter), except as limited or modified in this subchapter. For portable tanks used for liquid or solid hazardous materials, a design code other than the ASME Code may be used if approved by the Associate Administrator. Portable tanks used for liquified compressed gases require an ASME certification and U stamp. Shells must be made of metallic materials suitable for forming. Non-metallic materials may be used for the attachments and supports between the shell and jacket, provided their material properties at the minimum and maximum design temperatures are proven to be sufficient. For welded shells, only a material whose weldability has been fully demonstrated may be used. Welds must be of high quality and conform to a level of integrity at least equivalent to the welding requirements specified in the ASME Code, Section VIII for the welding of pressure vessels. When the manufacturing process or the materials make it necessary, the shells must be suitably heat-treated to guarantee adequate toughness in the weld and in the heat affected zones. In choosing the material, the design temperature range must be taken into account with respect to risk of brittle fracture, stress corrosion cracking, resistance to impact, and suitability for the hazardous materials intended for transportation in the portable tank. When fine grain steel is used, the guaranteed value of the yield strength must be not more than 460 N/mm² and the guaranteed value of the upper limit of the tensile strength must be not more than 725 N/mm² according to the material specification. Aluminum may not be used as a construction material for the shell. Portable tank materials must be suitable for the external environment where they will be transported taking into account the determined design temperature range. Portable tanks must be designed to withstand, without loss of contents, at least the internal pressure due to the contents and the static, dynamic and thermal loads during normal conditions of handling and transportation. The design must take into account the effects of fatigue, caused by repeated application of these loads through the expected life of the portable tank.

(2) Portable tank shells, fittings, and pipework must be constructed from materials that are:

(i) Compatible with the hazardous materials intended to be transported; or

(ii) Properly passivated or neutralized by chemical reaction, if applicable; or

(iii) For portable tanks used for liquid and solid materials, lined with corrosion-resistant material directly bonded to the shell or attached by equivalent means.

(3) Gaskets and seals must be made of materials that are compatible with the hazardous materials intended to be transported.

(4) When shells are lined, the lining must be compatible with the hazardous materials intended to be transported, homogeneous, non-porous, free from perforations, sufficiently elastic and compatible with the thermal expansion characteristics of the shell. The lining of every shell, shell fittings and piping must be continuous and must extend around the face of any flange. Where external fittings are welded to the tank, the lining must be continuous through the fitting and around the face of external flanges. Joints and seams in the lining must be made by fusing the material together or by other equally effective means.

(5) Contact between dissimilar metals which could result in damage by galvanic action must be prevented by appropriate measures.

(6) The construction materials of the portable tank, including any devices, gaskets, linings and accessories, must not adversely affect or react with the hazardous materials intended to be transported in the portable tank.

(7) Portable tanks must be designed and constructed with supports that provide a secure base during transportation and with suitable lifting and tie-down attachments.

(c) *Design criteria.* (1) Portable tanks and their fastenings must, under the maximum permissible load, be capable of absorbing the following separately applied static forces (for calculation purposes, acceleration due to gravity (g) = 9.81m/s²):

(i) In the direction of travel: 2g (twice the MPGM multiplied by the acceleration due to gravity);

(ii) Horizontally at right angles to the direction of travel: 1g (the MPGM

multiplied by the acceleration due to gravity);

(iii) Vertically upwards: 1g (the MPGM multiplied by the acceleration due to gravity); and

(iv) Vertically downwards: 2g (twice the MPGM multiplied by the acceleration due to gravity).

(2) Under each of the forces specified in paragraph (c)(1) of this section, the safety factor must be as follows:

(i) For metals having a clearly defined yield point, a design margin of 1.5 in relation to the guaranteed yield strength; or

(ii) For metals with no clearly defined yield point, a design margin of 1.5 in relation to the guaranteed 0.2% proof strength and, for austenitic steels, the 1% proof strength.

(3) The values of yield strength or proof strength must be the values according to recognized material standards. When austenitic steels are used, the specified minimum values of yield strength or proof strength according to the material standards may be increased by up to 15% when these greater values are attested in the material inspection certificate.

(4) Portable tanks must be capable of being electrically grounded to prevent dangerous electrostatic discharge when they are used for Class 2 flammable gases or Class 3 flammable liquids, including elevated temperature materials transported at or above their flash point.

(5) For shells of portable tanks used for liquefied compressed gases, the shell must consist of a circular cross section. Shells must be of a design capable of being stress-analysed mathematically or experimentally by resistance strain gauges as specified in UG–101 of the ASME Code (incorporated by reference, see § 171.7 of this subchapter), or other methods approved by the Associate Administrator.

(6) Shells must be designed and constructed to withstand a hydraulic test pressure of not less than 1.5 times the design pressure for portable tanks used for liquids and 1.3 times the design pressure for portable tanks used for liquefied compressed gases. Specific requirements are provided for each hazardous material in the applicable T Code or portable tank special provision specified in the § 172.101 Table of this subchapter. The minimum shell thickness requirements must also be taken into account.

(7) For metals exhibiting a clearly defined yield point or characterized by a guaranteed proof strength (0.2% proof strength, generally, or 1% proof strength for austenitic steels), the primary membrane stress (sigma) in the shell must not exceed 0.75 Re or 0.50 Rm, whichever is lower, at the test pressure, where:

Re = yield strength in N/mm², or 0.2% proof strength or, for austenitic steels, 1% proof strength;

Rm = minimum tensile strength in N/mm².

(8) The values of Re and Rm to be used must be the specified minimum values according to recognized material standards. When austenitic steels are used, the specified minimum values for Re and Rm according to the material standards may be increased by up to 15% when greater values are attested in the material inspection certificate.

(9) Steels which have a Re/Rm ratio of more than 0.85 are not allowed for the construction of welded shells. The values of Re and Rm to be used in determining this ratio must be the values specified in the material inspection certificate.

(10) Steels used in the construction of shells must have an elongation at fracture, in percentage, of not less than 10,000/Rm with an absolute minimum of 16% for fine grain steels and 20% for other steels.

(11) For the purpose of determining actual values for materials for sheet metal, the axis of the tensile test specimen must be at right angles (transversely) to the direction of rolling. The permanent elongation at fracture must be measured on test specimens of rectangular cross sections in accordance with ISO 6892 (see § 171.7 of this subchapter), using a 50 mm gauge length.

(d) *Minimum shell thickness.* (1) The minimum shell thickness must be the greatest thickness of the following:

(i) the minimum thickness determined in accordance with the requirements of paragraphs (d)(2) through (d)(10) of this section;

(ii) the minimum thickness determined in accordance with the ASME Code (incorporated by reference, see § 171.7 of this subchapter) or other approved pressure vessel code; or

(iii) the minimum thickness specified in the applicable T code or portable tank special provision indicated for each hazardous material in the § 172.101 Table of this subchapter.

(2) Shells (cylindrical portions, heads and manhole covers) not more than 1.80 m in diameter may not be less than 5 mm thick in the reference steel or of equivalent thickness in the metal to be used. Shells more than 1.80 m in diameter may not be less than 6 mm thick in the reference steel or of equivalent thickness in the metal to be used. For portable tanks used only for the transportation of powdered or granular solid hazardous materials of Packing Group II or III, the minimum thickness requirement may be reduced to 5 mm in the reference steel or of equivalent thickness in the metal to be used regardless of the shell diameter. For vacuum-insulated tanks, the aggregate thickness of the jacket and the shell must correspond to the minimum thickness prescribed in this paragraph, with the thickness of the shell itself not less than the minimum thickness prescribed in paragraph (d)(3) of this section.

(3) When additional protection against shell damage is provided in the case of portable tanks used for liquid and solid hazardous materials requiring test pressures less than 2.65 bar (265.0 kPa), subject to certain limitations specified in the UN Recommendations (incorporated by reference, see § 171.7 of this subchapter), the Associate Administrator may approve a reduced minimum shell thickness.

(4) The cylindrical portions, heads and manhole covers of all shells must not be less than 3 mm (0.1 inch) thick regardless of the material of construction, except for portable tanks used for liquefied compressed gases where the cylindrical portions, ends (heads) and manhole covers of all shells must not be less than 4 mm (0.2 inch) thick regardless of the material of construction.

(5) When steel that has characteristics other than that of reference steel is used, the equivalent thickness of the shell and heads must be determined according to the following formula:

Where:

$$e_1 = \frac{21.4\, e_0 d_1}{1.8^3 \sqrt{Rm_1 \times A_1}}$$

e_1 = required equivalent thickness (in mm) of the metal to be used;

e_0 = minimum thickness (in mm) of the reference steel specified in the applicable T code or portable tank special provision indicated for each material in the § 172.101 Table of this subchapter;

d_1 = 1.8m, unless the formula is used to determine the equivalent minimum thickness for a portable tank shell that is required to have a minimum thickness of 8mm or 10mm according to the applicable T code indicated in the § 172.101 Table of this subchapter. When reference steel thicknesses of 8mm or 10mm are specified, d_1 is equal to the actual diameter of the shell but not less than 1.8m;

Rm_1 = guaranteed minimum tensile strength (in N/mm²) of the metal to be used;

A_1 = guaranteed minimum elongation at fracture (in %) of the metal to be used

according to recognized material standards.

(6) The wall and all parts of the shell may not have a thickness less than that prescribed in paragraphs (d)(2), (d)(3) and (d)(4) of this section. This thickness must be exclusive of any corrosion allowance.

(7) There must be no sudden change of plate thickness at the attachment of the heads to the cylindrical portion of the shell.

(e) *Service equipment.* (1) Service equipment must be arranged so that it is protected against the risk of mechanical damage by external forces during handling and transportation. When the connections between the frame and the shell allow relative movement between the sub-assemblies, the equipment must be fastened to allow such movement without risk of damage to working parts. The external discharge fittings (pipe sockets, shut-off devices) and the internal stop-valve and its seating must be protected against mechanical damage by external forces (for example, by using shear sections). The filling and discharge devices (including flanges or threaded plugs) and any protective caps must be capable of being secured against unintended opening.

(2) Each connection to a portable tank must be clearly marked to indicate its function.

(3) Each stop-valve or other means of closure must be designed and constructed to a rated pressure not less than the MAWP of the shell taking into account the temperatures expected during transport. All stop-valves with screwed spindles must close by a clockwise motion of the handwheel. For other stop-valves the position (open and closed) and direction of closure must be clearly indicated. All stop-valves must be designed to prevent unintentional opening.

(4) Piping must be designed, constructed and installed to avoid the risk of damage due to thermal expansion and contraction, mechanical shock and vibration. All piping must be of a suitable metallic material. Welded pipe joints must be used wherever possible.

(5) Joints in copper tubing must be brazed or have an equally strong metal union. The melting point of brazing materials must be no lower than 525 °C (977 °F). The joints must not decrease the strength of the tubing, such as may happen when cutting threads.

(6) The burst pressure of all piping and pipe fittings must be greater than the highest of four times the MAWP of the shell or four times the pressure to which it may be subjected in service by the action of a pump or other device (except pressure relief devices).

(7) External fittings must be grouped together. Filling and discharge connections may be installed below the normal liquid level of the tank if the tank design conforms to the following requirements:

(i) The portable tank must be permanently mounted in a full framework for containerized transport. For each portable tank design, a prototype portable tank, must fulfill the requirements of parts 450 through 453 of this title for compliance with the requirements of Annex II of the International Convention for Safe Containers.

(ii) Each filling and discharge connection must be equipped with an internal self-closing stop-valve capable of closing within 30 seconds of actuation. Each internal self-closing stop-valve must be protected by a shear section or sacrificial device located outboard of the valve. The shear section or sacrificial device must break at no more than 70 percent of the load that would cause failure of the internal self-closing stop-valve.

(iii) Each internal self-closing stop-valve must be provided with remote means of automatic closure, both thermal and mechanical. The thermal means of automatic closure must actuate at a temperature of not over 121 °C (250 °F).

(8) Ductile metals must be used in the construction of valves and accessories.

(f) *Pressure relief devices.*—(1) *Marking of pressure relief devices.* Every pressure relief device must be clearly and permanently marked with the following:

(i) the pressure (in bar or kPa) or temperature for fusible elements (in °C) at which it is set to discharge;

(ii) the allowable tolerance at the discharge pressure for reclosing devices;

(iii) the reference temperature corresponding to the rated pressure for frangible discs;

(iv) the allowable temperature tolerance for fusible elements;

(v) the rated flow capacity of the device in standard cubic meters of air per second (m^3/s) determined according to ISO 4126–1 (incorporated by reference, see § 171.7 of this subchapter); and

(vi) when practicable, the device must show the manufacturer's name and product number.

(2) *Connections to pressure relief devices.* Connections to pressure relief devices must be of sufficient size to enable the required discharge to pass unrestricted to the safety device. No stop-valve may be installed between the shell and the pressure relief devices except where duplicate devices are provided for maintenance or other reasons and the stop-valves serving the devices actually in use are locked open or the stop-valves are interlocked so that at least one of the duplicate devices is always in use. There must be no obstruction in an opening leading to a vent or pressure relief device which might restrict or cut-off the flow from the shell to that device. Vents or pipes from the pressure relief device outlets, when used, must deliver the relieved vapor or liquid to the atmosphere in conditions of minimum back-pressure on the relieving devices.

(3) *Location of pressure relief devices.* (i) Each pressure relief device inlet must be situated on top of the shell in a position as near the longitudinal and transverse center of the shell as reasonably practicable. All pressure relief device inlets must, under maximum filling conditions, be situated in the vapor space of the shell and the devices must be so arranged as to ensure that escaping vapor is discharged unrestrictedly. For flammable hazardous materials, the escaping vapor must be directed away from the shell in such a manner that it cannot impinge upon the shell. For refrigerated liquefied gases, the escaping vapor must be directed away from the tank and in such a manner that it cannot impinge upon the tank. Protective devices which deflect the flow of vapor are permissible provided the required relief-device capacity is not reduced.

(ii) Arrangements must be made to prevent unauthorized persons from access to the pressure relief devices and to protect the devices from damage caused by the portable tank overturning.

(g) *Gauging devices.* Unless a portable tank is intended to be filled by weight, it must be equipped with one or more gauging devices. Glass level-gauges and gauges made of other fragile material, which are in direct communication with the contents of the tank are prohibited. A connection for a vacuum gauge must be provided in the jacket of a vacuum-insulated portable tank.

(h) *Portable tank supports, frameworks, lifting and tie-down attachments.* (1) Portable tanks must be designed and constructed with a support structure to provide a secure base during transport. The forces and safety factors specified in paragraphs (c)(1) and (c)(2) of this section, respectively, must be taken into account in this aspect of the design. Skids, frameworks, cradles or other similar structures are acceptable.

(2) The combined stresses caused by portable tank mountings (for example,

cradles, framework, etc.) and portable tank lifting and tie-down attachments must not cause excessive stress in any portion of the shell. Permanent lifting and tie-down attachments must be fitted to all portable tanks. Preferably they should be fitted to the portable tank supports but may be secured to reinforcing plates located on the shell at the points of support. Each portable tank must be designed so that the center of gravity of the filled tank is approximately centered within the points of attachment for lifting devices.

(3) In the design of supports and frameworks, the effects of environmental corrosion must be taken into account.

(4) Forklift pockets must be capable of being closed off. The means of closing forklift pockets must be a permanent part of the framework or permanently attached to the framework. Single compartment portable tanks with a length less than 3.65 m need not have forklift pockets that are capable of being closed off provided that:

(i) The shell, including all the fittings, are well protected from being hit by the forklift blades; and

(ii) The distance between forklift pockets (measured from the center of each pocket) is at least half of the maximum length of the portable tank.

(5) During transport, portable tanks must be adequately protected against damage to the shell, and service equipment resulting from lateral and longitudinal impact and overturning on the shell and service equipment must be constructed to withstand impact or overturning. External fittings must be protected so as to preclude the release of the shell contents upon impact or overturning of the portable tank on its fittings. Examples of protection include:

(i) Protection against lateral impact which may consist of longitudinal bars protecting the shell on both sides at the level of the median line;

(ii) Protection of the portable tank against overturning which may consist of reinforcement rings or bars fixed across the frame;

(iii) Protection against rear impact which may consist of a bumper or frame;

(iv) Protection of the shell against damage from impact or overturning by use of an ISO frame in accordance with ISO 1496–3 (incorporated by reference, see § 171.7 of this subchapter); and

(v) Protection of the portable tank from impact or overturning by a vacuum insulation jacket.

(i) *Marking.* (1) Every portable tank must be fitted with a corrosion resistant metal plate permanently attached to the portable tank in a conspicuous place and readily accessible for inspection. When the plate cannot be permanently attached to the shell, the shell must be marked with at least the information required by the ASME Code (incorporated by reference, see § 171.7 of this subchapter). At a minimum, the following information must be marked on the plate by stamping or by any other similar method:

Country of manufacture
UN
Approval Country
Approval Number
Alternative Arrangements ''AA'' (see § 178.274(a)(2))
Manufacturer's name or mark
Manufacturer's serial number
Approval Agency (Authorized body for the design approval)
Owner's registration number
Year of manufacture
Pressure vessel code to which the shell is designed
Test pressure _____ bar gauge.
MAWP _____ bar gauge.
External design pressure (not required for portable tanks used for refrigerated liquefied gases) _____ bar/gauge.
Design temperature range _____ °C to _____ °C. (For portable tanks used for refrigerated liquefied gases, the minimum design temperature must be marked.)
Water capacity at 20 °C/ _____ liters.
Water capacity of each compartment at 20 °C _____ liters.
Initial pressure test date and witness identification.
MAWP for heating/cooling system _____ bar gauge.
Shell material(s) and material standard reference(s).
Equivalent thickness in reference steel _____ mm.
Lining material (when applicable).
Date and type of most recent periodic test(s).
Month _____ Year _____ Test pressure _____ bar/gauge.
Stamp of approval agency that performed or witnessed the most recent test.
For portable tanks used for refrigerated liquefied gases:
Either ''thermally insulated'' or ''vacuum insulated'' _____.
Effectiveness of the insulation system (heat influx) _____ Watts (W).
Reference holding time _____ days or hours and initial pressure _____ bar/kPa gauge and degree of filling _____ in kg for each refrigerated liquefied gas permitted for transportation.

(2) The following information must be marked either on the portable tank itself or on a metal plate firmly secured to the portable tank:

Name of the operator.
Name of hazardous materials being transported and maximum mean bulk temperature (except for refrigerated liquefied gases, the name and temperature are only required when the maximum mean bulk temperature is higher than 50 °C).
Maximum permissible gross mass (MPGM) _____ kg.
Unladen (tare) mass _____ kg.

Note to Paragraph (i)(2): For the identification of the hazardous materials being transported refer to part 172 of this subchapter.

(3) If a portable tank is designed and approved for open seas operations, such as offshore oil exploration, in accordance with the IMDG Code, the words ''OFFSHORE PORTABLE TANK'' must be marked on the identification plate.

62. Section 178.275 would be added to subpart H to read as follows:

§ 178.275 Specification for UN Portable Tanks intended for the transportation of liquid and solid hazardous materials.

(a) In addition to the requirements of § 178.274, the following definitions and requirements apply to UN portable tanks intended for the transportation of liquid and solid hazardous materials:

(1) *Design pressure* means the pressure to be used in calculations required by the recognized pressure vessel code. The design pressure must not be less than the highest of the following pressures:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The sum of:

(A) The absolute vapor pressure (in bar) of the hazardous material at 65 °C, minus 1 bar (149 °F, minus 100 kPa);

(B) The partial pressure (in bar) of air or other gases in the ullage space, resulting from their compression during filling without pressure relief by a maximum ullage temperature of 65 °C (149 °F) and a liquid expansion due to an increase in mean bulk temperature of 35 °C (95 °F); and

(C) A head pressure determined on the basis of the forces specified in § 178.274(c), but not less than 0.35 bar (35 kPa).

(2) *Maximum allowable working pressure (MAWP)* means a pressure that must not be less than the highest of the following pressures measured at the top of the shell while in operating position:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The maximum effective gauge pressure to which the shell is designed which must be not less than the design pressure.

(b) *Service equipment.* (1) In addition to the requirements specified in § 178.274, for service equipment, all openings in the shell, intended for filling or discharging the portable tank must be fitted with a manually operated stop-valve located as close to the shell

as reasonably practicable. Other openings, except for openings leading to venting or pressure relief devices, must be equipped with either a stop-valve or another suitable means of closure located as close to the shell as reasonably practicable.

(2) All portable tanks must be fitted with a manhole or other inspection openings of a suitable size to allow for internal inspection and adequate access for maintenance and repair of the interior. Compartmented portable tanks must have a manhole or other inspection openings for each compartment.

(3) For insulated portable tanks, top fittings must be surrounded by a spill collection reservoir with suitable drains.

(4) Piping must be designed, constructed and installed to avoid the risk of damage due to thermal expansion and contraction, mechanical shock and vibration. All piping must be of a suitable metallic material. Welded pipe joints must be used wherever possible.

(c) *Bottom openings.* (1) Certain hazardous materials may not be transported in portable tanks with bottom openings. When the applicable T code or portable tank special provision, as referenced for materials in the § 172.101 Table of this subchapter, specifies that bottom openings are prohibited, there must be no openings below the liquid level of the shell when it is filled to its maximum permissible filling limit. When an existing opening is closed, it must be accomplished by internally and externally welding one plate to the shell.

(2) Bottom discharge outlets for portable tanks carrying certain solid, crystallizable or highly viscous hazardous materials must be equipped with at least two serially fitted and mutually independent shut-off devices. Use of only two shut-off devices is only authorized when this paragraph is referenced in the applicable T Code indicated for each hazardous material in the § 172.101 Table of this subchapter. The design of the equipment must be to the satisfaction of the approval agency and must include:

(i) An external stop-valve fitted as close to the shell as reasonably practicable; and

(ii) A liquid tight closure at the end of the discharge pipe, which may be a bolted blank flange or a screw cap.

(3) Except as provided in paragraph (c)(2) of this section, every bottom discharge outlet must be equipped with three serially fitted and mutually independent shut-off devices. The design of the equipment must be to the satisfaction of the approval agency and must include:

(i) A self-closing internal stop-valve, which is a stop-valve within the shell or within a welded flange or its companion flange, such that:

(A) The control devices for the operation of the valve are designed to prevent any unintended opening through impact or other inadvertent act;

(B) The valve is operable from above or below;

(C) If possible, the setting of the valve (open or closed) must be capable of being verified from the ground;

(D) Except for portable tanks having a capacity less than 1,000 liters (264.2 gallons), it must be possible to close the valve from an accessible position of the portable tank that is remote from the valve itself; and

(E) The valve must continue to be effective in the event of damage to the external device for controlling the operation of the valve;

(ii) An external stop-valve fitted as close to the shell as reasonably practicable; and

(iii) A liquid tight closure at the end of the discharge pipe, which may be a bolted blank flange or a screw cap.

(4) For a lined shell, the internal stop-valve required by paragraph (c)(3)(i) of this section may be replaced by an additional external stop-valve.

(d) *Pressure relief devices.* All portable tanks must be fitted with at least one pressure relief device. All relief devices must be designed, constructed and marked in accordance with the requirements of this subchapter.

(e) *Vacuum-relief devices.* (1) A shell which is to be equipped with a vacuum-relief device must be designed to withstand, without permanent deformation, an external pressure of not less than 0.21 bar (21.0 kPa) above the internal pressure. The vacuum-relief device must be set to relieve at a vacuum setting not greater than minus (−) 0.21 bar (−21.0 kPa) unless the shell is designed for a higher external over pressure, in which case the vacuum-relief pressure of the device to be fitted must not be greater than the tank design vacuum pressure. A shell that is not fitted with a vacuum-relief device must be designed to withstand, without permanent deformation, an external pressure of not less than 0.4 bar (40.0 kPa) above the internal pressure.

(2) Vacuum-relief devices used on portable tanks intended for the transportation of hazardous materials meeting the criteria of Class 3, including elevated temperature hazardous materials transported at or above their flash point, must prevent the immediate passage of flame into the shell or the portable tank must have a shell capable of withstanding, without leakage, an internal explosion resulting from the passage of flame into the shell.

(f) *Pressure relief devices.* (1) Each portable tank with a capacity not less than 1,900 liters (501.9 gallons) and every independent compartment of a portable tank with a similar capacity, must be provided with one or more pressure relief devices of the reclosing type. Such portable tanks may, in addition, have a frangible disc or fusible element in parallel with the reclosing devices, except when the applicable T code assigned to a hazardous material requires that the frangible disc precede the pressure relief device, according to paragraph (f)(3) of this section, or when no bottom openings are allowed. The pressure relief devices must have sufficient capacity to prevent rupture of the shell due to over pressurization or vacuum resulting from filling, discharging, from heating of the contents or fire.

(2) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure.

(3) When required for certain hazardous materials by the applicable T code or portable tank special provision specified for a hazardous material in the § 172.101 Table of this subchapter, portable tanks must have a pressure relief device consistent with the requirements of this subchapter. Except for a portable tank in dedicated service that is fitted with an approved relief device constructed of materials compatible with the hazardous material, the relief device system must include a frangible disc preceding a reclosing pressure relief device. A pressure gauge or suitable tell-tale indicator for the detection of disc rupture, pin-holing or leakage must provide the space between the frangible disc and the pressure relief device. The frangible disc must rupture at a nominal pressure 10% above the start to discharge pressure of the relief device.

(4) Every portable tank with a capacity less than 1,900 liters (501.9 gallons) must be fitted with a pressure relief device, which may be a frangible disc when this disc is set to rupture at a nominal pressure equal to the test pressure at any temperature within the design temperature range.

(5) When the shell is fitted for pressure discharge, a suitable pressure relief device must provide the inlet line to the portable tank set to operate at a pressure not higher than the MAWP of the shell, and a stop-valve must be fitted as close to the shell to minimize the potential for damage.

(6) *Setting of pressure relief devices.* (i) Pressure relief devices must operate only in conditions of excessive rise in temperature, since the shell must not be subject to undue fluctuations of pressure during normal conditions of transportation.

(ii) The required pressure relief device must be set to start-to-discharge at a nominal pressure of five-sixths of the test pressure for shells having a test pressure of not more than 4.5 bar (450 kPa) and 110% of two-thirds of the test pressure for shells having a test pressure of more than 4.5 bar (450 kPa). A self-closing relief device must close at a pressure not more than 10% below the pressure at which the discharge starts. The device must remain closed at all lower pressures. This requirement does not prevent the use of vacuum-relief or combination pressure relief and vacuum-relief devices.

(g) *Fusible elements.* Fusible elements must operate at a temperature between 110 °C (230 °F) and 149 °C (300.2 °F) provided that the pressure in the shell at the fusing temperature will not exceed the test pressure. They must be placed at the top of the shell with their inlets in the vapor space and in no case may they be shielded from external heat. Fusible elements must not be utilized on portable tanks with a test pressure which exceeds 2.65 bar (265.0 kPa). Fusible elements used on portable tanks intended for the transport of elevated temperature hazardous materials must be designed to operate at a temperature higher than the maximum temperature that will be experienced during transport and must be to the satisfaction of the approval agency.

(h) *Capacity of pressure relief devices.* (1) The reclosing pressure relief device required by paragraph (f)(1) must have a minimum cross sectional flow area equivalent to an orifice of 31.75 mm (1.3 inches) diameter. Vacuum-relief devices, when used, must have a cross sectional flow area not less than 284 mm^2 (11.2 inches^2).

(2) Under conditions of complete fire engulfment of the portable tank, the combined delivery capacity of the relief devices must be sufficient to limit the pressure in the shell to 20% above the start-to-discharge pressure specified in paragraph(f)(6) of this section. Emergency pressure relief devices may be used to achieve the full relief capacity prescribed. The total required capacity of the relief devices may be determined using the formula in paragraph (h)(2)(i) of this section or the table in paragraph (h)(2)(iii) of this section.

(i)(A) To determine the total required capacity of the relief devices, which must be regarded as being the sum of the individual capacities of all the contributing devices, the following formula must be used:

$$Q = 12.4 \frac{FA^{0.82}}{LC} \sqrt{\frac{ZT}{M}}$$

Where:

Q = minimum required rate of discharge in cubic meters of air per second (m^3/s) at standard conditions: 1 bar and 0 °C (273 K);

F = for uninsulated shells: 1; for insulated shells: U(649 − t)/13.6 but in no case is less than 0.25 where: U = thermal conductance of the insulation in kW·m^{-2}·K^{-1}, at 38 °C; and t = actual temperature of the hazardous material during filling (in °C) or when this temperature is unknown, let t = 15 °C. The value of F given above for insulated shells may only be used if the insulation is in conformance with paragraph (h)(2)(iv) of this section;

A = total external surface area of shell in square meters;

Z = the gas compressibility factor in the accumulating condition (when this factor is unknown, let Z equal 1.0);

T = absolute temperature in Kelvin (°C + 273) above the pressure relief devices in the accumulating condition;

L = the latent heat of vaporization of the liquid, in kJ/kg, in the accumulating condition;

M = molecular weight of the hazardous material.

(B) The constant C, as shown in the formula in paragraph (h)(2)(i)(A) of this section, is derived from one of the following formula as a function of the ratio k of specific heats:

$$k = \frac{C_p}{C_v}$$

Where:

c_p is the specific heat at constant pressure; and

c_v is the specific heat at constant volume.

(C) When *k*>1:

$$C = \sqrt{k\left(\frac{2}{k+1}\right)^{\frac{k+1}{k-1}}}$$

(D) When *k* = 1 or k is unknown, a value of 0.607 may be used for the constant C. C may also be taken from the following table:

C CONSTANT VALUE TABLE

k	C	k	C	k	C
1.00	0.607	1.26	0.660	1.52	0.704
1.02	0.611	1.28	0.664	1.54	0.707
1.04	0.615	1.30	0.667	1.56	0.710
1.06	0.620	1.32	0.671	1.58	0.713
1.08	0.624	1.34	0.674	1.60	0.716
1.10	0.628	1.36	0.678	1.62	0.719
1.12	0.633	1.38	0.681	1.64	0.722
1.14	0.637	1.40	0.685	1.66	0.725
1.16	0.641	1.42	0.688	1.68	0.728
1.18	0.645	1.44	0.691	1.70	0.731
1.20	0.649	1.46	0.695	2.00	0.770
1.22	0.652	1.48	0.698	2.20	0.793
1.24	0.656	1.50	0.701	.....	

(ii) As an alternative to the formula in paragraph (h)(2)(i) of this section, relief devices for shells used for transporting liquids may be sized in accordance with the table in paragraph (h)(2)(iii) of this section. The table in paragraph (h)(2)(iii) of this section assumes an insulation value of F = 1 and must be adjusted accordingly when the shell is insulated. Other values used in determining the table in paragraph (h)(2)(iii) of this section are: L = 334.94 kJ/kg; M = 86.7; T = 394 K; Z = 1; and C = 0.607.

(iii) Minimum emergency vent capacity, Q, in cubic meters per air per second at 1 bar and 0 °C (273 K), as shown in the following table:

MINIMUM EMERGENCY VENT CAPACITY

[Q Values]

A Exposed area (square meters)	Q (Cubic meters of air per second)	A Exposed area (square meters)	Q (Cubic meters of air per second)
2	0.230	37.5	2.539
3	0.320	40	2.677
4	0.405	42.5	2.814
5	0.487	45	2.949
6	0.565	47.5	3.082
7	0.641	50	3.215
8	0.715	52.5	3.346
9	0.788	55	3.476
10	0.859	57.5	3.605
12	0.998	60	3.733
14	1.132	62.5	3.860
16	1.263	65	3.987
18	1.391	67.5	4.112
20	1.517	70	4.236
22.5	1.670	75	4.483
25	1.821	80	4.726
27.5	1.969	85	4.967
30	2.115	90	5.206
32.5	2.258	95	5.442
35	2.400	100	5.676

(iv) Insulation systems, used for the purpose of reducing venting capacity, must be approved by the approval agency. In all cases, insulation systems approved for this purpose must:

(A) Remain effective at all temperatures up to 649 °C (1200.2 °F); and

(B) Be jacketed with a material having a melting point of 700 °C (1292 °F) or greater.

(i) *Approval, inspection and testing.* Approval procedures for UN portable tanks are specified in § 178.273. Inspection and testing requirements are specified in § 180.605 of this subchapter.

63. Section 178.276 would be added to subpart H to read as follows:

§ 178.276 Requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of liquefied compressed gases.

(a) In addition to the requirements of § 178.274 applicable to UN portable tanks, the following requirements apply to UN portable tanks used for liquefied compressed gases. In addition to the definitions in § 178.274, the following definitions apply:

Design pressure means the pressure to be used in calculations required by the ASME Code (incorporated by reference, see § 171.7 of this subchapter). The design pressure must be not less than the highest of the following pressures:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The sum of:

(A) The maximum effective gauge pressure to which the shell is designed as defined in this paragraph under ''MAWP''; and

(B) A head pressure determined on the basis of the dynamic forces specified in paragraph (h) of this section, but not less than 0.35 bar (35 kPa).

Note to Paragraph (a)(1): For the purpose of this section, the term ''design pressure'' as used in this specification is identical to the term ''maximum allowable working pressure'' as used in the ASME Code, Section VIII.

(2) *Design reference temperature* means the temperature at which the vapor pressure of the contents is determined for the purpose of calculating the MAWP. The value for each portable tank type is as follows:

(i) Shell with a diameter of 1.5 meters or less: 65 °C; or

(ii) Shell with a diameter of more than 1.5 meters:

(A) Without insulation or sun shield: 60 °C;

(B) With sun shield: 55 °C; and

(C) With insulation: 50 °C.

(3) *Filling density* means the average mass of liquefied compressed gas per liter of shell capacity (kg/l).

(4) *Maximum allowable working pressure (MAWP)* means a pressure that must be not less than the highest of the following pressures measured at the top of the shell while in operating position, but in no case less than 7 bar (700 kPa):

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The maximum effective gauge pressure to which the shell is designed, which must be:

(A) Not less than the pressure specified for each liquefied compressed gas listed in portable tank special provision T50; and

(B) Not less than the sum of:

(*1*) The absolute vapor pressure (in bar) of the liquefied compressed gas at the design reference temperature minus 1 bar; and

(*2*) The partial pressure (in bar) of air or other gases in the ullage space which is determined by the design reference temperature and the liquid phase expansion due to the increase of the mean bulk temperature of t_r-t_f (t_f = filling temperature, usually 15 °C, t_r = 50 °C maximum mean bulk temperature);

(b) *General design and construction requirements.* (1) Tanks must be of seamless or welded steel construction, or combination of both, and have a water capacity greater than 450 liters (118.9 gallons). Tanks must be designed, constructed, certified and stamped in accordance with the ASME Code, Section VIII (incorporated by reference, see § 171.7 of this subchapter).

(2) Portable tanks must be postweld heat-treated and radiographed as prescribed in the ASME Code, except that each portable tank constructed in accordance with part UHT of the ASME Code must be postweld heat-treated. Where postweld heat treatment is required, the portable tank must be treated as a unit after completion of all the welds in and/or to the shell and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment is made. A portable tank used for anhydrous ammonia must be postweld heat-treated. The postweld heat treatment must be as prescribed in the ASME Code, but in no event at less than 1050 °F tank metal temperature. Additionally, portable tanks constructed in accordance with part UHT of the ASME Code must conform to the following requirements:

(i) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein, the following must be considered to be essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer's identification of rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25 percent from the procedure qualification. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

(ii) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full-sized specimens shall be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0° F Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

(3) Welding procedures and welder performance tests must be made annually in accordance with Section IX of the ASME Code. In addition to the essential variables named therein, the following must be considered to be essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer's identification of rod and flux. The number of passes,

thickness of plate and heat input per pass may not vary more than 25% from the procedure qualification. Records of the qualification must be retained for at least 5 years by the portable tank manufacturer and made available to the approval agency and the owner of the tank as specified in § 178.273.

(4) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of raw material of the same heat and having a thickness variation no greater than plus or minus 25%. The minimum impact required for full-sized specimens must be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0° F Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

(5) When the shells intended for the transportation of liquefied compressed gases are equipped with thermal insulation, a device must be provided to prevent any dangerous pressure from developing in the insulating layer in the event of a leak, when the protective covering is so closed as to be gas-tight. The thermal insulation must not inhibit access to the fittings and discharge devices. In addition, the thermal insulation systems must satisfy the following requirements:

(i) Consist of a shield covering not less than the upper third, but not more than the upper half of the surface of the shell, and separated from the shell by an air space of approximately 40 mm across; or

(ii) Consist of a complete cladding of insulating materials. The insulation must be of adequate thickness and constructed to prevent the ingress of moisture and damage to the insulation. The insulation and cladding must have a thermal conductance of not more than 0.67 ($W \cdot m^{-2} \cdot K^{-1}$) under normal conditions of transportation.

(c) *Service equipment.* (1) All openings with a diameter of more than 1.5 mm (.1 inch) in shells of portable tanks, except openings for pressure-relief devices, inspection openings and closed bleed holes, must be fitted with at least three mutually independent shut-off devices in series: the first being an internal stop-valve, excess flow valve, integral excess flow valve, or excess flow feature device (see § 178.337–1(g)), the second being an external stop-valve and the third being a blank flange or equivalent device.

(2) When a portable tank is fitted with an excess flow valve, the excess flow valve must be so fitted that its seating is inside the shell or inside a welded flange or, when fitted externally, its mountings must be designed so that in the event of impact it must maintain its effectiveness. The excess flow valves must be selected and fitted so as to close automatically when the rated flow specified by the manufacturer is reached. Connections and accessories leading to or from such a valve must have a capacity for a flow more than the excess flow valve's rated flow.

(3) For filling and discharge openings, the first shut-off device must be an internal stop-valve and the second must be a stop-valve placed in an accessible position on each discharge and filling pipe.

(4) For filling and discharge bottom openings of portable tanks intended for the transportation of flammable and/or toxic liquefied compressed gases, the internal stop-valve must be a quick closing safety device that closes automatically in the event of unintended movement of the portable tank during filling or discharge or fire engulfment. Except for portable tanks having a capacity of not more than 1,000 liters (264.2 gallons), it must be possible to operate this device by remote control.

(5) In addition to filling, discharge and gas pressure equalizing orifices, shells may have openings in which gauges, thermometers and manometers can be fitted. Connections for such instruments must be made by suitable welded nozzles or pockets and may not be connected by screwed connections through the shell.

(6) All portable tanks must be fitted with manholes or other inspection openings of suitable size to allow for internal inspection and adequate access for maintenance and repair of the interior.

(d) *Bottom openings.* Bottom openings are prohibited on portable tanks when the portable tank special provision T50 in § 172.102(c)(7) of this subchapter indicates that bottom openings are not allowed. In this case, there may be no openings located below the liquid level of the shell when it is filled to its maximum permissible filling limit.

(e) *Pressure relief devices.* (1) Portable tanks must be provided with one or more reclosing pressure relief devices. The pressure relief devices must open automatically at a pressure not less than the MAWP and be fully open at a pressure equal to 110% of the MAWP. These devices must, after discharge, close at a pressure not less than 10% below the pressure at which discharge starts and must remain closed at all lower pressures. The pressure relief devices must be of a type that will resist dynamic forces including liquid surge. A frangible disc may only be used in series with a reclosing pressure relief device.

(2) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of gas and the development of any dangerous excess pressure.

(3) Portable tanks intended for the transportation of certain liquefied compressed gases identified in portable tank special provision T50 in § 172.102 of this subchapter must have a pressure relief device which conforms to the requirements of this subchapter. Unless a portable tank in dedicated service is fitted with a relief device constructed of materials compatible with the hazardous material, the relief device must comprise a frangible disc preceded by a reclosing device. The space between the frangible disc and the device must be provided with a pressure gauge or a suitable tell-tale indicator. This arrangement must facilitate the detection of disc rupture, pinholing or leakage which could cause a malfunction of the pressure relief device. The frangible discs must rupture at a nominal pressure 10% above the start-to-discharge pressure of the relief device.

(4) In the case of portable tanks used for more than one gas, the pressure relief devices must open at a pressure indicated in paragraph (f) of this section for the gas having the highest maximum allowable pressure of the gases allowed to be transported in the portable tank.

(f) *Capacity of relief devices.* The combined delivery capacity of the relief devices must be sufficient so that, in the event of total fire engulfment, the pressure inside the shell cannot exceed 120% of the MAWP. Reclosing relief devices must be used to achieve the full relief capacity prescribed. In the case of portable tanks used for more than gas, the combined delivery capacity of the pressure relief devices must be taken for the liquefied compressed gas which requires the highest delivery capacity of the liquefied compressed gases allowed to be transported in the portable tank. The total required capacity of the relief devices must be determined according to the requirements in § 178.275(h). These requirements apply only to liquefied compressed gases which have critical temperatures well above the temperature at the accumulating condition. For gases which have critical temperatures near or below the temperature at the accumulating condition, the calculation of the pressure relief device delivery capacity must consider the additional thermodynamic properties of the gas (for example, CGA S–1.2–1995;

incorporated by reference, see § 171.7 of this subchapter).

64. A new § 178.277 would be added to subpart H to read as follows:

§ 178.277 Requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of refrigerated liquefied gases.

(a) In addition to the requirements of § 178.274 applicable to UN portable tanks, the following requirements and definitions apply to UN portable tanks used for refrigerated liquefied gases:

(1) *Design pressure.* For the purpose of this section the term *design pressure* is consistent with the definition for design pressure in the ASME Code, Section VIII (incorporated by reference, see § 171.7 of this subchapter).

(2) *Holding time* is the time, as determined by testing, that will elapse from loading until the pressure of the contents, under equilibrium conditions, reaches the lowest set pressure of the pressure limiting device(s) (for example, pressure control valve or pressure relief device). Holding time must be determined as specified in § 178.338–9.

(3) *Maximum allowable working pressure (MAWP)* means the maximum effective gauge pressure permissible at the top of the shell of a loaded portable tank in its operating position including the highest effective pressure during filling and discharge;

(4) *Minimum design temperature* means the temperature which is used for the design and construction of the shell not higher than the lowest (coldest) service temperature of the contents during normal conditions of filling, discharge and transportation.

(5) *Shell* means the part of the portable tank which retains the refrigerated liquefied gas intended for transport, including openings and their closures, but does not include service equipment or external structural equipment.

(6) *Tank* means a construction which normally consists of either :

(i) A jacket and one or more inner shells where the space between the shell(s) and the jacket is exhausted of air (vacuum insulation) and may incorporate a thermal insulation system; or

(ii) A jacket and an inner shell with an intermediate layer of solid thermally insulating material (for example, solid foam).

(b) *General design and construction requirements.* (1) Portable tanks must be of seamless or welded steel construction and have a water capacity of more than 450 liters (118.9 gallons). Portable tanks must be designed, constructed, certified and stamped in accordance with the ASME Code (incorporated by reference, see § 171.7 of this subchapter).

(2) Portable tanks must be postweld heat treated and radiographed as prescribed in the ASME Code except that each tank constructed in accordance with part UHT of the ASME Code must be postweld heat treated. Where postweld heat treatment is required, the tank must be treated as a unit after completion of all the welds to the shell and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment is made. The postweld heat treatment must be as prescribed in the ASME Code, but in no event at less than 1050 °F tank metal temperature.

(3) Welding procedure and welder performance tests must be made annually in accordance with Section IX of the ASME Code (incorporated by reference, see § 171.7 of this subchapter). In addition to the essential variables named in the ASME Code, the following must be considered as essential variables: number of passes, thickness of plate, heat input per pass, and the specified rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25% from the procedure qualification. Records of the qualification must be retained for at least 5 years by the portable tank manufacturer and made available to the approval agency and the owner of the portable tank as specified in § 178.273.

(4) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25%. The minimum impact required for full-sized specimens must be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0 °F Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

(5) Shells and jackets must be made of metallic materials suitable for forming. Jackets must be made of steel. Non-metallic materials may be used for the attachments and supports between the shell and jacket, provided their material properties at the minimum design temperature are proven to be sufficient. In choosing the material, the minimum design temperature must be taken into account with respect to risk of brittle fracture, to hydrogen embrittlement, to stress corrosion cracking and to resistance to impact.

(6) Any part of a portable tank, including fittings, gaskets and pipe-work, which can be expected normally to come into contact with the refrigerated liquefied gas transported must be compatible with that refrigerated liquefied gas.

(7) The thermal insulation system must include a complete covering of the shell with effective insulating materials. External insulation must be protected by a jacket so as to prevent the ingress of moisture and other damage under normal transport conditions.

(8) When a jacket is so closed as to be gas-tight, a device must be provided to prevent any dangerous pressure from developing in the insulation space.

(9) Materials which may react with oxygen or oxygen enriched atmospheres in a dangerous manner may not be used in portable tanks intended for the transport of refrigerated liquefied gases having a boiling point below minus 182 °C at atmospheric pressure in locations with the thermal insulation where there is a risk of contact with oxygen or with oxygen enriched fluid.

(10) Insulating materials must not deteriorate unduly in service.

(11) A reference holding time must be determined for each refrigerated liquefied gas intended for transport in a portable tank. The reference holding time must be determined by testing in accordance with the requirements of § 178.338–9, considering the following factors:

(i) The effectiveness of the insulation system, determined in accordance with paragraph (b)(12) of this section;

(ii) The lowest set pressure of the pressure limiting device;

(iii) The initial filling conditions;

(iv) An assumed ambient temperature of 30 °C (86 °F);

(v) The physical properties of the individual refrigerated liquefied gas intended to be transported.

(12) The effectiveness of the insulation system (heat influx in watts) may be determined by type testing the portable tank in accordance with a procedure specified in § 178.338–9(c) or by using the holding time test in § 178.338–9(b). This test must consist of either:

(i) A constant pressure test (for example, at atmospheric pressure) when the loss of refrigerated liquefied gas is measured over a period of time; or

(ii) A closed system test when the rise in pressure in the shell is measured over a period of time.

(13) When performing the constant pressure test, variations in atmospheric pressure must be taken into account. When performing either test, corrections must be made for any variation of the ambient temperature from the assumed

ambient temperature reference value of 30 °C (86 °F).

(14) The jacket of a vacuum-insulated double-wall tank must have either an external design pressure not less than 100 kPa (1 bar) gauge pressure calculated in accordance with the ASME Code or a calculated critical collapsing pressure of not less than 200 kPa (2 bar) gauge pressure. Internal and external reinforcements may be included in calculating the ability of the jacket to resist the external pressure.

Note to paragraph (b): For the determination of the actual holding time as indicated by paragraphs (b)(11), (12) and (13) of this section, before each journey, refer to § 178.338–9(b).

(c) *Design criteria.* For shells with vacuum insulation, the test pressure must not be less than 1.3 times the sum of the MAWP and 100 kPa (1 bar). In no case may the test pressure be less than 300 kPa (3 bar) gauge pressure.

(d) *Service equipment.* (1) Each filling and discharge opening in portable tanks used for the transport of flammable refrigerated liquefied gases must be fitted with at least three mutually independent shut-off devices in series: the first being a stop-valve situated as close as reasonably practicable to the jacket, the second being a stop-valve and the third being a blank flange or equivalent device. The shut-off device closest to the jacket must be a quick closing device, which closes automatically in the event of unintended movement of the portable tank during filling or discharge or fire engulfment. This device must be operable by remote control.

(2) Each filling and discharge opening in portable tanks used for the transport of non-flammable refrigerated liquefied gases must be fitted with at least two mutually independent shut-off devices in series: the first being a stop-valve situated as close as reasonably practicable to the jacket and the second a blank flange or equivalent device.

(3) For sections of piping which can be closed at both ends and where liquid product can be trapped, a method of automatic pressure relief must be provided to prevent excess pressure build-up within the piping.

(4) Each connection on a portable tank must be clearly marked to indicate its function.

(5) When pressure-building units are used, the liquid and vapor connections to that unit must be provided with a valve as close to the jacket as reasonably practicable to prevent the loss of contents in case of damage to the pressure-building unit.

(6) The materials of construction of valves and accessories must have satisfactory properties at the lowest operating temperature of the portable tank.

(e) *Pressure relief devices.* (1) Every shell must be provided with not less than two independent reclosing pressure relief devices. The pressure relief devices must open automatically at a pressure not less than the MAWP and be fully open at a pressure equal to 110% of the MAWP. These devices must, after discharge, close at a pressure not lower than 10% below the pressure at which discharge starts and must remain closed at all lower pressures. The pressure relief devices must be of the type that will resist dynamic forces including surge.

(2) Except for portable tanks used for oxygen, portable tanks for non-flammable refrigerated liquefied gases (except oxygen) and hydrogen may in addition have frangible discs in parallel with the reclosing devices as specified in paragraphs (e)(4)(ii) and (e)(4)(iii) of this section.

(3) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of gas and the development of any dangerous excess pressure.

(4) *Capacity and setting of pressure relief devices.* (i) In the case of the loss of vacuum in a vacuum-insulated tank or of loss of 20% of the insulation of a tank insulated with solid materials, the combined capacity of all pressure relief devices installed must be sufficient so that the pressure (including accumulation) inside the shell does not exceed 120% of the MAWP.

(ii) For non-flammable refrigerated liquefied gases (except oxygen) and hydrogen, this capacity may be achieved by the use of frangible discs in parallel with the required safety-relief devices. Frangible discs must rupture at nominal pressure equal to the test pressure of the shell.

(iii) Under the circumstances described in paragraphs (e)(4)(i) and (e)(4)(ii) of this section, together with complete fire engulfment, the combined capacity of all pressure relief devices installed must be sufficient to limit the pressure in the shell to the test pressure.

(iv) The required capacity of the relief devices must be calculated in accordance with CGA Pamphlet S–1–1.2 (incorporated by reference, see § 171.7 of this subchapter).

65. In § 178.703, paragraph (a)(1) introductory text would be revised and in paragraph (a)(1)(ii), a new sentence would be added at the end of the paragraph to read as follows:

§ 178.703 Marking of intermediate bulk containers.

(a) * * *

(1) Mark every IBC in a durable and clearly visible manner (may be applied in a single line or in multiple lines provided the correct sequence is followed) with the following information in letters, numerals and symbols of at least 12 mm in height and in the sequence presented:

* * * * *

(ii) * * * The letter ''W'' must follow the IBC design type identification code on an IBC when the IBC differs from the requirements in subpart N of this part, or is tested using methods other than those specified in this subpart, and is approved by the Associate Administrator in accordance with the provisions in § 178.801(i).

* * * * *

66. In § 178.705, paragraph (c)(1)(iv)(A) would be revised and a new paragraph (c)(1)(iv)(C) would be added to read as follows:

§ 178.705 Standards for metal intermediate bulk containers.

* * * * *

(c) * * *

(1) * * *

(iv) * * *

(A) For a reference steel having a product of Rm X Ao = 10,000, where Ao is the minimum elongation (as a percentage) of the reference steel to be used on fracture under tensile stress, (Rm X Ao = 10,000 X 145; if tensile strength is in U.S. Standard units of pounds per square inch) the wall thickness must not be less than:

Capacity (C) in liters[1]	Wall thickness (T) in mm			
	Types 11A, 11B, 11N		Types 21A, 21B, 21N, 31A, 31B, 31N	
	Unprotected	Protected	Unprotected	Protected
C ≤ 1000	2.0	1.5	2.5	2.0
1000 < C ≤ 2000	T=C/2000 + 1.5	T=C/2000 + 1.0	T=C/2000 + 2.0	T=C/2000 + 1.5

Capacity (C) in liters[1]	Wall thickness (T) in mm			
	Types 11A, 11B, 11N		Types 21A, 21B, 21N, 31A, 31B, 31N	
	Unprotected	Protected	Unprotected	Protected
2000 < C ≤ 3000	T=C/2000 + 1.5	T=C/2000 + 1.0	T=C/1000 + 1.0	T=C/2000 + 1.5

[1] Where: gallons = liters × 0.264.

* * * * *

(C) For purposes of the calculation described in paragraph (c)(1)(iv)(B) of this section, the guaranteed minimum tensile strength of the metal to be used (Rm_1) must be the minimum value according to material standards. However, for austenitic (stainless) steels, the specified minimum value for Rm, according to the material standards, may be increased by up to 15% when a greater value is provided in the material inspection certificate. When no material standard exists for the material in question, the value of Rm must be the minimum value indicated in the material inspection certificate.

* * * * *

67. In § 178.801, in paragraph (i), two sentences would be added at the end of the paragraph to read as follows:

§ 178.801 General requirements.

* * * * *

(i) * * * A large packaging, as defined in § 171.8 of this subchapter, may be used if approved by the Associate Administrator. The large packaging must conform to the construction standards, performance testing and packaging marking requirements specified in the UN Recommendations (incorporated by reference, see § 171.7 of this subchapter)

* * * * *

68. In § 178.812, paragraph (c)(1) would be revised and a new paragraph (c)(3) would be added to read as follows:

§ 178.812 Top lift test.

* * * * *

(c) *Test method.* (1) A metal or flexible IBC must be lifted in the manner for which it is designed until clear of the floor and maintained in that position for a period of five minutes.

* * * * *

(3) If not tested as indicated in paragraph (c)(1) of this section, a flexible IBC design type must be tested as follows:

(i) Fill the flexible IBC to 95% full with a material representative of the product to be shipped.

(ii) Suspend the flexible IBC by its lifting devices.

(iii) Apply a constant downward force through a specially designed platen. The platen will be a minimum of 60% and a maximum of 80% of the cross sectional surface area of the flexible IBC.

(iv) The combination of the mass of the filled flexible IBC and the force applied through the platen must be a minimum of six times the maximum net mass of the flexible IBC. The test must be conducted for a period of five minutes.

(v) Other equally effective methods of top lift testing and preparation may be used with approval of the Associate Administrator.

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

69. The authority citation for part 180 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

70. Subpart G would be added to part 180 to read as follows:

Subpart G—Qualification and Maintenance of Portable Tanks

Sec.
180.601 Applicability.
180.603 Qualification of portable tanks.
180.605 Requirements for retest, inspection or repair of portable tanks.

Subpart G—Qualification and Maintenance of Portable Tanks

§ 180.601 Applicability.

This subpart prescribes requirements, in addition to those contained in parts 107, 171, 172, 173, and 178 of this subchapter, applicable to any person responsible for the continuing qualification, maintenance or periodic retesting of a portable tank.

§ 180.603 Qualification of portable tanks.

(a) Each portable tank used for the transportation of hazardous materials must be an authorized packaging.

(b) To qualify as an authorized packaging, each portable tank must conform to the requirements of this subchapter or the applicable specification to which the portable tank was constructed.

(c) The following portable tanks are authorized for use provided they conform to all applicable safety requirements of this subchapter: 51, 56, 57, 60, IM 101, IM 102 and UN portable tanks.

(d) A portable tank that also meets the definition of ''container'' in 49 CFR 450.3(a)(3) must conform to the requirements in parts 450 through 453 of this tile for compliance with Annex II of the Convention for Safe Containers (CSC).

(e) *Exemption portable tanks based on DOT 51 portable tanks.* The owner of a portable tank constructed in accordance with and used under an exemption issued prior to August 31, 1996, which was in conformance with the requirements for Specification DOT 51 portable tanks with the exception of the location of fill and discharge outlets, shall examine the portable tank and its design to determine if it meets the outlet requirements in effect on October 1, 1999. If the owner determines that the portable tank is in compliance with all requirements of the DOT 51 specification, the exemption number stenciled on the portable tank shall be removed and the specification plate (or a plate placed adjacent to the specification plate) shall be durably marked ''DOT 51–E*****'' (where ***** is to be replaced by the exemption number). During the period the portable tank is in service, and for one year thereafter, the owner of the portable tank must retain on file at its principal place of business a copy of the last exemption in effect.

§ 180.605 Requirements for retest, inspection or repair of portable tanks.

(a) A portable tank constructed in accordance with a DOT specification for which a test or inspection specified in this section has become due, may not be filled and offered for transportation or transported until the test or inspection has been successfully completed. This paragraph (a) does not apply to any portable tank filled prior to the test or inspection due date.

(b) *Conditions requiring test and inspection of portable tanks.* Without regard to any other test or inspection requirements, a Specification or UN portable tank must be tested and inspected in accordance with this section prior to further use if any of the following conditions exist:

(1) The portable tank shows evidence of bad dents, corroded or abraded areas,

leakage, or any other condition that might render it unsafe for transportation service.

(2) The portable tank has been in an accident and has been damaged to an extent that may adversely affect its ability to retain the hazardous material.

(3) The portable tank has been out of hazardous materials transportation service for a period of one year or more.

(4) The portable tank has been modified from its original design specification.

(5) The Department so requires based on the existence of probable cause that the portable tank is in an unsafe operating condition.

(c) *Schedule for initial and periodic inspections and tests.* Each Specification portable tank must be tested and inspected in accordance with the following schedule:

(1) Each IM or UN portable tank must be given an initial inspection and test before being placed into service, a periodic inspection and test at least once every five years, and an intermediate periodic inspection and test at least every 2.5 years following the last five-year periodic inspection and test.

(2) Each Specification 51 portable tank must be given a periodic inspection and test at least once every five years.

(3) Each Specification 56 or 57 portable tank must be given a periodic inspection and test at least once every 2.5 years.

(4) Each Specification 60 portable tank must be given a periodic inspection and test at the end of the first 4-year period after the original test; at least once every 2 years thereafter up to a total of 12 years of service; and at least once annually thereafter. Retesting is not required on a rubber-lined tank except before each relining.

(d) *Initial inspection and test.* The initial inspection and test of a portable tank must include the following:

(1) A check of the design characteristics;

(2) An internal and external examination of the portable tank and its fittings, taking into account the hazardous materials to be transported;

(3) A hydrostatic pressure test as specified in paragraph (i) of this section;

(4) A leakage test;

(5) A test of the satisfactory operation of all service equipment including pressure relief devices must also be performed. When the shell and its fittings have been pressure-tested separately, they must be subjected to a leakage test after reassembly. All welds subject to full stress level in the shell must be inspected during the initial test by radiographic, ultrasonic, or another suitable non-destructive test method. This does not apply to the jacket;

(6) A UN portable tank that meets the definition of ''container'' in the CSC (see 49 CFR 450.3(a)(2)) must be subjected to an impact test using a prototype representing each design type. The prototype portable tank must be shown to be capable of absorbing the forces resulting from an impact not less than 4 times (4 g) the maximum permissable gross mass of the fully loaded portable tank at a duration typical of the mechanical shocks experienced in rail transportation. A listing of standards describing methods acceptable for performing the impact test are provided in the UN Recommendations (incorporated by reference, see § 171.7 of this subchapter);

(7) The following tests must be completed on a portable tank that is also a CSC container without leakage or deformation that would render the tank unsuitable for transportation and use:

(i) *Longitudinal inertia.* The tank loaded to its maximum gross weight must be positioned with its longitudinal axis vertical. It shall be held in this position for five minutes by support at the lower end of the base structure providing vertical and lateral restraint and by support at the upper end of the base structure providing lateral restraint only.

(ii) *Lateral inertia.* The tank loaded to its maximum gross weight must be positioned for five minutes with its transverse axis vertical. It shall be held in this position for five minutes by support at the lower side of the base structure providing vertical and lateral restraint and by support at the upper side of the base structure providing lateral restraint only.

(e) *Intermediate periodic inspection and test.* The intermediate periodic inspection and test must include at least an internal and external examination of the portable tank and its fittings taking into account the hazardous materials intended to be transported; a leakage test; and a test of the satisfactory operation of all service equipment. Sheathing, thermal insulation, etc. need only to be removed to the extent required for reliable appraisal of the condition of the portable tank. For portable tanks intended for the transportation of a single hazardous material, the internal examination may be waived if it is leakage tested in accordance with the procedures in paragraph (i) of this section prior to each filling, or if approved by the Associate Administrator.

(f) *Periodic inspection and test.* The periodic inspection and test must include an internal and external examination and, unless excepted, a hydraulic pressure test as specified in this section. Sheathing, thermal insulation, etc. need only to be removed to the extent required for reliable appraisal of the condition of the portable tank. Reclosing pressure relief devices must be removed from the tank and tested separately. For portable tanks where the shell and equipment have been pressure-tested separately, after assembly they must be subjected together to a leakage test.

(g) *Exceptional inspection and test.* The exceptional inspection and test is necessary when a portable tank shows evidence of damaged or corroded areas, or leakage, or other conditions that indicate a deficiency that could affect the integrity of the portable tank. The extent of the exceptional inspection and test must depend on the amount of damage or deterioration of the portable tank. It must include at least the intermediate inspection and a hydrostatic test according paragraph (e) of this section. Pressure relief devices need not be tested or replaced unless there is reason to believe the relief devices have been affected by the damage or deterioration.

(h) *Internal and external examination.* The internal and external examinations must ensure that:

(1) The shell is inspected for pitting, corrosion, or abrasions, dents, distortions, defects in welds or any other conditions, including leakage, that might render the portable tank unsafe for transportation;

(2) The piping, valves, and gaskets are inspected for corroded areas, defects, and other conditions, including leakage, that might render the portable tank unsafe for filling, discharge or transportation;

(3) Devices for tightening manhole covers are operative and there is no leakage at manhole covers or gaskets;

(4) Missing or loose bolts or nuts on any flanged connection or blank flange are replaced or tightened;

(5) All emergency devices and valves are free from corrosion, distortion and any damage or defect that could prevent their normal operation. Remote closure devices and self-closing stop-valves must be operated to demonstrate proper operation;

(6) Required markings on the portable tank are legible and in accordance with the applicable requirements; and

(7) The framework, the supports and the arrangements for lifting the portable tank are in satisfactory condition.

(i) *Pressure test procedures for specification 51, 57, 60, IM or UN portable tanks.* (1) Each Specification 57 portable tank must be leak tested by a

minimum sustained air pressure of at least three psig applied to the entire tank. Each Specification 51 or 56 portable tank must be tested by a minimum pressure (air or hydrostatic) of at least 2 psig or at least one and one-half times the design pressure (maximum allowable working pressure, or re-rated pressure) of the tank, whichever is greater. Leakage tests for all other portable tanks must be at a pressure of at least 25% of MAWP. During each air pressure test, the entire surface of all joints under pressure must be coated with or immersed in a solution of soap and water, heavy oil, or other material suitable for the purpose of detecting leaks, but in no case less than five minutes. The pressure must be held for a period of time sufficiently long to assure detection of leaks. During the air or hydrostatic test, relief devices may be removed, but all the closure fittings must be in place and the relief device openings plugged. Lagging need not be removed from a lagged tank if it is possible to maintain the required test pressure at constant temperature with the tank disconnected from the source of pressure.

(2) Each Specification 60 portable tank must be retested by completely filling the tank with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100 °F during the test, and applying a pressure of 60 psig. The tank shall be capable of holding the prescribed pressure for at least 10 minutes without leakage, evidence of impending failure, or failure. All closures shall be in place while the test is made and the pressure shall be gauged at the top of the tank. Safety devices and/or vents shall be plugged during this test.

(3) Each Specification IM or UN portable tank, except for UN portable tanks used for liquefied compressed gases and all piping, valves and accessories, except pressure relief devices, must be hydrostatically tested with water, or other liquid of similar density and viscosity, to a pressure not less than 150% of its maximum allowable working pressure. UN portable tanks used for liquefied compressed gases must be hydrostatically tested with water, or other liquid of similar density and viscosity, to a pressure not less than 130% of its maximum allowable working pressure. The minimum test pressure for a portable tank is determined on the basis of the hazardous materials that are intended to be transported in the tanks. Minimum test pressure for specific hazardous materials are specified in the applicable T Codes assigned to a particular hazardous material in the § 172.101 Table of this subchapter. While under pressure the tank shall be inspected for leakage, distortion, or any other condition which might render the tank unsafe for service. A portable tank fails to meet the requirements of the pressure test if, during the test, there is permanent distortion of the tank exceeding that permitted by the applicable specification; if there is any leakage; or if there are any deficiencies. Any portable tank that fails must be rejected and may not be used again for the transportation of a hazardous material unless the tank is adequately repaired, and, thereafter, a successful test is conducted in accordance with the requirements of this paragraph. An approval agency shall witness the hydrostatic test. Any damage or deficiency that might render the portable tank unsafe for service shall be repaired to the satisfaction of the witnessing approval agency. The repaired tank must be hydrostatically retested. Upon successful completion of the hydrostatic test, the witnessing approval agency shall apply its name, identifying mark or identifying number in accordance with paragraph (l) of this section.

(j) *Rejection criteria.* When evidence of any unsafe condition is discovered, the portable tank may not be returned to service until it has been corrected and the pressure test is repeated and passed.

(k) *Repair.* The repair of a portable tank is authorized, provided such repairs are made in accordance with the requirements prescribed in the specification for the tank's original design and construction. In addition to any other provisions of the specification, no portable tank may be repaired so as to cause leakage or cracks or the likelihood of leakage or cracks near areas of stress concentration due to cooling metal shrinkage in welding operations, sharp fillets, reversal of stresses, or otherwise. No field welding may be done except to non-pressure parts. In all cases, when cutting, burning or welding operations on the shell have been affected, that work must be done with the approval of the approval agency and be done in accordance with the requirements of this subchapter, taking into account the pressure vessel code used for the construction of the shell. A pressure test to the original test pressure must be performed after the work is completed.

(l) *Inspection and test markings.* Each portable tank must be durably and legibly marked, in English, with the date (month and year) of the last hydrostatic test, the identification markings of the approval agency witnessing the test when required, and the date of the last visual inspection. The marking must be placed on or near the metal identification plate in letters not less than 3 mm (0.118 inches) high when on the metal identification plate and 32 mm (1.25 inches) high when on the portable tank.

(m) *Record retention.* The owner of each portable tank or his authorized agent shall retain a written record of the date and results of all required inspections and tests, and the name and address of the person performing the inspection or test, until the next retest has been satisfactorily completed and recorded. In addition, a manufacturer's data report of the portable tank must be procured and retained in the files of the owner during the time that such portable tank is used for such service, except for Specifications 56 and 57 portable tanks.

Issued in Washington, DC on August 16, 2000, under authority delegated in 49 CFR part 106.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

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Monday,
October 23, 2000

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, etc.

Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organizations Technical Instructions; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 175, 176, 177, 178 and 180

[Docket No. RSPA–2000–7702 (HM–215D)]

RIN 2137–AD41

Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA proposes to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. In addition, RSPA proposes to revise the requirements for intermediate bulk containers and UN portable tanks for alignment with international requirements. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these proposed revisions are necessary to facilitate the transport of hazardous materials in international commerce.

DATES: Comments must be received by December 22, 2000.

ADDRESSES: Address comments to the Dockets Management System, U.S. Department of Transportation, Room PL 401, 400 Seventh St., SW., Washington, DC 20590–0001. Comments should identify the docket number RSPA–00–7702 (HM–215D) and be submitted in two copies. If you wish to receive confirmation of receipt of your comments, include a self-addressed stamped postcard. You may also submit and review all comments by accessing the Docket Management System website at *http://dms.dot.gov.* Click on ''Help and Information'' to obtain instructions for filing a document electronically. The Dockets Unit is located on the Plaza Level of the Nassif Building at U.S. DOT at the above address. Public dockets may be reviewed between the hours of 10 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joan McIntyre, Office of Hazardous Materials Standards, telephone (202) 366–8553, or Bob Richard, Assistant International Standards Coordinator, telephone (202) 366–0656, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 1990, the Research and Special Programs Administration (RSPA) (hereafter, ''we'' and ''our'' means ''RSPA'') published a final rule based on the UN Recommendations [Docket HM–181; 55 FR 52402] which comprehensively revised the Hazardous Materials Regulations (HMR), 49 CFR parts 171 to 180, with respect to hazard communication, classification, and packaging requirements. The intended effect of the rule was to facilitate the international transportation of hazardous materials by ensuring a basic consistency between the HMR and international regulations, while at the same time ensuring the safe transportation of hazardous materials.

The UN Recommendations are not regulations, but are recommendations issued by the UN Committee of Experts on the Transport of Dangerous Goods. These recommendations are amended and updated biennially by the UN Committee of Experts. They serve as the basis for national, regional, and international modal regulations (specifically, the IMDG Code, issued by the International Maritime Organization (IMO), and the ICAO Technical Instructions, issued by the ICAO Dangerous Goods Panel). In 49 CFR 171.12, the HMR authorize hazardous materials shipments prepared in accordance with the IMDG Code if all or part of the transportation is by vessel, subject to certain conditions and limitations. Offering, accepting and transporting hazardous materials by aircraft, in conformance with the ICAO Technical Instructions, and by motor vehicle either before or after being transported by aircraft, are authorized in § 171.11, subject to certain conditions and limitations.

Since publication of the 1990 final rule, we have issued three additional international harmonization final rules, (Dockets HM–215A, 59 FR 67390; HM–215B, 62 FR 24690; and HM–215C, 64 FR 10742). The rules provided additional harmonization with international air and sea transportation requirements by more fully aligning the HMR with the corresponding biennial updates of the UN Recommendations, the IMDG Code and the ICAO Technical Instructions.

The continually increasing amount of hazardous materials transported in international commerce warrants the harmonization of domestic and international requirements to the greatest extent possible. Harmonization serves to facilitate international transportation and at the same time ensures the safety of people, property and the environment. Therefore, in our efforts to continue the alignment of the HMR with international requirements, this NPRM proposes changes to the HMR based on the eleventh revised edition of the UN Recommendations, the 2001–2002 ICAO Technical Instructions and Amendment 30 to the IMDG Code, all of which become effective January 1, 2001. Petitions for rulemaking pertinent to harmonization with international standards and the facilitation of international transportation are also addressed in this NPRM and serve as the basis of certain proposed changes. Other proposed changes are based on feedback from the regulated industry, RSPA and other DOT modal administrations, including a few proposed editorial clarifications and a Class 1 (explosives) placarding allowance for certain compatibility groups. Unless otherwise stated, the revisions are proposed for harmonization with international standards.

II. Overview of Proposed Changes in this NPRM

Proposed amendments to the HMR in this NPRM include:

—Incorporation by reference of the updated ICAO Technical Instructions, IMDG Code and UN Recommendations and addition of incorporation by reference of six current standards which include an International Atomic Energy Agency (IAEA) safety standard, an IMO safety standard, three International Organization for Standardization (ISO) standards and one American Society for Testing Materials (ASTM) standard.

—Amendments to the Hazardous Materials Table (HMT) which would add, revise or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and passenger and cargo aircraft maximum quantity limitations. Proper

shipping name amendments include the proposal to replace the word ''inhibited'' with ''stabilized.'' Entry removals include certain domestic entries for which corresponding UN entries are included in the HMT.

—Revision of vessel stowage category definitions and codes for Class 1 (explosive) materials.

—Revision of shipping paper requirements for sea transport.

—Addition, removal and revision of certain entries to the List of Marine Pollutants.

—Addition, removal and revision of special provisions, including removal of current T codes and IBC bulk provisions and addition of UN portable tank codes and IBC special packing provisions, consistent with those in the UN Recommendations.

—Removal of the requirement to distinguish between primary and subsidiary risk labels and placards.

—Addition and revision to the list of organic peroxides and the list of self-reactive substances.

—Revision of the requirements pertaining to the transportation of samples.

—Revision of intermediate bulk container (IBC) requirements including amendments to the IBC commodity sections in §§ 173.240, 173.241, 173.242, 173.243 and 173.247, and addition of UN IBC packing instructions and special IBC packing provisions in part 172.

—Incorporation of the design, construction and use requirements for UN portable tanks.

—Consolidation of current portable tank maintenance, approval and use requirements.

—Inclusion of flexible grandfather provisions for the continued use of IM 101, IM102 and DOT 51 portable tanks.

—Removal of specifications for DOT 52 and 53 portable tanks and the provisions for their continued use.

—Incorporation of a provision for the use of the ''W'' mark for IBCs.

—Inclusion of a 12 mm minimum marking size for IBCs.

—Revision of minimum thickness requirements for metal IBCs.

—Revision of several explosives packing methods to allow a broader selection of authorized packagings.

—Revision of provisions for cigarette lighters and alcoholic beverages carried aboard aircraft.

—Allowance of the display of one placard when certain explosive compatibility groups are transported together.

—Revision of lithium battery requirements.

III. Summary of Regulatory Changes by Section

Part 171

Section 171.7. We propose to update the incorporation by reference for the ICAO Technical Instructions, the IMDG Code, the UN Recommendations and the UN Manual of Tests and Criteria. In addition, we propose to add an ASTM standard, the current edition of the IAEA safety standard, an IMO standard, and three ISO standards.

All of the updated incorporation by reference material will become effective January 1, 2001 and would be updated as follows:

—The ICAO Technical Instructions—2001–2002 edition.

—The IMDG Code—Amendment 30.

—The UN Recommendations—eleventh revised edition.

—The UN Manual of Tests and Criteria—third revised edition.

Additionally, all of the proposed added incorporation by reference material would become effective January 1, 2001 and would be added as follows:

—ASTM's ''E 112–96 Standard for Test Methods for Determining Average Grain Size'' would be added to define ''fine grain steel'' as included in the proposed incorporation of the UN portable tank specifications in § 178.274.

—IAEA's current ''Regulations for the Safe Transport of Radioactive Material, No. ST–1,'' 1996 edition would be added while retaining the previous edition entitled, ''Regulations for the Safe Transport of Radioactive Material, Safety Series No. 6.'' The ST–1 requirements were incorporated in the IMDG Code and the ICAO Technical Instructions which will both be effective January 1, 2001. Adding the updated ST–1 edition and retaining Safety Series No. 6 would afford the flexibility necessary in an interim period when international shipments are required to be in accordance with the ST–1 edition. Domestic shipments would remain subject to the HMR requirements, which are based on Safety Series No. 6 pending amendment of these requirements under a separate rulemaking.

—IMO'S current ''International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships' (INF Code) would be added. The IMO Maritime Safety Committee adopted the INF Code for incorporation into the IMDG Code. In addition, the INF Code is being made mandatory for international transportation effective January 1, 2001, through an amendment to Chapter VII of the International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974, as amended). The incorporation by reference and inclusion of the proposed new § 176.720 requirement for a vessel carrying irradiated nuclear fuel, plutonium and high-level radioactive wastes would align the HMR with these international standards. (Also, see § 176.2. and § 176.720.)

—Finally, we are proposing to add three ISO standards to coincide with the proposed incorporation of the UN portable tank requirements. The standards are as follows: ''ISO 1496–3 Series 1 freight containers—Specification and testing,'' 1996 edition; ''ISO 4126–1 Safety valves-Part 1: General Requirements,'' 1991 edition; and, ''ISO 6892 Metallic materials—Tensile testing,'' 1984 edition.

Section 171.8. We would add four new definitions to § 171.8. ''Large packaging'' would be added to correspond with the proposed addition of an approval provision that would allow the use of large packagings which comply with requirements in the UN Recommendations (see § 178.801). Large packagings are UN-marked bulk packagings which are very similar to IBCs, with the exception that they contain inner packagings. ''Liner'' would be added for clarification purposes. ''Stabilized'' would be added in conjunction with the proposal to replace the word ''inhibited'' with ''stabilized'' in proper shipping names (see § 172.101). Finally, ''UN portable tank'' would be added in conjunction with the proposal to include requirements for the design, construction and use of UN portable tanks (see §§ 178.274, 178.275, 178.276, 178.277).

Section 171.10. To correspond with the proposed incorporation of the UN portable tank specifications, we would add the unit of measure for ''Newton'' into the Table of Conversion Factors in paragraph (c)(2).

Section 171.11. We propose to add a new paragraph (d)(17) to ensure conformance with the current approval provision in § 173.128(d) which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table. (We also propose to add the new paragraph under §§ 171.12 and 171.12a.)

Section 171.12. Paragraph (b)(3) would be revised by adding a limitation to the use of the IMDG Code by requiring that viscous flammable liquids, which are excepted from the IMDG Code when in a packaging of less than 450 liters (118.9 gallons) capacity, are subject to the HMR. We do not agree that the IMDG Code exception provides an adequate level of safety and opposed its incorporation in the ICAO Technical Instructions, the IMDG Code and UN Recommendations. We believe this requirement is necessary to ensure that importers and exporters are aware that these viscous flammable liquids are regulated in the United States. We also propose to add a new paragraph (b)(19) to ensure conformance with the current approval provision in § 173.128(d), which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table. Finally, we proposed to revise paragraph (d) to reflect the addition of the current edition of the IAEA ''Regulations for the Safe Transport of Radioactive Material, No. ST–1,'' 1996 edition. (See § 171.7 for discussion concerning the addition of the updated ST–1 standards.)

Section 171.12a. We propose to add a new paragraph (b)(18) to ensure conformance with the current approval provision in § 173.128(d) which requires an approval from the Associate Administrator for the offering for transportation or transport of organic peroxides that are not identified by technical name in the § 173.225(b) Organic Peroxide Table.

Section 171.14. We propose to revise paragraphs (d) and (d)(1) to authorize a delayed implementation date for the amendments adopted in the HM–215D final rule. The effective date of this final rule would be October 1, 2001. However, we would authorize a voluntary compliance date of January 1, 2001. This authorization would allow shippers to prepare their international shipments in accordance with the new ICAO Technical Instructions, the IMDG Code and the HMR provisions. We also would authorize a delayed mandatory compliance date comparable to the transition provisions provided in the final rule under Docket HM–215C. The delayed mandatory compliance date would offer sufficient time to implement the new provisions and deplete current stocks of shipping papers, labels, placards and packagings affected by the new requirements.

We would revise paragraph (d)(2) to permit intermixing old and new (HM–215D) hazard communication requirements until October 1, 2002.

We would add a new paragraph (d)(4) to allow the use of the T code special provisions (proposed to be assigned to a hazardous material in Column (7) of the HMT) in effect on December 31, 2000 until January 1, 2010 for hazardous materials offered for transportation in IM and IMO portable tanks. This proposal is consistent the IMDG Code and would minimize any undue regulatory burden.

Part 172

Section 172.101. For alignment with international standards, we would revise paragraph (c)(11) and add new paragraphs (k)(6) through (k)(20). Consistent with the eleventh revised edition of the UN Recommendations, we would revise paragraph (c)(11) for materials transported as samples which are assigned a tentative proper shipping name, hazard class, identification number and packing group. We would revise the requirements by requiring the word ''SAMPLE'' to be included in association with the proper shipping name and by prohibiting the samples from being packaged together with other hazardous materials. We also would add a new paragraph (c)(16) to allow for the inclusion of the qualifying words ''liquid,'' ''solid'' or ''molten,'' as applicable, to a proper shipping name.

Consistent with the new stowage categories and terminology contained in Amendment 30 of the IMDG Code, we would add new paragraphs (k)(6) through (k)(20) to include the IMDG vessel stowage category definitions for Class 1 (explosive) materials. (Also see preamble discussion under ''The Hazardous Materials Table'' and § 176.63.)

The Hazardous Materials Table (HMT). Proposed amendments to the HMT for the purpose of harmonizing with the eleventh revised edition of the UN Recommendations (unless otherwise stated) would include the following:

—For the entries, ''Other regulated substances, liquid, n.o.s.'' and ''Other regulated substances, solid, n.o.s.,'' we would add the letter ''G'' to Column (1). The letter ''G,'' which denotes the n.o.s. and generic proper shipping names which are required to be supplemented with the technical names of the hazardous material (in parentheses and in association with the basic description), was inadvertently omitted in Docket HM–215C (64 FR 10742).

—We would add the following new entries: ''Nitroglycerin mixture, desensitized, liquid, n.o.s. *with not more than 30% nitroglycerin by mass*,'' UN3357; ''Propellant, solid,'' UN0501; ''Refrigerating machines *containing flammable, non-toxic, liquefied gas*,'' UN3358; ''Rockets *with inert head*,'' UN0502; and ''1H–Tetrazole,'' UN0504.

—We would revise the entry, ''Dangerous Goods in Machinery or Dangerous Goods in Apparatus'' by replacing the identification number NA8001 with UN3363, designating a Class 9 assignment and revising Special Provision 136 (see § 172.102). These proposed changes reflect the adoption of the entry by the UN Committee of Experts and amendments agreed to by the ICAO Dangerous Goods Panel. The entry was added to the HMT under Docket HM–215C as NA8001 and assigned Special Provision 136 to prescribe the appropriate hazard class assignment. As explained in HM–215C, the entry was adopted in the ICAO Technical Instructions to provide an exception from the UN packaging performance tests for equipment, machinery or apparatus containing small quantities of hazardous materials. For machinery or apparatus not specifically listed in the HMT, the entry provides a practical means of describing and transporting machinery or apparatus containing small quantities of hazardous materials. In HM–215C, we stated that upon the assignment of a UN identification number, we would revise the entry accordingly. This was accomplished in the eleventh revised edition of the UN Recommendations in which UN3363 was assigned and this entry was assigned to Class 9. The ICAO Technical Instructions were amended consistent with this UN decision. Therefore, based on the above discussion, we are proposing to revise the entry, ''Dangerous Goods in Machinery or Dangerous Goods in Apparatus'' by assigning it to Class 9, replacing the domestic identification number with an international identification number, and revising Special Provision 136.

—We are proposing to revise all proper shipping names containing the word ''inhibited'' by replacing ''inhibited'' with the word ''stabilized.'' (Also, see proposed definition for ''stabilized'' in § 171.8.) Replacing the word ''inhibited'' with ''stabilized'' would recognize that, in addition to inhibition, other means of controlling self-reaction would be acceptable. The proposed allowance of additional means of stabilization and the proposed removal of certain domestic entries from the HMT (see domestic entry removals later in this section) would also address a petition for

rulemaking (P–1304) requesting that we add a new domestic entry, ''Methyl methacrylate monomer, uninhibited,'' Class 3, NA1247, PG II to the HMT.

—We would revise the following proper shipping names: ''Lithium hypochlorite, dry or Lithium hypochlorite mixtures, dry,'' UN1471; ''Printing ink, flammable,'' UN1210; and ''Nitrocellulose membrane filters,'' UN3270.

—For the entry, ''Methacrylic acid, inhibited,'' UN2531, we would replace Packing Group III with Packing Group II.

—We propose to remove various domestic entries that have assigned ''NA'' identification numbers. After reviewing the domestic entries, we determined that the HMR includes ''UN'' identification numbers assigned to entries that are equally appropriate in a number of instances, and in these instances the NA numbers are no longer necessary. Included in the proposed removals are seven domestic pesticide proper shipping names identified by the pesticide industry as no longer being used. These entries are: ''Aldrin, *liquid*,'' NA2762; ''Aldrin, *solid*,'' NA2761; ''Dieldrin,'' NA2761; ''Methyl parathion *liquid*,'' NA3018; ''Methyl parathion *solid*, NA2783; ''Parathion,'' NA2783 and ''Tetraethyl pyrophosphate *solid*,'' NA3018.

—We would add radioactive material (Class 7) entries consistent with new entries introduced in the UN Recommendations and IAEA's ''Regulations for the Safe Transport of Radioactive Material, No. ST–1'' and revise the current radioactive material entries in the HMR to allow for domestic shipment only.

—For Class 1 (explosive) entries, we would revise Columns (10A) and (10B) to reflect the vessel stowage codes as they are presented in Amendment 30 to the IMDG Code. (See § 172.101(k) and § 176.63.)

—For the international entry ''Methanol,'' we would add a plus mark (+) in Column (1) of the HMT to indicate that this entry is classified with a subsidiary hazard of Class 6.1 on the basis of human experience.

—We would remove the entry ''Isobutyric anhydride,'' UN2530.

—For the entry ''Morpholine,'' UN2054, we would replace Class 3 with Class 8, replace Packing Group III with Packing Group I , and add Class 3 as the subsidiary hazard.

—For ''Organic peroxide type F, solid, temperature controlled,'' (UN3120), we would remove the Packing Group III entry that was due to a printing error in 49 CFR. The PG II entry would remain.

—For approximately 14 Zone A and B toxic-by-inhalation entries, we would revise the quantity limits for transport by air to ''forbidden.'' These revisions would be consistent with other toxic-by-inhalation entries in the HMT.

—For the entry ''Fire extinguishers *containing compressed or liquefied gas*'' we would add Special Provision 110 to Column (7).

—Based on a petition for rulemaking (P–1338) that we received from the Aluminum Company of America (Alcoa), we propose to add Special Provisions 128 and B115 to the entry, ''Magnesium granules, coated, *particle size not less than 149 microns*,'' UN2950. Special Provision 128 allows material meeting the Class 8 definition to be classed as a Division 4.3 with a Class 8 subsidiary hazard. Special Provision B115 authorizes the use of certain non-specification bulk packagings when the material being transported is loaded dry. Special Provisions 128 and B115 are currently assigned to ''Aluminum smelting by-products *or* Aluminum remelting by-products.'' Alcoa states that magnesium granules exhibit the same hazard properties as aluminum smelting and remelting by-products and behave similarly to these materials by occasionally meeting the criteria for both Division 4.3 and Class 8 materials. We agree with the petitioner and propose to add Special Provisions 128 and B115 to the entry ''Magnesium granules, coated, *particle size not less than 149 microns*,'' UN2950. (Also, see § 172.102, Special Provision 128.)

—For approximately 1,600 entries, we would revise Column (7) by harmonizing the HMR authorizations for IBCs with those contained in the UN Recommendations. In most cases, the UN Recommendations provide for greater flexibility in the use of different types of IBCs. However, in a few instances, the incorporation of the UN IBC requirements would further restrict the types of IBCs that are currently authorized for certain hazardous materials. For example, some Packing Group II liquid hazardous materials of Class 3, Division 6.1 and Class 8 that are currently authorized to be transported in composite IBCs with flexible inner receptacles (such as 31HZ2) would not be authorized in these types of IBCs if the UN provisions are adopted. For the benefit of the reader and to facilitate a review of the proposed amendments, we have included a table identifying all of the affected hazardous materials and indicating the current bulk assignments and the proposed IBC assignments. We would set out the IBC packaging requirements in a newly-created IBC Table under the Special Provisions section in § 172.102(c)(4). The table would consist of IBC Codes (using the designations 1B1–1B99) corresponding to the UN IBC packing instructions, and BB Codes corresponding to the UN IBC special packing provisions. We would assign the IBC packing instructions and the BB codes to specific hazardous materials in Column (7) of the § 172.101 HMT consistent with assignments in the UN Recommendations. In addition, we believe that consolidating the IBC requirements into one table would make it easier for readers to identify the authorized IBCs for specific hazardous materials and would enhance safety and international harmonization. As a result of this proposal, we would revise the bulk special provisions in § 172.102 (c)(3) to remove the current bulk codes relevant to the use of IBCs. We would also revise the current IBC packaging authorizations under §§ 173.240(d), 173.241(d), 173.242(d) and 173.243(d).

This proposal also addresses a petition we received from the Rigid Intermediate Bulk Container Association (RIBCA) (P–1395) requesting that we amend the HMR to expand the use of IBCs consistent with new UN provisions. Specifically, the petitioner requested uniformity with the UN Recommendations by requesting that the HMR allow the use of rigid plastic IBCs and composite IBCs with a rigid plastic inner receptacle for certain liquids. We are in agreement with RIBCA's request; however, in the interest of harmonization, we believe it would be more beneficial to adopt the UN Recommendations' IBC packing instructions in totality, and, as such, present the proposal as discussed above.

For purposes of the Government Printing Office's typesetting procedures, readers should be aware that for certain entries in the HMT, such as those with revised proper shipping names, the change may appear as a removal and addition, as opposed to a revision of the regulatory text in the Column (2) changes. Readers should review all changes appearing in the § 172.101 regulatory text for a complete view of the proposed changes.

Appendix B to § 172.101. For the readers' convenience, in Appendix B to § 172.101, List of Marine Pollutants, we

would revise paragraph ''1'' by referencing § 171.4, which contains the applicability and exceptions for offering for transportation or transporting marine pollutants. We would revise paragraph ''2'' to reflect the IMDG Code's provision for the use of two Class 9 proper shipping names when a marine pollutant is not listed by name or by synonym in the HMT and does not meet the definitions of Class 1 through 8. In addition, a number of materials would be added, removed or amended in the List of Marine Pollutants. Included is the proposed removal of the entry ''EPTC (ISO)'' which also was the subject of a petition for rulemaking (P–1360) requesting removal of the entry based on its removal from the IMDG Code. Various other entries previously identified as marine pollutants are proposed to be removed. All of the proposed amendments to the List of Marine Pollutants are consistent with the marine pollutants provided in Amendment 30 of the IMDG Code.

Section 172.102. We propose to revise, add and remove special provisions as follows:

—Special Provision 43 would be revised to include a provision which would except ''Nitrocellulose membrane filters,'' UN3270 from the HMR requirements if shown not to meet the criteria for a Division 4.1 hazardous material, according to burn rate tests in Sub-section 33.2.1. of the UN Manual of Tests and Criteria, Part III.

—Special Provision 110 would be revised to more fully identify fire extinguishers that may be assigned to certain proper shipping names. The proposal would also provide for harmonization with the ICAO Technical Instructions. (We also propose to add the special provision to the entry, ''Fire extinguishers *containing compressed or liquefied gas.*'' See § 172.101 proposed HMT changes.)

—Special Provision 128 would be revised based on the proposal to assign it to ''Magnesium granules, coated, *particle size not less than 149 microns.*'' (See § 172.101, proposed Column (7) changes.)

—Special Provision 136 would be revised to reflect the changes adopted by the UN Committee of Experts and the ICAO Dangerous Goods Panel for the entry ''Dangerous Goods in Machinery *or* Dangerous Goods in Apparatus.'' (Also see § 172.101.) We would revise the special provision by removing the text specific to the determination of the hazard class based on the UN Committee of Experts' decision that items under this entry should be assigned to Class 9.

—A new Special Provision 139 would be added for two new proposed entries, ''Radioactive material, transported under special arrangement, fissile'' and ''Radioactive material, transported under special arrangement *non-fissile or fissile-excepted.*'' The special provision requires international shipments using the two entries to be made under an IAEA Certificate of Competent Authority to be issued by the U.S. Competent Authority. Domestic shipments transported under the two entries would be allowed only under a DOT exemption.

—A new Special Provision 142 would be assigned for the new entry ''Nitroglycerin mixture, desensitized, liquid, n.o.s.'' The special provision would require the material to be approved by the Associate Administrator.

—A new Special Provision 143 would be added for the entry ''Life-saving appliances, not self-inflating, *containing dangerous goods as equipment.*'' The special provision would clarify which articles may be transported under this entry.

— In conjunction with the proposal to revise and consolidate the IBC requirements (see § 172.101, Column (7) changes), we would make the following changes: revise the special provisions for bulk packagings in paragraph (c)(3) to exclude IBCs by revising Special Provisions B53 and B69 and removing Special Provisions B100, B101, B103 through B106 and B108 through B110, and a new paragraph (c)(4) would be added for special provisions specific to IBCs (BB Codes).

—The current T codes in paragraph (c)(7) would be revised to reflect the proposed incorporation of requirements for UN portable tanks and would apply to hazardous materials of Classes 2 through 9. The revised T codes would be consistent with those in the UN Recommendations and the IMDG Code and would supersede the current HMR IM portable tank T codes. The T code provisions would be required in addition to the proposed requirements in part 178. The codes specify the types of authorized portable tanks according to the specific hazardous material transported in the portable tank. Portable tank assignments for Zone A and Zone B toxic-by-inhalation liquids would remain consistent with their current assignments in the HMR. In instances where the UN requires a competent authority approval for transportation in portable tanks (such as when TP9 is assigned in the UN Recommendations), we have removed the approval provision. A transition period would be provided for the continued use of the existing T codes for IM portable tanks (see § 171.14(d)(5)).

—A new Special Provision W7 would be added for seven proposed new Class 7 entries and would assign the vessel stowage category ''D,'' as defined in § 172.101(k)(4), to uranyl nitrate hexahydrate solution.

—A new Special Provision W8 would be added for four proposed new Class 7 entries and would assign the vessel stowage category ''D,'' as defined in § 172.101(k)(4), to pyrophoric thorium metal or pyrophoric uranium metal.

—Finally, a new Special Provision W9 would be added for assignment to the entries, ''Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry *with more than 39 percent available chlorine (8.8 percent available oxygen,*'' UN1748; ''Calcium hypochlorite, hydrated *or* Calcium hypochlorite, hydrated mixtures *with not less than 5.5 percent but not more than 10 percent water,*'' UN2880; and ''Calcium hypochlorite mixtures, dry, *with more than 10 percent but not more than 39 percent available chlorine.*'' UN2208. This proposed action would align the packaging requirements for these entries with those contained in Amendment 30 to the IMDG Code by authorizing certain packagings only when approved by the Associate Administrator.

Section 172.203. We are proposing to revise paragraphs (d)(11), (i) and (n). In paragraph (d)(11), we propose to allow an exception from the requirement to add the appropriate group notation to the shipping description for a shipment of low specific activity material or surface contaminated objects provided the symbols are contained in the proper shipping name.

In paragraph (i), we would add two additional shipping paper description requirements for transportation by vessel. The first amendment would be added as new paragraph (i)(5) and would require the flashpoint for a liquid hazardous material with a flashpoint of 61 °C or below to be included on shipping papers when transported by water. We received a petition (P–1402) from the Vessel Operators Hazardous Materials Association (VOHMA) requesting that we add an additional shipping paper description requirement to include the minimum flashpoint in degrees Celsius for Class 3 (flammable)

or combustible liquid hazardous materials. VOHMA stated that the amendment would help support compliance with the current stowage requirements in § 176.305(c) and the segregation requirements (Code 22 and 23, see § 176.84) as designated in Column (10B) of the § 172.101 Hazardous Materials Table. We agree with the petitioner's reasoning; however, for consistency with the IMDG Code, we propose to add the requirement to specify the flashpoint when it is 61 °C or below for all such liquid hazardous materials whether or not the primary hazard is Class 3. The second amendment to the additional shipping paper description requirements for transportation by vessel would be added as new paragraph (i)(6) and is based on comments from the USCG regarding further harmonization with the IMDG Code. The amendment would require subsidiary risks of a hazardous material that are not reflected in the proper shipping name to be included on shipping papers.

Finally, in paragraph (n), we are proposing to clarify that the shipping paper requirement for the word ''HOT'' to be placed immediately preceding the proper shipping names of hazardous materials that are transported as elevated temperature materials, is not required for proper shipping names containing the words ''Molten'' or ''Elevated temperature.''

Sections 172.402, 172.405 and 172.411. Consistent with the eleventh revised edition of the UN Recommendations, we are removing the requirement to differentiate between primary and subsidiary labels. Currently, primary labels are required to display the hazard class or division number in the lower corner of the label, while subsidiary labels may not display these numbers. We are proposing to amend the requirement which provides for two label specifications (one for primary hazards and one for subsidiary hazards) by removing the subsidiary hazard label specification. Upon adoption of this proposal, labels used to convey both primary and subsidiary hazards would display the appropriate hazard class or division number at the bottom of the label. This proposed change would provide relief by eliminating the need for shippers to stock two sets of labels. We also propose to allow labels meeting the current label specifications to continue to be displayed until October 1, 2005.

Section 172.504. Based on comments and our own initiative, we are proposing to allow the display of only one placard displaying one compatibility letter when certain Class 1 materials (explosives) of different compatibility groups are transported together in a single transport vehicle or container. This proposal is consistent with the mixed packaging allowances in § 173.61.

Section 172.519. Consistent with the proposal to eliminate the distinction between primary and subsidiary labels, we would revise paragraph (b)(4) to eliminate the requirement for placards. In addition, we would incorporate a new paragraph (b)(4)(i) to permit subsidiary placards meeting the current placarding specifications (such as placards without the hazard class or division number displayed in the lower corner of the placard) to continue to be displayed provided they were permanently affixed before January 1, 2001. Non-permanently affixed subsidiary placards meeting the current placarding specifications would be allowed to be displayed until October 1, 2005 or until current stocks are depleted, whichever occurs first.

Part 173

Section 173.2a. Consistent with the eleventh revised edition of the UN Recommendations, we would revise Note 2 to exclude liquid and solid desensitized explosives. In addition, we would add the revised Note 2 to Class 3, PG I, II and III.

Section 173.4. Based on a request for clarification, we would revise paragraph (a) to clarify that the small quantity exceptions apply to packagings containing articles, as well as inner receptacles.

Section 173.24b. We would add a new paragraph (e) to address acceptance of foreign manufactured UN portable tanks that conform to the applicable provisions in the UN Recommendations on the Transport of Dangerous Goods and are manufactured in countries that provide reciprocal treatment for UN portable tanks manufactured in the United States.

Section 173.28. We would correct a reference in paragraph (d)(1)(ii). The paragraph currently references ''§ 173.225(c)(5)'' and would be corrected to read § 173.225(c)(3).''

Section 173.32. We are proposing to revise this section to provide requirements for all portable tanks by consolidating the requirements for the use of IM portable tanks currently in § 173.32(c) into a single section. We are proposing to consolidate the qualification and maintenance requirements in § 173.32(c) and move them to part 180, subpart G, with the qualification and maintenance requirements for IBCs, cargo tanks and tank cars. We are also proposing to include a grandfather clause in this section (§ 173.32) to allow IM 101, 102 and DOT 51 portable tanks to continue to be constructed in accordance with the HMR until January 1, 2003. IM 101, 102 and DOT 51 portable tanks which are certified and approved prior to this date would be authorized for continued use provided they meet the applicable periodic inspection and test requirements proposed in part 180, subpart G. These requirements are currently in § 173.32b. On January 1, 2003, all newly manufactured portable tanks would be required to conform to the requirements for the design, construction and approval of UN portable tanks (see §§ 178.274, 178.275, 178.276 and 178.277). In addition, we are proposing to remove the provisions for the continued use of DOT Specification 52 and 53 portable tanks and ICC Specification portable tanks based on information we received that these portable tanks are no longer used. We specifically request comments with regard to removing these provisions.

Section 173.32a. We are proposing to remove § 173.32a and move its approval requirements for Specification portable tanks to proposed § 178.273. We believe that part 178 is a more appropriate location for these requirements and that the new section will prove to be more convenient for users of the HMR. We also propose to include similar requirements for the proposed incorporation of requirements for UN portable tanks.

Section 173.32b. We are proposing to remove § 173.32b and relocate the test requirements to part 180, subpart G, as discussed in § 173.32.

Section 173.32c. We are proposing to remove § 173.32c. The requirements for the use of all Specification portable tanks would be included in § 173.32, thereby precluding the need for this section.

Section 173.61. Based on our own initiative, for Class 1 (explosives) mixed packaging requirements, we would revise paragraph (e)(3) to allow explosives of compatibility group S that are allowed to be packaged with explosives of all other compatibility groups, except A and L, to be treated as belonging to any of the packaged compatibility groups except S. In addition, we would add a new paragraph (e)(8) to allow explosive articles of compatibility groups C, D, E and G, except for fireworks and articles requiring special packaging, to be treated as belonging to compatibility group E. This proposed revision corresponds with the current allowance contained in § 177.848(g).

Section 173.62. In paragraph (c), we would revise the Explosives Packing Instructions Table to authorize additional types of outer packagings in the following packing instructions: 112(a), 112(b), 112(c), 113, 115, 116, 130, 131, 134, 135, 136, 138, 140, 141,142 and 144.

Section 173.150. We would revise paragraph (d) by clarifying that alcoholic beverages containing over 24% alcohol by volume are not excepted from regulation when transported by a passenger or crewmember on passenger-carrying aircraft. (See preamble discussion under § 175.10.)

Section 173.162. We would revise paragraph (a)(1) by clarifying that the types of packagings specified in the paragraph are combination packagings and that the glass, earthenware or rigid plastics are inner packagings. In addition, for these packagings, we would increase the net mass of 10 kg (22 pounds) for each packaging to15 kg (33 pounds). This is consistent with Packing Instruction 800 in the UN Recommendations.

Section 173.185. We would revise § 173.185 to include a definition for equivalent lithium content for lithium ion cells and batteries and to provide the applicable aggregate lithium quantities relevant to excepting lithium ion cells and batteries from the requirements of the HMR.

Section 173.224. Consistent with the UN Recommendations, we would add the entry ''2,2'-Azodi(isobutyronitrile) as a water-based paste'' to the Self-Reactive Substances Table for substances that are not subject to the approval provisions of § 173.124(a)(2)(iii), provided all applicable provisions in the table are met. Finally, we would revise paragraph (b)(4) and remove paragraph (d) to allow Type F self-reaction substances to be transported in portable tanks under conditions specified in § 173.225(e) (see preamble discussion under § 173.225).

Section 173.225. We are proposing to amend the paragraph (b) Organic Peroxide Table by making various changes, such as revising several technical names, packing method authorizations and control temperatures. These proposed changes are consistent with the UN Recommendations. We are proposing to remove Notes ''7'' and ''10'' consistent with our proposed adoption of UN IBC 520 and add Notes ''26'' and ''27'' to specify the available oxygen content limitations for certain new organic peroxides formulations. We would revise paragraph (e) to incorporate the requirements from the eleventh revised edition of the UN Recommendations relevant to the emergency venting devices for portable tanks used for the transportation of organic peroxides and self-reactive substances. This responds to NTSB recommendation (I–92–2) that asked us to ''revise the requirements for pressure relief venting on DOT specification 57 portable tanks used to transport dicumyl peroxides and other products with similar rapid decomposition characteristics to ensure that the pressure relief systems prevent overpressure rupture of tanks from a rapid product decomposition reaction.'' We propose to apply the recommended venting requirements to all portable tanks and IBCs, rather than just DOT Specification portable tanks. Additionally, the types of portable tanks authorized for type F organic peroxide and self-reactive substances would be expanded to include UN portable tanks. We propose to adopt the requirements in Portable Tank Instruction T23 and IBC Special Provision , IBC 520.

Sections 173.240, 173.241, 173.242 and 173.243. In each section's paragraph (c), we would remove Specification DOT 52 and 53 portable tanks as authorized packagings (see § 173.32) because we believe that these portable tanks are no longer used. In addition, we would authorize UN portable tanks. In conjunction with the proposal to revise the requirements for IBCs for alignment with international standards, we would revise paragraph (d) which specifies authorized IBCs in §§ 173.240, 173.241, 173.242 and 173.243 to reflect the proposed incorporation of IBC packing instructions and BB codes (see § 172.101, Column (7)).

Section 173.247. In paragraph (c), we would remove Specification DOT 52 and 53 portable tanks as authorized packagings (see § 173.32).

Section 173.306. Consistent with Packing Instruction P201 in the UN Recommendations, we would amend the paragraph (a)(4)(iii) conditions for transporting flammable, non-pressurized gas samples by revising the inner packagings limit from 2.5 L (0.66 gallons) to 5 L (1.3 gallons).

Section 173.315. We would revise paragraphs (a) and (i) to incorporate provisions for the use of UN portable tanks for the transportation of liquefied compressed gases, in addition to the requirements for DOT Specification 51 portable tanks. Revisions would refer to tank instruction T50 (see UN T Codes under § 172.102) for the transportation of liquefied compressed gases in UN portable tanks and would include minor differences in pressure relief device requirements applicable to UN portable tanks.

Part 175

Section 175.10. For consistency with the ICAO Technical Instructions, we are proposing to revise paragraph (a)(10) to clarify that lighters containing ''unabsorbed liquid fuel'' are prohibited on one's person or in checked or carry-on baggage. We are proposing to revise exclusions for alcoholic beverages as carry-on and checked baggage to impose a per passenger quantity limit and to restrict the exceptions to alcoholic beverages in retail packagings containing not more than 70% alcohol. We are proposing to revise paragraph (a)(16) to exclude alcoholic beverages. Also, we are proposing to add new paragraph (a)(17) to specify that alcoholic beverages containing more than 24% and not more than 70% alcohol by volume, when carried by passengers or crew in checked or carry-on baggage, are not subject to the HMR if in retail packagings not exceeding 5 liters (1.3 gallons) with a total net quantity per person of 5 liters (1.3 gallons). These proposed changes are consistent with the ICAO Technical Instructions.

Section 175.33. For harmonization with the ICAO Technical Instructions, we would revise paragraph (a) introductory text to add a requirement that the written pilot notification must be accurate and legible.

Section 175.78. We would revise this section to update and align segregation requirements with recent changes adopted in the ICAO Technical Instructions which were based on a UN decision to remove the distinction between primary and subsidiary risk labels. Separate rows and columns would be provided for Divisions 5.1 and 5.2. We would add a new provision to clarify that packages with multiple risks would not need to be segregated from other packages bearing the same UN number.

Section 175.85. Consistent with a new provision adopted in the ICAO Technical Instructions, we would revise paragraph (a) to authorize main deck Class C cargo compartments. Currently, hazardous materials may be carried in a main deck cargo compartment of a passenger aircraft provided the compartment is inaccessible to passengers and it meets certification requirements for a Class B cargo compartment. (Class C cargo compartments differ from Class B cargo compartments in that Class C compartments are required to have a built-in fire extinguishing system, in

addition to smoke or fire detection systems.)

Part 176

Section 176.2. In conjunction with the proposal to incorporate a requirement for vessel cargo to be in compliance with the INF Code (see § 176.720), we would add a definition for ''INF cargo'' under the § 176.2 definitions.

Section 176.63. For the stowage of Class 1 (explosive) materials on board a vessel, we would add a stowage location definition for ''closed cargo transport unit.'' This proposed addition coincides with the proposed addition of the vessel stowage category definitions contained in Amendment 30 to the IMDG Code. (See § 172.101(k).)

Section 176.84. Consistent with the IMDG Code we would revise paragraph (b) Table of provisions and paragraph (c)(2) stowage provisions. In the paragraph (b) Table of provisions, we would add two new stowage provisions for assignment to the entries, ''Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry with more than 39 percent available chlorine (8.8 percent available oxygen),'' ''Calcium hypochlorite, hydrated *or* Calcium hypochlorite hydrated mixtures *with not less than 5.5 percent but not more than 10 percent water*,'' and ''Calcium hypochlorite mixtures, dry *with more than 10 percent but not more than 39 percent available chlorine*.'' In the paragraph (c)(2), we would revise the list of notes for the stowage of Class 1 (explosive) material provisions.

Section 176.128. We would make an editorial change in § 176.128(c) by correcting an identification number.

Section 176.136. We would make an editorial change in § 176.136 by removing the word ''portable.''

Section 176.142. Based on a comment from the National Cargo Bureau, Inc., in § 176.142, paragraph (a), we would revise the list of hazardous materials that may not be transported in a vessel carrying Class 1 (explosive) materials to reflect the most current proper shipping names and to add one extremely flammable material, ''Methyl phosphonous dichloride, *pyrophoric liquid*,'' NA2845.

Section 176.720. We would add a new section to require a vessel carrying INF cargo in international transportation to comply with the ''International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships,'' (INF Code, 1998, English edition). The INF Code was adopted by the International Maritime Safety Committee and will be effective January 1, 2001 under the IMDG Code.

Part 177

Section 177.848. In paragraph (g)(3)(vi), we inadvertently added the terms ''special stowage'' and ''stowed'' from the corresponding vessel section of the HMR (§ 174.81) under HM–215C (64 FR 10742). In this NPRM, we propose to correct the wording by removing ''special stowage,'' which is not applicable to this section, and replacing ''stowed'' with ''loaded, transported and stored.'' We received a joint petition from the American Trucking Associations (ATA) and the Institute of Makers of Explosives (IME) (P–1396) requesting additional clarification of this paragraph. The paragraph reads:

''(vi) ''6'' means explosive articles in compatibility group G, other than fireworks and those requiring special stowage, may be stowed with articles of compatibility groups C, D and E, provided no explosive substances are carried in the same vehicle.''

In this paragraph and the corresponding paragraph in § 174.81, the petitioners request that the word ''other'' be inserted before the wording ''explosive substances.'' However, there is a distinction between the words ''articles'' and ''substances.'' This paragraph pertains to certain explosive articles allowed to be stowed if no explosive substances (not articles) are carried on the same vehicle.

Part 178

Section 178.273. We are proposing to add a new section by moving the current requirements for the approval of Specification portable tanks from § 173.32a to the proposed § 178.273. These current approval provisions will precede the requirements for UN portable tanks (as proposed in §§ 178.274 through 178.277).

Sections 178.274, 178.275, 178.276 and 178.277. Based on the eleventh revised edition of the UN Recommendations, we are proposing to incorporate four new sections into the HMR for the UN portable tank requirements. This proposed action is based on our own initiative and responds to a petition for rulemaking (P–1373). The requirements apply to the design and construction of portable tanks. The IMO Dangerous Goods, Solid Cargoes and Containers (DSC) Sub-Committee agreed to incorporate the new harmonized UN multimodal portable tank requirements into the reformatted IMDG Code, Amendment 30. The reformatted IMDG Code is scheduled to become effective on January 1, 2001. The IMDG Code also includes a provision to allow for the continued use of portable tanks designed and constructed under the current requirements (those in Amendments 29 or previous amendments to the IMDG Code as applicable, depending on the date of construction).

The IMO intends to allow construction under the new requirements on January 1, 2001, on a voluntary compliance basis, with a mandatory compliance date of January 1, 2003. On January 1, 2003, all new portable tanks will be required to be manufactured in accordance with the new requirements. For purposes of harmonization, we are proposing to incorporate the corresponding design, construction and use requirements for UN portable tanks in the HMR. In addition, in § 173.32 we are proposing to provide for the continued use of IM 101, 102 and DOT Specification 51 portable tanks, which is consistent with the provisions adopted by the IMO.

The design and construction requirements for UN portable tanks do not differ significantly from the existing IM 101 and 102 portable tanks and the DOT Specification 51 requirements. In general, the UN requirements are less restrictive. For example, 6 mm (0.2 inches) minimum thickness is required for most portable tanks, as opposed to the current minimum thickness of 6.35 mm (0.3 inches) for IM 101 and 102 portable tanks. While the majority of the proposed changes involve relaxations of the regulatory requirements, there would be implications for portable tank manufacturers, shippers and operators who transport hazardous materials in portable tanks, and efforts would need to be undertaken to familiarize those affected with the differences. For example, we would require UN portable tanks used for the transportation of liquefied compressed gases to be approved by a DOT-designated approval agency, and we would require all UN portable tanks to meet a 4 g impact test. In addition to portable tanks for liquids and liquefied compressed gases, we propose to incorporate requirements for portable tanks that are used to transport refrigerated liquified gases (cryogenic liquids). Currently, requirements for portable tanks used for refrigerated liquefied gases are not specified in the HMR, and we authorize their use only under DOT exemptions. The differences between UN portable tanks and the current portable tank requirements include, but are not limited to the following:

—The proposed definition for portable tank includes multimodal tanks with a capacity of more than 450 liters (118.9 gallons). Previously, IMO Type

5 and DOT Specification 51 tanks intended for the transport of liquefied compressed gases were limited to a capacity of more than 1000 liters (264.2 gallons).

—The proposed design temperature range is defined as −40 °C to 50 °C (−40 °F to 122.0 °F). This NPRM also proposes design temperatures to be considered for portable tanks subjected to severe climatic conditions. Current regulations specify −20 °C to 50 °C (−4.0 °F to 122.0 °F).

—The proposed UN leakage test for liquids specifies a test pressure not less than 25% of Maximum Allowable Working Pressure (MAWP). The current HMR requirements specify an internal pressure equivalent to MAWP, but not less than 0.2 bar (20.0 kPa) for liquids.

—The proposed test requires that the design and construction of portable tanks must take into account the effects of fatigue during normal conditions of transport. Currently, this is not required in the HMR.

—The proposed requirements specify an absolute minimum thickness of 3 mm (0.1 inches), regardless of the material used and regardless of whether additional protection is provided.

—A rail impact test of 4 g would be required for all portable tanks meeting the definition of ''Container'' in the International Convention for Safe Containers (CSC).

—The proposed requirements specify that the test pressure be 1.3 times the design pressure. Currently, under the HMR, DOT 51 portable tanks are required to have a test pressure of 1.5 times the design pressure; however, this is based on the vapor pressure of the hazardous material at 115 °F (46.1 °C), whereas the UN calculates the vapor pressure at 65 °C (149 °F). Therefore, the differences between 1.5 at 46 °C and 1.3 at 65 °C would not be significant.

—The proposed requirements include a figure for thermal conductance for the thermal insulation systems of shells intended for the transport of liquefied compressed gases.

—The proposed requirements include a definition for ''Holding time'' relevant to portable tanks used for the transportation of refrigerated liquefied gases. This is consistent with current HMR requirements in § 178.338–9 for cargo tanks.

—The proposed requirements specify the effectiveness of the insulation system (heat influx in watts) based on a test using the portable tank.

—The proposal allows the specified minimum values for austenitic steels to be increased by 15% according to recognized material standards when greater values are provided in the material inspection certificates.

—The proposed requirements allow the combined capacity of all pressure relief devices to be sufficient to limit the pressure to 120% of the MAWP for liquefied compressed gases.

—The proposed requirements include a new filling limit for the transport of helium.

Based on the above discussion (§§ 178.273 through 178.277), five new sections are proposed to be added as follows: § 178.273 would be added by moving the current requirements for the approval of Specification portable tanks from § 173.32a and introducing similar requirements for UN portable tanks; § 178.274 would be added for the UN portable tank general design and construction requirements; § 178.275 would be added for the additional specifications for UN portable tanks intended for the transportation of liquid and solid materials of Classes 3 through 9; § 178.276 would be added for the additional requirements for UN portable tanks intended for the transportation of liquefied compressed gases; and § 178.277 would be added for the additional requirements for the design, construction, inspection and testing of UN portable tanks intended for the transport of refrigerated liquefied gases.

Section 178.703. Paragraph (a)(1) would be revised by incorporating a minimum height of 12 mm (0.5 inches) for IBC markings and by adding a requirement to allow use of the ''W'' mark for approval of equivalent IBC packagings, as provided for in § 178.801(i).

Section 178.705. We are proposing to revise the minimum wall thickness requirements to take into account the capacity of the IBC, as well as the IBC design type.

Section 178.801. In paragraph (i), we are proposing to add an approval provision for the use of large packagings, as defined in § 171.8 of this NPRM, provided the large packagings conform to the construction standards, performance testing and packaging marking as specified in UN Recommendations.

Section 178.812. Based on our own initiative, we would revise paragraph (c)(1) and add a new paragraph (c)(3) to add an alternate method for conducting the top lift test for flexible IBCs. Currently, the proposed alternate method is authorized in several approvals issued by the Associate Administrator.

Part 180

Sections 180.601, 180.603, 180.605. We propose to move the qualification and maintenance requirements for portable tanks to part 180. We believe that these requirements would be more appropriately placed in part 180 along with the qualification and maintenance requirements for cargo tanks, IBCs and tank cars. Therefore, we propose to add a new subpart, subpart G, to part 180 for the qualification and maintenance of portable tanks, and to include the incorporation of UN portable tanks as proposed in this NPRM.

IV. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. The proposed rule is not considered a significant rule under the Regulatory Policies and Procedures of the Department of Transportation [44 FR 11034]. Because of the minimal economic impact of this proposed rule, preparation of a regulatory impact analysis or regulatory evaluation is not warranted.

B. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This proposed rule would preempt State, local and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous material transportation law, 49 U.S.C. 5101–5127, contains an express preemption provision (49 U.S.C. 5125(b)) that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous; or

(5) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This proposed rule addresses covered subject items (1), (2), (3), and (5) above and would preempt State, local, and Indian tribe requirements not meeting the ''substantively the same'' standard. This proposed rule is necessary to incorporate changes already adopted in international standards. If the changes proposed in this NPRM are not adopted in the HMR, U.S. companies, including numerous small entities competing in foreign markets, will be at an economic disadvantage. These companies would be forced to comply with a dual system of regulation. The proposed changes are intended to avoid this result.

Federal hazardous materials transportation law provides at 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. Thus, RSPA lacks discretion in this area. RSPA proposes that the effective date of Federal preemption will be 180 days from publication of a final rule in this matter in the **Federal Register**.

C. Executive Order 13084

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (''Consultation and Coordination with Indian Tribal Governments''). Because this proposed rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

D. Regulatory Flexibility Act

This proposed rule would incorporate changes introduced in the eleventh revised edition of the UN Recommendations, the 2001–2002 ICAO Technical Instructions, and Amendment 30 to the IMDG Code. It would apply to offerors and carriers of hazardous materials and would facilitate the transportation of hazardous materials in international commerce by providing consistency with international requirements.

The costs associated with this proposed rule are considered to be so minimal as to not warrant preparation of a regulatory impact analysis or regulatory evaluation. The majority of amendments should result in cost savings and would ease the regulatory compliance burden for shippers engaged in international commerce, including trans-border shipments within North America. For example, cost savings will be realized by shippers and carriers as a result of eliminating the differences between primary and subsidiary labels. As a result of this change, it will no longer be necessary to stock two sets of labels for each hazard class. To ease any burden associated with this change, we are proposing a reasonable transition period where labels meeting current and proposed requirements may be used. Other cost savings include: revising minimum thickness requirements for metal IBCs; providing greater harmonization with international regulations and flexibility for IBCs and portable tanks that may be used for the transportation of hazardous materials; authorizing the use of UN portable tanks while retaining current IM 101, 102 and DOT Specification 51 portable tank requirements and authorizations for their use; numerous deletions from the hazardous materials table and the marine pollutant list; more flexible requirements for transporting samples of hazardous materials; authorization to use a single explosives placard when explosives of several compatibility groups are transported in a single freight container or vehicle; several clarifications of existing regulatory requirements; and revised requirements for large lithium batteries which will simplify the regulatory requirements applicable to batteries used in high energy efficient hybrid vehicles. We are proposing immediate voluntary compliance (as of January 1, 2001 or the date of publication of the final rule, whichever occurs first), a delayed effective date and a one-year transition period to allow for training of employees and to ease any burden on entities affected by the proposed amendments. Many companies involved in domestic, as well as global operations, will realize economic benefits as a result of the proposed amendments in this rulemaking. Therefore, I certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification is subject to modification as a result of a review of comments received in response to this proposal.

E. Paperwork Reduction Act

We have current information collection approvals under OMB No. 2137–0557, Approvals for Hazardous Materials, which expires March 31, 2002, with 18,302 burden hours and $413,737.40 annual costs, and OMB No. 2137–0018, Inspection and Testing of Portable Tanks and Intermediate Bulk Containers, which expires March 31, 2002, with 51,340 burden hours and $10,235,000 annual costs. We believe that this proposed rule may result in minor incremental increases in the annual burden hours and costs. If these proposals are finalized, the current approvals would be revised and resubmitted to OMB for extension and re-approval.

Section 1320.8(d), Title 5, Code of Federal Regulations requires that RSPA provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collections that we may submit to OMB for extension and re-approval based on the requirements in this proposed rule. We have revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in this proposed rule since the information collections were last approved. We estimate that the total information collection and recordkeeping burdens as proposed in this rule would be revised as follows:

OMB No. 2137–0557:

Number of Respondents: 3,518.

Total Annual Responses: 3,869.

Total Annual Burden Hours: 18,381.

Total Annual Burden Cost: $413,737.40.

One-time Annual Start Up Burden Hours: 168.

One-time Annual Start Up Cost: $11,758.50.

Total Responses for First Year: 4,005.

Total Annual Burden Hours for First Year: 18,549.

Total Annual Burden Cost for First Year: $425,495.90.

We specifically request comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this proposed rule.

Requests for a copy of the information collection approvals, requests and data should be directed to Deborah Boothe, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW, Washington,

DC 20590–0001, Telephone (202) 366–8553.

Written comments should be addressed to the Dockets Management System as identified in the **ADDRESSES** section of this rulemaking. Comments should be received prior to the close of comment period identified in the **DATES** section of this rulemaking. Under the Paperwork Reduction Act of 1995, no person is required to respond to an information collection unless it displays a valid OMB control number. If these proposed requirements are adopted in a final rule, we will submit the revised information collection and recordkeeping requirements to the Office of Management and Budget for approval.

F. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is proposed to be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 171.7, in the paragraph (a)(3) table:

a. Under the entry ''American Society for Testing and Materials'', a new entry would be added in alpha-numeric order;

b. Under the entry ''International Atomic Energy Agency (IAEA)'', a new entry would be added in alhabetical order;

c. Under the entry ''International Civil Aviation Organization (ICAO)'', the existing entry would be revised;

d. Under the entry ''International Maritime Organization (IMO)'', the existing entry would be revised and a new entry would be added in appropriate alphabetical order;

e. Under the entry ''International Organization for Standardization'', three new entries would added in appropriate alphabetical/numerical order; and

f. Under the entry ''United Nations'', the existing entries would be revised.

The revisions and additions read as follows:

§ 171.7 Reference material.

(a) *Matter incorporated by reference.* * * *

(3) *Table of material incorporated by reference.* * * *

Source and name of material	49 CFR reference
* * * * * * *	
American Society for Testing and Materials	
* * * * * * *	
ASTM E 112–96 Standard Test Methods for Determining Average Grain Size, 1996 Edition.	178.274
* * * * * * *	
International Atomic Energy Agency (IAEA)	
* * * * * * *	
IAEA, Regulations for the Safe Transport of Radioactive Material, No. ST–1, 1996 Edition.	171.12(d)
* * * * * * *	
International Civil Aviation Organization (ICAO)	
* * * * * * *	
Technical Instructions for the Safe Transport of Dangerous Goods by Air, DOC 9284–AN/905, 2001–2002 Edition.	171.11; 172.191; 172.202; 172.401; 172.512; 172.519; 172.602

Source and name of material	49 CFR reference
International Maritime Organization (IMO)	
* * * *	* * *
International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes On Board Ships (INF Code).	176.720
International Maritime Dangerous Goods (IMDG) Code, as amended by Amendment 30 (2000 edition).	171.12; 172.401; 172.407; 173.21; 176.2; 176.5; 176.11; 176.27; 176.30.
International Organization for Standardization	
* * * *	* * *
ISO 1496–3 Series 1 freight containers—Specification and testing, 1996 edition ...	178.274
* * * *	* * *
ISO 4126–1 Safety valves Part 1: Safety valves,1991 edition	178.274
* * * *	* * *
ISO 6892 Metallic materials—Tensile testing, 1984 edition	178.274
* * * *	* * *
United Nations	
* * * *	* * *
UN Recommendations on the Transport of Dangerous Goods, Eleventh Revised Edition (1999).	172.102; 172.401; 172.407; 172.502; 173.1; 173.3; 173.21; 173.22; 173.24; 173.56; 173.57; 173.124; 173.166; 178.500; 178.700.
UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, Third Revised Edition (1999).	172.102; 173.21; 173.57; 173.58; 173.124; 173.128; 173.166; 173.185.

* * * * *

3. In § 171.8, the following definitions would be added in appropriate alphabetical order to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Large packaging means a packaging that—

(1) Consists of an outer packaging which contains articles or inner packagings; and

(2) Is designed for mechanical handling; and

(3) Exceeds 400 kg net mass or 450 liters (118.9 gallons) capacity and has a volume of not more than 3 m^3. (See § 178.801(i) of this subchapter); and.

(4) Conforms to the requirements for the construction, testing and marking of large packagings as specified in the UN Recommendations.

* * * * *

Liner means a separate tube or bag inserted into a packaging, (including IBCs and large packagings) but not forming an integral part of the packaging, including the closures of the packaging's openings.

* * * * *

Stabilized means that the hazardous material is in a condition that precludes uncontrolled reaction. This may be achieved by methods such as adding an inhibiting chemical, degassing the hazardous material to remove dissolved oxygen and inerting the air space in the package, or maintaining the hazardous material under temperature control.

* * * * *

UN portable tank means a multimodal tank having a capacity of more than 450 liters (118.9 gallons). It includes a shell fitted with service equipment and structural equipment, including stabilizing members external to the shell and skids, mountings or accessories to facilitate mechanical handling. The UN portable tank must be capable of being filled and discharged without the removal of its structural equipment and must be capable of being lifted when full. Cargo tanks, rail tank car tanks, non-metallic tanks and IBCs and packagings made to cylinder specifications are not UN portable tanks.

* * * * *

4. In § 171.10, in the paragraph (c)(2) Table of Conversion Factors for SI Units, a unit of measure would be added as the last entry to read as follows:

§ 171.10 Units of measure.

* * * * *

(c) * * *

(2) * * *

TABLE OF CONVERSION FACTORS FOR SI UNITS

Measurement	SI to U.S. standard	U.S. standard to SI
* * *	* * *	*
Force	1 Newton = 9.807 pound-force	1 Pound-force = 0.1020N.

* * * * *

5. In § 171.11, a new paragraph (d)(17) would be added to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

* * * * *

(d) * * *

(17) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

6. In § 171.12, in paragraph (b)(3), a sentence would be added at the end of the paragraph, a new paragraph (b)(19) would be added, and paragraphs (d)

heading and introductory text and (d)(4) would be revised to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(b) * * *

(3) * * * A viscous flammable liquid which is excepted from the requirements of the IMDG Code based on having a flash point of 23 °C (73.4 °F) or greater and less than or equal to 60.5 °C (140.9 °F), not meeting the toxic or corrosive definitions, not containing more than 20% nitrocellulose, and being packed in receptacles of less than 450 liters (118.9 gallons) capacity, may not be transported under the provisions of this section and is subject to the requirements of this subchapter.

* * * * *

(19) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

* * * * *

(d) *Use of International Atomic Energy Agency (IAEA) regulations for Class 7 (radioactive) materials.* Class 7 (radioactive) materials being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation when packaged, marked, labeled, and otherwise prepared for shipment in accordance with IAEA ''Regulations for the Safe Transport of Radioactive Material,'' Safety Series No. 6, 1985 edition, or ST–1, 1996 edition (incorporated by reference, see § 171.7), if:

* * * * *

(4) The country of origin for the shipment has adopted the corresponding edition (Safety Series No. 6, 1985 Edition, or ST–1, 1996 Edition) of the IAEA ''Regulations for the Safe Transport of Radioactive Material'';

* * * * *

7. In § 171.12a, a new paragraph (b)(18) would be added to read as follows:

§ 171.12a Canadian shipments and packagings.

* * * * *

(b) * * *

(18) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

8. In § 171.14, paragraphs (d) introductory text, (d)(1) and (d)(2) introductory text would be revised and a new paragraph (d)(4) would be added to read as follows:

§ 171.14 Transitional provisions for implementing certain requirements.

* * * * *

(d) A final rule published in the **Federal Register** on [publication date of final rule], effective October 1, 2001, resulted in revisions to this subchapter. During the transition period provided in paragraph (d)(1) of this section, a person may elect to comply with either the applicable requirements of this subchapter in effect on September 30, 2001, or the requirements published in the [publication date of final rule] final rule.

(1) *Transition dates.* The effective date of the [publication date of final rule] final rule is October 1, 2001. A delayed compliance date of October 1, 2002 is authorized. On October 1, 2002, all applicable regulatory requirements adopted in the [publication date of final rule] final rule must be met.

(2) *Intermixing old and new requirements.* Prior to the transition date in paragraph (d)(1) of this section, it is recommended that the hazard communication requirements be consistent where practicable. Marking, labeling, placarding, and shipping paper descriptions should conform to either the old requirements of this subchapter in effect on September 30, 2001, or the new requirements of this subchapter in the [publication date of final rule] final rule without intermixing communication elements. However, intermixing is permitted, during the applicable transition period, for packaging, hazard communication, and handling provisions, as follows:

* * * * *

(4) Until January 1, 2010, a hazardous material may be transported in an IM or IMO portable tank in accordance with the T Codes (special provisions) assigned to a hazardous material in Column (7) of the HMT in effect on September 30, 2000.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

9. The authority citation for part 172 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

10. In § 172.101, paragraph (c)(11) would be revised and new paragraphs (c)(16) and (k)(6) through (k)(20) would be added to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(c) * * *

(11) Except for a material subject to § 173.21, § 173.54, § 173.56(d), § 173.56(e)(1), § 173.124(a)(2)(iii) or § 173.128(c) of this subchapter, a hazardous waste or a sample of a material for which the hazard class is uncertain and must be determined by testing, may be assigned a tentative proper shipping name, hazard class/division, identification number, and packing group, if applicable, based on the shipper's tentative determination according to: Defining criteria in this subchapter; the hazard precedence prescribed in § 173.2a of this subchapter; and the shippers knowledge of the material. In addition, a sample of material that is to be tested is subject to the following requirements:

(i) A sample may not be an explosive, infectious substance, or radioactive material;

(ii) Except when the word ''Sample'' already appears in the proper shipping name, the word ''Sample'' must appear before the proper shipping name for the sample;

(iii) If the proper shipping description for a sample is assigned a ''G'' in Column (1) of the HMT, the provisions requiring a technical name for the constituent(s) do not apply;

(iv) A sample must be transported in a combination packaging which conforms to the requirements of this subchapter that are applicable to the tentative Packing Group assigned, and may not exceed a net mass of 2.5 kg. (5.5 pounds) per package;

(v) A sample may not be packed together with any other hazardous material;

(vi) For a sample that is a self-reactive material, the requirements in § 173.224(c)(3) apply; and

(vii) For a sample that is an organic peroxide, the requirements in § 173.225(c)(2) must be met.

* * * * *

(16) Unless it is already included in the proper shipping name in the Table, the qualifying words ''liquid'' or ''solid'' may be added in association with the proper shipping name when a hazardous material specifically listed by name in the Table may, due to the differing physical states of the various isomers of the material, be either a liquid or a solid (for example ''Dinitrotoluenes, liquid'' and ''Dinitrotoluenes, solid''). Use of the words ''liquid'' or ''solid'' is subject to

the limitations specified for the use of the words ''mixture'' or ''solution'' in paragraph § 172.101(c)(10) of this section. The qualifying word ''molten'' may be added in association with the proper shipping name when a hazardous material, which is a solid in accordance with the definition in § 171.8 of this subchapter, is offered for transportation in the molten state (for example, ''Alkylphenols, solid, n.o.s., molten'').

* * * * *

(k) * * *

(6) Stowage category ''01'' means the material may be stowed ''on deck'' or ''under deck'' on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(7) Stowage category ''02'' means the material may be stowed ''on deck'' or ''under deck'' on a cargo vessel (up to 12 passengers) and ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a passenger vessel.

(8) Stowage category ''03'' means the material may be stowed ''on deck'' or ''under deck'' on a cargo vessel (up to 12 passengers) and ''on deck'' in closed cargo transport units on a passenger vessel.

(9) Stowage category ''04'' means the material may be stowed ''on deck'' or ''under deck'' on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(10) Stowage category ''05'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(11) Stowage category ''06'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' on a cargo vessel (up to 12 passengers) and ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a passenger vessel.

(12) Stowage category ''07'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' on a cargo vessel (up to 12 passengers) and ''on deck'' only in closed cargo transport units on a passenger vessel.

(13) Stowage category ''08'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(14) Stowage category ''09'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a cargo vessel (up to 12 passengers) and on a passenger vessel.

(15) Stowage category ''10'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a cargo vessel (up to 12 passengers) and ''on deck'' only in closed cargo transport units on a passenger vessel.

(16) Stowage category ''11'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in magazine stowage type ''c'' on a cargo vessel (up to 12 passengers) and ''on deck'' only in closed cargo transport units on a passenger vessel.

(17) Stowage category ''12'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in magazine stowage type ''c'' on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(18) Stowage category ''13'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in magazine stowage type ''A'' on a cargo vessel (up to 12 passengers) and ''on deck'' only in closed cargo transport units on a passenger vessel.

(19) Stowage category ''14'' means the material may be stowed ''on deck'' in closed cargo transport units on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

(20) Stowage category ''15'' means the material may be stowed ''on deck'' in closed cargo transport units or ''under deck'' in closed cargo transport units on a cargo vessel (up to 12 passengers) but the material is prohibited on a passenger vessel.

* * * * *

11. In § 172.101, the Hazardous Materials Table would be amended by removing, adding, or revising, in appropriate alphabetical sequence, the following entries to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
	[REMOVE:].												
	Accumulators, pressurized, pneumatic. *or* hydraulic (*containing non-flammable gas.*).	.....	NA1956.										
	Aldrin, *liquid* (PG II).	.....	NA2762.										
	Aldrin, *solid* (PG II).	.....	NA2761.										
	Antimony tribromide, solids (PG II).	.....	NA1549.										
	Antimony tribromide, solution (PG II).	.....	NA1549.										
	Antimony trifluoride, solution (PG II).	.....	NA1549.										
	Antimony trifluoride, solution (PG).	.....	NA1549.										
	Arsenic sulfide (PG II).	.....	NA1557.										
	Arsenic trisulfide (PG II).	.....	NA1557.										
	Barium styphnate (PG II).	.....	NA0473.										
	Calcium arsenite, solid (PG II).	.....	NA1574.										
	Chromic acid, solid (PG II).	.....	NA1463.										

	Denatured alcohol (PG I, II, III).	.....	NA1986.											
	Denatured alcohol (PG I, II, III).	.....	NA1987.											
	Dichlorobutene (PG I).	.....	NA2920.											
D	Dieldrin (PG II).	.....	NA2761.											
D	Diesel fuel	.....	NA1993.											
	Dodecylbenzene-sulfonic acid (PG II).	.....	NA2584.											
	Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol.* (PG II).	.....	NA1203.											
	Grenades, empty primed (PG II).	.....	NA0349.											
	Insecticide gases *flammable* n.o.s.	.....	NA1954.											
	Isobutyric anhydride (PG III).	.....	UN2530.											
	Lead mono-nitroresorcinate (PG II).	.....	NA0473.											
	Lighters for cigars, cigarettes, *etc., with lighter fluids.* (PG II).	.....	NA1226.											
	Maleic acid (PG III).	.....	NA2215.											
	Medicines, *corrosive, liquid*, n.o.s. (PG II, III).	.....	NA1760.											

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Medicines, *corrosive, liquid*, n.o.s. (PG II, III).	.....	NA1760.										
	Medicines, *corrosive, solid*, n.o.s. (PG II, III).	.....	NA1759.										
	Medicines, *flammable, liquid*, n.o.s. (PG I, II, III).	.....	NA1993.										
	Medicines, *flammable, solids*, n.o.s. (PG II).	.....	NA1325.										
	Medicines, *oxidizing substance, solid*, n.o.s. (PG II).	.....	NA1479.										
	Metal alkyl, solution, n.o.s. (PG II).	.....	NA9195.										
	Methacrylic acid, inhibited (PG III).	.....	UN2531.										
	Methyl parathion *liquid* (PG II).	.....	NA3018.										
	Methyl parathion *solid* (PG II).	.....	NA2783.										

Organic perioxide type F, solid temperature controlled. (PG III only).	.....	UN3120.										
Parathion (PG I, II).	.....	NA2783.										
Picric acide, wet, *with not less than 10 percent water.* (PG I).	.....	NA1344.										
Propargyl alcohol (PG II).	.....	NA1986.										
Refrigerating machine (PG III).	.....	NA1993.										
Refrigerating machines, *containing flammable, non-poisonous, liquefied gas.*	.....	NA1954.										
Selenium oxide (PG I).	.....	NA2811.										
Sodium hydrosulfide, solution (PG II).	.....	NA2922.										
Sodium selenite (PG II).	.....	NA2630.										
Sulfur trioxide, uninhibited (PG I).	.....	NA1829.										
Tetraethyl lead, liquid (PG I).	.....	NA1649.										
Tetraethyl pyrophosphate, *liquid* (PG I).	.....	NA3018.										

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Tetraethyl pyrophosphate *solid* (PG II).	.....	NA1707.										
	Titanium sulfate solution (PG II).	.....	NA1760.										
	mon-(Trichloro) tetra-(monopotassium dichloro)-panta-s-triazinetrione, dry (*with more than 39 percent available chlorine*). (PG II).	.....	NA2468.										
	Oxygen generator, checmical.	.....	UN3356.										
	Zirconium sulfate (PG III).	.....	NA9163.										
	*	*		*	*		*		*	*			
	[ADD:]												
	*	*		*	*		*		*	*			
	Aircraft engines (including turbines), see Engines, internal combustion.												
	*	*		*	*		*		*	*			
	Diesel fuel, *see* Gas oil.	3	NA1883	III	None	B1	150	203	242	60 L	220 L	A.	

*	*		*	*		*		*	*			
Fuel system components (including fuel control units (FCU), carburetor, fuel lines, fuel pumps) see Dangerous Goods in Apparatus. *or* Dangerous Goods in Machinery.												
*	*		*	*		*		*	*			
Methacrylic acid, stabilized.	8	UN2531 ...	II	8	T14	154	202	242	1 L	30 L	A	
*	*		*	*		*		*	*			
Nitroglycerin mixture, desensitized, liquid, n.o.s. *with not more than 30% nitroglycerin, by mass.*	3	UA3357	II	3	142	None	202	243	5 L	60 L	E	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
	Oxygen generator, chemical *(including when contained in associated equipment, e.g., passenger service units (PSUs), portable breathing equipment (PBE), etc.).*	5.1	UN3356	II	5.1	60.A51	None	212	None	Forbidden	25 kg gross.	D	56, 58, 69, 106
	Propellant, solid.	1.4C	UN0501		1.4C		None	62	None	Forbidden	Forbidden	A	24E
	*	*		*	*		*		*	*			
I	Radioactive material, excepted package—articles manufactured from natural uranium *or* depleted uranium *or* natural thorium.			7	UN2909		None	422, 426	422, 426	422, 426		A	
	*	*		*	*		*		*	*			
I	Radioactive material, excepted package—empty packaging.	7	UN2908		Empty		422, 428	422, 428	422, 428			A	

	*	*		*	*		*		*	*			
I	Radioactive material, excepted package—instruments *or* articles.	7	UN2911		None		422, 424	422, 424	422, 424			A	
	*	*		*	*		*		*	*			
I	Radioactive material, low specific activity (LSA–I) *non fissile or fissile-excepted.*	7	UN2912		7	W7	421, 422, 428	427	427			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, low specific activity (LSA–II) *non fissile or fissile-excepted.*	7	UN3321		7	W7	421, 422, 428	427	427			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, low specific activity (LSA–III) *non fissile or fissile excepted.*	7	UN3322		7	W7	421, 422, 428	427	427			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, surface contaminated objects (SCO–I *or* SCO–II) *non fissile or fissile-excepted.*	7	UN2913		7		421, 422, 428	427	427			A	95

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
I	Radioactive material, transported under special arrangement, fissile.	7	UN3331		7	139.							
	*	*		*	*		*		*	*			
I	Radioactive material, transported under special arrangement *non fissile or fissile-excepted.*	7	UN2919		7	139.							
	*	*		*	*		*		*	*			
I	Radioactive material, Type A package, fissile *non-special form.*	7	UN3327		7	W7, W8	453	417	417			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, Type A package *non-special form, non fissile or fissile-excepted.*	7	UN2915		7	W7, W8		415	415			A	95

	*	*		*	*		*		*	*			
I	Radioactive material, Type A package, special form *non fissile or fissile-excepted.*	7	UN3332		7	W7, W8		415, 476	415, 476			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, Type A package, special form, fissile.	7	UN3333		7	W7, W8	453	417, 476	417, 476			A	
	*	*		*	*		*		*	*			
I	Radioactive material, Type B(M) package, fissile.	7	UN3329		7		453	417	417			A	
	*	*		*	*		*		*	*			
I	Radioactive material, Type B(M) package *non fissile or fissile-excepted.*	7	UN2917		7			416	416			A	95
	*	*		*	*		*		*	*			
I	Radioactive material, Type B(U) package, fissile.	7	UN3328		7		453	417	417			A	
	*	*		*	*		*		*	*			
I	Radioactive material, Type B(U) package *non fissile or fissile-excepted.*	7	UN2916		7			416	416			A	95
I	Radioactive material, uranium hexafluoride *non fissile or fissile-excepted.*	7	UN2978		7,8		423	420, 427	420, 427			A	95

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
I	Radioactive material, uranium hexafluoride, fissile.	7	UN2977		7,8		453	417, 420	417, 420			A	
	*	*		*	*		*		*	*			
	Refrigerating Machines *containing flammable, nontoxic, liquefied gas.*	2.1	UN3358		2.1		306	306	306	Forbidden	Forbidden	C	40
	*	*		*	*		*		*	*			
	Rockets *with inert head.*	1.2C	UN0502		1.2		None	62	None	Forbidden	Forbidden	B	1E, 5E
	*	*		*	*		*		*	*			
	1H-Tetrazole.	1.1D	UN0504		1.1D		None	62	None	Forbidden	Forbidden	B	1E, 5E
	*	*		*	*		*		*	*			
	[REVISE:]												
	*	*		*	*		*		*	*			
	Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry *with more than 39 percent available chlorine (8.8 percent available oxygen).*	5.1	UN1748	II	5.1	A7, A9, N34, W9.	152	212	None	5 kg	25 kg	D	4, 5, 25, 48, 56, 58, 69

	Calcium hypochlorite, hydrated *or* Calcium hypochlorite, hydrated mixtures, *with not less than 5.5 percent but not more than 10 percent water.*	5.1	UN2880	II	5.1	W9	152	212	240	5 kg	25 kg	D	4, 5, 25, 48, 56, 58, 69
	Calcium hypochlorite mixtures, dry *with more than 10 percent but not more than 39 percent available chlorine.*	5.1	UN2208	III	5.1	A1, A29, N34, W9.	152	213	240	25 kg	100 kg	D	4, 5, 25, 48, 56, 58, 69
	*	*		*	*		*		*	*			
	Dangerous Goods in Machinery. *or* Dangerous Goods in Apparatus.	9	UN3363			136	None	222	None	No limit	No limit	A	
	*	*		*	*		*		*	*			
	Fire extinguishers *containing.*	2.2	UN1044		2.2	18, 110	309	309	None	75 kg	150 kg	A	
	Magnesium granules, coated, *particle size not less than 149.*	4.3	UN295-	III	4.3	128, A1, A19, B108, B115.	151	213	240	25 kg	100 kg	A	
	*	*		*	*		*		*	*			
+, I	Methanol	3	UN1230	II	3, 6.1	T8	150	202	242	1 L	60 L	B	40
	*	*		*	*		*		*	*			
	Morpholine	8	UN2054	I	8, 3	T17	None	201	243	.5L	2.5L	C	25, 40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
G	Pyrophoric organometallic compound, water-reactive, n.o.s.	4.2	UN3203	I	4.2, 4.3	T28, T40	None	187	242	Forbidden	Forbidden	D	18
	*	*		*	*		*		*	*			
D	Radioactive material, excepted package—articles manufactured from natural *or* depleted uranium *or* natural thorium.	7	UN2910		None		422, 426	422, 426	422, 426			A	
	*	*		*	*		*		*	*			
D	Radioactive material, excepted package—empty package *or* empty packaging.	7	UN2910		empty		428	428	428			A	
	*	*		*	*		*		*	*			
D	Radioactive material, excepted package—instruments *or* articles.	7	UN2910		None		422, 424	422, 424	422, 424			A	
	*	*		*	*		*		*	*			
D	Radioactive material, fissile, n.o.s.	7	UN2918		7		453	417	417			A	40, 95

	*	*		*	*		*		*	*			
D	Radioactive material, low specific activity, n.o.s.. *or* Radioactive material, LSA, n.o.s..	7	UN2912		7		421, 428	427	427		A	.	
	*	*		*	*		*		*	*			
D	Radioactive material, n.o.s.	7	UN2982		7		421, 428	415, 416	415, 416			A	40, 95
	*	*		*	*		*		*	*			
D	Radioactive material, special form n.o.s.	7	UN2974		7		421, 424	415, 416	415, 416			A	
	*	*		*	*		*		*	*			
	Regulated medical waste.	6.2	UN3291	II	6.2	A13, A14	134	197	None	No limit	No limit	E	
	*	*		*	*		*		*	*			
D	Radioactive material, surface contaminated object. *or* Radioactive material SCO.			7	UN2913		7		421, 424, 426.	427	427	A	
	*	*		*	*		*		*	*			
D	Thorium metal, pyrophoric.	7	UN2975		7,4.2		None	418	None	Forbidden	Forbidden	D	
	*	*		*	*		*		*	*			
D	Thorium nitrate, solid.	7	UN2976		7,5.1		None	419	None	Forbidden	15 kg	A	
	*	*		*	*		*		*	*			
D	Uranium hexafluoride, *fissile excepted or non-fissile*.	7	UN2978		7,8		423	420, 427	420, 427				

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions	(8) Packaging (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*		*		*	*			
D	Uranium, hexafluoride, fissile (*with more than 1 percent U-235*).	7	UN2977		7, 8		453	417, 420	417, 420			A	
	*	*		*	*		*		*	*			
D	Uranium metal, pyrophoric.	7	UN2979		7,4.2		None	418	None			D	
	*	*		*	*		*		*	*			
D	Uranyl nitrate hexahydrate solution.	7	UN2980		7, 8		421, 427	415, 416, 417.	415, 416, 417.			D	
	*	*		*	*		*		*	*			
D	Uranyl nitrate, solid.	7	UN2981		7,5.1		None	419	None	Forbidden	15 kg	A	
	*	*		*	*		*		*	*			

§ 172.101 [Amended]

12. In addition, in the § 172.101 Hazardous Materials Table, the following changes would be made:

a. In Column (1), a ''G'' would be added for the entries, ''Other regulated substances, liquid, n.o.s.'' and ''Other regulated substances, solid, n.o.s.''

b. In Column (2), the following proper shipping names would be revised as follows:

Current column 2 entry	Revise to read:
Lithium hypochlorite, dry *or* Lithium hypochlorite mixtures, dry.	Lithium hypochlorite, dry *with more than 39% available chlorine (8.8% available oxygen)* or Lithium hypochlorite mixtures, dry *with more than 39% available chlorine (8.8% available oxygen).*
Nitrocellulose membrane filters	Nitrocellulose membrane filters, *with not more than 12.6% nitrogen, by dry mass.*
Printing ink, *flammable*	Printing ink, *flammable or* Printing ink related material *(including printing ink thinning or reducing compound), flammable.*

c. In Column (2), for the following entries, the word ''inhibited'' would be revised to read ''stabilized'':

Acrolein, inhibited
Acrylic acid, inhibited
Acrylonitrile, inhibited
Bicyclo [2,2,1] hepta-2, 5-diene, inhibited *or* 2,5-Norbornadiene, inhibited.
Butadienes, inhibited
Butyl acrylates, inhibited
n-Butyl methacrylates, inhibited.
Butyl vinyl ether, inhibited
Chloral, anhydrous, inhibited
Chloroprene, inhibited
Cyanogen chloride, inhibited
Diketene, inhibited
Divinyl ether, inhibited
Ethyl acrylate, inhibited
Ethylacetylene, inhibited
Ethyleneimine, inhibited
Isobutyl acrylate, inhibited
Isobutyl methacrylate, inhibited
Isoprene, inhibited
Methacrylaldehyde, inhibited
Methacrylic acid, inhibited
Methacrylonitrile, inhibited
Methyl acrylate, inhibited
Methyl isopropenyl ketone, inhibited.
Methyl methacrylate monomer, inhibited.
Propadiene, inhibited
Propyleneimine, inhibited
Styrene monomer, inhibited
Tetrafluoroethylene, inhibited
Trifluorochloroethylene, inhibited
Vinyl acetate, inhibited
Vinyl bromide, inhibited
Vinyl butyrate, inhibited
Vinyl ethyl ether, inhibited
Vinyl fluoride, inhibited
Vinyl isobutyl ether, inhibited
Vinyl methyl ether, inhibited
Vinyl chloride, inhibited *or* Vinyl chloride, stabilized
Vinylidene chloride, inhibited
Vinylpyridines, inhibited
Vinyltoluene, inhibited
Vinyltrichlorosilane, inhibited

d. In Column (7), the following entry would be revised as follows:

Column (2) entry	Column (7) entry	Revise to read
Life-saving appliances, not self inflating *containing dangerous goods as equipment*	.....	143

e. In Column (7), the following entries would be revised as follows:

Note to reader: The following Table is listed in numerical order according to the UN identification number. Columns 10 and 11 are proposed special provisions for IBCs. Columns 8 and 9 are proposed special provisions for portable tanks. If adopted, these four columns would appear in the Special Provisions column (Column (7)) of the § 172.101 Hazardous Materials Table.

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1003	Air, refrigerated liquid, (cryogenic liquid) non-pressurized.	2.2		2.2, 5.1		318, 319	T75	TP22		
1003	Air, refrigerated liquid, (cryogenic liquid).	2.2		2.2, 5.1		318, 319	T75	TP22		
1005	Ammonia, anhydrous	2.2		2.2	13	314, 315	T50			
1005	Ammonia, anhydrous	2.3		2.3, 8	4	314, 315	T50			
1009	Bromotrifluoromethane or Refrigerant gas, R 13B1.	2.2		2.2		314, 315	T50			
1010	Butadienes, inhibited	2.1		2.1		314, 315	T50			
1011	Butane see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1012	Butylene see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1017	Chlorine	2.3		2.3, 8	2, B9, B14	314, 315	T50	TP19		
1018	Chlorodifluoromethane or Refrigerant gas R 22.	2.2		2.2		314, 315	T50			
1020	Chloropentafluoroethane or Refrigerant gas R 115.	2.2		2.2		314, 315	T50			
1021	1-Chloro-1,2,2,-tetrafluoroethane or Refrigerant gas R 124.	2.2		2.2		314, 315	T50			
1027	Cyclopropane	2.1		2.1		314, 315	T50			
1028	Dichlorodifluoromethane or Refrigerant gas R 12.	2.2		2.2		314, 315	T50			
1029	Dichlorofluoromethane or Refrigerant gas R 21.	2.2		2.2		314, 315	T50			
1030	1,1-Difluoroethane or Refrigerant gas R 152a.	2.1		2.1		314, 315	T50			
1032	Dimethylamine, anhydrous.	2.1		2.1		314, 315	T50			
1033	Dimethyl ether	2.1		2.1		314, 315	T50			
1036	Ethylamine	2.1		2.1	B77	314, 315	T50			
1037	Ethyl chloride	2.1		2.1	B43, B77	314, 315	T50			
1038	Ethylene, refrigerated liquid (cryogenic liquid).	2.1		2.1		318, 319	T75			
1040	Ethylene oxide or Ethylene oxide with nitrogen up to a total pressure of 1MPa (10 bar) at 50 degrees C.	2.3		2.3, 2.1	4	323	T50	TP20		
1041	Ethylene oxide and carbon dioxide mixtures with more than 9 percent but not more than 87 percent ethylene oxide.	2.1		2.1		314, 315	T50			
1052	Hydrogen fluoride, anhydrous.	8	I	8, 6.1	3, B7, B46, B71, B77, T24, T27.	243	T10	TP2		
1055	Isobutylene see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1060	Methyl acetylene and propadiene mixtures, stabilized.	2.1		2.1		314, 315	T50			
1061	Methylamine, anhydrous.	2.1		2.1		314, 315	T50			
1062	Methyl bromide	2.3		2.3	3, B14	314, 315	T50			
1063	Methyl chloride or Refrigerant gas R 40.	2.1		2.1		314, 315	T50			

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1064	Methyl mercaptan	2.3		2.3, 2.1	3, B7, B9, B14.	314, 315	T50			
1067	Dinitrogen tetroxide	2.3		2.3, 5.1, 8	1, B7, B14, B45, B46, B61, B66, B67, B77.	314	T50	TP21		
1073	Oxygen, refrigerated liquid (cryogenic liquid).	2.2		2.2, 5.1		318	T75	TP22		
1075	Petroleum gases, liquefied or Liquefied petroleum gas.	2.1		2.1		314, 315	T50			
1077	Propylene see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1078	Refrigerant gases, n.o.s..	2.2		2.2		314, 315	T50			
1079	Sulfur dioxide	2.3		2.3, 8	3, B14	314, 315	T50	TP19		
1082	Trifluorochloroethylene, inhibited.	2.3		2.3, 2.1	3, B14	314, 315	T50			
1083	Trimethylamine, anhydrous.	2.1		2.1		314, 315	T50			
1085	Vinyl bromide, inhibited.	2.1		2.1		314, 315	T50			
1086	Vinyl chloride, inhibited or Vinyl chloride, stabilized.	2.1		2.1	21, B44	314, 315	T50			
1087	Vinyl methyl ether, inhibited.	2.1		2.1	B44	314, 315	T50			
1088	Acetal	3	II	3	T7	242	T4	TP1	IB2	
1089	Acetaldehyde	3	I	3	A3, B16, T20, T26, T29.	243	T11	TP2 TP7		
1090	Acetone	3	II	3	T8	242	T4	TP1	IB2	
1091	Acetone oils	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1092	Acrolein, inhibited	6.1	I	6.1, 3	1, B9, B14, B30, B42, B72, B77, T38, T43, T44.	244	T22	TP2 TP7 TP13 TP38 TP44		
1093	Acrylonitrile, inhibited	3	I	3, 6.1	B9, T18, T26.	243	T14	TP2 TP13		
1098	Allyl alcohol	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1099	Allyl bromide	3	I	3, 6.1	T18	243	T14	TP2 TP13		
1100	Allyl chloride	3	I	3, 6.1	T18, T26	243	T14	TP2 TP13		
1104	Amyl acetates	3	III	3	B1, T1	242	T2	TP1	IB3	
1105	Pentanols	3	II	3	T1	242	T4	TP1 TP29	IB2	
1105	Pentanols	3	III	3	B1, B3, T1	242	T2	TP1	IB3	
1106	Amylamines	3	II	3, 8	T1	243	T7	TP1	IB2	
1106	Amylamines	3	III	3, 8	B1	242	T4	TP1	IB3	
1107	Amyl chlorides	3	II	3	T1	242	T4	TP1	IB2	
1108	1-Pentene (n-amylene).	3	I	3	T14	243	T11	TP2		
1109	Amyl formates	3	III	3	B1, T1	242	T2	TP1	IB3	
1110	n-Amyl methyl ketone	3	III	3	B1, T1	242	T2	TP1	IB3	
1111	Amyl mercaptans	3	II	3	A3, T8	242	T4	TP1	IB2	
1112	Amyl nitrate	3	III	3	B1, T1	242	T2	TP1	IB3	
1113	Amyl nitrites	3	II	3	T8	242	T4	TP1	IB2	
1114	Benzene	3	II	3	B101, T8	242	T4	TP1	IB2	
1120	Butanols	3	II	3	T1	242	T4	TP1 TP29	IB2	
1120	Butanols	3	III	3	B1, T1	242	T2	TP1	IB3	
1123	Butyl acetates	3	II	3	T1	242	T4	TP1	IB2	
1123	Butyl acetates	3	III	3	B1, T1	242	T2	TP1	IB3	
1125	n-Butylamine	3	II	3, 8	B101, T8	242	T7	TP1	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1126	1-Bromobutane	3	II	3	T1	242	T4	TP1	IB2	
1127	Chlorobutanes	3	II	3	B101, T8	242	T4	TP1	IB2	
1128	n-Butyl formate	3	II	3	T1	242	T4	TP1	IB2	
1129	Butyraldehyde	3	II	3	T8	242	T4	TP1	IB2	
1130	Camphor oil	3	III	3	B1, T1	242	T2	TP1	IB3	
1131	Carbon disulfide	3	I	3, 6.1	B16, T18, T26, T29.	243	T14	TP2 TP7 TP13		
1133	Adhesives, containing a flammable liquid.	3	I	3	B42, T7, T30.	243	T11	TP1 TP8 TP27		
1133	Adhesives, containing a flammable liquid.	3	II	3	B52, T7, T30.	242	T4	TP1 TP8	IB2	
1133	Adhesives, containing a flammable liquid.	3	III	3	B1, B52, T7, T30.	242	T2	TP1	IB3	
1134	Chlorobenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
1135	Ethylene chlorohydrin	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2	TP13 TP38 TP45	
1136	Coal tar distillates, flammable.	3	II	3	T8, T31	242	T4	TP1	IB2	
1136	Coal tar distillates, flammable.	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1139	Coating solution (includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoating, drum or barrel lining).	3	I	3	T42	243	T11	TP1 TP8 TP27		
1139	Coating solution (includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoating, drum or barrel lining).	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1139	Coating solution (includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoating, drum or barrel lining).	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1143	Crotonaldehyde, stabilized.	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1144	Crotonylene	3	I	3	T20	243	T11	TP2		
1145	Cyclohexane	3	II	3	B101, T8	242	T4	TP1	IB2	
1146	Cyclopentane	3	II	3	B101, T14	242	T7	TP1	IB2	
1147	Decahydronaphthalene.	3	III	3	B1, T1	242	T2	TP1	IB3	
1148	Diacetone alcohol	3	II	3	T1	242	T4	TP1	IB2	
1148	Diacetone alcohol	3	III	3	B1, T1	242	T2	TP1	IB3	
1149	Dibutyl ethers	3	III	3	B1, T1	242	T2	TP1	IB3	
1150	1,2-Dichloroethylene	3	II	3	T14	242	T7	TP2	IB2	
1152	Dichloropentanes	3	III	3	B1, T1	242	T2	TP1	IB3	
1153	Ethylene glycol diethyl ether.	3	III	3	B1, T1	242	T2	TP1	IB3	
1154	Diethylamine	3	II	3, 8	B101, N34, T8.	243	T7	TP1	IB2	
1155	Diethyl ether or Ethyl ether.	3	I	3	T21	243	T11	TP2		
1156	Diethyl ketone	3	II	3	T1	242	T4	TP1	IB2	
1157	Diisobutyl ketone	3	III	3	B1, T1	242	T2	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1158	Diisopropylamine	3	II	3, 8	B101, T8	243	T7	TP1	IB2	
1159	Diisopropyl ether	3	II	3	B101, T8	242	T4	TP1	IB2	
1160	Dimethylamine solution.	3	II	3, 8	T8, T34	243	T7	TP1	IB2	
1161	Dimethyl carbonate	3	II	3	T8	242	T4	TP1	IB2	
1162	Dimethyldichlorosilane.	3	II	3, 8	B77, T15, T26.	243	T7	TP2 TP13	IB2	
1163	Dimethylhydrazine, unsymmetrical.	6.1	I	6.1, 3, 8	2, B7, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP 45		
1164	Dimethyl sulfide	3	II	3	B100, T14	242	T7	TP2	IB1	BB8
1165	Dioxane	3	II	3	T8	242	T4	TP1	IB2	
1166	Dioxolane	3	II	3	T8	242	T4	TP1	IB2	
1167	Divinyl ether, inhibited.	3	I	3	T14	243	T11	TP2		
1169	Extracts, aromatic, liquid.	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1169	Extracts, aromatic, liquid.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1170	Ethanol or Ethyl alcohol Ethanol solutions or Ethyl alcohol solutions.	3	II	3	24, T1	242	T4	TP1	IB2	
1170	Ethanol or Ethyl alcohol or Ethanol solutions or Ethyl alcohol solutions.	3	III	3	24, B1, T1	242	T2	TP1	IB3	
1171	Ethylene glycol monoethyl ether.	3	III	3	B1, T1	242	T2	TP1	IB3	
1172	Ethylene glycol monoethyl ether.	3	III	3	B1, T1	242	T2	TP1	IB3	
1173	Ethyl acetate	3	II	3	T2	242	T4	TP1	IB2	
1175	Ethylbenzene	3	II	3	T1	242	T4	TP1	IB2	
1176	Ethyl borate	3	II	3	T8	242	T4	TP1	IB2	
1177	Ethylbutyl acetate	3	III	3	B1, T1	242	T2	TP1	IB3	
1178	2–Ethylbutyraldehyde	3	II	3	B1, T1	242	T4	TP1	IB2	
1179	Ethyl butyl ether	3	II	3	B1, B101, T1.	242	T4	TP1	IB2	
1180	Ethyl butyrate	3	III	3	B1, T1	242	T2	TP1	IB3	
1181	Ethyl chloroacetate	6.1	II	6.1, 3	T14	243	T7	TP2	IB2	
1182	Ethyl chloroformate	6.1	I	6.1, 3. 8	2, A3, A6, A7, B9, B14,.	B32, B74, N34,.	T38, T43, T45	244	T20	TP2 TP13 TP38 TP45
1183	Ethyldichlorosilane	4.3	I	4.3, 8, 3	A2, A3, A7, N34, T18, T26.	244	T10	TP2 TP7 TP13		
1184	Ethylene dichloride	3	II	3, 6.1	T14	243	T7	TP1	IB2	
1185	Ethyleneimine, inhibited.	6.1	I	6.1, 3	1, B9, B14, B30, B72, B77, N25, N32, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1188	Ethylene glycol monomethyl ether.	3	III	3	B1, T1	242	T2	TP1	IB3	
1189	Ethylene glycol monomethyl ether acetate.	3	III	3	B1, T1	242	T2	TP1	IB3	
1190	Ethyl formate	3	II	3	T8	242	T4	TP1	IB2	
1191	Octyl aldehydes	3	III	3	B1, T1	242	T2	TP1	IB3	
1192	Ethyl lactate	3	III	3	B1, T1	242	T2	TP1	IB3	
1193	Ethyl methyl ketone or Methyl ethyl ketone.	3	II	3	T8	242	T4	TP1	IB2	
1195	Ethyl propionate	3	II	3	T1	242	T4	TP1	IB2	
1196	Ethyltrichlorosilane	3	II	3, 8	A7, B100, N34, T15, T26.	243	T7	TP2 TP13	IB1	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1197	Extracts, flavoring, liquid.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1198	Formaldehyde, solutions, flammable.	3	III	3, 8	B1, T8	242	T4	TP1	IB3	
1199	Furaldehydes	6.1	II	6.1, 3	T15	243	T7	TP2	IB2	
1201	Fusel oil	3	II	3	T1	242	T4	TP1	IB2	
1201	Fusel oil	3	III	3	B1, T1	242	T2	TP1	IB3	
1202	Gas oil or Diesel fuel or Heating oil, light.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1203	Gasoline	3	II	3	B33, B101, T8.	242	T4	TP1	IB2	
1204	Nitroglycerin solution in alcohol with not more than 1 percent nitroglycerin.	3	II	3	N34, T25	None			IB2	
1206	Heptanes	3	II	3	T2	242	T4	TP1	IB2	
1207	Hexaldehyde	3	III	3	B1, T1	242	T2	TP1	IB3	
1208	Hexanes	3	II	3	B101, T8	242	T4	TP1	IB2	
1210	Printing ink, flammable.	3	I	3	T8, T31	243	T11	TP1 TP8		
1210	Printing ink, flammable.	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1210	Printing ink, flammable.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1212	Isobutanol or Isobutyl alcohol.	3	III	3	B1, T1	242	T2	TP1	IB3	
1213	Isobutyl acetate	3	II	3	T1	242	T4	TP1	IB2	
1214	Isobutylamine	3	II	3, 8	B101, T8	243	T7	TP1	IB2	
1216	Isooctenes	3	II	3	T8	242	T4	TP1	IB2	
1218	Isoprene, inhibited	3	I	3	T20	243	T11	TP2		
1219	Isopropanol or Isopropyl alcohol.	3	II	3	T1	242	T4	TP1	IB2	
1220	Isopropyl acetate	3	II	3	T1	242	T4	TP1	IB2	
1221	Isopropylamine	3	I	3, 8	T20	243	T11	TP2		
1222	Isopropyl nitrate	3	II	3	T25	None			IB2	BB7
1223	Kerosene	3	III	3	B1, T1	242	T2	TP2	IB3	
1224	Ketones, liquid, n.o.s.	3	I	3	T8, T31	243	T11	TP1 TP8 TP27		
1224	Ketones, liquid, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
1224	Ketones, liquid, n.o.s.	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1228	Mercaptans, liquid, flammable, toxic, n.o.s. or Mercaptan mixtures, liquid, flammable, toxic, n.o.s.	3	II	3, 6.1	T13	243	T11	TP2 TP27	IB2	
1228	Mercaptans, liquid, flammable, toxic, n.o.s. or Mercaptan mixtures, liquid, flammable, toxic, n.o.s.	3	III	3, 6.1	B1, T8	242	T7	TP1 TP28	IB3	
1229	Mesityl oxide	3	III	3	B1, T1	242	T2	TP1	IB3	
1230	Methanol	3	II	3	T8	242	T7	TP2	IB2	
1230	Methanol	3	II	3, 6.1	T8	242	T7	TP2	IB2	
1231	Methyl acetate	3	II	3	B101, T8	242	T4	TP1	IB2	
1233	Methylamyl acetate	3	III	3	B1, T1	242	T2	TP1	IB3	
1234	Methylal	3	II	3	T14	242	T7	TP2	IB2	BB8
1235	Methylamine, aqueous solution.	3	II	3, 8	B1, T8	243	T7	TP1	IB2	
1237	Methyl butyrate	3	II	3	T1	242	T4	TP1	IB2	
1238	Methyl chloroformate	6.1	I	6.1, 3, 8	1, B9, B14, B30, B72, N34, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1239	Methyl chloromethyl ether.	6.1	I	6.1, 3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP38 TP44		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1242	Methyldichlorosilane	4.3	I	4.3, 8, 3	A2, A3, A7, B6, B77, N34, T16, T26.	243	T10	TP2 TP7 TP13		
1243	Methyl formate	3	I	3	T20	243	T11	TP2		
1244	Methylhydrazine	6.1	I	6.1, 3, 8	1, B7, B9, B14, B30, B72, B77, N34, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1245	Methyl isobutyl ketone.	3	II	3	T1	242	T4	TP1	IB2	
1246	Methyl isopropenyl ketone, inhibited.	3	II	3	T7	242	T4	TP1	IB2	
1247	Methyl methacrylate monomer, inhibited.	3	II	3	T8	242	T4	TP1	IB2	
1248	Methyl propionate	3	II	3	B101, T2	242	T4	TP1	IB2	
1249	Methyl propyl ketone	3	II	3	T1	242	T4	TP1	IB2	
1250	Methyltrichlorosilane	3	I	3, 8	A7, B6, B77, N34, T14, T26.	243	T11	TP2 TP13		
1251	Methyl vinyl ketone, stabilized.	6.1	I	6.1, 3, 8	1, 25, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1262	Octanes	3	II	3	T1	242	T4	TP1	IB2	
1263	Paint including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.	3	I	3	T8, T31	243	T11	TP1 TP8		
1263	Paint related material including paint thinning, drying, removing, or reducing compound.	3	I	3	T8, T31	243	T11	TP1 TP8		
1263	Paint including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.	3	II	3	B52, T7, T30.	242	T4	TP1 TP8	IB2	
1263	Paint related material including paint thinning, drying, removing, or reducing compound.	3	II	3	B52, T7, T30.	242	T4	TP1 TP8	IB2	
1263	Paint including paint, lacquer,enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.	3	III	3	B1, B52, T7, T30.	242	T2	TP1	IB3	
1263	Paint related material including paint thinning, drying, removing, or reducing compound.	3	III	3	B1, B52, T7, T30.	242	T2	TP1	IB3	
1264	Paraldehyde	3	III	3	B1, T1	242	T2	TP1	IB3	
1265	Pentanes	3	I	3	T20	243	T11	TP2		
1265	Pentanes	3	II	3	T20	242	T4	TP1	IB2	BB8
1266	Perfumery products with flammable solvents.	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1266	Perfumery products with flammable solvents.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1267	Petroleum crude oil	3	I	3	T8, T31	243	T11	TP1 TP8		
1267	Petroleum crude oil	3	II	3	T8, T31	242	T4	TP1 TP8	IB2	
1267	Petroleum crude oil	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1268	Petroleum distillates, n.o.s. or Petroleum products, n.o.s.	3	I	3	T8, T31	243	T11	TP1 TP8		
1268	Petroleum distillates, n.o.s. or Petroleum products, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
1268	Petroleum distillates, n.o.s. or Petroleum products, n.o.s.	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1272	Pine oil	3	III3	B1, T1	242	T2	TP1	IB3		
1274	n-Propanol or Propyl alcohol, normal.	3	II	3	B1, T1	242	T4	TP1	IB2	
1274	n-Propanol or Propyl alcohol, normal.	3	III	3	B1, T1	242	T2	TP1	IB3	
1275	Propionaldehyde	3	II	3	T14	242	T7	TP1	IB2	
1276	n-Propyl acetate	3	II	3	T1	242	T4	TP1	IB2	
1277	Propylamine	3	II	3, 8	N34, T14	243	T7	TP1	IB2	
1278	Propyl chloride	3	II	3	N34, T14	242	T7	TP2	IB2	BB8
1279	1,2-Dichloropropane	3	II	3	N36, T1	242	T4	TP1	IB2	
1280	Propylene oxide	3	I	3	A3, N34,	243	T11	TP2 TP7		
1281	Propyl formates	3	II	3	T8	242	T4	TP1	IB2	
1282	Pyridine	3	II	3	T8	242	T4	TP2	IB2	
1286	Rosin oil	3	II	3	T7	242	T4	TP1	IB2	
1286	Rosin oil	3	III	3	B1, T1	242	T2	TP1	IB3	
1287	Rubber solution	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1287	Rubber solution	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1288	Shale oil	3	I	3	T7	243	T11	TP1 TP8 TP27		
1288	Shale oil	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1288	Shale oil	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1289	Sodium methylate solutions in alcohol.	3	II	3, 8	T8, T31	243	T7	TP1 TP8	IB2	
1289	Sodium methylate solutions in alcohol.	3	III	3, 8	B1, T7, T30.	242	T4	TP1	IB3	
1292	Tetraethyl silicate	3	III	3	B1, T1	242	T2	TP1	IB3	
1293	Tinctures, medicinal	3	II	3	T8, T31	242	T4	TP1 TP8	IB2	
1293	Tinctures, medicinal	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1294	Toluene	3	II	3	T1	242	T4	TP1	IB2	
1295	Trichlorosilane	4.3	I	4.3,	A7, N34, T24 T26.	244	T14	TP2 TP7		
1296	Triethylamine	3	II	3, 8	B101, T8	243	T7	TP1		IB2
1297	Trimethylamine, aqueous solutions with not more than 50 percent trimethylamine by mass.	3	I	3, 8	T42	243	T11	TP1		
1297	Trimethylamine, aqueous solutions with not more than 50 percent trimethylamine by mass.	3	II	3, 8	B1, T14	243	T7	TP1	IB2	
1297	Trimethylamine, aqueous solutions with not more than 50 percent trimethylamine by mass.	3	III	3, 8	B1	242	T7	TP1	IB3	
1298	Trimethylchlorosilane	3	II	3, 8	A3, A7, B77, N34, T14, T26.	243	T7	TP2 TP13	IB2	
1299	Turpentine	3	III	3	B1, T1	242	T2	TP1	IB3	
1300	Turpentine substitute	3	I	3	T1	243	T11	TP1 TP1 TP27		
1300	Turpentine substitute	3	II	3	T1	242	T4	TP1	IB2	
1300	Turpentine substitute	3	III	3	B1, T1	242	T2	TP1	IB3	
1301	Vinyl acetate, inhibited.	3	II	3	T8	242	T4	TP1	IB2	
1302	Vinyl ethyl ether, inhibited.	3	I	3	A3, B100, T14.	243	T11	TP2		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1300	Turpentine substitute	3	I	3	T1	243	T11	TP1 TP1 TP27		
1300	Turpentine substitute	3	II	3	T1	242	T4	TP1	IB2	
1300	Turpentine substitute	3	III	3	B1, T1	242	T2	TP1	IB3	
1301	Vinyl acetate, inhibited.	3	II	3	T8	242	T4	TP1	IB2	
1302	Vinyl ethyl ether, inhibited.	3	I	3	A3, B100, T14.	243	T11	TP2		
1303	Vinylidene chloride, inhibited.	3	I	3	T23, T29	243	T12	TP2 TP7		
1304	Vinyl isobutyl ether, inhibited.	3	II	3	T8	242	T4	TP1	IB2	
1305	Vinyltrichlorosilane, inhibited.	3	I	3, 8	A3, A7, B6, N34, T14, T26.	243	T11	TP2 TP13		
1306	Wood preservatives, liquid.	3	II	3	T7, T30	242	T4	TP1 TP8	IB2	
1306	Wood preservatives, liquid.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
1307	Xylenes	3	II	3	T1	242	T4	TP1	IB2	
1307	Xylenes	3	III	3	B1, T1	242	T2	TP1	IB3	
1308	Zirconium suspended in a liquid.	3	II	3		242			IB2	
1308	Zirconium suspended in a liquid.	3	III	3	B1	242			IB2	
1309	Aluminum powder, coated.	4.1	II	4.1		240			IB8	BB2, BB4
1309	Aluminum powder, coated.	4.1	III	4.1		240			IB8	BB3
1312	Borneol	4.1	III	4.1	A1	240			IB8	BB3
1313	Calcium resinate	4.1	III	4.1	A1, A19	240			IB6	
1314	Calcium resinate, fused.	4.1	III	4.1	A1, A19	240			IB4	
1318	Cobalt resinate, precipitated.	4.1	III	4.1	A1, A19	240			IB6	
1323	Ferrocerium	4.1	II	4.1	59, A19	240			IB8	BB2, BB4
1325	Flammable solids, organic, n.o.s.	4.1	II	4.1	A1	240	T3	TP1	IB8	BB2, BB4
1325	Flammable solids, organic, n.o.s.	4.1	III	4.1	A1	240	T1	TP1	IB8	BB3
1326	Hafnium powder, wetted with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.	4.1	II	4.1	A6, A19, A20 N34.	241			IB6	BB2
1328	Hexamethylenetetramine.	4.1	III	4.1	A1	240			IB8	BB3
1330	Manganese resinate	4.1	III	4.1	A1	240			IB6	
1332	Metaldehyde	4.1	III	4.1	A1	240			IB8	BB3
1333	Cerium, slabs, ingots, or rods.	4.1	II	4.1	N34	240			IB8	BB2, BB4
1334	Naphthalene, crude or Naphthalene, refined.	4.1	III	4.1	A1	240			IB8	BB3
1338	Phosphorus, amorphous.	4.1	III	4.1	A1, A19, B1, B9, B26.	243			IB8	BB3
1339	Phosphorus heptasulfide, free from yellow or white phosphorus.	4.1	II	4.1	A20, N34	240			IB4	
1340	Phosphorus pentasulfide, free from yellow or white phosphorus.	4.3	II	4.3, 4.1	A20, B59, B101, B106.	242			IB4	
1341	Phosphorus sesquisulfide, free from yellow or white phosphorus.	4.1	II	4.1	A20, N34	240			IB4	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1352	Titanium powder, wetted with not less than 25 percent water (a visible excess of water must be present (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.	4.1	II	4.1	A19, A20, N34.	240			IB6	BB2
1353	Fibers of Fabrics impregnated with weakly nitrated nitrocellulose, n.o.s..	4.1	III	4.1	A1	240			IB8	BB3
1358	Zirconium powder, wetted with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.	4.1	II	4.1	A19, A20, N34.	241			IB6	BB2
1361	Carbon, animal or vegetable origin.	4.2	II	4.2		242			IB6	
1361	Carbon, animal or vegetable origin.	4.2	III	4.2		241			IB8	BB3
1362	Carbon, activated	4.2	III	4.2		241			IB8	BB3
1363	Copra	4.2	III	4.2		241			IB8	BB3, BB6
1364	Cotton waste, oily	4.2	III	4.2		None			IB8	BB6
1365	Cotton, wet	4.2	III	4.2		241			IB8	BB6
1366	Diethylzinc	4.2	I	4.2, 4.3	B11, T28, T40.	244	T21	TP2 TP7		
1369	p-Nitrosodimethylaniline.	4.2	II	4.2	A19, A20, B101, N34.	241			IB6	BB2
1370	Dimethylzinc	4.2	I	4.2, 4.3	B11, B16, T28, T29, T40.	244	T21	TP2 TP7		
1373	Fibers or Fabrics, animal or vegetable or Synthentic, n.o.s. with animal or vegetable oil.	4.2	III	4.2	137	241			IB8	BB3
1374	Fish meal, unstablized or Fish scrap, unstabilized.	4.2	II	4.2	A1, A19	241			IB8	BB2
1376	Iron oxide, spent, or Iron sponge, spent obtained from coal gas purification.	4.2	III	4.2	B18	240			IB8	BB3
1378	Metal catalyst, wetted with a visible excess of liquid.	4.2	II	4.2	A2, A8, N34.	None			IB1	
1379	Paper, unsaturated oil treated incompletely dried (including carbon paper).	4.2	III	4.2	B101, B106.	241			IB8	BB3
1381	Phosphorus, white dry or Phosphorus, white, under water or Phosphorus white, in solution or Phosphorus, yellow dry or Phosphorus, yellow, under water or Phosphorus, yellow, in solution.	4.2	I	4.2, 6.1	B9, B26, N34, T15, T26, T33.	243	T9	TP3		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1382	Potassium sulfide, anhydrous or Potassium sulfide with less than 30 percent water of crystallization.	4.2	II	4.2	A19, A20, B16, B106, N34.	241			IB6	BB2
1384	Sodium dithionite or Sodium hydrosulfite.	4.2	II	4.2	A19, A20, B106.	241			IB6	BB2
1385	Sodium sulfide, anhydrous or Sodium sulfide with less than 30 percent water of crystallization.	4.2	II	4.2	A19, A20, B106, N34.	241			IB6	BB2
1386	Seed cake with more than 1.5 percent oil and not more than 11 percent moisture.	4.2	III	None	N7	241			IB8	BB3, BB6
1386	Seed cake, containing vegetable oil solvent extractions and expelled seeds, with not more than 10 percent of oil and when the amount of moisture is higher than 11 percent, with not more than 20 percent of oil and moisture combined.	4.2	III	None	N7	241			IB8	BB3, BB6
1390	Alkali metal amides	4.3	II	4.3	A6, A7, A8, A19, A20, B106.	241			IB7	BB2
1392	Alkaline earth metal amalgams.	4.3	I	4.3	A19, B101, B106, N34, N40.	242			IB4	BB1
1393	Alkaline earth metal alloys, n.o.s.	4.3	II	4.3	A19, B101, B106.	241			IB7	BB2
1394	Aluminum carbide	4.3	II	4.3	A20, B101, B106, N41.	242			IB7	BB2
1395	Aluminum ferrosilicon powder.	4.3	II	4.3, 6.1	A19, B106, B108.	242			IB5	BB2
1395	Aluminum ferrosilicon powder.	4.3	III	4.3, 6.1	A19, A20, B106, B108.	241			IB4	
1396	Aluminum powder, uncoated.	4.3	II	4.3	A19, A20, B106, B108.	242			IB7	BB2
1396	Aluminum powder, uncoated.	4.3	III	4.3	A19, A20, B106, B108.	241			IB8	BB4
1398	Aluminum silicon powder, uncoated.	4.3	III	4.3	A1, A19, B108.	241			IB8	BB4
1400	Barium	4.3	II	4.3	A19, B101, B106.	241			IB7	BB2
1401	Calcium	4.3	II	4.3	B101, B106.	241			IB7	BB2
1402	Calcium carbide	4.3	I	4.3	A1, A8, B55, B101, B106, N34.	242			IB4	BB1

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1402	Calcium carbide	4.3	II	4.3	A1, A8, B55, B59, B101, B106, N34.	241			IB7	BB2
1403	Calcium cyanamide with more than 0.1 percent of calcium carbide.	4.3	III	4.3	A1, A19, B105.	241			IB8	BB4
1405	Calcium silicide	4.3	II	4.3	A19, B105, B106.	241			IB7	BB2
1405	Calcium silicide	4.3	III	4.3	A1, A19, B106, B108.	241			IB8	BB4
1407	Cesium or Caesium	4.3	I	4.3	A19, B100, N34, N40.	242			IB1	BB1
1408	Ferrosilicon, with 30 percent or more but less than 90 percent silicon.	4.3	III	4.3, 6.1	A1, A19	240			IB8	BB4
1409	Metal hydrides, water-reactive, n.o.s.	4.3	II	4.3	A19, B101, B106, N34, N40.	242			IB4	
1415	Lithium	4.3	I	4.3	A7, A19, B100, N45.	244			IB1	BB1
1417	Lithium silicon	4.3	II	4.3	A19, A20, B105, B106.	241			IB7	BB2
1418	Magnesium, powder or Magnesium alloys, powder.	4.3	II	4.3, 4.2	A19, B56, B101, B106.	241			IB5	BB2
1418	Magnesium, powder or Magnesium alloys, powder.	4.3	III	4.3, 4.2	A19, B56, B106, B108.	241			IB8	BB4
1420	Potassium, metal alloys.	4.3	I	4.3	A19, A20, B27.	244			IB4	BB1
1422	Potassium sodium alloys.	4.3	I	4.3	A19, B27, N34, N40, T15, T26.	244	T9	TP3 TP7	IB4	BB1
1423	Rubidium	4.3	I	4.3	22, A7, A19, B100, N34, N40, N45.	242			IB1	BB1
1428	Sodium	4.3	I	4.3	A7, A8, A19, A20, B9, B48, B68, N34, T15, T29, T46.	244	T9	TP3 TP7 TP46	IB4	BB1
1431	Sodium methylate	4.2	II	4.2, 8	A19	242			IB5	BB2
1435	Zinc ashes	4.3	III	4.3	A1, A19, B108.	241			IB8	BB4
1436	Zinc powder or Zinc dust.	4.3	II	4.3, 4.2	A19, B109	242			IB7	BB2
1436	Zinc powder or Zinc dust.	4.3	III	4.3, 4.2	B108	242			IB8	BB4
1437	Zirconium hydride	4.1	II	4.1	A19, A20, N34.	240			IB4	
1438	Aluminum nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
1439	Ammonium dichromate.	5.1	II	5.1		242			IB8	BB2, BB4
1442	Ammonium perchlorate.	5.1	II	5.1	107, A9	242			IB6	BB2
1444	Ammonium persulfate	5.1	III	5.1	A1, A29	240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1439	Ammonium dichromate.	5.1	II	5.1		242			IB8	BB2, BB4
1442	Ammonium perchlorate.	5.1	II	5.1	107, A9	242			IB6	BB2
1444	Ammonium persulfate	5.1	III	5.1	A1, A29	240			IB8	BB3
1445	Barium chlorate	5.1	II	5.1, 6.1	A9, N34, T8.	242	T4	TP1	IB6	BB2
1446	Barium nitrate	5.1	II	5.1, 6.1		242			IB8	BB2, BB4
1447	Barium perchlorate	5.1	II	5.1, 6.1	T8	242	T4	TP1	IB6	BB2
1448	Barium permanganate.	5.1	II	5.1, 6.1		242			IB6	BB2
1449	Barium peroxide	5.1	II	5.1, 6.1		242			IB6	BB2
1450	Bromates, inorganic, n.o.s.	5.1	II	5.1		242			IB8	BB2, BB4
1451	Cesium nitrate or Caesium nitrate.	5.1	III	5.1	A1, A29	240			IB8	BB3
1452	Calcium chlorate	5.1	II	5.1	N34	242			IB8	BB2, BB4
1453	Calcium chlorite	5.1	II	5.1	A9, N34	242			IB8	BB2, BB4
1454	Calcium nitrate	5.1	III	5.1	34	240			IB8	BB3
1455	Calcium perchlorate	5.1	II	5.1		242			IB6	BB2
1456	Calcium permanganate.	5.1	II	5.1		242			IB6	BB2
1457	Calcium peroxide	5.1	II	5.1		242			IB6	BB2
1458	Chlorate and borate mixtures.	5.1	II	5.1	A9, N34	240			IB8	BB2, BB4
1458	Chlorate and borate mixtures.	5.1	III	5.1	A9, N34	240			IB8	BB3
1459	Chlorate and magnesium chloride mixtures.	5.1	II	5.1	A9, N34, T8.	240	T4	TP1	IB8	BB2, BB4
1459	Chlorate and magnesium chloride mixtures.	5.1	III	5.1	A9, N34, T8.	240	T4	TP1	IB8	BB3
1461	Chlorates, inorganic, n.o.s.	5.1	II	5.1	A9, N34	242			IB6	BB2
1462	Chlorites, inorganic, n.o.s.	5.1	II	5.1	A7, N34	242			IB6	BB2
1463	Chromium trioxide, anhydrous.	5.1	II	5.1, 8	B106	242			IB8	BB4
1465	Didymium nitrate	5.1	III	5.1	A1	240			IB8	BB3
1466	Ferric nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
1467	Guanidine nitrate	5.1	III	5.1	A1	240			IB8	BB3
1469	Lead nitrate	5.1	II	5.1, 6.1		242			IB8	BB2, BB4
1470	Lead perchlorate, solid.	5.1	II	5.1, 6.1	T8	242	T4	TP1	IB6	BB2
1470	Lead perchlorate, solution.	5.1	II	5.1, 6.1	T8	243	T4	TP1	IB1	
1471	Lithium hypochlorite, dry or Lithium hypochlorite mixtures, dry.	5.1	II	5.1	A9, N34	240			IB8	BB2, BB4
1472	Lithium peroxide	5.1	II	5.1	A9, N34	None			IB6	BB2
1473	Magnesium bromate	5.1	II	5.1	A1	242			IB8	BB4
1474	Magnesium nitrate	5.1	III	5.1	A1	240			IB8	BB3
1475	Magnesium perchlorate.	5.1	II	5.1		242			IB6	BB2
1476	Magnesium peroxide	5.1	II	5.1		242			IB6	BB2
1477	Nitrates, inorganic, n.o.s.	5.1	II	5.1		240			IB8	BB2, BB4
1477	Nitrates, inorganic, n.o.s.	5.1	III	5.1		240			IB8	BB3
1479	Oxidizing solid, n.o.s.	5.1	I	5.1		242			IB6	BB1
1479	Oxidizing solid, n.o.s.	5.1	II	5.1		240			IB8	BB2, BB4
1479	Oxidizing solid, n.o.s.	5.1	III	5.1		240			IB8	BB3
1481	Perchlorates, inorganic, n.o.s..	5.1	II	5.1		242			IB6	BB2
1481	Perchlorates, inorganic, n.o.s.	5.1	III	5.1		240			IB8	BB3
1482	Permanganates, inorganic, n.o.s.	5.1	II	5.1	26, A30	242			IB6	BB2
1482	Permanganates, inorganic, n.o.s..	5.1	III	5.1	A26, A30	240			IB8	BB3
1483	Peroxides, inorganic, n.o.s.	5.1	II	5.1	A7, A20, N34.	242			IB6	BB2
1483	Peroxides, inorganic, n.o.s.	5.1	III	5.1	A7, A20, N34.	240			IB8	BB3
1484	Potassium bromate	5.1	II	5.1		242			IB8	BB4
1485	Potassium chlorate	5.1	II	5.1	A9, N34	242			IB8	BB4
1486	Potassium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1489	Potassium perchlorate, solution.	5.1	II	5.1		242	T4	TP1	IB2	
1490	Potassium permanganate.	5.1	II	5.1		240			IB8	BB4
1491	Potassium peroxide	5.1	I	5.1	A20, N34	None			IB6	BB1
1492	Potassium persulfate	5.1	III	5.1	A1, A29	240			IB8	BB3
1493	Silver nitrate	5.1	II	5.1		242			IB8	BB4
1494	Sodium bromate	5.1	II	5.1		242			IB8	BB4
1495	Sodium chlorate	5.1	II	5.1	A9, N34, T8.	240	T4	TP1	IB8	BB4
1496	Sodium chlorite	5.1	II	5.1	A9, N34, T8.	242	T4	TP1	IB8	BB2, BB4
1498	Sodium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
1499	Sodium nitrate and potassium nitrate mixtures.	5.1	III	5.1	A1, A29	240			IB8	BB3
1500	Sodium nitrite	5.1	III	5.1, 6.1	A1, A29	240			IB8	BB3
1502	Sodium perchlorate	5.1	II	5.1		242			IB6	BB2
1503	Sodium permanganate.	5.1	II	5.1		242			IB6	BB2
1504	Sodium peroxide	5.1	I	5.1	A20, N34	None			IB6	BB1
1505	Sodium persulfate	5.1	III	5.1	A1	240			IB8	BB3
1506	Strontium chlorate	5.1	II	5.1	A1, A9, N34.	242			IB8	BB2, BB4
1507	Strontium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
1508	Strontium perchlorate	5.1	II	5.1		242			IB6	BB2
1509	Strontium peroxide	5.1	II	5.1		242			IB6	BB2
1510	Tetranitromethane	5.1	I	5.1, 6.1	2, B9, B14, B32, B74, T38, T43, T45.	None	T20	TP2 TP13 TP38 TP44		
1511	Urea hydrogen peroxide.	5.1	III	5.1, 8	A1, A7, A29.	240			IB8	BB3
1512	Zinc ammonium nitrite.	5.1	II	5.1		242			IB8	BB4
1513	Zinc chlorate	5.1	II	5.1	A9, N34	242			IB8	BB2, BB4
1514	Zinc nitrate	5.1	II	5.1		240			IB8	BB4
1515	Zinc permanganate	5.1	II	5.1		242			IB6B	B2
1516	Zinc peroxide	5.1	II	5.1		242			IB6	BB2
1541	Acetone cyanohydrin, stabilized.	6.1	I	6.1	2, A3, B9, B14, B32, B76, B77, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1544	Alkaloids, solid, n.o.s. or Alkaloid salts, solid, n.o.s. poisonous.	6.1	I	6.1		242			IB7	BB1
1544	Alkaloids, solid, n.o.s. or Alkaloid salts, solid, n.o.s. poisonous.	6.1	II	6.1		242			IB8	BB2, BB4
1544	Alkaloids, solid, n.o.s. or Alkaloid salts, solid, n.o.s. poisonous.	6.1	III	6.1		240			IB8	BB3
1545	Allyl isothiocyanate, stabilized.	6.1	II	6.1, 3	A3, A7	243	T7	TP2	IB2	
1546	Ammonium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1547	Aniline	6.1	II	6.1	T8	243	T7	TP2	IB2	
1548	Aniline hydrochloride	6.1	III	6.1		240			IB8	BB3
1549	Antimony compounds, inorganic, solid, n.o.s.	6.1	III	6.1	35	240			IB8	BB3
1550	Antimony lactate	6.1	III	6.1		240			IB8	BB3
1551	Antimony potassium tartrate.	6.1	III	6.1		240			IB8	BB3
1553	Arsenic acid, liquid	6.1	I	6.1	T18, T27	243	T20	TP2 TP7 TP13		
1554	Arsenic acid, solid	6.1	II	6.1		242			IB8	BB2, BB4
1555	Arsenic bromide	6.1	II	6.1		242			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1556	Arsenic compounds, liquid, n.o.s. inorganic, including arsenates n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	II	6.1		243			IB2	
1556	Arsenic compounds, liquid, n.o.s. inorganic, including arsenates n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	III	6.1		241			IB3	
1557	Arsenic compounds, solid, n.o.s. inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	I	6.1		242			IB7	BB1
1557	Arsenic compounds, solid, n.o.s. inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1557	Arsenic compounds, solid, n.o.s. inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.	6.1	III	6.1		240			IB8	BB3
1558	Arsenic	6.1	II	6.1		242			IB8	BB2, BB4
1559	Arsenic pentoxide	6.1	II	6.1		242			IB8	BB2, BB4
1560	Arsenic trichloride	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1561	Arsenic trioxide	6.1	II	6.1		242			IB8	BB2, BB4
1562	Arsenical dust	6.1	II	6.1		242			IB8	BB2, BB4
1564	Barium compounds, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1564	Barium compounds, n.o.s.	6.1	III	6.1		240			IB8	BB3
1565	Barium cyanide	6.1	I	6.1	N74, N75	242			IB7	BB1
1566	Beryllium compounds, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1566	Beryllium compounds, n.o.s.	6.1	III	6.1		240			IB8	BB3
1567	Beryllium, powder	6.1	II	6.1, 4.1		242			IB8	BB2, BB4
1569	Bromoacetone	6.1	II	6.1, 3	2	245	T20	TP2 TP13		
1570	Brucine	6.1	I	6.1		242			IB7	BB1
1572	Cacodylic acid	6.1	II	6.1		242			IB8	BB2, BB4
1573	Calcium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1574	Calcium arsenate and calcium arsenite, mixtures, solid.	6.1	II	6.1		242			IB8	BB2, BB4
1575	Calcium cyanide	6.1	I	6.1	N79, N80	242			IB7	BB1
1577	Chlorodinitrobenzenes.	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1578	Chloronitrobenzenes meta or para, solid.	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1578	Chloronitrobenzene, ortho, liquid.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
1579	4-Chloro-o-toluidine hydrochloride.	6.1	III	6.1		240			IB8	BB3
1580	Chloropicrin	6.1	I	6.1	2, B7, B9, B14, B32, B46, B74, T38, T43, TP45.	244	T20	TP2 TP13 TP38 T45		
1581	Chloropicrin and methyl bromide mixtures.	2.3		2.3	2, B9, B14	314, 315	T50			
1582	Chloropicrin and methyl chloride mixtures.	2.3		2.3	2	245	T50			
1583	Chloropicrin mixtures, n.o.s.	6.1	II	6.1		243			IB2	
1583	Chloropicrin mixtures, n.o.s.	6.1	III	6.1		241			IB3	
1585	Copper acetoarsenite	6.1	II	6.1		242			IB8	BB2, BB4
1586	Copper arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1587	Copper cyanide	6.1	II	6.1		242			IB8	BB2, BB4
1588	Cyanides, inorganic, solid, n.o.s.	6.1	I	6.1	N74, N75	242			IB7	BB1
1588	Cyanides, inorganic, solid, n.o.s.	6.1	II	6.1	N74, N75	242			IB8	BB2, BB4
1588	Cyanides, inorganic, solid, n.o.s.	6.1	III	6.1	N74, N75	240			IB8	BB3
1590	Dichloroanilines, liquid.	6.1	II	6.1	T14	243	T7	TP2	IB2	
1590	Dichloroanilines, solid	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1591	o-Dichlorobenzene	6.1	III	6.1	T7	241	T4	TP1	IB3	
1593	Dichloromethane	6.1	III	6.1	N36, T13	241	T7	TP2	IB3	BB8
1594	Diethyl sulfate	6.1	II	6.1	B101, T14	243	T7	TP2	IB2	
1595	Dimethyl sulfate	6.1	I	6.1, 8	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1596	Dinitroanilines	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1597	Dinitrobenzenes, liquid.	6.1	II	6.1	11, T14	243	T7	TP2	IB2	
1597	Dinitrobenzenes, solid.	6.1	II	6.1	11	242			IB8	BB2, BB4
1598	Dinitro-o-cresol, solid	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1598	Dinitro-o-cresol, solution.	6.1	II	6.1	T14	243	T7	TP2	IB2	BB2, BB4
1599	Dinitrophenol solutions.	6.1	II	6.1	T8	243	T7	TP2	IB2	
1599	Dinitrophenol solutions.	6.1	III	6.1	T7	241	T4	TP1	IB3	
1600	Dinitrotoluenes, molten.	6.1	II	6.1	B100, T14	243	T7	TP3		
1601	Disinfectants, solid, toxic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1601	Disinfectants, solid, toxic, n.o.s.	6.1	III	6.1		240			IB8	BB3
1602	Dyes, liquid, toxic, n.o.s or Dye intermediates, liquid, toxic, n.o.s.	6.1	II	6.1		243			IB2	
1602	Dyes, liquid, toxic, n.o.s or Dye intermediates, liquid, toxic, n.o.s.	6.1	III	6.1		241			IB3	
1603	Ethyl bromoacetate	6.1	II	6.1, 3	T14	243	T7	TP2	IB2	
1604	Ethylenediamine	8	II	8, 3	T14	243	T7	TP2	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1605	Ethylene dibromide	6.1	I	6.1	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1606	Ferric arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1607	Ferric arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1608	Ferrous arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1611	Hexaethyl tetraphosphate, solid.	6.1	II	6.1	N76	242			IB8	BB2, BB4
1611	Hexaethyl tetraphosphate liquid.	6.1	II	6.1	N76	243			IB2	BB2, BB4
1613	Hydrocyanic acid, aqueous solutions or Hydrogen cyanide, aqueous solutions with not more than 20 percent hydrogen cyanide.	6.1	I	6.1	2, B61, B65, B77, B82.	244	T20	TP2 TP13		
1616	Lead acetate	6.1	III	6.1		240			IB8	BB3
1617	Lead arsenates	6.1	II	6.1		242			IB8	BB2, BB4
1618	Lead arsenites	6.1	II	6.1		242			IB8	BB2, BB4
1620	Lead cyanide	6.1	II	6.1		242			IB8BB2, BB4	
1621	London purple	6.1	II	6.1		242			IB8	BB2, BB4
1622	Magnesium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1623	Mercuric arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1624	Mercuric chloride	6.1	II	6.1		242			IB8	BB2, BB4
1625	Mercuric nitrate	6.1	II	6.1	N73	242			IB8	BB2, BB4
1626	Mercuric potassium cyanide.	6.1	I	6.1	N74, N75	242			IB7	BB1
1627	Mercurous nitrate	6.1	II	6.1		242			IB8	BB2, BB4
1629	Mercury acetate	6.1	II	6.1		242			IB8	BB2, BB4
1630	Mercury ammonium chloride.	6.1	II	6.1		242			IB8	BB2, BB4
1631	Mercury benzoate	6.1	II	6.1		242			IB8	BB2, BB4
1634	Mercury bromides	6.1	II	6.1		242			IB8	BB2, BB4
1636	Mercury cyanide	6.1	II	6.1	N74, N75	242			IB8	BB2, BB4
1637	Mercury gluconate	6.1	II	6.1		242			IB8	BB2, BB4
1638	Mercury iodide, solution.	6.1	II	6.1		243			IB8	BB2, BB4
1638	Mercury iodide, solid	6.1	II	6.1		242			IB2	BB2, BB4
1639	Mercury nucleate	6.1	II	6.1		242			IB8	BB2, BB4
1640	Mercury oleate	6.1	II	6.1		242			IB8	BB2, BB4
1641	Mercury oxide	6.1	II	6.1		242			IB8	BB2, BB4
1642	Mercury oxycyanide, desensitized.	6.1	II	6.1		242			IB8	BB2, BB4
1643	Mercury potassium iodide.	6.1	II	6.1		242			IB8	BB2, BB4
1644	Mercury salicylate	6.1	II	6.1		242			IB8	BB2, BB4
1645	Mercury sulfates	6.1	II	6.1		242			IB8	BB2, BB4
1646	Mercury thiocyanate	6.1	II	6.1		242			IB8	BB2, BB4
1647	Methyl bromide and ethylene dibromide mixtures, liquid.	6.1	I	6.1	2, B9, B14, B32, B74, N65, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
1648	Acetonitrile	3	II	3	T14	242	T7	TP2	IB2	
1649	Motor fuel anti-knock mixtures.	6.1	I	6.1, 3	14, B9, B90, T26, T39.	244	T14	TP2 TP13		
1650	beta-Naphthylamine	6.1	II	6.1	T12, T26	242	T7	TP2	IB8	BB2, BB4
1651	Naphthylthiourea	6.1	II	6.1		242			IB8	BB2, BB4
1652	Naphthylurea	6.1	II	6.1		242			IB8	BB2, BB4
1653	Nickel cyanide	6.1	II	6.1	N74, N75	242			IB8	BB2, BB4
1654	Nicotine	6.1	II	6.1		243			IB2	
1655	Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s..	6.1	I	6.1		242			IB7	BB1

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1655	Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
1655	Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s..	6.1	III	6.1		240			IB8	BB3
1656	Nicotine hydrochloride or Nicotine hydrochloride solution.	6.1	II	6.1		243			IB2	BB2, BB4
1657	Nicotine salicylate	6.1	II	6.1		242			IB8	BB2, BB4
1658	Nicotine sulfate, solid	6.1	II	6.1		242			IB8	BB2, BB4
1658	Nicotine sulfate, solution.	6.1	II	6.1	T14	243	T7	TP2	IB2	
1659	Nicotine tartrate	6.1	II	6.1		242			IB8	BB2, BB4
1661	Nitroanilines (o-; m-; p-;).	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1662	Nitrobenzene	6.1	II	6.1	T14	243	T7	TP2	IB2	
1663	Nitrophenols (o-; m-; p-;).	6.1	III	6.1	T8, T38	240	T4	TP3 TP38	IB8	BB3
1664	Nitrotoluenes, solid m-, or p-.	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1664	Nitrotoluenes, liquid o-; m-; p-;.	6.1	II	6.1	T14	243	T7	TP2	IB2	BB2, BB4
1665	Nitroxylenes, (o-; m-; p-).	6.1	II	6.1	T14	243	T7	TP2	IB2	BB2, BB4
1669	Pentachloroethane	6.1	II	6.1	T14	243	T7	TP2	IB2	
1670	Perchloromethyl mercaptan.	6.1	I	6.1	2, A3, A7, B9, B14, B32, B74, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 T45		
1671	Phenol, solid	6.1	II	6.1	N78, T14	242	T6	TP2	IB8	BB2, BB4
1672	Phenylcarbylamine chloride.	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1673	Phenylenediamines (o-; m-; p-;).	6.1	III	6.1		240	T7	TP1	IB8	BB3
1674	Phenylmercuric acetate.	6.1	II	6.1		242			IB8	BB2, BB4
1677	Potassium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1678	Potassium arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1679	Potassium cuprocyanide.	6.1	II	6.1		242			IB8	BB2, BB4
1680	Potassium cyanide	6.1	I	6.1	B69, B77, N74, N75, T18, T26.	242	T14	TP2 TP13	IB7	BB1
1683	Silver arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1684	Silver cyanide	6.1	II	6.1		242			IB8	BB2, BB4
1685	Sodium arsenate	6.1	II	6.1		242			IB8	BB2, BB4
1686	Sodium arsenite, aqueous solutions.	6.1	II	6.1	T15	243	T7	TP2	IB2	
1686	Sodium arsenite, aqueous solutions.	6.1	III	6.1	T15	241	T4	TP2	IB3	
1687	Sodium azide	6.1	II	6.1	B28	242			IB8	BB2, BB4
1688	Sodium cacodylate	6.1	II	6.1		242			IB8	BB2, BB4
1689	Sodium cyanide	6.1	I	6.1	B69, B77, N74, N75, T42.	242	T14	TP2 TP13	IB7	BB1
1690	Sodium fluoride	6.1	III	6.1	T8	240	T4	TP1	IB8	BB3
1691	Strontium arsenite	6.1	II	6.1		242			IB8	BB2, BB4
1692	Strychnine or Strychnine salts.	6.1	I	6.1		242			IB7	BB1
1693	Tear gas substances, liquid, n.o.s.	6.1	II	6.1		None			IB2	
1693	Tear gas substances, solid, n.o.s.	6.1	II	6.1		None			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1694	Bromobenzyl cyanides, solid.	6.1	I	6.1	T18	242	T14	TP2 TP13		
1694	Bromobenzyl cyanides, liquid.	6.1	I	6.1	T18	243	T14	TP2 TP13		
1695	Chloroacetone, stabilized.	6.1	I	6.1, 3, 8	2, B9, B14, B32, B74, N12, N32, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1697	Chloroacetophenone (CN), liquid.	6.1	II	6.1	A3, N12, N32, N33.	243	T11	TP2 TP13 TP27	IB2	
1697	Chloroacetophenone (CN), solid.	6.1	II	6.1	A3, N12, N32, N33, N34.	None	T7	TP2 TP13	IB8	BB2, BB4
1699	Diphenylchloroarsine, solid.	6.1	I	6.1	A8, B14, B32, N33, N34.	242			IB7	BB1
1699	Diphenylchloroarsine, liquid.	6.1	I	6.1	A8, B14, B32, N33, N34.	243	T14	TP2 TP13 TP27		
1701	Xylyl bromide	6.1	II	6.1	A3, A6, A7, N33.	None	T7	TP2 TP13	IB2	
1702	Tetrachloroethane	6.1	II	6.1	N36, T14	243	T7	TP2	IB2	
1704	Tetraethyl dithiopyrophosphate.	6.1	II	6.1		242			IB8	BB2, BB4
1707	Thallium compounds, n.o.s..	6.1	II	6.1		242			IB8	BB2, BB4
1708	Toluidines liquid	6.1	II	6.1	T14	243	T7	TP2	IB2	
1708	Toluidines solid	6.1	II	6.1		242	T7	TP2	IB8	BB2, BB4
1709	2,4-Toluylenediamine or 2,4-Toluenediamine.	6.1	III	6.1	T7	240	T4	TP1	IB8	BB3
1710	Trichloroethylene	6.1	III	6.1	N36, T1	241	T4	TP1	IB3	
1711	Xylidines, solution	6.1	II	6.1	T14	243	T7	TP2	IB2	
1711	Xylidines, solid	6.1	II	6.1	T14	242	T7	TP2	IB8	BB2, BB4
1712	Zinc arsenate or Zinc arsenite or Zinc arsenate and zinc arsenite mixtures.	6.1	II	6.1		242			IB8	BB2, BB4
1713	Zinc cyanide	6.1	I	6.1		242			IB7	BB1
1715	Acetic anhydride	8	II	8, 3	A3, A6, A7, A10, B2, T8.	243	T7	TP2	IB2	
1716	Acetyl bromide	8	II	8	B2, T12, T26.	242	T8	TP2 TP12	IB2	
1717	Acetyl chloride	3	II	3, 8	A3, A6, A7, B100, N34, T18, T26.	243	T8	TP2 TP12	IB1	
1718	Butyl acid phosphate	8	III	8	T7	241	T4	TP1	IB3	
1719	Caustic alkali liquids, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
1719	Caustic alkali liquids, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
1722	Allyl chloroformate	6.1	I	6.1, 3, 8	2, B9, B14, B32, B74, N41, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1723	Allyl iodide	3	II	3, 8	A3, A6, B100, N34, T18.	243	T7	TP2 TP13	IB1	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1724	Allyltrichlorosilane, stablized.	8	II	8, 3	A7, B2, B6, N34, T8, T26.	243	T7	TP2 TP13	IB2	
1725	Aluminum bromide, anhydrous.	8	II	8	B106	240			IB8	BB2, BB4
1726	Aluminum chloride, anhydrous.	8	II	8	B106	240			IB8	BB2, BB4
1727	Ammonium hydrogendifluoride, solid.	8	II	8	B106, N34	240			IB8	BB2, BB4
1728	Amyltrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1729	Anisoyl chloride	8	II	8 B2, T8	242	T7	TP2	IB2		
1730	Antimony pentachloride, liquid.	8	II	8 B2, T8, T26.	242	T7	TP2	IB2		
1731	Antimony pentachloride, solutions.	8	II	8 B2, T8, T27.	242	T7	TP2	IB2		
1731	Antimony pentachloride, solutions.	8	III	8	T7, T26	241	T4	TP1	IB3	
1732	Antimony pentafluoride.	8	II	8, 6.1	A3, A6, A7, A10, N3, T12, T26.	243	T7	TP2	IB2	
1733	Antimony trichloride, liquid.	8	II	8	B2	242			IB2	
1733	Antimony trichloride, solid.	8	II	8	B106	240			IB8	BB2, BB4
1736	Benzoyl chloride	8	II	8	B2, T9, T26.	242	T8	TP2 TP12	IB2	
1737	Benzyl bromide	6.1	II	6.1, 8	A3, A7, N33, N34, T12, T26.	243	T8	TP2 TP12 TP13	IB2	
1738	Benzyl chloride	6.1	II	6.1, 8	A3, A7, B70, N33, N42, T12, T26.	243	T8	TP2 TP12 TP13	IB2	
1738	Benzyl chloride unstabilized.	6.1	II	6.1, 8	A3, A7, B8, B11, N33, N34, N43, T12, T26.	243	T8	TP2 TP12 TP13	IB2	
1739	Benzyl chloroformate	8	I	8	A3, A6, B4, N41, T18, T26.	243	T10	TP2 TP12 TP13		
1740	Hydrogendifluorides, n.o.s. solutions.	8	II	8	N3, N34	242			IB2	
1740	Hydrogendifluorides, n.o.s. solutions.	8	II	8	N3, N34	240			IB5	BB2, BB4
1740	Hydrogendifluorides, n.o.s. solutions.	8	III	8	N3, N34	241			IB3	BB3
1740	Hydrogendifluorides, n.o.s. solutions.	8	III	8	N3, N34	240			IB8	BB3
1742	Boron trifluoride acetic acid complex.	8	II	8	B2, B6, T9, T27.	242	T8	TP2 TP12	IB2	
1743	Boron trifluoride propionic acid complex.	8	II	8	B2, T9, T27.	242	T8 TP2 TP12	IB2 D		
1744	Bromine or Bromine solutions.	8	I	8, 6.1	1, A3, A6, B9, B64, B85, N34, N43, T18, T41.	249	T22	TP2 TP10 TP12 TP13		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1745	Bromine pentafluoride.	5.1	I	5.1, 6.1,	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP12 TP13, TP38		
1746	Bromine trifluoride	5.1	I	5.1, 6.1, 8	2, B9, B14, B32, B74, T38, T43, T45.	244	T22	TP2 TP12 TP13, TP38		
1747	Butyltrichlorosilane	8	II	8, 3	A7, B2, B6, N34, T8, T26.	243	T7	TP2 TP13	IB2	
1748	Calcium hypochlorite, dry or Calcium hypochlorite.	5.1	II	5.1	A7, A9, N34.	None			IB8	BB2, BB4
1750	Chloroacetic acid, solution.	6.1	II	6.1, 8	A7, N34, T8, T27.	243	T7	TP2	IB2	
1751	Chloroacetic acid, solid.	6.1	II	6.1, 8	A3, A7, N34.	242			IB8	BB4
1752	Chloroacetyl chloride	6.1	I	6.1, 8	2, A3, A6, A7, B3 B8, B9, B14, B32, B74, B77, N34, N43, T38, T43, T45.	244	T20	TP2 TP13, TP38, TP45		
1753	Chlorophenyltrichlorosilane.	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2	IB2	
1754	Chlorosulfonic acid (with or without sulfur trioxide).	8	I	8, 6.1	2, A3, A6, A10, B9, B10, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP12 TP38, TP45		
1755	Chromic acid solution	8	II	8	B2, T9, T27.	242	T8	TP2 TP12	IB2	
1755	Chromic acid solution	8	III	8	T8, T26	241	T4 TP1 TP12	IB3		
1756	Chromic fluoride, solid.	8	II	8		240			IB8	BB2, BB4
1757	Chromic fluoride, solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
1757	Chronic fluoride, solution.	8	III	8	T7	241	T4	TP1	IB3	
1758	Chromium oxychloride.	8	I	8	A3, A6, A7, B10, N34, T12, T26.	243 DT10	TP2 TP12			
1759	Corrosive solids, n.o.s.	8	I	8		242			IB7	BB1
1759	Corrosive solids, n.o.s.	8	II	8	128	240			IB8	BB2, BB4
1759	Corrosive solids, n.o.s.	8	III	8	128	240			IB8	BB3
1760	Corrosive liquids, n.o.s.	8	I	8	A7, B10, T42.	243	T14	TP2 TP27		
1760	Corrosive liquids, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
1760	Corrosive liquids, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
1761	Cupriethylenediamine solution.	8	II	8,	8, T26	243	T7	TP2	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1761	Cupriethylenediamine solution.	8	III	8,	T7	242	T7	TP1 TP28	IB3	
1762	Cyclohexenyltrichlorosilane.	8	II	8	A7, B2, N34, T8. T26.	242	T7	TP2 TP13	IB2	
1763	Cyclohexyltrichlorosilane.	8	II	8	A7, B2, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1764	Dichloroacetic acid	8	II	8	A3, A6, A7, B2, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1765	Dichloroacetyl chloride.	8	II	8	A3, A6, A7, B2, N34, T8, T26.	242	T7	TP2	IB2	
1766	Dichlorophenyltrichlorosilane.	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1767	Diethyldichlorosilane	8	II	8, 3	A7, B6, B100, N34, T8, T26.	243	T7	TP2 TP13	IB2	
1768	Difluorophosphoric acid, anhydrous.	8	II	8	A6, A7, B2, N5, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1769	Diphenyldichlorosilane.	8	II	8	A7, B2, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1770	Diphenylmethyl bromide.	8	II	8		240			IB8	BB2, BB4
1771	Dodecyltrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1773	Ferric chloride, anhydrous.	8	III	8		240			IB8	BB3
1775	Fluoroboric acid	8	II	8	A6, A7, B2, B15, N3, N34, T15, T27.	242	T7	TP2	IB2	
1776	Fluorophosphoric acid anhydrous.	8	II	8	A6, A7, B2, N3, N34, T9, T27.	242	T8	TP2 TP12	1B2	
1777	Fluorosulfonic acid	8	I	8	A3, A6, A7, A10, B6, B10, N3, T9, T27.	243	T10	TP2 TP12		
1778	Fluorosilicic acid	8	II	8	A6, A7, B2, B15, N3, N34, T12, T27.	242	T8	TP2 TP12	1B2	
1779	Formic acid	8	II	8	B2, B28, T8.	242	T7	TP2	IB2	
1780	Fumaryl chloride	8	II	8	B2, T8, T26.	242	T7	TP2	1B2	
1781	Hexadecyltrichlorosilane.	8	II	8	A7, B2, B6, N34, T8.	242	T7	TP2	1B2	
1782	Hexafluorophosphoric acid.	8	II	8	A6, A7, B2, N3, N34, T9, T27.	242	T8	TP2 TP12	1B2	
1783	Hexamethylenediamine solution.	8	II	8	T8	242	T7	TP2	1B2	
1783	Hexamethylenediamine solution.	8	III	8	T7	241	T4	TP1	1B3	
1784	Hexyltrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1786	Hydrofluoric acid and Sulfuric acid mixtures.	8	I	8, 6.1	A6, A7, B15, B23, N5, N34, T18, T27.	243	T10	TP2 TP12 TP13		
1787	Hydriodic acid	8	II	8	A3, A6, B2, N41, T9, T27.	242	T7	TP2	IB2	
1787	Hydriodic acid	8	III	8	T8, T26	241	T4	TP1	IB3	
1788	Hydrobromic acid, with not more than 49 percent hydrobromic acid.	8	II	8	A3, A6, B2, B15, N41, T9, T27.	242	T7	TP2	IB2	
1788	Hydrobromic acid, with more than 49 percent hydrobromic acid.	8	II	8	B2, B15, N41, T9, T27.	242	T7	TP2	IB2	
1788	Hydrobromic acid, with more than 49 percent hydrobromic acid.	8	III	8	T8, T26	241	T4	TP1	IB3	
1788	Hydrobromic acid, with not more than 49 percent hydrobromic acid.	8	III	8	T8, T26	241	T4	TP1	IB3	
1789	Hydrochloric acid	8	II	8	A3, A6, B3, B15, N41, T9, T27.	242	T8	TP2 TP12	IB2	
1789	Hydrochloric acid	8	III	8	T8, T26	241	T4	TP1 TP12	IB3	
1790	Hydrofluoric acid, with more than 60 percent strength.	8	I	8, 6.1	A6, A7, B4, B15, B23, N5, N34, T18, T27.	243	T10	TP2 TP12 TP13		
1790	Hydrofluoric acid, with not more than 60 percent strength.	8	II	8, 6.1	A6, A7, B15, B110, N5, N34, T18, T27.	243	T8	TP2 TP12	IB2	
1791	Hypochlorite solutions.	8	II	8	A7, B2, B15, N34, T7.	242	T7	TP2 TP24	IB2	BB5
1791	Hypochlorite solutions.	8	III	8	B104, N34, T7.	241	T4	TP2 TP24	IB3	
1792	Iodine monochloride	8	II	8	B6, N41, T8, T26.	240	T7	TP2	IB8	BB2, BB4
1793	Isopropyl acid phosphate.	8	III	8	T7	240	T4	TP1	IB8	BB3
1794	Lead sulfate with more than 3 percent free acid.	8	II	8		240			IB8	BB2, BB4
1796	Nitrating acid mixtures with more than 50 percent nitric acid.	8	I	8, 5.1	T12, T27	243	T10	TP2 TP12 TP13		
1796	Nitrating acid mixtures with not more than 50 percent nitric acid.	8	II	8	B2, T12, T27.	242	T8	TP2 TP12 TP13	IB2	
1798	Nitrohydrochloric acid	8	I	8	A3, B10, N41, T18, T27.	243	T10	TP2 TP12 TP13		
1799	Nonytrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1800	Octadecyltrichlorosilane.	8	II	8	A7, B2, B6, T8, N34.	242	T7	TP2 TP13	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1801	Octyltrichlorosilane	8	II	8	A7, B2, B6, N34, T8, T26.	242	T7	TP2 TP13	IB2	
1802	Perchloric acid with not more than 50 percent acid by mass.	8	II	8, 5.1	N41, T9	243	T7	TP2	IB2	
1803	Phenolsulfonic acid, liquid.	8	II	8	B2, N41, T8.	242	T7	TP2	IB2	
1804	Phenyltrichlorosilane	8	II	8	A7, B6, N34, T8.	242	T7	TP2	IB2	
1805	Phosphoric acid	8	III	8	A7, N34, T7.	241	T4	TP1	IB3	BB3
1806	Phosphorus pentachloride.	8	II	8	A7, B106, N34.	240			IB8	BB2, BB4
1807	Phosphorus pentoxide.	8	II	8	A7, N34	240			IB8	BB2, BB4
1808	Phosphorus tribromide.	8	II	8	A3, A6, A7, B2, B25, N34, N43, T8.	242	T7	TP2	IB2	
1809	Phosphorus trichloride.	6.1	I	6.1, 8	2, B9, B14, B15, B32, B74, B77, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1810	Phosphorus oxychloride.	8	II	8, 6.1	2, A7, B9, B14, B32, B74, B77, N34, T38, T43, T45.	244	T20	TP2 TP38 TP45		
1811	Potassium hydrogendifluoride, solution.	8	II	8, 6.1	N3, N34, T8.	243	T7	TP2	IB8	BB2, BB4
1811	Potassium hydrogendifluoride, solid.	8	II	8, 6.1	B106, N3, N34, T8.	240	T7	TP2	IB2	BB2, BB4
1812	Potassium fluoride	6.1	III	6.1	T8	240	T4	TP1	IB8	BB3
1813	Potassium hydroxide, solid.	8	II	8		240			IB8	BB2, BB4
1814	Potassium hydroxide, solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
1814	Potassium hydroxide, solution.	8	III	8	T7	241	T4	TP1	IB3	
1815	Propionyl chloride	3	II	3, 8	B100, T8, T26.	243	T7	TP1	IB1	
1816	Propyltrichlorosilane	8	II	8, 3	A7, B2, B6, N34, T8, T26.	243	T7	TP2 TP13	IB2	
1817	Pyrosulfuryl chloride	8	II	8	B2, T9, T27.	242	T8	TP2 TP12	IB2	
1818	Silicon tetrachloride	8	II	8	A3, A6, B2, B6,.	T18, T26, T29.	242	T7	TP2 TP7	IB2
1819	Sodium aluminate, solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
1819	Sodium aluminate, solution.	8	III	8	T7	241	T4	TP1	IB3	
1823	Sodium hydroxide, solid.	8	II	8		240			IB8	BB2, BB4
1824	Sodium hydroxide solution.	8	II	8	B2, N34, T8.	242	T7	TP2	IB2	
1824	Sodium hydroxide solution.	8	III	8	N34, T7	241	T4	TP1	IB3	
1825	Sodium monoxide	8	II	8		240			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1826	Nitrating acid mixtures, spent with more than 50 percent nitric acid.	8	I	8, 5.1	T12, T27	243	T10	TP2 TP12 TP13		
1826	Nitrating acid mixtures spent with not more than 50 percent nitric acid.	8	II	8	B2, B100, T12, T27.	242	T8	TP2 TP12	IB2	
1827	Stannic chloride, anhydrous.	8	II	8	B2, T8, T26.	242	T7	TP2	IB2	
1828	Sulfur chlorides	8	I	8	5, A3, B10, B77, N34, T18, T27.	243	T20	TP2 TP12		
1829	Sulfur trioxide, inhibited or Sulfur trioxide, stabilized.	8	I	8, 6.1	2, A7, B9, B14, B32, B49, B74, B77, N34, T38, T43, T45.	244	T20	TP4 TP12 TP13 TP25 TP26 TP38 TP45		
1830	Sulfuric acid with more than 51 percent acid.	8	II	8	A3, A7, B3, B83, B84, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1831	Sulfuric acid, fuming with less than 30 percent free sulfur trioxide.	8	I	8	A3, A7, B84, N34, T18, T27.	243	T20	TP2 TP12 TP13		
1831	Sulfuric acid, fuming with 30 percent or more free sulfur trioxide.	8	I	8, 6.1	2, B9, B14, B32, B74, B77, B84, N34, T38, T43, T45.	244	T20	TP2 TP12 TP13		
1832	Sulfuric acid, spent	8	II	8	A3, A7, B2, B83, B84, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1833	Sulfurous acid	8	II	8	B3, T8	242	T7	TP2	IB2	
1834	Sulfuryl chloride	8	I	8, 6.1	1, A3, B6, B9, B10, B14, B30, B74, B77, N34, T38, T43, T44.	244	T22	TP2 TP12 TP38 TP44		
1835	Tetramethylammonium hydroxide.	8	II	8	B2, T8	242	T7	TP2	IB2	
1836	Thionyl chloride	8	I	8	A7, B6, B10, N34, T18, T27.	243	T10	TP2 TP12 TP13		
1837	Thiophosphoryl chloride.	8	II	8	A3, A7, B2, B8, B25, B101, N34, T12.	242	T7	TP2	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1838	Titanium tetrachloride	8	II	8, 6.1	2, A3, A6, B7, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1839	Trichloroacetic acid	8	II	8	A7, N34	240			IB8	BB2, BB4
1840	Zinc chloride, solution	8	III	8	T7	241	T4	TP1	IB3	
1841	Acetaldehyde ammonia.	9	III	9		240			IB8	BB6
1843	Ammonium dinitro-o-cresolate.	6.1	II	6.1	T8	242	T7	TP2	IB8	BB2, BB4
1846	Carbon tetrachloride	6.1	II	6.1	N36, T8	243	T7	TP2	IB2	
1847	Potassium sulfide, hydrated with not less than 30 percent water of crystallization.	8	II	8		240			IB8	BB2, BB4
1848	Propionic acid	8	III	8	T7	241	T4	TP1	IB3	
1849	Sodium sulfide, hydrated with not less than 30 percent water.	8	II	8	T8	240	T7	TP2	IB8	BB2, BB4
1858	Hexafluoropropylene, compressed or Refrigerant gas R 1216.	2.2		2.2		314, 315	T50			
1862	Ethyl crotonate	3	II	3	T1	242	T4	TP2	IB2	
1863	Fuel, aviation, turbine engine.	3	I	3	T7	243	T11	TP1 TP8		
1863	Fuel, aviation, turbine engine.	3	II	3	T1	242	T4	TP1 TP8	IB2	
1863	Fuel, aviation, turbine engine.	3	III	3	B1, T1	242	T2	TP1	IB3	
1865	n-Propyl nitrate	3	II	3	T25	None			IB2	BB7
1866	Resin solution, flammable.	3	I	3	B52, T8, T31.	243	T11	TP1 TP8		
1866	Resin solution, flammable.	3	II	3	B52, T7, T30.	242	T4	TP1 TP8	IB2	
1866	Resin solution, flammable.	3	III	3	B1, B52, T7, T30.	242	T2	TP1	IB3	
1868	Decaborane	4.1	II	4.1, 6.1	A19, A20	None			IB6	BB2
1869	Magnesium or Magnesium alloys with more than 50 percent magnesium in pellets, turnings or ribbons.	4.1	III	4.1	A1	240			IB8	BB3
1871	Titanium hydride	4.1	II	4.1	A19, A20, N34.	241			IB4	
1872	Lead dioxide	5.1	III	5.1	A1	240			IB8	BB3
1873	Perchloric acid with more than 50 percent but not more than 72 percent acid, by mass.	5.1	I	5.1, 8	A2, A3, N41, T9, T27.	243	T10	TP1 TP12		
1884	Barium oxide	6.1	III	6.1		240			IB8	BB3
1885	Benzidine	6.1	II	6.1		242			IB8	BB2, BB4
1886	Benzylidene chloride	6.1	II	6.1	T8	243	T7	TP2	IB2	
1887	Bromochloromethane	6.1	III	6.1	T7	241	T4	TP1	IB3	
1888	Chloroform	6.1	III	6.1	N36, T14	241	T7	TP2	IB3	
1891	Ethyl bromide	6.1	II	6.1	B100, T17	243	T7	TP2 TP13	IB2	BB8
1892	Ethyldichloroarsine	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
1894	Phenylmercuric hydroxide.	6.1	II	6.1		242			IB8	BB2, BB4
1895	Phenylmercuric nitrate.	6.1	II	6.1		242			IB8	BB2, BB4
1897	Tetrachloroethylene	6.1	III	6.1	N36, T1	241	T4	TP1	IB3	
1898	Acetyl iodide	8	II	8	B2, B101, T9.	242	T7	TP2 TP13	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1902	Diisooctyl acid phosphate.	8	III	8	T7	241	T4	TP1	IB3	
1903	Disinfectant, liquid, corrosive, n.o.s.	8	I	8	A7, B10, T42.	243	T14	TP2 TP27		
1903	Disinfectants, liquid, corrosive n.o.s.	8	II	8	B2	242	T7	TP2	IB2	
1903	Disinfectants, liquid, corrosive n.o.s.	8	III	8		241	T4	TP1	IB3	
1905	Selenic acid	8	I	8	N34	242			IB7	BB1
1906	Sludge, acid	8	II	8	A3, A7, B2, N34, T9, T27.	242	T8	TP2 TP12	IB2	
1907	Soda lime with more than 4 percent sodium hydroxide.	8	III	8		240			IB8	BB3
1908	Chlorite solution	8	II	8	A3, A6, A7,B2, N34, T8.	242	T7	TP2 TP24	IB2	
1908	Chlorite solution	8	III	8	A3, A6, A7, B2, N34, T8.	241	T4	TP2 TP24	IB3	
1910	Calcium oxide	8	III	8		240			IB8	BB3
1912	Methyl chloride and methylene chloride mixtures.	2.1		2.1		314, 315	T50			
1913	Neon, refrigerated liquid (cryogenic liquid).	2.2		2.2		None	T75			
1914	Butyl propionates	3	III	3	B1, T1	242	T2	TP1	IB3	
1915	Cyclohexanone	3	III	3	B1, T1	242	T2	TP1	IB3	
1916	2,2'-Dichlorodiethyl ether.	6.1	II	6.1, 3	N33, N34, T8.	243	T7	TP2	IB2	
1917	Ethyl acrylate, inhibited.	3	II	3	T8	242	T4	TP1 TP13	IB2	
1918	Isopropylbenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
1919	Methyl acrylate, inhibited.	3	II	3	T8	242	T4	TP1 TP13	IB2	
1920	Nonanes	3	III	3	B1, T1	242	T2	TP1	IB3	
1921	Propyleneimine, inhibited.	3	I	3, 6.1	A3, N34, T25.	243	T14	TP2 TP13		
1922	Pyrrolidine	3	II	3, 8	T1	243	T7	TP1	IB2	
1923	Calcium dithionite or Calcium hydrosulfite.	4.2	II	4.2	A19, A20	241			IB6	BB2
1929	Potassium dithionite or Potassium hydrosulfite.	4.2	II	4.2	A8, A19, A20.	241			IB6	BB2
1931	Zinc dithionite or Zinc hydrosulfite.	9	III	None		240			IB8	
1932	Zirconium scrap	4.2	III	4.2	N34	240			IB8	BB3
1935	Cyanide solutions, n.o.s.	6.1	I	6.1	B37, T18, T26.	243	T14	TP2 TP13 TP27		
1935	Cyanide solutions, n.o.s.	6.1	II	6.1	T18, T26	243	T11	TP2 TP13 TP27	IB2	
1935	Cyanide solutions, n.o.s.	6.1	III	6.1	T18, T26	241	T7	TP2 TP13 TP28	IB3	
1938	Bromoacetic acid, solid.	8	II	8	A7, N34, T9.	240	T7		IB8	BB2, BB4
1938	Bromoacetic acid, solution.	8	II	8	B2, T9	242	T7	TP2	IB2	
1939	Phosphorus oxybromide.	8	II	8	B8, B106, N41, N43.	240	T7	TP2	IB8	BB2, BB4
1940	Thioglycolic acid	8	II	8	A7, B2, N34, T8.	242	T7	TP2	IB2	
1941	Dibromodifluoromethane, R12B2.	9	III	None	T22	241	T11	TP2		
1942	Ammonium nitrate, with not more than 0.2 percent of combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance.	5.1	III	5.1	A1, A29	240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1951	Argon, refrigerated liquid (cryogenic liquid).	2.2		2.2		318	T75			
1958	1,2-Dichloro-1,1,2,2-Tetrafluoroethane or Refrigerant gas R114.	2.2		2.2		314, 315	T50			
1961	Ethane, refrigerated liquid.	2.1		2.1		315	T75			
1963	Helium, refrigerated liquid (cryogenic liquid).	2.2		2.2		318	T75			
1965	Hydrocarbon gas mixture, liquefied, n.o.s.	2.1		2.1		314, 315	T50			
1966	Hydrogen, refrigerated liquid (cryogenic liquid).	2.1		2.1		318, 319	T75			
1969	Isobutane see also Petroleum gases, 315 liquefied.	2.1		2.1	19	314, 315	T50			
1970	Krypton, refrigerated liquid (cryogenic liquid).	2.2		2.2		None	T75			
1972	Methane, refrigerated liquid (cryogenic liquid) or Natural gas, refrigerated liquid (cryogenic liquid), with high methane content).	2.1		2.1		318	T75			
1973	Chlorodifluoromethane and chloropentafluoroethane mixture or Refrigerant gas R 502 with fixed boiling point, with approximately 49 percent chlorodifluoromethane R502.	2.2		2.2		314, 315	T50			
1974	Chlorodifluorobromomethane or Refrigerant gas R 12B1.	2.2		2.2		314, 315	T50			
1976	Octafluorocyclobutane or Refrigerant gas RC318.	2.2		2.2		314, 315	T50			
1977	Nitrogen, refrigerated liquid cryogenic liquid.	2.2		2.2		318	T75			
1978	Propane see also Petroleum gases, liquefied.	2.1		2.1	19	314, 315	T50			
1983	1-Chloro-2,2,2-trifluoroethane or Refrigerant gas R 133a.	2.2		2.2		314, 315	T50			
1986	Alcohols, flammable, toxic, n.o.s.	3	I	3, 6.1	T8, T31	243	T14	TP2 TP13 TP27		
1986	Alcohols, flammable, toxic, n.o.s.	3	II	3, 6.1	T8, T31	243	T11	TP2 TP27	IB2	
1986	Alcohols, flammable, toxic, n.o.s.	3	III	3, 6.1	B1, T8, T31.	242	T7	TP1 TP28	IB3	
1987	Alcohols, n.o.s	3	I	3	T8, T31	243	T11	TP1 TP8 TP27		
1987	Alcohols, n.o.s	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
1987	Alcohols, n.o.s	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1988	Aldehydes, flammable, toxic, n.o.s.	3	I	3, 6.1	T8, T31	243	T14	TP2 TP13 TP27		
1988	Aldehydes, flammable, toxic, n.o.s.	3	II	3, 6.1	T8, T31	243	T11	TP2 TP27	IB2	
1988	Aldehydes, flammable, toxic, n.o.s.	3	III	3, 6.1	B1, T8, T31.	242	T7	TP1 TP28	IB3	
1989	Aldehydes, n.o.s	3	I	3	T8, T31	243	T11	TP1 TP27		
1989	Aldehydes, n.o.s	3	II	3	T8, T31	242	T7	TP1 TP8 TP 28	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
1989	Aldehydes, n.o.s	3	II	3	T8, T31	242	T7	TP1 TP8 TP 28	IB2	
1989	Aldehydes, n.o.s	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
1990	Benzaldehyde	9	III	9	T1	241	T2	TP1	IB3	
1991	Chloroprene, inhibited.	3	I	3, 6.1	B57, T15	243	T14	TP2 TP6 TP13		
1992	Flammable liquids, toxic, n.o.s.	3	I	3, 6.1	T42	243	T14	TP2 TP13 TP27		
1992	Flammable liquids, toxic, n.o.s.	3	II	3, 6.1	T18	243	T7	TP2 TP13	IB2	
1992	Flammable liquids, toxic, n.o.s.	3	III	3, 6.1	B1, T18	242	T7	TP1 TP28	IB3	
1993	Flammable liquids, n.o.s.	3	I	3	T42	243	T11	TP1		
1993	Flammable liquids, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
1993	Flammable liquids, n.o.s.	3	III	3	B1, B52, T7, T30.	242	T4	TP1 TP29	IB3	
1994	Iron pentacarbonyl	6.1	I	6.1, 3	1, B9, B14, B30, B72, B77, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
1999	Tars, liquid including road asphalt and oils, bitumen and cut backs.	3	II	3	B13, T7, T30.	242	T3	TP3 TP29	IB2	
1999	Tars, liquid including road asphalt and oils, bitumen and cut backs.	3	III	3	B1, B13, T7, T30.	242	T1	TP3	IB3	
2001	Cobalt naphthenates, powder.	4.1	III	4.1	A19	240			IB8	BB3
2002	Celluloid, scrap	4.2	III	4.2		241			IB8	BB3
2003	Metal alkyls water-reactive, n.o.s. or Metal aryls water-reactive, n.o.s.	4.2	I	4.2, 4.3	B11, T42	244	T21	TP2 TP7		
2004	Magnesium diamide	4.2	II	4.2	A8, A19, A20.	241			IB6	
2008	Zirconium powder, dry.	4.2	II	4.2	A19, A20, N5, N34.	241			IB6	BB2
2008	Zirconium powder, dry.	4.2	III	4.2		241			IB8	BB3
2009	Zirconium, dry, finished sheets, strip or coiled wire.	4.2	III	4.2	A1, A19	240			IB8	
2014	Hydrogen peroxide, aqueous solutions with more than 40 percent but not more than 60 percent hydrogen peroxide (stabilized as necessary).	5.1	II	5.1, 8	12, A3, A6, B53, B80, B81, B85, B104, B110, T14, T37.	243	T7	TP2 TP6 TP24 TP37	IB2	BB5
2014	Hydrogen peroxide, aqueous solutions with not less than 20 percent but not more than 40 percent hydrogen peroxide (stabilized as necessary).	5.1	II	5.1, 8	A2, A3, A6, B53, B104, B110, T14, TP37.	243	T7	TP2 TP6 TP24 T37	IB2	BB5
2015	Hydrogen peroxide, stabilized or Hydrogen peroxide aqueous solutions, stabilized with more than 60 percent hydrogen peroxide.	5.1	I	5.1, 8	12, B53, B80, B81, B85, T15, T37.	243	T10	TP2 TP6 TP24 TP37		
2018	Chloroanilines, solid	6.1	II	6.1	T14, T38	242	T7	TP2 TP38	IB8	BB2, BB4
2019	Chloroanilines, liquid	6.1	II	6.1	T14	243	T7	TP2	IB2	
2020	Chlorophenols, solid	6.1	III	6.1	T7	240	T4	TP1	IB8	BB3
2021	Chlorophenols, liquid	6.1	III	6.1	T7	241	T4	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2022	Cresylic acid	6.1	II	6.1, 8	B110, T8	243	T7	TP2 TP13	IB2	
2023	Epichlorohydrin	6.1	II	6.1, 3	T14	243	T7	TP2 TP13	IB2	
2024	Mercury compounds, liquid, n.o.s.	6.1	II	6.1		243			IB2	
2024	Mercury compounds, liquid, n.o.s.	6.1	III	6.1		241			IB3	
2025	Mercury compounds, solid, n.o.s.	6.1	I	6.1		242			IB7	BB1
2025	Mercury compounds, solid, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
2025	Mercury compounds, solid, n.o.s.	6.1	III	6.1		240			IB8	BB3
2026	Phenylmercuric compounds, n.o.s.	6.1	I	6.1		242			IB7	BB1
2026	Phenylmercuric compounds, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
2026	Phenylmercuric compounds, n.o.s.	6.1	III	6.1		240			IB8	BB3
2027	Sodium arsenite, solid.	6.1	II	6.1		242			IB8	BB2, BB4
2030	Hydrazine hydrate or Hydrazine aqueous solutions, with not less than 37 percent but not more than 64 percent hydrazine, by mass.	8	II	8, 6.1	B16, B53, B110, T15.	243	T7	TP2 TP13	IB2	
2031	Nitric acid other than red fuming, with more than 70 percent nitric acid.	8	I	8, 5.1	B47, B53, T9, T27.	243	T10	TP2 TP12 TP13		
2031	Nitric acid other than red fuming, with not more than 70 percent nitric acid.	8	II	8	B2, B47, B53, T9, T27.	242	T8	TP2 TP12	IB2	
2032	Nitric acid, red fuming.	8	I	8, 5.1, 6.1	2, B9, B32, B74, T38, T43, T45.	244	T20	TP2 TP12 TP13 TP38 TP45		
2033	Potassium monoxide	8	II	8		240			IB8	BB2, BB4
2035	1,1,1-Trifluoroethane, compressed or Refrigerant gas R 143a.	2.1		2.1		314, 315	T50			
2038	Dinitrotoluenes, liquid	6.1	II	6.1	T8	243	T7	TP2	IB2	
2038	Dinitrotoluenes, solid	6.1	II	6.1	T8	242	T7	TP2	IB8	BB2, BB4
2045	Isobutyraldehyde or Isobutyl aldehyde.	3	II	3	T8	242	T4	TP1	IB2	
2046	Cymenes	3	III	3	B1, T1	242	T2	TP1	IB3	
2047	Dichloropropenes	3	II	3	T8	242	T4	TP1	IB2	
2047	Dichloropropenes	3	III	3	B1, T8	242	T2	TP1	IB3	
2048	Dicyclopentadiene	3	III	3	B1, T1	242	T2	TP1	IB3	
2049	Diethylbenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
2050	Diisobutylene, isomeric compounds.	3	II	3	T1	242	T4	TP1	IB2	
2051	2-Dimethylaminoethanol.	8	II	8, 3	B2, T8	243	T7	TP2	IB2	
2052	Dipentene	3	III	3	B1, T1	242	T2	TP1	IB3	
2053	Methyl isobutyl carbinol.	3	III	3	B1, T1	242	T2	TP1	IB3	
2054	Morpholine	3	III	3	B1, T1	242	T10	TP2		
2055	Styrene monomer, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2056	Tetrahydrofuran	3	II	3	T8	242	T4	TP1	IB2	
2057	Tripropylene	3	II	3	T1	242	T4	TP1	IB2	
2057	Tripropylene	3	III	3	B1, T1	242	T2	TP1	IB3	
2058	Valeraldehyde	3	II	3	T1	242	T4	TP1	IB2	
2059	Nitrocellulose, solution, flammable with not more than 12.6 percent nitrogen, by mass, and not more than 55 percent nitrocellulose.	3	II	3	T8, T31	242	T4	TP1 TP8	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2059	Nitrocellulose, solution, flammable with not more than 12.6 percent nitrogen, by mass, and not more than 55 percent nitrocellulose.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
2067	Ammonium nitrate fertilizers; uniform non-segregating mixtures of ammonium nitrate with added matter which is inorganic and chemically inert towards ammonium nitrate, with not less than 90 percent ammonium nitrate and not more than 0.2 percent.	5.1	III	5.1	52	240			IB8	BB3
2071	Ammonium nitrate fertilizers: uniform non-segregating mixtures of nitrogen/phosphate or nitrogen/potash types or complete fertilizers of nitrogen/phosphate/potash type, with not more than 70 percent ammonium nitrate and not more than 0.4 percent total.	9	III	9	132	240			IB8	
2074	Acrylamide	6.1	III	6.1	T8	240	T4	TP1	IB8	BB3
2075	Chloral, anhydrous, inhibited.	6.1	II	6.1	B101, T14	243	T7	TP2	IB2	
2076	Cresols	6.1	II	6.1, 8	B110, T8	243	T7	TP2	IB8	BB2, BB4
2077	alpha-Naphthylamine	6.1	III	6.1	T7	240	T3	TP1	IB8	BB3
2078	Toluene diisocyanate	6.1	II	6.1	B110, T14	243	T7	TP2 TP13	IB2	
2079	Diethylenetriamine	8	II	8	B2, T8	242	T7	TP2	IB2	
2187	Carbon dioxide, refrigerated liquid.	2.2		2.2		314, 315	T75			
2201	Nitrous oxide, refrigerated liquid.	2.2		2.2, 5.1	B6	314, 315	T75	TP22		
2205	Adiponitrile	6.1	III	6.1	T1	241	T3	TP1	IB3	
2206	Isocyanates, toxic, n.o.s. or Isocyanate, solutions, toxic, n.o.s., flash point more than 61 degrees C and boiling point less than 300 degrees C.	6.1	II	6.1	T15	243	T11	TP2 TP13 TP27	IB2	
2206	Isocyanates, toxic, n.o.s. or Isocyanate, solutions, toxic, n.o.s., flash point more than 61 degrees C and boiling point less than 300 degrees C.	6.1	III	6.1	T8	241	T7	TP1 TP13 TP28	IB3	
2208	Calcium hypochlorite mixtures, dry, with more than 10 percent but not more than 39 percent available chlorine.	5.1	III	5.1	A1, A29, B103, N34.	240			IB8	BB3
2209	Formaldehyde, solutions, with not less than 25 percent formaldehyde.	8	III	8	T1	241	T4	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2210	Maneb or Maneb preparations with not less than 60 percent maneb.	4.2	III	4.2, 4.3	57, A1, A19, B105.	242			IB6	
2211	Polymeric beads, expandable, evolving flammable vapor.	9	III	None	32	221			IB8	BB6
2212	Blue asbestos (Crocidolite) or Brown asbestos (amosite, mysorite).	9	II	9		240			IB8	BB2, BB4
2213	Paraformaldehyde	4.1	III	4.1	A1	240			IB8	BB3
2214	Phthalic anhydride with more than .05 percent maleic anhydride.	8	III	8	T7	240	T4	TP3	IB8	BB3
2215	Maleic anhydride	8	III	8	T7	240	T4	TP1	IB8	BB3
2215	Maleic anhydride	8	III	8	T7	240	T4	TP3		
2216	Fish meal, stabilized or Fish scrap, stabilized.	9	III	None		218			IB8	
2217	Seed cake with not more than 1.5 percent oil and not more than 11 percent moisture.	4.2	III	None	N7	241			IB8	BB3, BB6
2218	Acrylic acid, inhibited	8	II	8, 3	B2, T8	243	T7	TP2	IB2	
2219	Allyl glycidyl ether	3	III	3	B1, T7	242	T2	TP1	IB3	
2222	Anisole	3	III	3	B1, T1	242	T2	TP1	IB3	
2224	Benzonitrile	6.1	II	6.1	T14	243	T7	TP2	IB2	
2225	Benzene sulfonyl chloride.	8	III	8	T8	241	T4	TP1	IB3	
2226	Benzotrichloride	8	II	8	B2, B101, T15.	242	T7	TP2	IB2	
2227	n-Butyl methacrylate, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2232	2-Chloroethanal	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2233	Chloroanisidines	6.1	III	6.1		240			IB8	BB3
2234	Chlorobenzotrifluorides.	3	III	3	B1, T1	242	T2	TP1	IB3	
2235	Chlorobenzyl chlorides.	6.1	III	6.1	T8	241	T4	TP1	IB3	
2236	3-Chloro-4-methylphenyl isocyanate.	6.1	II	6.1		243			IB2	
2237	Chloronitroanilines	6.1	III	6.1		240			IB8	BB3
2238	Chlorotoluenes	3	III	3	B1, T1	242	T2	TP1	IB3	
2239	Chlorotoluidines solid	6.1	III	6.1		240	T4	TP1	IB8	BB3
2239	Chlorotoluidines liquid.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
2240	Chromosulfuric acid	8	I	8	A3, A6, A7, B4, B6, N34, T12, T27.	243	T10	TP2 TP12 TP13		
2241	Cycloheptane	3	II	3	T1	242	T4	TP1	IB2	
2242	Cycloheptene	3	II	3	B1, T7	242	T4	TP1	IB2	
2243	Cyclohexyl acetate	3	III	3	B1, T1	242	T2	TP1	IB3	
2244	Cyclopentanol	3	III	3	B1, T1	242	T2	TP1	IB3	
2245	Cyclopentanone	3	III	3	B1, T1	242	T2	TP1	IB3	
2246	Cyclopentene	3	II	3	B101, T13	242	T7	TP2	IB2	BB8
2247	n-Decane	3	III	3	B1, T1	242	T2	TP1	IB3	
2248	Di-n-butylamine	8	II	8, 3	T8	243	T7	TP2	IB2	
2250	Dichlorophenyl isocyanates.	6.1	II	6.1		242	T7	TP2	IB8	BB2, BB4
2251	Bicyclo(2,2,1)hepta-2,5-diene, inhibited or 2,5-Norbornadiene, inhibited.	3	II	3		242	T7	TP2	IB2	
2252	1,2-Dimethoxyethane	3	II	3	T1	242	T4	TP1	IB2	
2253	N,N-Dimethylaniline	6.1	II	6.1	T8	243	T7	TP2	IB1	
2256	Cyclohexene	3	II	3	B101, T7	242	T4	TP1	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2257	Potassium	4.3	I	4.3	A19, A20, B27, B100, N6, N34, T15, T26.	244	T9	TP3 TP7	IB1	BB1
2258	1,2-Propylenediamine	8	II	8, 3	A3, A6, N34, T8.	243	T7	TP2	IB2	
2259	Triethylenetetramine	8	II	8	B2, T8	242	T7	TP2	IB2	
2260	Tripropylamine	3	III	3, 8	B1, T8	242	T4	TP1	IB3	
2261	Xylenols	6.1	II	6.1	T8	242	T7	TP2	IB8	BB2, BB4
2262	Dimethylcarbamoyl chloride.	8	II	8	B2, T8	242	T7	TP2	IB2	
2263	Dimethylcyclohexanes.	3	II	3	T1	242	T4	TP1	IB2	
2264	Dimethylcyclohexylamine.	8	II	8, 3	B2, T8	243	T7	TP2	IB2	
2265	N,N-Dimethylformamide.	3	III	3	B1, T1	242	T2	TP2	IB3	
2266	Dimethyl-N-propylamine.	3	II	3,8	T14, T26	243	T7	TP2 TP13	IB2	
2267	Dimethyl thiophosphoryl chloride.	6.1	II	6.1, 8	T7	243	T7	TP2	IB2	
2269	3,3′-Iminodipropylamine.	8	III	8	T8	241	T4	TP2	IB3	
2270	Ethylamine, aqueous solution with not less than 50 percent but not more than 70 percent ethylamine.	3	II	3, 8	T14	243	T7	TP1	IB2	
2271	Ethyl amyl ketone	3	III	3	B1, T1	242	T2	TP1	IB3	
2272	N-Ethylaniline	6.1	III	6.1	T2	241	T4	TP1	IB3	
2273	2-Ethylaniline	6.1	III	6.1	T2	241	T4	TP1	IB3	
2274	N-Ethyl-N-benzylaniline.	6.1	III	6.1	T2	241	T4	TP1	IB3	
2275	2-Ethylbutanol	3	III	3	B1, T1	242	T2	TP1	IB3	
2276	2-Ethylhexylamine	3	III	3, 8	B1, T2	242	T4	TP1	IB3	
2277	Ethyl methacrylate	3	II	3	T1	242	T4	TP1	IB2	
2278	n-Heptene	3	II	3	B101, T8	242	T4	TP1	IB2	
2279	Hexachlorobutadiene	6.1	III	6.1	T7	241	T4	TP1	IB3	
2280	Hexamethylenediamine, solid.	8	III	8		240	T4	TP1	IB8	BB3
2281	Hexamethylene diisocyanate.	6.1	II	6.1	B101, T14	243	T7	TP2 TP13	IB2	
2282	Hexanols	3	III	3	B1, T1	242	T2	TP1	IB3	
2283	Isobutyl methacrylate, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2284	Isobutyronitrile	3	II	3, 6.1	T17	243	T7	TP2 TP13	IB2	
2285	Isocyanatobenzotrifluorides.	6.1	II	6.1, 3	5, B101, T14.	243	T7	TP2	IB2	
2286	Pentamethylheptane	3	III	3	B1, T1	242	T2	TP1	IB3	
2287	Isoheptenes	3	II	3	T7	242	T4	TP1	IB2	
2288	Isohexenes	3	II	3	T7	242	T11	TP1	IB2	BB8
2289	Isophoronediamine	8	III	8	T8	241	T4	TP1	IB3	
2290	Isophorone diisocyanate.	6.1	III	6.1	T7	241	T4	TP2	IB3	
2291	Lead compounds, soluble, n.o.s..	6.1	III	6.1	138	240			IB8	BB3
2293	4-Methoxy-4-methylpentan-2-one.	3	III	3	B1, T1	242	T2	TP1	IB3	
2294	N-Methylaniline	6.1	III	6.1	T7	241	T4	TP1	IB3	
2295	Methyl chloroacetate	6.1	I	6.1, 3	T42	243	T14	TP2 TP13		
2296	Methylcyclohexane	3	II	3	B1, T1	242	T4	TP1	IB2	
2297	Methylcyclohexanone	3	III	3	B1, T1	242	T2	TP1	IB3	
2298	Methylcyclopentane	3	II	3	T8	242	T4	TP1	IB2	
2299	Methyl dichloroacetate.	6.1	III	6.1	T1	241	T4	TP1	IB3	
2300	2-Methyl-5-ethylpyridine.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2301	2-Methylfuran	3	II	3	T7	242	T4	TP1	IB2	
2302	5-Methylhexan-2-one	3	III	3	B1, T1	242	T2	TP1	IB3	
2303	Isopropenylbenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
2304	Naphthalene, molten	4.1	III	4.1	A1,T8	241	T1	TP3	IB1	
2305	Nitrobenzenesulfonic acid.	8	II	8		242			IB2	
2306	Nitrobenzotrifluorides	6.1	II	6.1	T8	243	T7	TP2	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2307	3-Nitro-4-chlorobenzotrifluoride.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2308	Nitrosylsulfuric acid	8	II	8	A3, A6, A7, B2, N34, T9, T27.	242	T8	TP2 TP12	IB2	
2309	Octadiene	3	II	3	B1, T1	242	T4	TP1	IB2	
2310	Pentane-2,4-dione	3	III	3, 6.1	B1, T1	242	T4	TP1	IB3	
2311	Phenetidines	6.1	III	6.1	T7	241	T4	TP1	IB3	
2312	Phenol, molten	6.1	II	6.1	B14, B100, T8.	243	T7	TP3		
2313	Picolines	3	III	3	B1, T8	242	T4	TP1	IB3	
2315	Polychlorinated biphenyls, liquid.	9	II	9	9, 81	241	T4	TP1	IB3	
2315	Polychlorinated biphenyls, solid.	9	II	9	9, 81	240			IB7	
2316	Sodium cuprocyanide, solid.	6.1	I	6.1		242			IB7	BB1
2317	Sodium cuprocyanide, solution.	6.1	I	6.1	T8, T26	243	T14	TP2 TP13		
2318	Sodium hydrosulfide, with less than 25 percent water of crystallization.	4.2	II	4.2	A7, A19, A20.	241			IB6	BB2
2319	Terpene hydrocarbons, n.o.s.	3	III	3	B1 T1	242	T4	TP1 TP29	IB3	
2320	Tetraethylenepentamine.	8	III	8	T2	241	T4	TP1	IB3	
2321	Trichlorobenzenes, liquid.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2322	Trichlorobutene	6.1	II	6.1	T8	243	T7	TP2	IB2	
2323	Triethyl phosphite	3	III	3	B1, T1	242	T2	TP1	IB3	
2324	Triisobutylene	3	III	3	B1, T7, T30.	242	T4	TP1	IB3	
2325	1,3,5-Trimethylbenzene.	3	III	3	B1, T1	242	T2	TP1	IB3	
2326	Trimethylcyclohexylamine.	8	III	8	T2	241	T4	TP1	IB3	
2327	Trimethylhexamethylenediamines	8	III	8	T7	241	T4	TP1	IB3	
2328	Trimethylhexamethylene diisocyanate.	6.1	III	6.1	T8	241	T4	TP2 TP13	IB3	
2329	Trimethyl phosphite	3	III	3	B1, T1	242	T2	TP1	IB3	
2330	Undecane	3	III	3	B1, T1	242	T2	TP1	IB3	
2331	Zinc chloride, anhydrous.	8	III	8		240			IB8	BB3
2332	Acetaldehyde oxime	3	III	3	B1 T8	242	T4	TP1	IB3	
2333	Allyl acetate	3	II	3, 6.1	T8	243	T7	TP1 TP13	IB2	
2334	Allylamine	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2335	Allyl Dethyl ether	3	II	3, 6.1	T8	243	T7	TP1 TP13	IB2	
2336	Allyl formate	3	I	3, 6.1	T18, T26	243	T14	TP2 TP13		
2337	Phenyl mercaptan	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2338	Benzotrifluoride	3	II	3	T2	242	T4	TP1	IB2	
2339	2-Bromobutane	3	II	3	B1, T1	242	T4	TP1	IB2	
2340	2-Bromoethyl ethyl ether.	3	II	3	T7	242	T4	TP1	IB2	
2341	1-Bromo-3-methylbutane.	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
2342	Bromomethylpropanes.	3	II	3	T7, T30	242	T4	TP1	IB2	
2343	2-Bromopentane	3	II	3	T1	242	T4	TP1	IB2	
2344	Bromopropanes	3	II	3	T7	242	T4	TP1	IB2	
2344	Bromopropanes	3	III	3	T2	242	T2	TP1	IB3	
2345	3-Bromopropyne	3	II	3	T8	242	T4	TP1	IB2	
2346	Butanedione	3	II	3	T1	242	T4	TP1	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2347	Butyl mercaptans	3	II	3	A3, T8	242	T4	TP1	IB2	
2348	Butyl acrylates, inhibited.	3	III	3	B1, T8, T31.	242	T2	TP1	IB3	
2350	Butyl methyl ether	3	II	3	T8	242	T4	TP1	IB2	
2351	Butyl nitrites	3	I	3	T8	243	T11	TP1 TP8 TP27		
2351	Butyl nitrites	3	II	3	T8	242	T4	TP1	IB2	
2351	Butyl nitrites	3	III	3	B1, T8	242	T2	TP1	IB3	
2352	Butyl vinyl ether, inhibited.	3	II	3	B101, T7	242	T4	TP1	IB2	
2353	Butyryl chloride	3	II	3, 8	B100, T9, T26.	243	T8	TP2 TP12 TP13	IB2	
2354	Chloromethyl ethyl ether.	3	II	3, 61	T8	243	T7	TP1	IB2	
2356	2-Chloropropane	3	I	3	N36, T14	243	T11	TP2 TP13		
2357	Cyclohexylamine	8	II	8, 3	B101, T8, T26.	243	T7	TP2	IB2	
2358	Cyclooctatetraene	3	II	3	T8	242	T4	TP1	IB2	
2359	Diallylamine	3	II	3, 6.1, 8	T8	243	T7	TP1	IB2	
2360	Diallylether	3	II	3, 6.1	N12, T8	243	T7	TP1 TP13	IB2	
2361	Diisobutylamine	3	III	3, 8	B1, T1	242	T4	TP1	IB3	
2362	1,1-Dichloroethane	3	II	3	B101, T7	242	T4	TP1	IB2	
2363	Ethyl mercaptan	3	I	3	T21	243	T11	TP2 TP13		
2364	n-Propyl benzene	3	III	3	B1, T1	242	T2	TP1	IB3	
2366	Diethyl carbonate	3	III	3	B1, T1	242	T2	TP1	IB3	
2367	alpha-Methylvaleraldehyde.	3	II	3	B1, T1	242	T4	TP1	IB2	
2368	alpha-Pinene	3	III	3	B1, T1	242	T2	TP1	IB3	
2370	1-Hexene	3	II	3	B101, T8	242	T4	TP1	IB2	
2371	Isopentenes	3	I	3	T20	243	T11	TP2		
2372	1,2-Di–(dimethylamino)ethane.	3	II	3	T8	242	T4	TP1	IB2	
2373	Diethoxymethane	3	II	3	T8	242	T4	TP1	IB2	
2374	3,3-Diethoxypropene	3	II	3	T1	242	T4	TP1	IB2	
2375	Diethyl sulfide	3	II	3	B101, T14	243	T7	TP1 TP13	IB2	
2376	2,3-Dihydropyran	3	II	3	T7	242	T4	TP1	IB2	
2377	1,1-Dimethoxyethane	3	II	3	T13	242	T7	TP1	IB2	
2378	2-Dimethylaminoacetonitrile.	3	II	3, 6.1	T8	243	T7	TP1	IB2	
2379	1,3-Dimethylbutylamine.	3	II	3, 8	T8	243	T7	TP1	IB2	
2380	Dimethyl diethoxysilane.	3	II	3	T8	242	T4	TP1	IB2	
2381	Dimethyl disulfide	3	II	3	T8	242	T4	TP1	IB2	
2382	Dimethyl hydrazine, symmetrical.	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2383	Dipropyl amine	3	II	3, 8	T8	243	T7	TP1	IB2	
2384	Di-n-propyl ether	3	II	3	T1	242	T4	TP1	IB2	
2385	Ethyl isobutyrate	3	II	3	T1	242	T4	TP1	IB2	
2386	1-Ethylpiperidine	3	II	3, 8	T8	243	T7	TP1	IB2	
2387	Fluorobenzene	3	II	3	B101, T8	242	T4	TP1	IB2	
2388	Fluorotoluenes	3	II	3	T8	242	T4	TP1	IB2	
2389	Furan	3	I	3	T18	243	T12	TP2 TP13		
2390	2-Iodobutane	3	II	3	T8	242	T4	TP1	IB2	
2391	Iodomethylpropanes	3	II	3	T8	242	T4	TP1	IB2	
2392	Iodopropanes	3	III	3	B1, T8	242	T2	TP1	IB3	
2393	Isobutyl formate	3	II	3	T1	242	T4	TP1	IB2	
2394	Isobutyl propionate	3	III	3	B1, T1	242	T2	TP1	IB3	
2395	Isobutyryl chloride	3	II	3, 8	B100, T9, T26.	243	T7	TP2	IB1	
2396	Methacrylaldehyde, inhibited.	3	II	3, 6.1	45, T8	243	T7	TP1 TP13	IB2	
2397	3-Methylbutan-2-one	3	II	3	T1	242	T4	TP1	IB2	
2398	Methyl tert-butyl ether	3	II	3	B101, T14	242	T7	TP1	IB2	
2399	1-Methylpiperidine	3	II	3, 8	T8	243	T7	TP1	IB2	
2400	Methyl isovalerate	3	II	3	T1	242	T4	TP1	IB2	
2401	Piperidine	8	I	3, 88, 3	T2, T17	243	T10	TP2		
2402	Propanethiols	3	II	3	T8	242	T4	TP1 TP13	IB2	
2403	Isopropenyl acetate	3	II	3	T1	242	T4	TP1	IB2	
2404	Propionitrile	3	II	3, 6.1	T14	243	T7	TP1 TP13	IB2	
2405	Isopropyl butyrate	3	III	3	B1, T1	242	T2	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2406	Isopropyl isobutyrate	3	II	3	T1	242	T4	TP1	IB2	
2407	Isopropyl chloroformate.	6.1	I	6.1, 3, 8	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
2409	Isopropyl propionate	3	II	3	T1	242	T4	TP1	IB2	
2410	1,2,3,6-Tetrahydropyridine.	3	II	3	T8	242	T4	TP1	IB2	
2411	Butyronitrile	3	II	3, 6.1	T14	243	T7	TP1 TP13	IB2	
2412	Tetrahydrothiophene	3	II	3	T7	242	T4	TP1	IB2	
2413	Tetrapropylorthotitanate.	3	III	3	B1, T8	242	T4	TP1	IB3	
2414	Thiophene	3	II	3	B101, T2	242	T4	TP1	IB2	
2416	Trimethyl borate	3	II	3	T14	242	T7	TP1	IB2	
2424	Octafluoropropane or Refrigerant gas R 218.	2.2		2.2		314, 315	T50			
2426	Ammonium nitrate, liquid (hot concentrated solution).	5.1		5.1	B5, B100, T25.	243	T7			
2427	Potassium chlorate, aqueous solution.	5.1	II	5.1	A2, T8	241	T4	TP1	IB2	
2427	Potassium chlorate, aqueous solution.	5.1	III	5.1	A2, T8	241	T4	TP1	IB2	
2428	Sodium chlorate, aqueous solution.	5.1	II	5.1	A2, B6, T8	241	T4	TP1	IB2	
2428	Sodium chlorate, aqueous solution.	5.1	III	5.1	A2, T8	241	T4	TP1	IB2	
2429	Calcium chlorate aqueous solution.	5.1	II	5.1	A2, N41, T8.	242	T4	TP1	IB2	
2429	Calcium chlorate aqueous solution.	5.1	III	5.1	A2, N41, T8.	241	T4	TP1	IB2	
2430	Alkylphenols, solid, n.o.s. (including C2–C12 homologues).	8	I	8	T8	242	T10	TP2 TP28	IB7	BB1
2430	Alkylphenols, solid, n.o.s. (including C2–C12 homologues).	8	II	8	T8	240	T3	TP2	IB8	BB2, BB4
2430	Alkylphenols, solid, n.o.s. (including C2–C12 homologues).	8	III	8	T8	240	T3	TP1	IB8	BB3
2431	Anisidines	6.1	III	6.1	T1	241	T4	TP1	IB3	
2432	N,N-Diethylaniline	6.1	III	6.1	T2	241	T4	TP1	IB3	
2433	Chloronitrotoluenes, solid.	6.1	III	6.1		240			IB8	BB3
2433	Chloronitrotoluenes liquid.	6.1	III	6.1		241	T4	TP1	IB3	
2434	Dibenzyldichlorosilane.	8	II	8	B2, T8, T26.	242	T7	TP2 TP13	IB2	
2435	Ethylphenyldichlorosilane.	8	II	8	A7, B2, N34, T8, T26.	242	T7	TP2 TP13	IB2	
2436	Thioacetic acid	3	II	3	T8	242	T4	TP1	IB2	
2437	Methylphenyldichlorosilane.	8	II	8	T8, T26	242	T7	TP2 TP13	IB2	
2438	Trimethylacetyl chloride.	6.1	I	6.1, 8, 3	2, A3, A6, A7, B3, B9, B14, B32, B74, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2439	Sodium hydrogendifluoride solution.	8	II	8	N3, N34	242			IB8	BB2, BB4
2439	Sodium hydrogendifluoride, solid.	8	II	8	B106, N3, N34.	240			IB8	BB2, BB4 s
2440	Stannic chloride, pentahydrate.	8	III	8		240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2442	Trichloroacetyl chloride.	8	II	8, 6.1	2, A3, A7, B9, B14, B32, B74, N34, T38, T43, T45.	244	T20	TP2 TP38, TP45		
2443	Vanadium oxytrichloride.	8	II	8	A3, A6, A7, B2, B16, N34, T8, T26.	242	T7	TP2	IB2	
2444	Vanadium tetrachloride.	8	I	8	A3, A6, A7, B4, N34, T8, T26.	243	T10	TP2		
2445	Lithium alkyls	4.2	I	4.2, 4.3	B11, T28, T40.	244	T21	TP2 TP7		
2446	Nitrocresols	6.1	III	6.1		240			IB8	BB3
2447	Phosphorus white, molten.	4.2	I	4.2, 6.1	B9, B26, N34, T15, T26, T29.	243	T21	TP3 TP7 TP26		
2448	Sulfur, molten	4.1	III	4.1	T9, T38	247	T1	TP3 TP38	IB1	
2456	2-Chloropropene	3	I	3	A3, N36, T20.	243	T11	TP2		
2457	2,3-Dimethylbutane	3	II	3	T13	242	T7	TP1	IB2	
2458	Hexadienes	3	II	3	B101, T7	242	T4	TP1	IB2	
2459	2-Methyl-1-butene	3	I	3	T14	243	T11	TP2		
2460	2-Methyl-2-butene	3	II	3	T14	242	T7	TP1	IB2	BB8
2461	Methylpentadienes	3	II	3	T7	242	T4	TP1	IB2	
2464	Berylium nitrate	5.1	II	5.1, 6.1		242			IB8	BB2, BB4
2465	Dichloroisocyanuric acid, dry or Dichloroisocyanuric acid salts.	5.1	II	5.1	28	240			IB8	BB4
2466	Potassium superoxide.	5.1	I	5.1	A20	None			IB6	BB1
2468	Trichloroisocyanuric acid, dry.	5.1	II	5.1		240			IB8	BB4
2469	Zinc bromate	5.1	III	5.1	A1, A29	240			IB8	BB3
2470	Phenylacetonitrile, liquid.	6.1	III	6.1	T8	241	T4	TP1	IB3	
2471	Osmium tetroxide	6.1	I	6.1	A8, B100, N33, N34.	242			IB7	BB1
2473	Sodium arsanilate	6.1	III	6.1		240			IB8	BB3
2474	Thiophosgene	6.1	II	6.1	2, A7, B9, B14, B32, B74, N33, N34, T38, T43, T45.	244	T20	TP2 TP38 TP45		
2475	Vanadium trichloride	8	III	8		240			IB8	BB3
2477	Methyl isothiocyanate	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2478	Isocyanates, flammable, toxic, n.o.s. or Isocyanate solutions, flammable, toxic, n.o.s. flashpoint less than 23 degrees C.	3	II	3, 6.1	5, A3, A7, T15.	243	T11	TP2 TP13 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2480	Methyl isocyanate	6.1	I	6.1, 3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2481	Ethyl isocyanate	3	I	3, 6.1	1, A7, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2482	n-Propyl isocyanate	6.1	I	6.1, 3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2483	Isopropyl isocyanate	3	I	3, 6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2484	tert-Butyl isocyanate	6.1	I	6.1, 3	1, A7, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2485	n-Butyl isocyanate	6.1	I	6.1, 3	2, A7, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2486	Isobutyl isocyanate	3	I	3, 6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27		
2487	Phenyl isocyanate	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, N33, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2488	Cyclohexyl isocyanate.	6.1	I	6.1, 3	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2490	Dichloroisopropyl ether.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2491	Ethanolamine or Ethanolamine solutions.	8	III	8	T7	241	T4	TP1	IB3	
2493	Hexamethyleneimine	3	II	3, 8	B101, T8	243	T7	TP1	IB2	
2496	Propionic anhydride	8	III	8	T2	241	T4	TP1	IB3	
2498	1, 2, 3, 6-Tetrahydrobenzaldehyde.	3	III	3	B1, T1	242	T2	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2501	Tris-(1-aziridiny-l)phosphine oxide, solution.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2501	Tris-(1-aziridiny-l)phosphine oxide, solution.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2502	Valeryl chloride	8	II	8, 3	A3, A6, A7, B2, N34, T8.	243	T7	TP2	IB2	
2503	Zirconium tetrachloride.	8	III	8		240			IB8	BB3
2504	Tetrabromoethane	6.1	III	6.1	T7	241	T4	TP1	IB3	
2505	Ammonium fluoride	6.1	III	6.1		240			IB8	BB3
2506	Ammonium hydrogen sulfate.	8	II	8		240			IB8	BB2, BB4
2507	Chloroplatinic acid, solid.	8	III	8		240			IB8	BB3
2508	Molybdenum pentachloride.	8	III	8	T8, T26	240	T4	TP1	IB8	BB3
2509	Potassium hydrogen sulfate.	8	II	8	A7, N34	240			IB8	BB2, BB4
2511	2-Chloropropionic acid.	8	III	8	T8	241	TP2	IB3		
2512	Aminophenols (o-; m-; p-).	6.1	III	6.1	T1	240	T4	TP1	IB8	BB3
2513	Bromoacetyl bromide	8	II	8	B2, T9, T26.	242	T8	TP2 TP12	IB2	
2514	Bromobenzene	3	III	3	B1, T1	242	T2	TP1	IB3	
2515	Bromoform	6.1	III	6.1	T7	241	T4	TP1	IB3	
2516	Carbon tetrabromide	6.1	III	6.1		240			IB8	BB3
2517	1-Chloro-1,1-difluoroethanes or Refrigerant gas R 142b.	2.1		2.1		314, 315	T50			
2518	1,5,9-Cyclododecatriene.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2520	Cyclooctadienes	3	III	3	B1, T1	242	T2	TP1	IB3	
2521	Diketene, inhibited	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2522	2-Dimethylaminoethyl methacrylate.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2524	Ethyl orthoformate	3	III	3	B1, T7	242	T2	TP1	IB3	
2525	Ethyl oxalate	6.1	III	6.1	T1	241	T4	TP1	IB3	
2526	Furfurylamine	3	III	3, 8	B1, T1	242	T4	TP1	IB3	
2527	Isobutyl acrylate, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2528	Isobutyl isobutyrate	3	III	3	B1, T1	242	T2	TP1	IB3	
2529	Isobutyric acid	3	III	3, 8	B1, T1	242	T4	TP1	IB3	
2531	Methacrylic acid, inhibited.	8	III	8	T8, T47	241	T4	TP1 TP18	IB3	
2533	Methyl trichloroacetate.	6.1	III	6.1	T1	241	T4	TP1	IB3	
2535	4-Methylmorpholine or n-methylmorpholine.	3	II	3, 8	B6, T8	243	T7	TP1	IB2	
2536	Methyltetrahydrofuran	3	II	3	B101, T7	242	T4	TP1	IB2	
2538	Nitronaphthalene	4.1	III	4.1	A1	240			IB8	BB3
2541	Terpinolene	3	III	3	B1, T1	242	T2	TP1	IB3	
2542	Tributylamine	6.1	II	6.1	B110, T14	243	T7	TP2	IB2	
2545	Hafnium powder, dry	4.2	II	4.2	A19, A20, B101, B106, N34.	241			IB6	BB2
2545	Hafnium powder, dry	4.2	III	4.2	B100, B106.	241			IB8	BB3
2546	Titanium powder, dry	4.2	II	4.2	A19, A20, N5, N34.	241			IB6	BB2
2546	Titanium powder, dry	4.2	III	4.2		241			IB8	BB3
2547	Sodium superoxide	5.1	I	5.1	A20, N34	None			IB6	BB1
2552	Hexafluoroacetone hydrate.	6.1	II	6.1	T14	243	T7	TP2	IB2	
2554	Methyl allyl chloride	3	II	3	B101, T8	242	T4	TP1 TP13	IB2	
2558	Epibromohydrin	6.1	I	6.1, 3	T18, T26	243	T14	TP2 TP13		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2560	2-Methylpentan-2-ol	3	III	3	B1, T1	242	T2	TP1	IB3	
2561	3-Methyl-1-butene	3	I	3	T20	243	T11	TP2		
2564	Trichloroacetic acid, solution.	8	II	8	A3, A6, A7, B2, N34, T8.	242	T7	TP2	IB2	
2564	Trichloroacetic acid, solution.	8	III	8	A3, A6, A7, N34, T7.	241	T4	TP1	IB3	
2565	Dicyclohexylamine	8	III	8	T8	241	T4	TP1	IB3	
2567	Sodium pentachlorophenate.	6.1	II	6.1		242			IB8	BB2, BB4
2570	Cadmium compounds	6.1	I	6.1		242			IB7	BB1
2570	Cadmium compounds	6.1	II	6.1		242			IB8	BB2, BB4
2570	Cadmium compounds	6.1	III	6.1		240			IB8	BB3
2571	Alkylsulfuric acids	8	II	8	B2, T9, T27.	242	T8	TP2 TP12 TP13	IB2	
2572	Phenylhydrazine	6.1	II	6.1	T8	243	T7	TP2	IB2	
2573	Thallium chlorate	5.1	II	5.1, 6.1		242			IB6	BB2
2574	Tricresyl phosphate with more than 3 percent ortho isomer.	6.1	II	6.1	A3, N33, N34, T8.	243	T7	TP2	IB2	
2576	Phosphorus oxybromide, molten.	8	II	8	B2, B8, N41, N43, T8, T27.	242	T7	TP3 TP13	IB1	
2577	Phenylacetyl chloride	8	II	8	B2, T8, T26.	242	T7	TP2	IB2	
2578	Phosphorus trioxide	8	III	8		240			IB8	BB3
2579	Piperazine	8	III	8	T7	240	T4	TP1	IB8	BB3
2580	Aluminum bromide, solution.	8	III	8	T8	241	T4	TP1	IB3	
2581	Aluminum chloride, solution.	8	III	8	T8	241	T4	TP1	IB3	
2582	Ferric chloride, solution.	8	III	8	B15, T8	241	T4	TP1	IB3	
2583	Alkyl sulfonic acids, solid or Aryl sulfonic acids, solid, with more than 5 percent free sulfuric acid.	8	II	8		240			IB8	BB2, BB4
2584	Alkyl sulfonic acids, liquid or Aryl sulfonic acids, liquid with more than 5 percent free sulfuric acid.	8	II	8	B2, T8, T27.	242	T8	TP2 TP12 TP13	IB2	
2585	Alkyl sulfonic acids, solid or Aryl sulfonic acids, solid with not more than 5 percent free sulfuric acid.	8	III	8		240			IB8	BB3
2586	Alkyl sulfonic acids, liquid or Aryl sulfonic acids, liquid with not more than 5 percent free sulfuric acid.	8	III	8	T8	241	T4	TP1	IB3	
2587	Benzoquinone	6.1	II	6.1		242			IB8	BB2, BB4
2588	Pesticides, solid, toxic, n.o.s..	6.1	I	6.1		242			IB7	
2588	Pesticides, solid, toxic, n.o.s..	6.1	II	6.1		242			IB8	BB2, BB4
2588	Pesticides, solid, toxic, n.o.s..	6.1	III	6.1		240			IB8	BB3
2589	Vinyl chloroacetate	6.1	II	6.1, 3	T14	243	T7	TP2	IB2	
2590	White asbestos (chrysotile, actinolite, anthophyllite, tremolite).	9	III	9		240			IB8	BB2, BB3
2591	Xenon, refrigerated liquid (cryogenic liquids).	2.2		2.2		None	T75			

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2602	Dichlorodifluoromethane and difluoroethane azeotropic mixture or Refrigerant gas R 500 with approximately 74 percent dichlorodifluoromethane.	2.2		2.2		314, 315	T50			
2603	Cycloheptatriene	3	II	3, 6.1	T14	243	T7	TP1 TP13	IB2	
2604	Boron trifluoride diethyl etherate.	8	I	8, 3	A19, T8, T26.	243	T10	TP2		
2605	Methoxymethyl isocyanate.	3	I	3, 6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
2606	Methyl orthosilicate	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2607	Acrolein dimer, stabilized.	3	III	3	B1, T1	242	T2	TP1	IB3	
2608	Nitropropanes	3	III	3	B1, T1	242	T2	TP1	IB3	
2609	Triallyl borate	6.1	III	6.1		241			IB3	
2610	Triallylamine	3	III	3, 8	B1, T1	242	T4	TP1	IB3	
2611	Propylene chlorohydrin.	6.1	II	6.1, 3	T9	243	T7	TP2 TP13	IB2	
2612	Methyl propyl ether	3	II	3	T14	242	T7	TP2	IB2	BB8
2614	Methallyl alcohol	3	III	3	B1, T1	242	T2	TP1	IB3	
2615	Ethyl propyl ether	3	II	3	B101, T8	242	T4	TP1	IB2	
2616	Triisopropyl borate	3	II	3	T8, T31	242	T4	TP1	IB2	
2616	Triisopropyl borate	3	III	3	B1, T8, T31.	242	T2	TP1	IB3	
2617	Methylcyclohexanols, flammable.	3	III	3	B1, T2	242	T2	TP1	IB3	
2618	Vinyltoluenes, inhibited.	3	III	3	B1, T1	242	T2	TP1	IB3	
2619	Benzyldimethylamine	8	II	8, 3	B2, T1	243	T7	TP2	IB2	
2620	Amyl butyrates	3	III	3	B1, T1	242	T2	TP1	IB3	
2621	Acetyl methyl carbinol.	3	III	3	B1, T1	242	T2	TP1	IB3	
2622	Glycidaldehyde	3	II	3, 6.1	T8	243	T7	TP1	IB2	BB8
2624	Magnesium silicide	4.3	II	4.3	A19, A20, B105, B106.	241			IB7	BB2
2626	Chloric acid aqueous solution, with not more than 10 percent chloric acid.	5.1	II	5.1	T25	None			IB2	
2627	Nitrites, inorganic, n.o.s..	5.1	II	5.1	33	None			IB8	BB4
2628	Potassium fluoroacetate.	6.1	I	6.1		242			IB7	BB1
2629	Sodium fluoroacetate	6.1	I	6.1		242			IB7	BB1
2630	Selenates or Selenites.	6.1	I	6.1		242			IB7	BB1
2642	Fluoroacetic acid	6.1	I	6.1	B100	242			IB7	BB1
2643	Methyl bromoacetate	6.1	II	6.1	B100, T8	243	T7	TP2	IB2	
2644	Methyl iodide	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2645	Phenacyl bromide	6.1	II	6.1	B106	242			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2646	Hexachlorocyclopentadiene.	6.1	I	6.1	2, B9, B14, B32, B74, B77, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2647	Malononitrile	6.1	II	6.1		242			IB8	BB2, BB4
2648	1,2-Dibromobutan-3-one.	6.1	II	6.1		243			IB2	
2649	1,3-Dichloroacetone	6.1	II	6.1		242			IB8	BB2, BB4
2650	1,1-Dichloro-1-nitroethane.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2651	4,4'-Diaminodiphenyl methane.	6.1	III	6.1		240	T4	TP1	IB8	BB3
2653	Benzyl iodide	6.1	II	6.1	T8	243	T7	TP2	IB2	
2655	Potassium fluorosilicate.	6.1	III	6.1		240			IB8	BB3
2656	Quinoline	6.1	III	6.1	T8	241	T4	TP1	IB3	
2657	Selenium disulfide	6.1	II	6.1		242			IB8	BB2, BB4
2659	Sodium chloroacetate	6.1	III	6.1		240			IB8	BB3
2660	Nitrotoluidines (mono).	6.1	III	6.1		240			IB8	BB3
2661	Hexachloroacetone	6.1	III	6.1	T8	241	T4	TP1	IB3	
2662	Hydroquinone	6.1	III	6.1		240	T4	TP1	IB8	BB3
2664	Dibromomethane	6.1	III	6.1	T7	241	T4	TP1	IB3	
2667	Butyltoluenes	6.1	III	6.1	T2	241	T4	TP1	IB3	
2668	Chloroacetonitrile	6.1	II	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP38 TP45	IBC99	
2669	Chlorocresols, solid	6.1	II	6.1		242	T7		IB8	BB2, BB3
2669	Chlorocresols, liquid	6.1	II	6.1	T8	243	T7	TP2	IB2	
2670	Cyanuric chloride	8	II	8		240			IB8	BB2, BB4
2671	Aminopyridines (o-; m-; p-).	6.1	II	6.1	T7	242	T7	TP2	IB8	BB2, BB4
2672	Ammonia solutions, relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia.	8	III	8	T14	241	T7	TP1	IB3	
2673	2-Amino-4-chlorophenol.	6.1	II	6.1		242			IB8	BB2, BB4
2674	Sodium fluorosilicate	6.1	III	6.1		240			IB8	BB3
2677	Rubidium hydroxide solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
2677	Rubidium hydroxide solution.	8	III	8	T7	241	T4	TP1	IB3	
2678	Rubidium hydroxide	8	II	8	T8	240	T7	TP2	IB8	BB2, BB4
2679	Lithium hydroxide, solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
2679	Lithium hydroxide, solution.	8	III	8	T8	241	T4	TP2	IB3	
2680	Lithium hydroxide, monohydrate or Lithium hydroxide, solid.	8	II	8		240			IB8	BB2, BB4
2681	Caesium hydroxide solution or Cesium hydroxide solution.	8	II	8	B2, T8	242	T7	TP2	IB2	
2681	Caesium hydroxide solution or Cesium hydroxide solution.	8	III	8	T7	241	T4	TP1	IB3	
2682	Caesium hydroxide or Cesium hydroxide.	8	II	8		240			IB8	BB2, BB4
2683	Ammonium sulfide solution.	8	II	8, 6.1, 3	T14	243	T7	TP2 TP13	IB1	
2684	Diethylaminopropylamine.	3	III	3, 8	B1, T8	242	T4	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2685	N,N-Diethylethylenediamine.	8	II	8, 3	T8	243	T7	TP2	IB2	
2686	2-Diethylaminoethanol.	8	II	8, 3	B2, T15, T26.	243	T7	TP2	IB2	
2687	Dicyclohexylammonium nitrite.	4.1	III	4.1		240			IB8	BB3
2688	1-Chloro-3-bromopropane.	6.1	III	6.1	T2	241	T4	TP1	IB3	
2689	Glycerol alpha-monochlorohydrin.	6.1	III	6.1	T2	241	T4	TP1	IB3	
2690	N-n-Butyl imidazole	6.1	II	6.1	T8	243	T7	TP2	IB2	
2691	Phosphorus pentabromide.	8	II	8	A7, B106, N34.	240			IB8	BB2, BB4
2692	Boron tribromide	8	I	8, 6.1	2, A3, A7, B9, B14, B32, B74, N34, T38, T43, T45.	244	T20	TP2 TP12 TP13 TP38 TP45		
2693	Bisulfites, aqueous solutions, n.o.s.	8	III	8	T8	241	T7	TP1 TP28	IB3	
2698	Tetrahydrophthalic anhydrides with more than 0.05 percent of maleic anhydride.	8	III	8		240			IB8	BB3
2699	Trifluoroacetic acid	8	I	8	A3, A6, A7, B4, N3, N34, T18, T27.	243	T10	TP2 TP12		
2705	1-Pentol	8	II	8	B2, T8	242	T7	TP2	IB2	
2707	Dimethyldioxanes	3	II	3	T8, T31	242	T4	TP1	IB2	
2707	Dimethyldioxanes	3	III	3	B1, T7, T30.	242	T2	TP1	IB3	
2709	Butyl benzenes	3	III	3	B1, T1	242	T2	TP1	IB3	
2710	Dipropyl ketone	3	III	3	B1, T1	242	T2	TP1	IB3	
2713	Acridine	6.1	III	6.1		240			IB8	BB3
2714	Zinc resinate	4.1	III	4.1	A1	240			IB6	
2715	Aluminum resinate	4.1	III	4.1		240			IB6	
2716	1,4-Butynediol	6.1	III	6.1	A1	240			IB8	BB3
2717	Camphor, synthetic	4.1	III	4.1	A1	240			IB8	BB3
2719	Barium bromate	5.1	II	5.1, 6.1		242			IB8	BB2, BB4
2720	Chromium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
2721	Copper chlorate	5.1	II	5.1	A1	242			IB8	BB2, BB4
2722	Lithium nitrate	5.1	III	5.1	A1	240			IB8	BB3
2723	Magnesium chlorate	5.1	II	5.1		242			IB8	BB2, BB4
2724	Manganese nitrate	5.1	III	5.1	A1	240			IB8	BB3
2725	Nickel nitrate	5.1	III	5.1	A1	240			IB8	BB3
2726	Nickel nitrite	5.1	III	5.1	A1	240			IB8	BB3
2727	Thallium nitrate	6.1	II	6.1, 5.1		242			IB6	BB2
2728	Zirconium nitrate	5.1	III	5.1	A1, A29	240			IB8	BB3
2729	Hexachlorobenzene	6.1	III	6.1		241			IB3	
2730	Nitroanisole	6.1	III	6.1	T8	240	T4	TP1	IB8	BB3
2732	Nitrobromobenzenes solid.	6.1	III	6.1		240	T4	TP1	IB8	BB3
2732	Nitrobromobenzenes liquid.	6.1	III	6.1	T8, T38	241	T4	TP1 TP38	IB3	
2733	Amines, flammable, corrosive, n.o.s. or Polyamines, flammable, corrosive, n.o.s.	3	I	3, 8	T42	243	T14	TP1 TP27		
2733	Amines, flammable, corrosive, n.o.s. or Polyamines, flammable, corrosive, n.o.s.	3	II	3, 8	T8, T31	243	T11	TP1 TP27	IB2	
2733	Amines, flammable, corrosive, n.o.s. or Polyamines, flammable, corrosive, n.o.s.	3	III	3, 8	B1, T8, T31.	242	T7	TP1 TP28	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2734	Amines, liquid, corrosive, flammable, n.o.s. or Polyamines, liquid, corrosive, flammable, n.o.s.	8	I	8, 3	A3, A6, N34, T8, T31.	243	T14	TP2 TP27		
2734	Amines, liquid, corrosive, flammable, n.o.s. or Polyamines, liquid, corrosive, flammable, n.o.s.	8	II	8, 3	T8, T31	243	T11	TP2 TP27	IB2	
2735	Amines, liquid, corrosive, n.o.s, or Polyamines, liquid, corrosive, n.o.s.	8	I	8	A3, A6, B10, N34, T42.	243	T14	TP2 TP27		
2735	Amines, liquid, corrosive, n.o.s, or Polyamines, liquid, corrosive, n.o.s.	8	II	8	B2, T8	242	T11	TP1 TP27	IB2	
2735	Amines, liquid, corrosive, n.o.s, or Polyamines, liquid, corrosive, n.o.s.	8	III	8	T8	241	T7	TP1 TP28	IB3	
2738	N-Butylaniline	6.1	II	6.1	T8	243	T7	TP2	IB2	
2739	Butyric anhydride	8	III	8	T2	241	T4	TP1	IB3	
2740	n-Propyl chloroformate.	6.1	I	6.1, 3, 8	2, A3, A6, A7, B9, B14, B32, B74, B77, N34, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
2741	Barium hypochlorite with more than 22 percent available chlorine.	5.1	II	5.1, 6.1	A7, A9, N34.	None			IB8	BB2, BB4
2742	Chloroformates, toxic, corrosive, flammable, n.o.s.	6.1	II	6.1, 8, 3	5	243	T7	TP2	IB1	
2743	n-Butyl chloroformate	6.1	I	6.1, 8, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
2744	Cyclobutyl chloroformate.	6.1	II	6.1, 8, 3	T18	243	T7	TP2 TP13	IB1	
2745	Chloromethyl chloroformate.	6.1	II	6.1, 8	T18	243	T7	TP2 TP13	IB2	
2746	Phenyl chloroformate	6.1	II	6.1, 8	T12	243	T7	TP2 TP13	IB2	
2747	tert-Butylcyclohexylchloroformate.	6.1	III	6.1	T8	241	T4	TP1	IB3	
2748	2-Ethylhexyl chloroformate.	6.1	II	6.1, 8	T12	243	T7	TP2 TP13	IB2	
2749	Tetramethylsilane	3	I	3	T21, T26	243	T14	TP2		
2750	1,3-Dichloropropanol-2.	6.1	II	6.1	T8	243	T7	TP2	IB2	
2751	Diethylthiophosphoryl chloride.	8	II	8	B2, T8	240	T7	TP2	IB8	BB2, BB4
2752	1,2-Epoxy-3-ethoxypropane.	3	III	3	B1, T1	242	T2	TP1	IB3	
2753	N-Ethylbenzyltoluidines solid.	6.1	III	6.1		240	T7	TP1	IB8	BB3
2753	N-Ethylbenzyltoluidines liquid.	6.1	III	6.1	T14	241	T7	TP1	IB3	
2754	N-Ethyltoluidines	6.1	II	6.1	T14	243	T7	TP2	IB2	
2757	Carbamate pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2757	Carbamate pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2757	Carbamate pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2758	Carbamate pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2758	Carbamate pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2759	Arsenical pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2759	Arsenical pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2759	Arsenical pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2760	Arsenical pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2760	Arsenical pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2761	Organochlorine pesticides, solid toxic.	6.1	I	6.1		242			IB7	BB1
2761	Organochlorine pesticides, solid toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2761	Organochlorine pesticides, solid toxic.	6.1	III	6.1		240			IB8	BB3
2762	Organochlorine pesticides liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2762	Organochlorine pesticides liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2763	Triazine pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2763	Triazine pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2763	Triazine pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2764	Triazine pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2764	Triazine pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2771	Thiocarbamate pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2771	Thiocarbamate pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2771	Thiocarbamate pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2772	Thiocarbomate pesticide, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2772	Thiocarbomate pesticide, liquid, flammable, toxic, flashpoint less than 23 degrees C..	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2775	Copper based pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2775	Copper based pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2775	Copper based pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2776	Copper based pesticides, liquid, flammable, tox, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2776	Copper based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2777	Mercury based pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2777	Mercury based pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2777	Mercury based pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2778	Mercury based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2778	Mercury based pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2779	Substituted nitrophenol pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2779	Substituted nitrophenol pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2779	Substituted nitrophenol pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2780	Substituted nitrophenol pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 T27		
2780	Substituted nitrophenol pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2781	Bipyridilium pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BB1
2781	Bipyridilium pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2781	Bipyridilium pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2782	Bipyridilium pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2782	Bipyridilium pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2783	Organophosphorus pesticides, solid, toxic.	6.1	I	6.1	N77	242			IB7	BB1
2783	Organophosphorus pesticides, solid, toxic.	6.1	II	6.1	N77	242			IB8	BB2, BB4
2783	Organophosphorus pesticides, solid, toxic.	6.1	III	6.1	N77	240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2784	Organophosphorus pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1	T42	243	T14	TP2 TP13 TP27		
2784	Organophosphorus pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1	T18	243	T11	TP2 TP13 TP27	IB2	
2785	4-Thiapentanal	6.1	III	6.1	T8	241	T4	TP1	IB3	
2786	Organotin pesticides, solid, toxic.	6.1	I	6.1		242			IB7	BBl
2786	Organotin pesticides, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
2786	Organotin pesticides, solid, toxic.	6.1	III	6.1		240			IB8	BB3
2787	Organotin pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
2787	Organotin pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
2788	Organotin compounds, liquid, n.o.s.	6.1	I	6.1	A3, N33, N34, T42.	243	T14	TP2 TP13 TP27		
2788	Organotin compounds, liquid, n.o.s.	6.1	II	6.1	A3, N33, N34, T14.	243	T11	TP2 TP13 TP27	IB2	
2788	Organotin compounds, liquid, n.o.s.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2789	Acetic acid, glacial or Acetic acid solution, with more than 80 percent acid, by mass.	8	II	8, 3	A3, A6, A7, A10, B2, T8.	243	T7	TP2	IB2	
2790	Acetic acid solution, not less than 50 percent but not more than 80 percent acid, by mass.	8	II	8	A3, A6, A7, A10, B2, T8.	242	T7	TP2	IB2	
2790	Acetic acid solution, with more than 10 percent and less than 50 percent acid by mass.	8	III	8	T8	242	T4	TP1	IB3	
2793	Ferrous metal borings or Ferrous metal shavings or Ferrous metal turnings or Ferrous metal cuttings in a form liable to self-heating.	4.2	III	4.2	A1, A19, B101.	241			IB8	BB3, BB6
2796	Battery fluid, acid	8	II	8	A3, A7, B2, B15, N6, N34, T9, T27.	242	T8	TP2 TP12	IB2	
2796	Sulfuric acid with not more than 51% acid.	8	II	8	A3, A7, B2, B15, N6, N34, T9, T27.	242	T8	TP2 TP12	IB2	
2797	Battery fluid, alkali	8	II	8	B2, N6, T8	242	T7	TP2	IB2	
2798	Phenyl phosphorus dichloride.	8	II	8	B2, B15, T8, T26.	242	T7	TP2	IB2	
2799	Phenyl phosphorus thiodichloride.	8	II	8	B2, B15, T8, T26.	242	T7	TP2	IB2	
2801	Dyes, liquid, corrosive, n.o.s. or Dye intermediates liquid, corrosive, n.o.s.	8	I	8	11, B10	243	T14	TP2 TP27		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2801	Dyes, liquid, corrosive, n.o.s. or Dye intermediates, liquid, corrosive, n.o.s.	8	II	8	11, B2, T14.	242	T11	TP2 TP27	IB2	
2801	Dyes, liquid, corrosive, n.o.s. or Dye intermediates liquid, corrosive, n.o.s.	8	III	8	11, T7	241	T7	TP1 TP28	IB3	
2802	Copper chloride	8	III	8		240			IB8	BB3
2805	Lithium hydride, fused solid.	4.3	II	4.3	A8, A19, A20, B101, B106.	241			IB4	
2806	Lithium nitride	4.3	I	4.3	A19, B101, B106, N40.	242			IB4	BB1
2810	Toxic, liquids, organic, n.o.s. Inhalation hazard, Packing Group I, Zone A.	6.1	I	6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 TP38 TP44		
2810	Toxic, liquids, organic, n.o.s. Inhalation hazard, Packing Group I, Zone B.	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 TP38 TP45		
2810	Toxic, liquids, organic, n.o.s.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2810	Toxic, liquids, organic, n.o.s.	6.1	II	6.1	B110, T14	243	T11	TP2 TP13 TP27	IB2	
2810	Toxic, liquids, organic, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
2811	Toxic solids, organic, n.o.s.	6.1	I	6.1		242			IB7	
2811	Toxic solids, organic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
2811	Toxic solids, organic, n.o.s.	6.1	III	6.1		240			IB8	BB3
2812	Sodium aluminate, solid.	8	III	8		240			IB8	BB3
2813	Water reactive solid, n.o.s.	4.3	1	4.3	B101, B106, N40.	240			IB4	
2813	Water-reactive solid, n.o.s.	4.3	II	4.3	B101, B106.	242			IB7	BB2
2813	Water-reactive solid, n.o.s.	4.3	III	4.3	B105, B106.	T7	241		IB8	BB4
2815	N-Aminoethylpiperazine.	8	III	8	T7	241	T4	TP1	IB3	
2817	Ammonium hydrogendifluoride, solution.	8	II	8, 6.1	N34, T15	243	T8	TP2 TP12 TP13	IB2	
2817	Ammonium hydrogendifluoride, solution.	8	III	8, 6.1	T8	241	T4	TP1 TP12 TP13	IB3	
2818	Ammonium polysulfide, solution.	8	II	8, 6.1	T14	243	T7	TP2 TP13	IB2	
2818	Ammonium polysulfide, solution.	8	III	8, 6.1	T7	241	T4	TP1 TP13	IB3	
2819	Amyl acid phosphate	8	III	8	T7	241	T4	TP1	IB3	
2820	Butyric acid	8	III	8	T1	241	T4	TP1	IB3	
2821	Phenol solutions	6.1	II	6.1	T14	243	T7	TP2	IB2	
2821	Phenol solutions	6.1	III	6.1	T7	241	T4	TP1	IB3	
2822	2-Chloropyridine	6.1	II	6.1	T14	243	T7	TP2	IB2	
2823	Crotonic acid, solid	8	III	8		240			IB8	BB3
2823	Crotonic acid liquid	8	III	8		241	T4	TP1	IB3	
2826	Ethyl chlorothioformate.	8	II	8, 6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP38 TP45		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2829	Caproic acid	8	III	8	T1	241	T4	TP1	IB3	
2830	Lithium ferrosilicon	4.3	II	4.3	A19, B105, B106.	241			IB7	BB2
2831	1,1,1-Trichloroethane	6.1	III	6.1	N36, T7	241	T4	TP1	IB3	
2834	Phosphorous acid	8	III	8	T7	240	T3	TP1	IB8	BB3
2835	Sodium aluminum hydride.	4.3	II	4.3	A8, A19, A20, B100.	242			IB1	
2837	Bisulfate, aqueous solution.	8	II	8	A7, B2, N34, T8, T26.	242	T7	TP2	IB2	
2837	Bisulfate, aqueous solution.	8	III	8	A7, N34, T7, T26.	241	T4	TP1	IB3	
2838	Vinyl butyrate, inhibited.	3	II	3	T7	242	T4	TP1	IB2	
2839	Aldol	6.1	II	6.1	T8	243	T7	TP2	IB2	
2840	Butyraldoxime	3	III	3	B1, T1	242	T2	TP1	IB3	
2841	Di-n-amylamine	3	III	3, 6.1	B1, T8	242	T4	TP1	IB3	
2842	Nitroethane	3	III	3	B1, T8	242	T2	TP1	IB3	
2844	Calcium manganese silicon.	4.3	III	4.3	A1, A19, B105, B106.	241			IB8	BB2, BB4
2845	Pyrophoric liquids, organic, n.o.s.	4.2	I	4.2	B11, T42	244	T22	TP2 TP7 TP38 TP45		
2849	3-Chloropropanol-1	6.1	III	6.1	T8	241	T4	TP1	IB3	
2850	Propylene tetramer	3	III	3	B1, T1	242	T2	TP1	IB3	
2851	Boron trifluoride dihydrate.	8	II	8	T9, T27	240	T7	TP2	IB8	BB2, BB4
2853	Magnesium fluorosilicate.	6.1	III	6.1		240			IB8	BB3
2854	Ammonium fluorosilicate.	6.1	III	6.1		240			IB8	BB3
2855	Zinc fluorosilicate	6.1	III	6.1		240			IB8	BB3
2856	Fluorosilicates, n.o.s	6.1	III	6.1		240			IB8	BB3
2858	Zirconium, dry, coiled wire, finished metal sheets, strip (thinner than 254 microns but not thinner than 18 microns).	4.1	III	4.1	A1	240			IB8	
2859	Ammonium metavanadate.	6.1	II	6.1		242			IB8	BB2, BB4
2861	Ammonium polyvanadate.	6.1	II	6.1		242			IB8	BB2, BB4
2862	Vanadium pentoxide, non-fused form.	6.1	III	6.1		240			IB8	BB3
2863	Sodium ammonium vanadate.	6.1	II	6.1		242			IB8	BB2, BB4
2864	Potassium metavanadate.	6.1	II	6.1		242			IB8	BB2, BB4
2865	Hydroxylamine sulfate.	8	III	8		240			IB8	BB3
2869	Titanium trichloride mixtures.	8	II	8	A7, B106, N34.	240			IB8	BB2, BB4
2869	Titanium trichloride mixtures.	8	III	8	A7, N34	240			IB8	BB3
2871	Antimony powder	6.1	III	6.1		240			IB8	BB3
2872	Dibromochloropropane.	6.1	III	6.1	T7	241	T4	TP1	IB3	
2873	Dibutylaminoethanol	6.1	III	6.1	T1	241	T4	TP1	IB3	
2874	Furfuryl alcohol	6.1	III	6.1	T2	241	T4	TP1	IB3	
2875	Hexachlorophene	6.1	III	6.1		240			IB8	BB3
2876	Resorcinol	6.1	III	6.1		240			IB8	BB3
2878	Titanium sponge granules or Titanium sponge powders.	4.1	III	4.1	A1	240			IB8	BB3
2879	Selenium oxychloride	8	I	8, 6.1	A3, A6, A7, N34, T12, T27.	243	T10	TP2 TP12 TP13		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2880	Calcium hypochlorite, hydrated or Calcium hypochlorite, hydrated mixtures, with not less than 5.5 percent but not more than 10 percent water.	5.1	II	5.1		240			IB8	BB2, BB4
2881	Metal catalyst, dry	4.2	II	4.2	N34	242			IB6	BB2
2881	Metal catalyst, dry	4.2	III	4.2	N34	241			IB8	BB3
2902	Pesticides, liquid, toxic, n.o.s.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2902	Pesticides, liquid, toxic, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
2902	Pesticides, liquid, toxic, n.o.s.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2903	Pesticides, liquid, toxic, flammable, n.o.s flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2903	Pesticides, liquid, toxic, flammable, n.o.s flashpoint not less than 23 degrees C.	6.1	II	6.1,3	T14	243	T11	TP2 TP13 TP27	IB2	
2903	Pesticides, liquid, toxic, flammable, n.o.s flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2	IB3	
2904	Chlorophenolates, liquid or Phenolates, liquid.	8	III	8		241			IB3	
2905	Chlorophenolates, solid or Phenolates, solid.	8	III	8		240			IB8	BB3
2907	Isosorbide dinitrate mixture with not less than 60 percent lactose, mannose, starch or calcium hydrogen phosphate.	4.1	II	4.1		None			IB6	BB2
2912	Radioactive material, low specific activity, n.o.s or Radioactive material, LSA, n.o.s.	7		7		427	T5	TP4		
2913	Radioactive material, surface contaminated object, n.o.s or Radioactive material, SCO.	7		7		427	T5	TP4		
2920	Corrosive liquids, flammable, n.o.s.	8	I	8, 3	B10, T42	243	T14	TP2 TP27		
2920	Corrosive liquids, flammable, n.o.s.	8	II	8, 3	B2, T15, T26.	243	T11	TP2 TP27	IB2	
2921	Corrosive solids, flammable, n.o.s.	8	I	8, 4.1	B106	242			IB6	
2921	Corrosive solids, flammable, n.o.s.	8	II	8, 4.1		242			IB8	BB2, BB4
2922	Corrosive liquids, toxic, n.o.s.	8	I	8, 6.1	A7, B10, T18, T27.	243	T14	TP2 TP13 TP27		
2922	Corrosive liquids, toxic, n.o.s.	8	II	8, 6.1	B3, T18, T26.	243	T7	TP2	IB2	
2922	Corrosive liquids, toxic, n.o.s.	8	III	8, 6.1	T8	241	T7	TP1 TP28	IB3	
2923	Corrosive solids, toxic, n.o.s.	8	I	8, 6.1		242			IB7	
2923	Corrosive solids, toxic, n.o.s.	8	II	8, 6.1		240			IB8	
2923	Corrosive solids, toxic, n.o.s.	8	III	8, 6.1		240			IB8	BB3
2924	Flammable liquids, corrosive, n.o.s.	3	I	3, 8	T42	243	T14	TP2		
2924	Flammable liquids, corrosive, n.o.s.	3	II	3, 8	T15, T26	243	T11	TP2 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2924	Flammable liquids, corrosive, n.o.s.	3	III	3, 8	B1, T15, T26.	242	T7	TP1 TP28	IB3	
2925	Flammable solids, corrosive, organic, n.o.s.	4.1	II	4.1, 8	A1, B106	242			IB6	BB2
2925	Flammable solids, corrosive, organic, n.o.s.	4.1	III	4.1, 8	A1, B106	242			IB6	
2926	Flammable solids, toxic, organic, n.o.s.	4.1	II	4.1, 6.1	A1, B106	242			IB6	BB2
2926	Flammable solids, toxic, organic, n.o.s.	4.1	III	4.1, 6.1	A1, B106	242			IB6	
2927	Toxic liquids, corrosive, organic, n.o.s, inhalation hazard, Packing Group I, Zone B.	6.1	I	6.1, 8	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 TP38 TP45		
2927	Toxic liquids, corrosive, organic, n.o.s.	6.1	I	6.1, 8	T42	243	T14	TP2 TP13 TP27		
2927	Toxic liquids, corrosive, organic, n.o.s, inhalation hazard, Packing Group I, Zone A.	6.1	I	6.1, 8	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 TP38 TP44		
2927	Toxic liquids, corrosive, organic, n.o.s.	6.1	II	6.1, 8	T42	243	T11	TP2 TP27	IB2	
2928	Toxic solids, corrosive, organic, n.o.s.	6.1	I	6.1, 8		242			IB7	
2928	Toxic solids, corrosive, organic, n.o.s.	6.1	II	6.1, 8		242			IB6	BB2
2929	Toxic liquids, flammable, organic, n.o.s, inhalation hazard, Packing Group I, Zone B.	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 TP38 TP45		
2929	Toxic liquids, flammable, organic, n.o.s.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2929	Toxic liquids, flammable, organic, n.o.s, inhalation hazard, Packing Group I, Zone A.	6.1	I	6.1, 3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 TP38 TP44		
2929	Toxic liquids, flammable, organic, n.o.s.	6.1	II	6.1, 3	T15	243	T11	TP2 TP13 TP27	IB2	
2930	Toxic solids, flammable, organic, n.o.s.	6.1	I	6.1, 4.1	B106	242			IB6	
2930	Toxic solids, flammable, organic, n.o.s.	6.1	II	6.1, 4.1	B106	242			IB8	BB2, BB4
2931	Vanadyl sulfate	6.1	II	6.1		242			IB8	BB2, BB4
2933	Methyl 2-chloropropionate.	3	III	3	B1, T7	242	T2	TP1	IB3	
2934	Isopropyl 2-chloropropionate.	3	III	3	B1, T1	242	T2	TP1	IB3	
2935	Ethyl 2-chloropropionate.	3	III	3	B1, T1	242	T2	TP1	IB3	
2936	Thiolactic acid	6.1	II	6.1	T8	242	T7	TP2	IB8	BB2, BB4
2937	alpha-Methylbenzyl alcohol.	6.1	III	6.1	T1	241	T4	TP1	IB3	
2940	9-Phosphabicyclononanes or Cyclooctadiene phosphines.	4.2	II	4.2	A19	241			IB6	BB2
2941	Fluoroanilines	6.1	III	6.1	T8	241	T4	TP1	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2942	2-Trifluoromethylaniline.	6.1	III	6.1		241			IB3	
2943	Tetrahydrofurfurylamine.	3	III	3	B1, T1	242	T2	TP1	IB3	
2945	N-Methylbutylamine	3	II	3, 8	T8	243	T7	TP1	IB2	
2946	2-Amino-5-diethylaminopentane.	6.1	III	6.1	T1	241	T4	TP1	IB3	
2947	Isopropyl chloroacetate.	3	III	3	B1, T1	242	T2	TP1	IB3	
2948	3-Trifluoromethylaniline.	6.1	II	6.1	T14	243	T7	TP2	IB2	
2949	Sodium hydrosulfide with not less than 25 percent water of crystallization.	8	II	8	A7	240	T7	TP2	IB8	BB2, BB4
2950	Magnesium granules, coated particle size not less than 149 microns.	4.3	III	4.3	A1, A19, B108.	240			IB8	BB4
2965	Boron trifluoride dimethyl etherate.	4.3	I	4.3, 8, 3	A19, T12, T26.	243	T10	TP2 TP7		
2966	Thioglycol	6.1	II	6.1	T8	243	T7	TP2	IB2	
2967	Sulfamic acid	8	III	8		240			IB8	BB3
2968	Maneb stabilized or Maneb preparations, stabilized against self-heating.	4.3	III	4.3	54, A1, A19, B108.	242			IB8	BB4
2969	Castor beans or Castor meal or Castor pomace or Castor flake.	9	II	None		240			IB8	BB2, BB4
2983	Ethyene oxide and propylene oxide mixtures, with not more than 30 percent ethylene oxide.	3	I	3, 6.1	5, A11, N4, N34, T24, T29.	243	T14	TP2 TP7 TP13		
2984	Hydrogen peroxide, aqueous solutions with not less than 8 percent but less than 20 percent hydrogen peroxide (stabilized as necessary).	5.1	III	5.1	17, A1, B104, T8, T37.	241	T4	TP1 TP6 TP24 TP37	IB2	BB5
2985	Chlorosilanes, flammable, corrosive, n.o.s.	3	II	3, 8	B100, T17, T26.	243	T11	TP2 TP13 TP27	IB1	
2986	Chlorosilanes, corrosive, flammable, n.o.s.	8	II	8, 3	B100, T18, T26.	243	T11	TP2 TP27	IB2	
2987	Chlorosilanes, corrosive, n.o.s.	8	II	8	B2, T14, T26.	242	T14	TP2 TP27	IB2	
2988	Chlorosilanes, water-reactive, flammable, corrosive, n.o.s.	4.3	I	4.3, 3, 8	A2, T24, T26.	244	T10	TP2 TP7 TP13		
2989	Lead phosphite, dibasic.	4.1	II	4.1		240			IB8	BB2, BB4
2989	Lead phosphite, dibasic.	4.1	III	4.1		240			IB8	BB3
2991	Carbamate pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2991	Carbamate pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
2991	Carbamate pesticides, liquid, toxic, flammable, flash point not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
2992	Carbamate pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2992	Carbamate pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27		
2992	Carbamate pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2993	Arsenical pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2993	Arsenical pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
2993	Arsenical pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
2994	Arsenical pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2994	Arsenical pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
2994	Arsenical pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2995	Organochlorine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2995	Organochlorine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
2995	Organochlorine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
2996	Organochlorine pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2996	Organochlorine pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
2996	Organochlorine pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
2997	Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T42	243	T14	TP2 TP13 TP27		
2997	Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
2997	Triazine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	T14	242	T7	TP2 TP28	IB3	
2998	Triazine pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
2998	Triazine pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
2998	Triazine pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3002	Phenyl urea pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP27		
3002	Phenyl urea pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T7	TP2		
3002	Phenyl urea pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T4	TP1		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3005	Thiocarbamate pesticides, liquid, flammable, toxic, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13		
3005	Thiocarbamate pesticides, liquid, flammable, toxic, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3005	Thiocarbamate pesticides, liquid, flammable, toxic, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	T14	242	T7	TP2 TP28	IB3	
3006	Thiocarbamate pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13		
3006	Thiocarbamate pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3006	Thiocarbamate pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3009	Copper based pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
3009	Copper based pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3009	Copper based pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
3010	Copper based pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3010	Copper based pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3010	Copper based pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3011	Mercury based pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
3011	Mercury based pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3011	Mercury based pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	T14	242	T7	TP2 TP28	IB3	
3012	Mercury based pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3012	Mercury based pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3012	Mercury based pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3013	Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
3013	Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3013	Substituted nitrophenol pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
3014	Substituted nitrophenol pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3014	Substituted nitrophenol pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3014	Substituted nitrophenol pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3015	Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1,	T42	243	T14	TP2 TP13 TP27		
3015	Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 4	T14	243	T11	TP2 TP13 TP27	IB2	
3015	Bipyridilium pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1,	B1, T14	242	T7	TP2 TP28	IB3	
3016	Bipyridilium pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3016	Bipyridilium pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3016	Bipyridilium pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3017	Organophosphorus pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	N76, T42	243	T14	TP2 TP13 TP27		
3017	Organophosphorus pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	N76, T14	243	T11	TP2 TP13 TP27	IB2	
3017	Organophosphorus pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, N76, T14.	242	T7	TP2 TP28	IB3	
3018	Organophosphorus pesticides, liquid, toxic.	6.1	I	6.1	N76, T42	243	T14	TP2 TP13 TP27		
3018	Organophosphorus pesticides, liquid, toxic.	6.1	II	6.1	N76, T14	243	T11	TP2 TP13 TP27	IB2	
3018	Organophosphorus pesticides, liquid, toxic.	6.1	III	6.1	N76, T14	241	T7	TP2 TP28	IB3	
3019	Organotin pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	I	6.1, 3	T42	243	T14	TP2 TP13 TP27		
3019	Organotin pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3019	Organotin pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1, T14	242	T7	TP2 TP28	IB3	
3020	Organotin pesticides, liquid, toxic.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3020	Organotin pesticides, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP13 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3020	Organotin pesticides, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3021	Pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	I	3, 6.1	B5	243	T14	TP2 TP13 TP27		
3021	Pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
3022	1,2-Butylene oxide, stabilized.	3	II	3	T8	242	T4	TP1	IB2	
3023	2-Methyl-2-heptanethiol.	6.1	I	6.1, 3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
3024	Coumarin derivative pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
3024	Coumarin derivative pesticides, liquid, flammable, toxic, flashpoint less than 23 degrees C.	3	II	3, 6.1		243	T11	TP2 TP13 TP27	IB2	
3025	Coumarin derivative pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	I	6.1, 3		243	T14	TP2 TP13 TP27		
3025	Coumarin derivative pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	II	6.1, 3		243	T11	TP2 TP13 TP27	IB2	
3025	Coumarin derivative pesticides, liquid, toxic, flammable flashpoint not less than 23 degrees C.	6.1	III	6.1, 3	B1	242	T7	TP1 TP28	IB3	
3026	Coumarin derivative pesticides, liquid, toxic.	6.1	I	6.1		243	T14	TP2 TP13 TP27		
3026	Coumarin derivative pesticides, liquid, toxic.	6.1	II	6.1		243	T11	TP2 TP27	IB2	
3026	Coumarin derivative pesticides, liquid, toxic.	6.1	III	6.1		241	T7	TP1 TP28	IB3	
3027	Coumarin derivative pesticides, solid, toxic.	6.1	I	6.1		242	T14	TP2 TP27	IB7	BB1
3027	Coumarin derivative pesticides, solid, toxic.	6.1	II	6.1		242	T11	TP2 TP27	IB8	BB2, BB4
3027	Coumarin derivative pesticides, solid, toxic.	6.1	III	6.1		240	T7	TP1 TP28	IB8	BB3
3048	Aluminum phosphide pesticides.	6.1	I	6.1	A8	242			IB7	BB1
3049	Metal alkyl halides water-reactive, n.o.s. or Metal aryl halides water-reactive, n.o.s.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3050	Metal alkyl hydrides water-reactive, n.o.s. or Metal aryl hydrides water-reactive, n.o.s.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3051	Aluminum alkyls	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3052	Aluminum alkyl halides.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3052	Aluminum alkyl halides.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3053	Magnesium alkyls	4.2	I	4.2, 4.3	B11, T28, T29, T40.	244	T21	TP2 TP7		
3054	Cyclohexyl mercaptan.	3	III	3	B1, T1	242	T2	TP1	IB3	
3055	2-(2-Aminoethoxy) ethanol.	8	III	8	T2	241	T4	TP1	IB3	
3056	n-Heptaldehyde	3	III	3	B1, T1	242	T2	TP1	IB3	
3057	Trifluoroacetyl chloride.	2.3, 8		2.3, 8	2, B7, B9, B14.	314, 315	T50	TP21		
3065	Alcoholic beverages	3	II	3	24, B1, T1	242	T4	TP1	IB2	
3065	Alcoholic beverages	3	III	3	24, B1, N11, T1.	242	T2	TP1	IB3	
3066	Paint or Paint related material.	8	II	8	B2, T14	242	T7	TP2	IB2	
3066	Paint or Paint related material.	8	III	8	B52, T7	241	T4	TP1	IB3	
3070	Ethylene oxide and dichlorodifluoromethane mixture, with not more than 12.5 percent ethylene oxide.	2.2		2.2		314, 315	T50			
3071	Mercaptans, liquid, toxic, flammable, n.o.s. or Mercaptan mixtures, liquid, toxic, flammable, n.o.s., flash point not less than 23 degrees C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3073	Vinylpyridines, inhibited.	6.1	II	6.1, 3, 8	B100, T8	243	T7	TP2 TP13	IB1	
3076	Aluminum alkyl hydrides.	4.2	I	4.2, 4.3	B9, B11, T28, T29, T40.	244	T21	TP2 TP7		
3077	Environmentally hazardous substances, solid, n.o.s.	9	III	9	8, B54, N20.	240			IB8	
3078	Cerium, turnings or gritty powder.	4.3	II	4.3	A1, B106, B109.	242			IB7	BB2
3079	Methacrylonitrile, inhibited.	3	I	3, 6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
3080	Isocyanates, toxic, flammable, n.o.s. or Isocyanate solutions, toxic, flammable, n.o.s., flash point not less than 23 degrees C but not more than 61 degrees C and boiling point less than 300 degrees C.	6.1	II	6.1, 3	T15	243	T11	TP2 TP13 TP27	IB2	
3082	Environmentally hazardous substances, liquid, n.o.s.	9	III	9	8, T1	241	T4	TP1 TP29	IB3	
3084	Corrosive solids, oxidizing, n.o.s.	8	II	8, 5.1	B100	242			IB6	BB2
3085	Oxidizing solid, corrosive, n.o.s.	5.1	II	5.1, 8		242			IB6	BB2
3085	Oxidizing solid, corrosive, n.o.s.	5.1	III	5.1, 8		240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3086	Toxic solids, oxidizing, n.o.s.	6.1	II	6.1, 5.1		242			IB6	BB2
3087	Oxidizing solid, toxic, n.o.s.	5.1	II	5.1, 6.1		242			IB6	BB2
3087	Oxidizing solid, toxic, n.o.s.	5.1	III	5.1, 6.1		240			IB8	BB3
3088	Self-heating, solid, organic, n.o.s.	4.2	II	4.2	B101	241			IB6	BB2
3088	Self-heating, solid, organic, n.o.s.	4.2	III	4.2	B101	241			IB8	BB3
3089	Metal powders, flammable, n.o.s.	4.1	II	4.1		240			IB8	BB2, BB4
3089	Metal powders, flammable, n.o.s.	4.1	III	4.1		240			IB6	
3092	1-Methoxy-2-propanol	3	III	3	B1, T1	242	T2	TP1	IB3	
3093	Corrosive liquids, oxidizing, n.o.s.	8	II	8, 5.1		243			IB2	
3095	Corrosive solids, self-heating, n.o.s.	8	II	8, 4.2		242			IB6	BB2
3096	Corrosive solids, water-reactive, n.o.s.	8	II	8, 4.3	B105	242			IB6	BB2
3098	Oxidizing liquid, corrosive, n.o.s.	5.1	II	5.1, 8		243			IB1	
3098	Oxidizing liquid, corrosive, n.o.s.	5.1	III	5.1, 8		242			IB2	
3099	Oxidizing liquid, toxic, n.o.s.	5.1	II	5.1, 6.1		243			IB1	
3099	Oxidizing liquid, toxic, n.o.s.	5.1	III	5.1, 6.1		242			IB2	
3109	Organic peroxide type F, liquid.	5.2	II	5.2	225	T23			IB52	BB5
3110	Organic peroxide type F, solid.	5.2	II	5.2	T42	225	T23			
3119	Organic peroxide type F, liquid, temperature controlled.	5.2	II	5.2		225	T23		IB52	BB5
3120	Organic peroxide type F, solid, temperature controlled.	5.2	II	5.2		225	T23			
3122	Toxic liquids, oxidizing, n.o.s. Inhalation Hazard, Packing Group I, Zone B.	6.1	I	6.1, 5.1	2, B9, B14, B32, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
3122	Toxic liquids, oxidizing, n.o.s. Inhalation hazard, Packing Group I, Zone A.	6.1	I	6.1, 5.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
3122	Toxic liquids, oxidizing, n.o.s.	6.1	II	6.1, 5.1		243			IB2	
3123	Toxic liquids, water-reactive, n.o.s. Inhalation hazard, packing group I, Zone A.	6.1	I	6.1, 4.3	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP38 TP44		
3123	Toxic liquids, water-reactive, n.o.s. Inhalation hazard, Packing group I, Zone B.	6.1	I	6.1, 4.3	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP44		
3123	Toxic liquids, water-reactive, n.o.s.	6.1	II	6.1, 4.3		243			IB2	
3124	Toxic solids, self-heating, n.o.s.	6.1	II	6.1, 4.2		242			IB6	BB2
3125	Toxic solids, water-reactive, n.o.s.	6.1	II	6.1, 4.3		B101	242		IB6	BB2
3126	Self-heating, solid, corrosive, organic, n.o.s.	4.2	II	4.2, 8		242			IB5	BB2

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3126	Self-heating, solid, corrosive, organic, n.o.s.	4.2	III	4.2, 8		242			IB8	BB3
3128	Self-heating, solid, toxic, organic, n.o.s.	4.2	II	4.2, 6.1		242			IB5	BB2
3128	Self-heating, solid, toxic, organic, n.o.s.	4.2	III	4.2, 6.1		242			IB8	BB3
3129	Water-reactive liquid, corrosive, n.o.s.	4.3	II	4.3, 8	B106	243			IB1	
3129	Water-reactive liquid, corrosive, n.o.s.	4.3	III	4.3, 8	B106	242			IB2	
3130	Water-reactive liquid, toxic, n.o.s.	4.3	II	4.3, 6.1	B106	243			IB1	
3130	Water-reactive liquid, toxic, n.o.s.	4.3	III	4.3, 6.1	B106	242			IB2	
3131	Water-reactive solid, corrosive, n.o.s.	4.3	II	4.3, 8	B101, B106.	242			IB6	BB2
3131	Water-reactive solid, corrosive, n.o.s.	4.3	III	4.3, 8	B105, B106.	241			IB8	BB4
3132	Water-reactive solid, flammable, n.o.s.	4.3	I	4.3, 4.1	B101, B106, N40.	242			IB4	
3132	Water-reactive solid, flammable, n.o.s.	4.3	II	4.3, 4.1	B101, B106.	242			IB4	
3132	Water-reactive solid, flammable, n.o.s.	4.3	III	4.3, 4.1	B105, B106.	241			IB6	
3134	Water-reactive solid, toxic, n.o.s.	4.3	II	4.3, 6.1	B105, B106.	242			IB5	BB2
3134	Water-reactive solid, toxic, n.o.s.	4.3	III	4.3, 6.1	B105, B106.	241			IB8	BB4
3135	Water-reactive solid, self-heating, n.o.s.	4.3	II	4.3, 4.2	B101, B106.	242			IB5	BB2
3135	Water-reactive solid, self-heating, n.o.s.	4.3	III	4.3, 4.2	B101, B106.	241			IB8	BB4
3136	Trifluoromethane, refrigerated liquid.	2.2		2.2		314, 315	T75			
3138	Ethylene, acetylene and propylene mixture, refrigerated liquid with at least 71.5 percent ethylene with not more than 22.5 percent acetylene and not more than 6 percent propylene.	2.1		2.1		314, 315	T75			
3139	Oxidizing liquid, n.o.s	5.1	II	5.1	127, A2	242			IB2	
3139	Oxidizing liquid, n.o.s	5.1	III	5.1	127, A2	241			IB2	
3140	Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	6.1	I	6.1	A4, T42	243	T14	TP2 TP27		
3140	Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3140	Alkaloids, liquid, n.o.s., or Alkaloid salts, liquid, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3141	Atimony compounds, inorganic, liquid, n.o.s.	6.1	III	6.1	35, T7	241	T7	TP1 TP28	IB3	
3142	Disinfectants, liquid, toxic, n.o.s.	6.1	I	6.1	A4, T42	243	T14	TP2 TP27		
3142	Disinfectants, liquid, toxic, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3142	Disinfectants, liquid, toxic, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3143	Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	6.1	I	6.1	A5	242	T14	TP2 TP27	IB7	BB1
3143	Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
3143	Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	6.1	III	6.1	240				IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3144	Nicotine compounds, liquid, n.o.s. or Nicotine preparations, liquid, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3144	Nicotine compounds, liquid, n.o.s. or Nicotine preparations, liquid, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3145	Alkylphenols, liquid, n.o.s. (including C2-C12 homologues).	8	I	8	T8	243	T14	TP2		
3145	Alkylphenols, liquid, n.o.s. (including C2-C12 homologues).	8	II	8	T8	242	T11	TP2 TP27	IB2	
3145	Alkylphenols, liquid, n.o.s. (including C2-C12 homologues).	8	III	8	T7	241	T7	TP1 TP28	IB3	
3146	Organotin compounds, solid, n.o.s.	6.1	I	6.1	A5	242			IB7	BB1
3146	Organotin compounds, solid, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
3146	Organotin compounds, solid, n.o.s.	6.1	III	6.1		240			IB8	BB3
3147	Dyes, solid, corrosive, n.o.s or Dye intermediates corrosive, n.o.s solid.	8	I	8		242			IB7	BB1
3147	Dyes, solid, corrosive, n.o.s. or Dye intermediates, solid, corrosive, n.o.s.	8	II	8	240				IB8	BB2, BB4
3147	Dyes, solid, corrosive, n.o.s. or Dye intermediates, solid, corrosive, n.o.s.	8	III	8		240			IB8	BB3
3148	Water-reactive liquid, n.o.s.	4.3	II	4.3	B106	243			IB1	
3148	Water-reactive liquid, n.o.s.	4.3	III	4.3	B106	242			IB2	
3149	Hydrogen peroxide and peroxyacetic acid mixtures, stabilized with acids, water and not more than 5 percent peroxyacetic acid.	5.1	II	5.1, 8	A2, A3, A6, B53, B104, B110, T14.	243	T7	TP2 TP6 TP24	IB2	BB5
3151	Polyhalogenated biphenyls, liquid or Polyhalogenated terphenyls liquid.	9	II	9		241			IB3	
3152	Polyhalogenated biphenyls, solid or Polyhalogenated terphenyls, solid.	9	II	9		241			IB8	BB2, BB4
3153	Perfluoro(methyl vinyl ether).	2.1		2.1		314, 315	T50			
3155	Pentachlorophenol	6.1	II	6.1		242			IB8	BB2, BB4
3158	Gas, refrigerated liquid, n.o.s. (cryogenic liquid).	2.2		2.2		318	T75			
3159	1,1,1,2-Tetrafluoroethane or Refrigerant gas R 134a.	2.2		2.2		314, 315	T50			
3161	Liquefied gas, flammable, n.o.s.	2.1		2.1		314, 315	T50			
3163	Liquefied gas, n.o.s	2.2		2.2		314, 315	T50			
3170	Aluminum smelting by-products or Aluminum remelting by-products.	4.3	II	4.3	128, B106, B115.	242			IB7	BB2

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3170	Aluminum smelting by-products or Aluminum remelting by-products.	4.3	III	4.3	128, B106, B115.	241			IB8	BB4
3174	Titanium disulphide	4.2	III	4.2		241			IB8	BB3
3175	Solids containing flammable liquid, n.o.s.	4.1	II	4.1	47	240			IB6	BB2
3176	Flammable solid, organic, molten, n.o.s.	4.1	II	4.1	T9	240	T3	TP3 TP26	IB1	
3176	Flammable solid, organic, molten, n.o.s.	4.1	III	4.1	T9	240	T1	TP3 TP26	IB1	
3178	Flammable solid, inorganic, n.o.s.	4.1	II	4.1	A1	240			IB8	BB2, BB4
3178	Flammable solid, inorganic, n.o.s.	4.1	III	4.1	A1	240			IB8	BB3
3179	Flammable solid, toxic, inorganic, n.o.s.	4.1	II	4.1, 6.1	A1, B106	242			IB6	BB2
3179	Flammable solid, toxic, inorganic, n.o.s.	4.1	III	4.1, 6.1	A1, B106	242			IB6	
3180	Flammable solid, corrosive, inorganic, n.o.s.	4.1	II	4.1, 8	A1, B106	242			IB6	BB2
3180	Flammable solid, corrosive, inorganic, n.o.s.	4.1	III	4.1, 8	A1, B106	242			IB6	
3181	Metal salts of organic compounds, flammable, n.o.s.	4.1	II	4.1	A1	240			IB8	BB2, BB4
3181	Metal salts of organic compounds, flammable, n.o.s.	4.1	III	4.1	A1	240			IB8	BB3
3182	Metal hydrides, flammable, n.o.s.	4.1	II	4.1	A1	240			IB4	
3182	Metal hydrides, flammable, n.o.s.	4.1	III	4.1	A1	240			IB4	
3183	Self-heating liquid, organic, n.o.s.	4.2	II	4.2		242			IB2	
3183	Self-heating liquid, organic, n.o.s..	4.2	III	4.2		241			IB2	
3184	Self-heating liquid, toxic, organic, n.o.s.	4.2	II	4.2, 6.1		243			IB2	
3184	Self-heating liquid, toxic, organic, n.o.s.	4.2	III	4.2, 6.1		241			IB2	
3185	Self-heating liquid, corrosive, organic, n.o.s.	4.2	II	4.2, 8		243			IB2	
3185	Self-heating liquid, corrosive, organic, n.o.s.	4.2	III	4.2, 8		241			IB2	
3186	Self-heating liquid, inorganic, n.o.s.	4.2	II	4.2		242			IB2	
3186	Self-heating liquid, inorganic, n.o.s.	4.2	III	4.2		241			IB2	
3187	Self-heating liquid, toxic, inorganic, n.o.s.	4.2	II	4.2, 6.1		243			IB2	
3187	Self-heating liquid, toxic, inorganic, n.o.s.	4.2	III	4.2, 6.1		241			IB2	
3188	Self-heating liquid, corrosive, inorganic, n.o.s.	4.2	II	4.2, 8		243			IB2	
3188	Self-heating liquid, corrosive, inorganic, n.o.s.	4.2	III	4.2, 8		241			IB2	
3189	Metal powder, self-heating, n.o.s.	4.2	II	4.2		241			IB6	BB2
3189	Metal powder, self-heating, n.o.s.	4.2	III	4.2		241			IB8	BB3
3190	Self-heating solid, inorganic, n.o.s.	4.2	II	4.2		241			IB6	BB2
3190	Self-heating solid, inorganic, n.o.s.	4.2	III	4.2		241			IB8	BB3
3191	Self-heating solid, toxic, inorganic, n.o.s.	4.2	II	4.2, 6.1		242			IB5	BB2

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3191	Self-heating solid, toxic, inorganic, n.o.s.	4.2	III	4.2, 6.1		242			IB8	BB3
3192	Self-heating solid, corrosive, inorganic, n.o.s.	4.2	II	4.2, 8		242			IB5	BB2
3192	Self-heating solid, corrosive, inorganic, n.o.s.	4.2	III	4.2, 8		242			IB8	BB3
3203	Pyrophoric organometallic compound, water-reactive, n.o.s.	4.2	I	4.2, 4.3	T28, T40	242	T21	TP2 TP7		
3203	Pyrophoric organometallic compound, water-reactive, n.o.s.	4.2	I	4.2, 4.3	T28, T40	242	T21	TP2 TP7		
3205	Alkaline earth metal alcoholates, n.o.s.	4.2	II	4.2	65	241			IB6	BB2
3205	Alkaline earth metal alcoholates, n.o.s.	4.2	III	4.2	65	241			IB8	BB3
3206	Alkali metal alcoholates, self-heating, corrosive, n.o.s.	4.2	II	4.2, 8	64	242			IB5	BB2
3206	Alkali metal alcoholates, self-heating, corrosive, n.o.s.	4.2	III	4.2, 8	64	242			IB8	BB3
3207	Organometallic compound or Compound solution or Compound dispersion, water-reactive, flammable, n.o.s.	4.3	I	4.3, 3	T28	244	T13	TP2 TP7		
3207	Organometallic compound or Compound solution or Compound dispersion, water-reactive, flammable, n.o.s.	4.3	II	4.3, 3	T28	243	T7	TP2 TP7	IB1	BB2
3207	Organometallic compound or Compound solution or Compound dispersion, water-reactive, flammable, n.o.s.	4.3	III	4.3, 3	T28, B101, B106.	242	T7	TP2 TP7	IB2	BB4
3208	Metallic substance, water-reactive, n.o.s.	4.3	I	4.3	B101, B106.	242			IB4	
3208	Metallic substance, water-reactive, n.o.s.	4.3	II	4.3	B101, B106.	242			IB7	BB2
3208	Metallic substance, water-reactive, n.o.s.	4.3	III	4.3	B105, B108.	241			IB8	BB4
3209	Metallic substance, water-reactive, self-heating, n.o.s.	4.3	II	4.3, 4.2	B101, B106.	242			IB5	BB2
3209	Metallic substance, water-reactive, self-heating, n.o.s.	4.3	III	4.3, 4.2	B101, B106.	242			IB8	BB4
3210	Chlorates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	T8	242	T4	TP1	IB2	
3211	Perchlorates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	T8	242	T4	TP1	IB2	
3211	Perchlorates, inorganic, aqueous solution, n.o.s.	5.1	III	5.1	T8	241	T4	TP1	IB2	
3212	Hypochlorites, inorganic, n.o.s.	5.1	II	5.1		240			IB8	BB2, BB4
3213	Bromates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	T8	242	T4	TP1	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3214	Permanganates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	26, T8	242	T4	TP1	IB2	
3215	Persulfates, inorganic, n.o.s.	5.1	III	5.1		240			IB8	BB3
3216	Persulfates, inorganic, aqueous solution, n.o.s.	5.1	III	5.1	T2	241	T4	TP1 TP29	IB2	
3218	Nitrates, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	58, T8	242	T4	TP1	IB2	
3218	Nitrates, inorganic, aqueous solution, n.o.s.	5.1	III	5.1	58, T8	241	T4	TP1	IB2	
3219	Nitrites, inorganic, aqueous solution, n.o.s.	5.1	II	5.1	T8	242	T4	TP1	IB1	
3219	Nitrites, inorganic, aqueous solution, n.o.s.	5.1	III	5.1	T8	241	T4	TP1	IB2	
3220	Pentafluoroethane or Refrigerant gas R 125.	2.2		2.2		314, 315	T50			
3241	2-Bromo-2-nitropropane-1,3-diol.	4.1	III	4.1	46	None			IB8	BB3
3242	Azodicarbonamide	4.1	II	4.1	38	240			IB8	
3243	Solids containing toxic liquid, n.o.s.	6.1	II	6.1	48	240			IB2	
3244	Solids containing corrosive liquid, n.o.s.	8	II	8	49	240			IB5	
3246	Methanesulfonyl chloride.	6.1	I	6.1, 8	2, 25, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP12 TP13 TP38 TP45		
3247	Sodium peroxoborate, anhydrous.	5.1	II	5.1		240			IB8	BB4
3248	Medicine, liquid, flammable, toxic, n.o.s.	3	II	3, 6.1	36	None			IB2	
3248	Medicine, liquid, flammable, toxic, n.o.s.	3	III	3, 6.1	36	None			IB3	
3250	Chloroacetic acid, molten.	6.1	II	6.1, 8	T9	243	T7	TP3	IB1	
3251	Isosorbide-5-mononitrate.	4.1	III	4.1	66	240			IB8	
3252	Difluoromethane or Refrigerant gas R 32.	2.1		2.1		314, 315	T50			
3253	Disodium trioxosilicate.	8	III	8		240			IB8	BB3
3256	Elevated temperature liquid, flammable, n.o.s, with flash point above 37.8 C, at or above its flash point.	3	III	3	T1	247	T3	TP3 TP29	IB1	
3257	Elevated temperature liquid, n.o.s, at or above 100 C and below its flash point (including molten metals, molten salts, etc.).	9	III	9	T1	247	T3	TP3 TP29	IB1	
3259	Amines, solid, corrosive, n.o.s, or Polyamines, solid, corrosive n.o.s.	8	I	8		242			IB7	BB1
3259	Amines, solid, corrosive, n.o.s, or Polyamines, solid, corrosive n.o.s.	8	II	8		240			IB8	BB2, BB4
3259	Amines, solid, corrosive, n.o.s, or Polyamines, solid, corrosive n.o.s.	8	III	8		240			IB8	BB3

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3260	Corrosive solid, acidic, inorganic, n.o.s.	8	I	8		242			IB7	BB1
3260	Corrosive solid, acidic, inorganic, n.o.s.	8	II	8		240			IB8	BB2, BB4
3260	Corrosive solid, acidic, inorganic, n.o.s.	8	III	8		240			IB8	BB3
3261	Corrosive solid, acidic, organic, n.o.s.	8	I	8		242			IB7	BB1
3261	Corrosive solid, acidic, organic, n.o.s.	8	II	8		240			IB8	BB2, BB4
3261	Corrosive solid, acidic, organic, n.o.s.	8	III	8		240			IB8	BB3
3262	Corrosive solid, basic, inorganic, n.o.s.	8	I	8		242			IB7	BB1
3262	Corrosive solid, basic, inorganic, n.o.s.	8	II	8		240			IB8	BB2, BB4
3262	Corrosive solid, basic, inorganic, n.o.s.	8	III	8		240			IB8	BB3
3263	Corrosive solid, basic, organic, n.o.s.	8	I	8		242			IB7	BB1
3263	Corrosive solid, basic, organic, n.o.s.	8	II	8		240			IB8	BB2, BB4
3263	Corrosive solid, basic, organic, n.o.s.	8	III	8		240			IB8	BB3
3264	Corrosive liquid, acidic, inorganic, n.o.s.	8	I	8	B10	243	T14	TP2 TP27		
3264	Corrosive liquid, acidic, inorganic, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
3264	Corrosive liquid, acidic, inorganic, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
3265	Corrosive liquid, acidic, organic, n.o.s.	8	I	8	B10	243	T14	TP2 TP27		
3265	Corrosive liquid, acidic, organic, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
3265	Corrosive liquid, acidic, organic, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
3266	Corrosive liquid, basic, inorganic, n.o.s.	8	I	8	B10	243	T14	TP2 TP27		
3266	Corrosive liquid, basic, inorganic, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
3266	Corrosive liquid, basic, inorganic, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
3267	Corrosive liquid, basic, organic, n.o.s.	8	I	8	B10	243	T14	TP2 TP27		
3267	Corrosive liquid, basic, organic, n.o.s.	8	II	8	B2, T14	242	T11	TP2 TP27	IB2	
3267	Corrosive liquid, basic, organic, n.o.s.	8	III	8	T7	241	T7	TP1 TP28	IB3	
3271	Ethers, n.o.s	3	II	3	T8	242	T7	TP1 TP8 TP28	IB2	
3271	Ethers, n.o.s	3	III	3	B1, T7	242	T4	TP1 TP29	IB3	
3272	Esters, n.o.s	3	II	3	T8	242	T7	TP1 TP8 TP28	IB2	
3272	Esters, n.o.s	3	III	3	B1, T7	242	T4	TP1 TP29	IB3	
3273	Nitriles, flammable, toxic, n.o.s.	3	I	3, 6.1		243	T14	TP2 TP13 TP27		
3273	Nitriles, flammable, toxic, n.o.s.	3	II	3, 6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3274	Alcoholates solution, n.o.s, in alcohol.	3	II	3, 8		243			IB2	
3275	Nitriles, toxic, flammable, n.o.s.	6.1	I	6.1, 3	5	243	T14	TP2 TP13 TP27		
3275	Nitriles, toxic, flammable, n.o.s.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3276	Nitriles, toxic, n.o.s	6.1	I	6.1	5	243	T14	TP2 TP13 TP27		
3276	Nitriles, toxic, n.o.s	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3276	Nitriles, toxic, n.o.s	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3277	Chloroformates, toxic, corrosive, n.o.s.	6.1	II	6.1, 8	T12, T26	243	T8	TP2 TP13 TP28	IB2	
3278	Organophosphorus compound, toxic n.o.s.	6.1	I	6.1	5	243	T14	TP2 TP13 TP27	IB7	
3278	Organophosphorus compound, toxic n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3278	Organophosphorus compound, toxic n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3279	Organophosphorus compound, toxic, flammable, n.o.s.	6.1	I	6.1, 3	5	243	T14	TP2 TP13		
3279	Organophosphorus compound, toxic, flammable, n.o.s.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3280	Organoarsenic compound, n.o.s.	6.1	I	6.1	5	242	T14	TP2 TP27	IB7	BB1
3280	Organoarsenic compound, n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3280	Organoarsenic compound, n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3281	Metal carbonyls, n.o.s.	6.1	I	6.1	5	243	T14	TP2 TP13 TP27		
3281	Metal carbonyls, n.o.s.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3281	Metal carbonyls, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3282	Organometallic compound, toxic n.o.s.	6.1	I	6.1	B106	242	T14	TP2 TP27	IB7	BB1
3282	Organometallic compound, toxic n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3282	Organometallic compound, toxic n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3283	Selenium compound, n.o.s.	6.1	I	6.1		242	T14	TP2 TP27	IB7	BB1
3283	Selenium compound, n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3283	Selenium compound, n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3284	Tellurium compound, n.o.s.	6.1	I	6.1		242	T14	TP2 TP27	IB7	BB1
3284	Tellurium compound, n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3284	Tellurium compound, n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3285	Vanadium compound, n.o.s.	6.1	I	6.1	242	T14	TP2 TP27	IB7	BB1	
3285	Vanadium compound, n.o.s.	6.1	II	6.1	T14	242	T11	TP2 TP27	IB8	BB2, BB4
3285	Vanadium compound, n.o.s.	6.1	III	6.1	T7	240	T7	TP1 TP28	IB8	BB3
3286	Flammable liquid, toxic, corrosive, n.o.s.	3	I	3, 6.1, 8		243	T14	TP2 TP13 TP27		
3286	Flammable liquid, toxic, corrosive, n.o.s.	3	II	3, 6.1, 8	T14	243	T11	TP2 TP13 TP27	IB2	
3287	Toxic liquid, inorganic, n.o.s.	6.1	I	6.1	T42	243	T14	TP2 TP13 TP27		
3287	Toxic liquid, inorganic, n.o.s Inhalation Hazard, Packing Group I, Zone A.	6.1	I	6.1	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 T38 T44		
3287	Toxic liquid, inorganic, n.o.s Inhalation Hazard, Packing Group I, Zone B.	6.1	I	6.1	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 T38, T45		
3287	Toxic liquid, inorganic, n.o.s.	6.1	II	6.1	B110, T14	243	T11	TP2 TP27	IB2	

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3287	Toxic liquid, inorganic, n.o.s.	6.1	III	6.1	T7	241	T7	TP1 TP28	IB3	
3288	Toxic solid, inorganic, n.o.s.	6.1	I	6.1		242			IB7	
3288	Toxic solid, inorganic, n.o.s.	6.1	II	6.1		242			IB8	BB2, BB4
3288	Toxic solid, inorganic, n.o.s.	6.1	III	6.1		240			IB8	BB3
3289	Toxic liquid, corrosive, inorganic, n.o.s.	6.1	I	6.1, 8	T42	243	T14	TP2 TP13 TP27		
3289	Toxic liquid, corrosive, inorganic, n.o.s Inhalation Hazard, Packing Group I, Zone B.	6.1	I	6.1, 8	2, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP27 TP38 TP45		
3289	Toxic liquid, corrosive, inorganic, n.o.s inhalation Hazard, Packing Group I, Zone A.	6.1	I	6.1, 8	1, B9, B14, B30, B72, T38, T43, T44.	244	T22	TP2 TP13 TP27 TP38 TP44		
3289	Toxic liquid, corrosive, inorganic, n.o.s.	6.1	II	6.1, 8	T14	243	T11	TP2 TP27	IB2	
3290	Toxic solid, corrosive, inorganic, n.o.s.	6.1	I	6.1, 8		242			IB7	
3290	Toxic solid, corrosive, inorganic, n.o.s.	6.1	II	6.1, 8		242			IB6	BB2
3293	Hydrazine, aqueous solution with not more than 37 percent hydrazine, by mass.	6.1	III	6.1	T7	241	T4	TP1	IB3	
3294	Hydrogen cyanide, solution in alcohol with not more than 45 percent hydrogen cyanide.	6.1	I	6.1, 3	2, 25, B9, B14, B32, B74, T38, T43, T45.	244	T20	TP2 TP13 TP38 TP45		
3295	Hydrocarbons, liquid, n.o.s.	3	I	3	T8, T31	243	T11	TP1 TP8		
3295	Hydrocarbons, liquid, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
3295	Hydrocarbons, liquid, n.o.s.	3	III	3	B1, T7, T30.	242	T4	TP1 TP29	IB3	
3296	Heptafluoropropane or Refrigerant gas R 227.	2.2		2.2		314, 315	T50			
3297	Ethylene oxide and chlorotetrafluoroethane mixture with not more than 8.8 percent.	2.2		2.2		314, 315	T50			
3298	Ethylene oxide and pentafluoroethane mixture with not more than 7.9 percent ethylene oxide.	2.2		2.2		314, 315	T50			
3299	Ethylene oxide and tetrafluoroethane mixture with not more than 5.6 percent ethylene oxide.	2.2		2.2		314, 315	T50			
3301	Corrosive liquid, self-heating, n.o.s.	8	II	8, 4.2	B2	242			IB1	
3302	2-Dimethylaminoethyl acrylate.	6.1	II	6.1	T8	243	T7	TP2	IB2	
3311	Gas, refrigerated liquid, flammable, n.o.s (crygoenic liquid).	2.2		2.2, 5.1		318	T75			

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3312	Gas, refrigerated liquid, flammable, n.o.s (cryogenic liquid).	2.1		2.1		318	T75			
3313	Organic pigments, self-heating.	4.2	II	4.2		241			IB8	BB4
3313	Organic pigments, self-heating.	4.2	III	4.2	B101	241			IB8	BB3
3314	Plastic molding compound in dough, sheet or extruded rope form evolving flammable vapor.	9	III	9	32	221			IB8	BB6
3318	Ammonia solution, relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.	2.2		2.2	13	314, 315	T50			
3318	Ammonia solution, relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.	2.3		2.3, 8	4	314, 315	T50			
3320	Sodium borohydride and sodium hydroxide solution, with not more than 12 percent sodium borohydride and not more than 40 percent sodium hydroxide by mass.	8	II	8	B2, N34, T8.	242	T7	TP2	IB2	
3320	Sodium borohydride and sodium hydroxide solution, with not more than 12 percent sodium borohydride and not more than 40 percent sodium hydroxide by mass.	8	III	8	B2, N34, T7.	241	T4	TP2	IB3	
3336	Mercaptans, liquid, flammable, n.o.s., or Mercaptan mixture, liquid, flammable, n.o.s.	3	I	3	T23	243	T11	TP2		
3336	Mercaptans, liquid, flammable, n.o.s., or Mercaptan mixture, liquid, flammable, n.o.s.	3	II	3	T8, T31	242	T7	TP1 TP8 TP28	IB2	
3336	Mercaptans, liquid, flammable, n.o.s., or Mercaptan mixture, liquid, flammable, n.o.s.	3	III	3	B1, B52, T7, T30.	241	T4	TP1 TP29	IB3	
3337	Refrigerant gas R 404A.	2.2				314, 315	T50			
3338	Refrigerant gas R 407A.	2.2				314, 315	T50			
3339	Refrigerant gas R 407B.	2.2				314, 315	T50			
3340	Refrigerant gas R 407C.	2.2				314, 315	T50			
3341	Thiourea dioxide	4.2	II	4.2		241			IB6	BB2
3341	Thiourea dioxide	4.2	III	4.2		241			IB8	BB3
3342	Xanthates	4.2	II	4.2		241			IB6	BB2
3342	Xanthates	4.2	III	4.2		241			IB8	BB3
3345	Phenoxyacetic acid derivative pesticide, solid, toxic.	6.1	I	6.1		242			IB7	BB1
3345	Phenoxyacetic acid derivative pesticide, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4

TABLE SHOWING PROPOSED PORTABLE TANK AND IBC AUTHORIZATIONS—Continued

UN No.	Name/Description	Class	PG	Label(s)	Special provisions	Bulk section 173.xxx	Portable tank instruction	Port.Tank special provisions	IBC code	IBC special provisions
3345	Phenoxyacetic acid derivative pesticide, solid, toxic.	6.1	III	6.1		240			IB8	BB3
3346	Phenoxyacetic acid derivative pesticide, liquid flammable, toxic flashpoint less than 23° C.	3	I	3, 6.1	T23	243	T14	TP2 TP13 TP27		
3346	Phenoxyacetic acid derivative pesticide, liquid flammable, toxic flashpoint less than 23° C.	3	II	3, 6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3347	Phenoxyacetic acid derivative pesticide, liquid, toxic, flammable, flashpoint not less than 23° C.	6.1	I	6.1, 3	T24, T26	243	T14	TP2 TP13 TP27		
3347	Phenoxyacetic acid derivative pesticide, liquid, toxic, flammable, flashpoint not less than 23° C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3347	Phenoxyacetic acid derivative pesticide, liquid, toxic, flammable, flashpoint not less than 23° C.	6.1	III	6.1, 3	T14	241	T7	TP2 TP28	IB3	
3348	Phenoxyacetic acid derivative pesticide, liquid, toxic.	6.1	I	6.1	T24, T26	243	T14	TP2 TP13 TP27		
3348	Phenoxyacetic acid derivative pesticide, liquid, toxic.	6.1	II	6.1	T14	243	T11	TP2 TP27	IB2	
3348	Phenoxyacetic acid derivative pesticide, liquid, toxic.	6.1	III	6.1	T14	241	T7	TP2 TP28	IB3	
3349	Pyrethroid pesticide, solid, toxic.	6.1	I	6.1		242			IB7	BB1
3349	Pyrethroid pesticide, solid, toxic.	6.1	II	6.1		242			IB8	BB2, BB4
3349	Pyrethroid pesticide, solid, toxic.	6.1	III	6.1		230			IB8	BB3
3350	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint less than 23° C.	3	I	3, 6.1	T24, T26	243	T14	TP2 TP13 TP27		
3350	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint less than 23° C.	3	II	3, 6.1	T14	243	T11	TP2 TP13 TP27	IB2	
3351	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint not less than 23° C.	6.1	I	6.1, 3	T24, T26	243	T14	TP2 TP13 TP27		
3351	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint not less than 23° C.	6.1	II	6.1, 3	T14	243	T11	TP2 TP13 TP27	IB2	
3351	Pyrethroid pesticide, liquid, flammable, toxic, flashpoint not less than 23° C.	6.1	III	6.1, 3	T14	241	T7	TP2 TP28	IB3	
3352	Pyrethroid pesticide, liquid toxic.	6.1	I	6.1		242	T14	TP2 TP13 TP27		
3352	Pyrethroid pesticide, liquid toxic.	6.1	II	6.1		242	T11	TP2 TP27	IB2	
3352	Pyrethroid pesticide, liquid toxic.	6.1	III	6.1		240	T7	TP2 TP28	IB3	

f. In Columns (9A) and (9B), the following entries would be revised as follows:

Note to readers: *** means no change to current limit.

Column (2)	Column (4)	Column (5)	Column (9A) Revise to read:	Column (9B) Revise to read:
Acetone cyanohydrin, stabilized	UN1541	I	***	Forbidden.
Boron tribromide	UN2692	I	***	Forbidden.
n-Butyl chloroformate	UN2743	I	Forbidden	Forbidden.
n-Butyl isocyanate	UN2485	I	***	Forbidden.
Bisulfites, aqueous solutions, n.o.s	UN2693	III	5 L	60 L.
Cells, containing sodium	UN3292	II	25 kg gross	
Chloroacetonitrile	UN2668	II	***	Forbidden.
Chloroform	UN1888	III	60 L	220 L.
Crotonaldehyde, stabilized	UN1143	I		Forbidden.
Diethyl sulfide	UN2375	II	5 L.	
Divinyl ether, inhibited	UN1167	I		30 L.
Lithium battery	UN3090	II	5 kg gross	***
Methacrylonitrile, inhibited	UN3079	I	***	Forbidden.
Methyl bromide and ethylene dibromide mixtures, liquid	UN1647	I	***	Forbidden.
Methyl orthosilicate	UN2606	I	***	Forbidden.
Nitrogen trifluoride, compressed	UN2451		75 kg	150 kg.
Nitrous oxide, refrigerated liquid	UN2201		Forbidden	Forbidden.
Nitromethane	UN1261	II	***	Forbidden.
Phosphorus oxychloride	UN1810	II	***	Forbidden.
n-Propyl chloroformate	UN2740	I	***	Forbidden.
Sulfur trioxide, inhibited *or* Sulfur trioxide, stabilized	UN1829	I	***	Forbidden.
Tear gas substances, solid, n.o.s.	UN1693	I	***	15 kg.
Titanium tetrachloride	UN1838	II	***	Forbidden.
Thiophosgene	UN2474	II	***	Forbidden.

g. In Columns (10A) and (10B), the following entries would be revised as follows:

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Ammonium nitrate-fuel oil mixture *containing only prilled ammonium nitrate and fuel oil*	NA0331	10	19E
Ammonium nitrate, *with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance.*	UN0222	10	19E
Ammonium perchlorate	UN0402	10	19E
Ammonium picrate, *dry or wetted with less than 10 percent water, by mass*	UN0004	10	5E, 19E
Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	UN0171	03	
Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	UN0254	03	
Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	UN0297	02	
Ammunition, incendiary *liquid or gel, with burster, expelling charge or propelling charge*	UN0247	04	23E
Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge.*	UN0243	08	8E, 14E, 15E, 17E
Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge.*	UN0244	08	8E, 14E, 15E, 17E
Ammunition, incendiary *with or without burster, expelling charge or propelling charge*	UN0009	03	
Ammunition, incendiary *with or without burster, expelling charge, or propelling charge*	UN0010	03	
Ammunition, incendiary *with or without burster, expelling charge, or propelling charge*	UN0300	02	
Ammunition, practice	UN0362	02	
Ammunition, practice	UN0488	03	
Ammunition, proof	UN0363	02	
Ammunition, smoke, white phosphorus *with burster,expelling charge, or propelling charge*	UN0245	08	8E, 14E, 15E, 17E
Ammunition, smoke, white phosphorus *with burster, expelling charge, or propelling charge*	UN0246	08	8E, 14E, 15E, 17E
Ammunition, smoke *with or without burster, expelling charge or propelling charge*	UN0015		8E, 17E, 20E
Ammunition, smoke *with or without burster, expelling charge or propelling charge*	UN0016		8E, 17E, 20E
Ammunition, smoke *with or without burster, expelling charge or propelling charge*	UN0303		7E, 8E, 14E, 15E, 17E
Ammunition, tear-producing *with burster, expelling charge or propelling charge*	UN0018		8E, 17E, 20E
Ammunition, tear-producing *with burster, expelling charge or propelling charge*	UN0019		8E, 17E, 20E
Ammunition, tear-producing *with burster, expelling charge or propelling charge*	UN0301		7E, 8E, 14E, 15E, 17E
Ammunition, toxic *with burster, expelling charge, or propelling charge*	UN0020	08	8E, 14E, 15E, 17E
Ammunition, toxic *with burster, expelling charge, or propelling charge*	UN0021	08	8E, 14E, 15E, 17E
Articles, explosive, extremely insensitive *or* Articles, EEI	UN0486	07	
Articles, explosive, n.o.s	UN0349	05	
Articles, explosive, n.o.s	UN0350	06	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Articles, explosive, n.o.s	UN0351	06	
Articles, explosive, n.o.s	UN0352	06	
Articles, explosive, n.o.s	UN0353	06	
Articles, explosive, n.o.s	UN0354	08	8E, 14E, 15E, 17E
Articles, explosive, n.o.s	UN0355	08	8E, 14E, 15E, 17E
Articles, explosive, n.o.s	UN0356	08	8E, 14E, 15E, 17E
Articles, explosive, n.o.s	UN0462	07	
Articles, explosive, n.o.s	UN0463	07	
Articles, explosive, n.o.s	UN0464	07	
Articles, explosive, n.o.s	UN0465	08	
Articles, explosive, n.o.s	UN0466	07	
Articles, explosive, n.o.s	UN0467	07	
Articles, explosive, n.o.s	UN0468	07	
Articles, explosive, n.o.s	UN0469	08	
Articles, explosive, n.o.s	UN0470	07	
Articles, explosive, n.o.s	UN0471	06	
Articles, explosive, n.o.s	UN0472	08	
Articles, pyrophoric	UN0380	08	8E, 14E, 15E, 17E
Articles, pyrotechnic *for technical purposes*	UN0428	07	
Articles, pyrotechnic *for technical purposes*	UN0429	07	
Articles, pyrotechnic *for technical purposes*	UN0430	07	
Articles, pyrotechnic *for technical purposes*	UN0431	06	
Articles, pyrotechnic *for technical purposes*	UN0432	05	
Barium azide, *dry or wetted with less than 50 percent water, by mass.*	UN0224	12	
Barium styphnate	NA0473		
Black powder, compressed *or* Gunpowder, compressed *or* Black powder, in pellets *or* Gunpowder, in pellets.	UN0028	10	
Black powder *or* Gunpowder, *granular or as a meal*	UN0027	10	
Bombs, photo-flash	UN0037	08	
Bombs, photo-flash	UN0038	03	
Bombs, photo-flash	UN0039	03	
Bombs, photo-flash	UN0299	03	
Bombs, *with bursting charge*	UN0033	08	
Bombs, *with bursting charge*	UN0034	03	
Bombs, *with bursting charge*	UN0035	03	
Bombs, *with bursting charge*	UN0291	08	
Bombs with flammable liquid, *with bursting charge*	UN0399	04	23E
Bombs with flammable liquid, *with bursting charge*	UN0400	04	23E
Boosters with detonator	UN0225	11	
Boosters with detonator	UN0268	07	
Boosters, *without detonator*	UN0042	07	
Boosters, *without detonator*	UN0283	07	
Bursters, *explosive*	UN0043	07	
Cartridges, flash	UN0049	07	
Cartridges, flash	UN0050	07	
Cartridges for weapons, blank	UN0326	07	
Cartridges for weapons, blank	UN0413	07	
Cartridges for weapons, blank *or* Cartridges, small arms, blank	UN0014	05	
Cartridges for weapons, blank *or* Cartridges, small arms, blank	UN0327	07	
Cartridges for weapons, blank *or* Cartridges, small arms, blank	UN0338	06	
Cartridges for weapons, inert projectile	UN0328	03	
Cartridges for weapons, inert projectile *or* Cartridges, small arms	UN0012	05	
Cartridges for weapons, inert projectile *or* Cartridges, small arms	UN0339	06	
Cartridges for weapons, inert projectile *or* Cartridges, small arms	UN0417	06	
Cartridges for weapons, *with bursting charge*	UN0005	08	
Cartridges for weapons, *with bursting charge*	UN0006	03	
Cartridges for weapons, *with bursting charge*	UN0007	08	
Cartridges for weapons, *with bursting charge*	UN0321	03	
Cartridges for weapons, *with bursting charge*	UN0348	08	
Cartridges for weapons, *with bursting charge*	UN0412	02	
Cartridges, oil well	UN0277	07	
Cartridges, oil well	UN0278	06	
Cartridges, power device	UN0275	07	
Cartridges, power device	UN0276	06	
Cartridges, power device	UN0323	05	
Cartridges, power device	UN0381	07	
Cartridges, signal	UN0054	07	
Cartridges, signal	UN0312	06	
Cartridges, signal	UN0405	05	
Cases, cartridge, empty with primer	UN0055	05	
Cases, cartridges, empty with primer	UN0379	06	
Cases, combustible, empty, without primer	UN0446	06	
Cases, combustible, empty, without primer	UN0447	07	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Charges, bursting, plastics bonded	UN0457	07	
Charges, bursting, plastics bonded	UN0458	07	
Charges, bursting, plastics bonded	UN0459	06	
Charges, bursting, plastics bonded	UN0460	05	
Charges, demolition	UN0048	03	
Charges, depth	UN0056	03	
Charges, explosive, commercial *without detonator*	UN0442	07	
Charges, explosive, commercial *without detonator*	UN0443	07	
Charges, explosive, commercial *without detonator*	UN0444	06	
Charges, explosive, commercial *without detonator*	UN0445	05	
Charges, propelling	UN0271	07	
Charges, propelling	UN0272	07	
Charges, propelling	UN0415	07	
Charges, propelling	UN0491	06	
Charges, propelling, for cannon	UN0242	10	
Charges, propelling, for cannon	UN0279	10	
Charges, propelling, for cannon	UN0414	10	
Charges, shaped, flexible, linear	UN0237	06	
Charges, shaped, flexible, linear	UN0288	07	
Charges, shaped, *without detonator*	UN0059	07	
Charges, shaped, *without detonator*	UN0439	07	
Charges, shaped, *without detonator*	UN0440	06	
Charges, shaped, *without detonator*	UN0441	05	
Charges, supplementary explosive	UN0060	10	
Components, explosive train, n.o.s	UN0382	11	
Components, explosive train, n.o.s	UN0383	06	
Components, explosive train, n.o.s	UN0384	05	
Components, explosive train, n.o.s	UN0461	11	
Contrivances, water-activated, *with burster, expelling charge or propelling charge*	UN0248	08	8E, 14E, 15E, 17E
Contrivances, water-activated, *with burster, expelling charge or propelling charge*	UN0249	08	8E, 14E, 15E, 17E
Cord, detonating, *flexible*	UN0065	07	
Cord, detonating, *flexible*	UN0289	06	
Cord detonating *or* Fuse detonating *metal clad*	UN0102	07	
Cord, detonating *or* Fuse, detonating *metal clad*	UN0290	07	
Cord, detonating, mild effect *or* Fuse, detonating, mild effect *metal clad*	UN0104	06	
Cord, igniter	UN0066	06	
Cutters, cable, explosive	UN0070	05	
Cyclotetramethylenetetranitramine, desensitized *or* Octogen, desensitized *or* HMX, desensitized.	UN0484	10	
Cyclotetramethylenetetranitramine, wetted *or* HMX, wetted *or* Octogen, *wetted with not less than 15 percent water, by mass*.	UN0226	10	
Cyclotrimethylenetrinitramine, desensitized *or* Cyclonite, desensitized *or* Hexogen, desensitized *or* RDX, desensitized.	UN0483	10	
Cyclotrimethylenetrinitramine, wetted *or* Cyclonite, wetted *or* Hexogen, wetted *or* RDX, wetted *with not less than 15 percent water by mass*.	UN0072	10	
Deflagrating metal salts of aromatic nitroderivatives, n.o.s	UN0132	10	5E
Detonator assemblies, non-electric *for blasting*	UN0360	11	
Detonator assemblies, non-electric *for blasting*	UN0361	06	
Detonator assemblies, non-electric *for blasting*	UN0500	05	
Detonators, electric, *for blasting*	UN0030	11	
Detonators, electric, *for blasting*	UN0255	06	
Detonators, electric *for blasting*	UN0456	05	
Detonators for ammunition	UN0073	11	
Detonators for ammunition	UN0364	11	
Detonators for ammunition	UN0365	06	
Detonators for ammunition	UN0366	05	
Detonators, non-electric, *for blasting*	UN0029	11	
Detonators, non-electric, *for blasting*	UN0267	06	
Detonators, non-electric *for blasting*	UN0455	05	
Diazodinitrophenol, *wetted with not less than 40 percent water or mixture of alcohol and water, by mass*.	UN0074	12	
Diethyleneglycol dinitrate, desensitized *with not less than 25 percent non-volatile, water-insoluble phlegmatizer, by mass*.	UN0075	13	21E
Dinitroglycoluril *or* Dingu	UN0489	10	
Dinitrophenol, *dry or wetted with less than 15 percent water, by mass*	UN0076	10	5E
Dinitrophenolates *alkali metals, dry or wetted with less than 15 percent water, by mass*	UN0077	10	5E
Dinitroresorcinol, *dry or wetted with less than 15 percent water, by mass*	UN0078	10	5E
Dinitrosobenzene	UN0406	10	
Dipicryl sulfide, *dry or wetted with less than 10 percent water, by mass*	UN0401	10	
Explosive, blasting, type A	UN0081	10	21E
Explosive, blasting, type B	UN0082	10	
Explosive, blasting, type B *or* Agent blasting, Type B	UN0331	10	
Explosive, blasting, type C	UN0083	10	22E

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Explosive, blasting, type D	UN0084	10	
Explosive, blasting, type E	UN0241	10	19E
Explosive, blasting, type E *or* Agent blasting, Type E	UN0332	10	
Fireworks	UN0333	07	
Fireworks	UN0334	07	
Fireworks	UN0335	07	
Fireworks	UN0336	06	
Fireworks	UN0337	05	
Flares, aerial	UN0093	07	
Flares, aerial	UN0403	06	
Flares, aerial	UN0404	05	
Flares, aerial	UN0420	07	
Flares, aerial	UN0421	07	
Flares, surface	UN0092	07	
Flares, surface	UN0418	07	
Flares, surface	UN0419	07	
Flash powder	UN0094	15	
Flash powder	UN0305	15	
Fracturing devices, explosive, *without detonators for oil wells*	UN0099	07	
Fuse, igniter *tubular metal clad*	UN0103	06	
Fuse, non-detonating *instantaneous or quickmatch*	UN0101	07	
Fuse, safety	UN0105	05	
Fuzes, detonating	UN0106	11	
Fuzes, detonating	UN0107	11	
Fuzes, detonating	UN0257	06	
Fuzes, detonating	UN0367	05	
Fuzes, detonating, *with protective features*	UN0408	07	
Fuzes, detonating, *with protective features*	UN0409	07	
Fuzes, detonating, *with protective features*	UN0410	06	
Fuzes, igniting	UN0316	07	
Fuzes, igniting	UN0317	06	
Fuzes, igniting	UN0368	05	
Grenades, empty primed	NA0349	05	
Grenades, *hand or rifle, with bursting charge*	UN0284	07	
Grenades, *hand or rifle, with bursting charge*	UN0285	07	
Grenades, *hand or rifle, with bursting charge*	UN0292	08	
Grenades, *hand or rifle, with bursting charge*	UN0293	08	
Grenades, practice, *hand or rifle*	UN0110	05	
Grenades, practice, *hand or rifle*	UN0318	07	
Grenades, practice, *hand or rifle*	UN0372	07	
Grenades, practice, *Hand or rifle*	UN0452	06	
Guanyl nitrosaminoguanylidene hydrazine, wetted *with not less than 30 percent water, by mass.*	UN0113	12	
Guanyl nitrosaminoguanyltetrazene, wetted *or* Tetrazene, wetted *with not less than 30 percent water or mixture of alcohol and water, by mass.*	UN0114	12	
Hexanitrodiphenylamine *or* Dipicrylamine *or* Hexyl	UN0079	10	
Hexanitrostilbene	UN0392	10	
Hexolite, *or* Hexotol *dry or wetted with less than 15 percent water, by mass*	UN0118	10	
Hexotonal	UN0393	10	
Igniters	UN0121	07	
Igniters	UN0314	07	
Igniters	UN0315	07	
Igniters	UN0325	06	
Igniters	UN0454	05	
Jet perforating guns, charged oil well, with detonator	NA0124	07	
Jet perforating guns, charged oil well, with detonator	NA0494	06	
Jet perforating guns, charged, *oil well, without detonator*	UN0124	07	
Jet perforating guns, charged, *oil well, without detonator*	UN0494	06	
Lead azide, wetted *with not less than 20 percent water or mixture of alcohol and water, by mass.*	UN0129	12	
Lead mononitroresorcinate	NA0473	12	
Lead styphnate, wetted *or* Lead trinitroresorcinate, wetted *with not less than 20 percent water or mixture of alcohol and water, by mass.*	UN0130	12	
Lighters, fuse	UN0131	05	
Mannitol hexanitrate, wetted *or* Nitromannite, wetted *with not less than 40 percent water, or mixture of alcohol and water, by mass.*	UN0133	10	
5-Mercaptotertrazol-1-acetic acid	UN0448	09	
Mercury fulminate, wetted *with not less than 20 percent water, or mixture of alcohol and water, by mass.*	UN0135	12	
Mines *with bursting charge*	UN0136	08	
Mines *with bursting charge*	UN0137	03	
Mines *with bursting charge*	UN0138	03	
Mines *with bursting charge*	UN0294	08	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Model rocket motor	NA0276	06	
Model rocket motor	NA0323	05	
Nitro urea	UN0147	10	
5-Nitrobenzotriazol	UN0385	10	
Nitrocellulose, *dry or wetted with less than 25 percent water (or alcohol), by mass*	UN0340	13	27E
Nitrocellulose, plasticized *with not less than 18 percent plasticizing substance, by mass*	UN0343	10	
Nitrocellulose, *unmodified or plasticized with less than 18 percent plasticizing substance, by mass.*	UN0341	13	27E
Nitrocellulose, wetted *with not less than 25 percent alcohol, by mass*	UN0342	10	
Nitroglycerin, desensitized *with not less than 40 percent non-volatile water insoluble phlegmatizer, by mass.*	UN0143	13	21E
Nitroglycerin, solution in alcohol, *with more than 1 percent but not more than 10 percent nitrogylcerin.*	UN0144	10	21E
Nitroguanidine *or* Picrite, *dry or wetted with less than 20 percent water, by mass*	UN0282	10	
Nitrostarch, *dry or wetted with less than 20 percent water, by mass*	UN0146	10	
Nitrotriazolone *or* NTO	UN0490	10	
Octolite *or* Octol, *dry or wetted with less than 15 percent water, by mass*	UN0266	10	
Octonal	UN0496	10	
Pentaerythrite tetranitrate *or* Pentaerythritol tetranitrate *or* PETN, *with not less than 7 percent wax by mass.*	UN0411	10	
Pentaerythrite tetranitrate, wetted *or* Pentaerythritol tetranitrate, wetted, *or* PETN, wetted *with not less than 25 percent water,* by mass, *or* Pentaerythrite tetranitrate, *or* Pentaerythritol tetranitrate *or* PETN, desensitized *with not less than 15 percent phlegmatizer by mass.*	UN0150	10	
Pentolite, *dry or wetted with less than 15 percent water, by mass*	UN0151	10	
Powder cake, wetted *or* Powder paste, wetted *with not less than 17 percent alcohol by mass.*	UN0433	10	
Powder cake, wetted *or* Powder paste, wetted *with not less than 25 percent water, by mass.*	UN0159	10	
Powder, smokeless	UN0160	.....	26E
Powder, smokeless	UN0161	.....	26E
Primers, cap type	UN0044	05	
Primers, cap type	UN0377	11	
Primers, cap type	UN0378	06	
Primers, tubular	UN0319	07	
Primers, tubular	UN0320	06	
Primers, tubular	UN0376	05	
Projectiles, *inert with tracer*	UN0345	01	
Projectiles, *inert, with tracer*	UN0424	03	
Projectiles, *inert, with tracer*	UN0425	02	
Projectiles, *with burster or expelling charge*	UN0346	03	
Projectiles, *with burster or expelling charge*	UN0347	02	
Projectiles, *with burster or expelling charge*	UN0426	08	
Projectiles, *with burster or expelling charge*	UN0427	08	
Projectiles, *with burster or expelling charge*	UN0434	03	
Projectiles, *with burster or expelling charge*	UN0435	02	
Projectiles, *with bursting charge*	UN0167	08	
Projectiles, *with bursting charge*	UN0168	03	
Projectiles, *with bursting charge*	UN0169	03	
Projectiles, *with bursting charge*	UN0324	08	
Projectiles, *with bursting charge*	UN0344	02	
Propellant, liquid	UN0495	10	
Propellant, liquid	UN0497	10	
Propellant, solid	UN0498	.....	26E
Propellant, solid	UN0499	.....	26E
RDX and HMX mixtures, wetted *with not less than 15 percent water by mass or* RDX and HMX mixtures, desensitized *with not less than 10 percent phlegmatizer by mass.*	UN0391	10	
Release devices, explosive	UN0173	05	
Rivets, explosive	UN0174	05	
Rocket motors	UN0186	03	
Rocket motors	UN0280	03	
Rocket motors	UN0281	03	
Rocket motors, liquid fueled	UN0395	04	23E
Rocket motors, liquid fueled	UN0396	04	23E
Rocket motors with hypergolic liquids *with or without an expelling charge*	UN0250	08	8E, 14E, 15E,
Rocket motors with hypergolic liquids *with or without an expelling charge*	UN0322	08	8E, 14E, 15E,
Rockets, line-throwing	UN0238	07	
Rockets, line-throwing	UN0240	07	
Rockets, line-throwing	UN0453	06	
Rockets, liquid fueled *with bursting charge*	UN0397	04	23E
Rockets, liquid fueled *with bursting charge*	UN0398	04	23E
Rockets, *with bursting charge*	UN0180	08	
Rockets, *with bursting charge*	UN0181	03	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Rockets, *with bursting charge*	UN0182	03	
Rockets, *with bursting charge*	UN0295	08	
Rockets, *with expelling charge*	UN0436	03	
Rockets, *with expelling charge*	UN0437	03	
Rockets, *with expelling charge*	UN0438	02	
Rockets, *with inert head*	UN0183	03	
Samples, explosive, *other than initiating explosives*	UN0190	14	
Signal devices, hand	UN0191	06	
Signal devices, hand	UN0373	05	
Signals, distress, *ship*	UN0194	07	
Signals, distress, *ship*	UN0195	07	
Signals, railway track, explosive	UN0192	07	
Signals, railway track, explosive	UN0193	05	
Signals, railway track, explosive	UN0492	07	
Signals, railway track, explosive	UN0493	06	
Signals, smoke	UN0196	07	
Signals, smoke	UN0197	06	
Signals, smoke	UN0313	07	
Signals, smoke	UN0487	07	
Sodium dinitro-o-cresolate, *dry or wetted with less than 15 percent water, by mass*	UN0234	10	5E
Sodium picramate, *dry or wetted with less than 20 percent water, by mass*	UN0235	10	5E
Sounding devices, explosive	UN0204	08	
Sounding devices, explosive	UN0296	08	
Sounding devices, explosive	UN0374	07	
Sounding devices, explosive	UN0375	07	
Substances, explosive, n.o.s	UN0357		8E, 14E, 15E, 17E
Substances, explosive, n.o.s	UN0358		8E, 14E, 15E, 17E
Substances, explosive, n.o.s	UN0359		8E, 14E, 15E, 17E
Substances, explosive, n.o.s	UN0473	12	
Substances, explosive, n.o.s	UN0474	10	
Substances, explosive, n.o.s	UN0475	10	
Substances, explosive, n.o.s	UN0476	08	
Substances, explosive, n.o.s	UN0477	10	
Substances, explosive, n.o.s	UN0478	08	
Substances, explosive, n.o.s	UN0479	09	
Substances, explosive, n.o.s	UN0480	09	
Substances, explosive, n.o.s	UN0481	05	
Substances, explosive, n.o.s	UN0485	08	
Substances, explosive, very insensitive, n.o.s., *or* Substances, EVI, n.o.s	UN0482	10	
Tetranitroaniline	UN0207	10	
Tetrazol-1-acetic acid	UN0407	09	
Torpedoes, liquid fueled, *with inert head*	UN0450	04	23E
Torpedoes, liquid fueled, *with or without bursting charge*	UN0449	04	23E
Torpedoes *with bursting charge*	UN0329	03	
Torpedoes *with bursting charge*	UN0330	08	
Torpedoes *with bursting charge*	UN0451	03	
Toy Caps	NA0337	05	
Tracers for ammunition	UN0212	07	
Tracers for ammunition	UN0306	06	
Trinitro-meta-cresol	UN0216	10	5E
Trinitroaniline *or* Picramide	UN0153	10	
Trinitroanisole	UN0213	10	
Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass*	UN0214	10	
Trinitrobenzenesulfonic acid	UN0386	10	5E
Trinitrobenzoic acid, *dry or wetted with less than 30 percent water, by mass*	UN0215	10	5E
Trinitrochlorobenzene *or* Picryl chloride.	UN0155	10	
Trinitrofluorenone	UN0387	10	
Trinitronaphthalene	UN0217	10	
Trinitrophenetole	UN0218	10	
Trinitrophenol *or* Picric acid, *dry or wetted with less than 30 percent water, by mass*	UN0154	10	5E
Trinitrophenylmethylnitramine *or* Tetryl.	UN0208	10	
Trinitroresorcinol *or* Styphnic acid, *dry or wetted with less than 20 percent water, or mixture of alcohol and water, by mass.*	UN0219	10	5E
Trinitroresorcinol, wetted *or* Styphnic acid, wetted *with not less than 20 percent water, or mixture of alcohol and water by mass.*	UN0394	10	5E
Trinitrotoluene and Trinitrobenzene mixtures or TNT and trinitrobenzene mixtures *or* TNT and hexanitrostilbene mixtures or Trinitrotoluene and hexanitrostilnene mixtures.	UN0388	10	
Trinitrotoluene mixtures containing Trinitrobenzene and Hexanitrostilbene *or* TNT mixtures containing trinitrobenzene and hexanitrostilbene.	UN0389	10	
Trinitrotoluene *or* TNT, *dry or wetted with less than 30 percent water, by mass*	UN0209	10	
Tritonal	UN0390	10	
Urea nitrate, *dry or wetted with less than 20 percent water, by mass*	UN0220	10	
Warheads, rocket *with burster or expelling charge*	UN0370	02	

Column (2) entry	Column (4) entry	Column (10a) revise to read:	Column (10b) revise to read:
Warheads, rocket *with burster or expelling charge*	UN0371	08	
Warheads, rocket *with bursting charge*	UN0286	03	
Warheads, rocket *with bursting charge*	UN0287	03	
Warheads, rocket *with bursting charge*	UN0369	08	
Warheads, torpedo *with bursting charge*	UN0221	03	
Zirconium picramate, *dry or wetted with less than 20 percent water, by mass.*	UN0236	10	5E

13. In Appendix B to § 172.101, paragraphs 1. and 2. would be revised and the List of Marine Pollutants would be amended by removing 73 entries, adding 2 entries and revising 2 entries in appropriate alphabetical order to read as follows:

Appendix B to § 172.101—List of Marine Pollutants

1. See § 171.4 of this subchapter for applicability of marine pollutants. This appendix lists potential marine pollutants as defined in § 171.8 of this subchapter.

2. Marine pollutants listed in this appendix are not necessarily listed by name in the § 172.101 Table. If a marine pollutant not listed by name or by synonym in the § 172.101 Table meets the definition of any hazard Class 1 through 8, then you must determine the class and division of the material in accordance with § 173.2a of this subchapter. You must also select the most appropriate hazardous material description and proper shipping name. If a marine pollutant not listed by name or by synonym in the § 172.101 Table does not meet the definition of any Class 1 through 8, then you must offer it for transportation under the most appropriate of the following two Class 9 entries: ''Environmentally hazardous substances, liquid, n.o.s.,'' UN3082, or ''Environmentally hazardous substances, solid, n.o.s.,'' UN3077.

* * * * *

LIST OF MARINE POLLUTANTS

S.M.P. (1)	Marine pollutant (2)
[Remove:]	Acetal
	Acetaldehyde
	Amyl mercaptans
	Anisole
	Benzaldehyde
	Butyl benzenes
	n-Butyl butyrate
	Butylphenols, liquid
	Butylphenols, solid
	Butyraldehyde
	Calcium naphthenate
	Camphor oil
	Chlorotoluenes (ortho-, meta-, para-)
	Coal tar
	Coal tar naphtha
	Creosote (coal tar)
	Creosote (wood tar)
	Cresols (o-; m-; p-)
	Cresylic acid
	Cresylic acid sodium salt
	normal-Decaldehyde
	normal-Decanol
	Decyl acrylate
	Dichlorobenzene (meta; ortho; para)
	Dichlorophenols, liquid
	Dichlorophenols, solid
	2,4-Dichlorophenoxyacetic acid (see also 2,4D)
	2,4 Dichlorophenoxyacetic acid diethanolamine salt
	2,4 Dichlorophenoxyacetic acid dimethylamine salt
	2,4-Dichlorophenoxyacetic acid triisopropylamine salt
	Diethybenzenes (mixed isomers)
	Diisopropylnaphthalene
	Dimethyl disulphide
	Dimethyl glyoxal (butanedione)
	Dimethyl sulphide
	Diphenyl ether
	Diphenyl ether/biphenyl phenyl ether mixtures
	Diphenyl/diphenyl ether (mixtures)
	EPTC (ISO)
	Ethyl acrylate, inhibited
	2-Ethylbutyraldehyde
	2-Ethylhexenal
	Ethyl chlorothioformate
	2,4-Hexadiene aldehyde
	normal-Hexaldehyde

LIST OF MARINE POLLUTANTS—Continued

S.M.P. (1)	Marine pollutant (2)
	Iron oxide, spent
	Iron sponge, spent
	Isobutyl aldehyde
	Isobutyl isobutyrate
	Isobutyl priopionate
	Isobutyraldehyde
	Isodecaldehyde
	Isodecanol
	Isononanol
	Isooctanol
	Isopropylbenzene
	Isovaleraldehyde
	1-Methyl-4-ethylbenzene
	2-Methyl-5-ethylpyridine
	Methyl salicylate
	2-Methylbutyraldehyde
	Methylnaphthalenes, liquid
	Methylnaphthalenes, solid
	Naphthalene, crude *or* refined
	Naphthalene, molten
	Naphthenic acids, liquid
	Naphthenic acids, solid
	Nitrocresols
	Nitrotolueunes (ortho-;meta-;para-), liquid
	Nitrotoluenes (ortho-;meta-;para-), solid
	1-Nonanal
	1-Nonanol
	1-Octanol
	alpha-Pinene
	Propanethiols
	Propionaldehyde
	n-Propylbenzene
	Styrene monomer, inhibited
	n-Tetramethylbenzenes
	4-Thiapentanal
	1,2,3-Trimethylbenzene
	1,2,4-Trimethyl benzene
	1,3,5-Trimethyl benzene
	Turpentine
	1-Undecanol
	normal-Valeraldehyde
	Vinyltoluenes, inhibited *mixed isomers*
	Xylenols
[Add:]	
* * * * * * *	
	Chlorotoluenes (meta-;para-)
* * * * * * *	
	Desmedipham
* * * * * * *	
PP	Diclofop-methyl
* * * * * * *	
	Dichlorobenzene (para)
* * * * * * *	
	Diisopropylnaphthalenes, mixed isomers
* * * * * * *	
PP	Fenchlorazole-ethyl
* * * * * * *	
PP	Fenoxapro-ethyl
* * * * * * *	
PP	Fenoxaprop-P-ethyl
* * * * * * *	
	Linuron

LIST OF MARINE POLLUTANTS—Continued

S.M.P. (1)	Marine pollutant (2)
* * * * * * *	
PP	Silafluofen
* * * * * * *	
PP	1,2,3-Trichlorobenzene
* * * * * * *	
[Revise:]	
* * * * * * *	
PP	Dodecyl hydroxypropyl sulfide
* * * * * * *	

14. In § 172.102, in paragraph (c)(1), Special Provisions 43, 110, 128 and 136 would be revised and Special Provisions 139, 142 and 143 would be added; paragraph (c)(3) introductory text, Special Provisions B53 and B69 and paragraphs (c)(4) and (c)(7) would be revised; and in paragraph (c)(8), Specials Provisions W7, W8 and W9 would be added in numerical order to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

43 The membrane filters, including paper separators and coating or backing materials, that are present in transport, must not be able to propagate a detonation as tested by one of the tests described in the UN Manual of Tests and Criteria, Part I, Test series 1(a). On the basis of the results of suitable burning rate tests, and taking into account the standard tests in the UN Manual of Tests and Criteria, Part III, subsection 33.2.1, nitrocellulose membrane filters in the form in which they are to be transported that do not meet the criteria for a Division 4.1 material are not subject to the requirements of this subchapter. Packagings must be so constructed that explosion is not possible by reason of increased internal pressure. Nitrocellulose membrane filters covered by this entry, each with a mass not exceeding 0.5 g, are not subject to the requirements of this subchapter when contained individually in an article or a sealed packet.

* * * * *

110 Fire extinguishers transported under UN1044 may include installed actuating cartridges (cartridges, power device of Division 1.4C or 1.4S), without changing the classification of Division 2.2, provided the aggregate quantity of deflagrating (propellant) explosives does not exceed 3.2 grams per extinguishing unit.

* * * * *

128 Regardless of the provisions of § 172.101(c)(12), aluminum smelting by-products, aluminum remelting by-products and coated magnesium granules described under these entries meeting the definition of Class 8, Packing Group II or III, may be classed as a Division 4.3 material and transported under this entry. The presence of a Class 8 hazard must be communicated as required by this part for subsidiary hazards.

* * * * *

136 This entry only applies to machinery and apparatus containing hazardous materials as in integral element of the machinery or apparatus. It may not be used to describe machinery or apparatus for which a proper shipping name exists in the § 172.101 Table. Except when approved by the Associate Administrator, machinery or apparatus may only contain hazardous materials for which exceptions are referenced in Column (8) of the § 172.101 Table and are provided in part 173, subpart D, of this subchapter. Hazardous materials shipped under this entry are excepted from the labeling requirements of this subchapter unless offered for transportation or transported by aircraft and are not subject to the placarding requirements of subpart F of part 173 of this subchapter. Orientation markings as described in § 172.312 (a)(2) are required when liquid hazardous materials may escape due to incorrect orientation. The machinery or apparatus, if unpackaged, or the packaging in which it is contained shall be marked ''Dangerous goods in machinery'' or ''Dangerous goods in apparatus'', as appropriate, with the identification number UN3363. For transportation by aircraft, machinery or apparatus may not contain any material forbidden for transportation by passenger or cargo aircraft. The Associate Administrator may except from the requirements of this subchapter, equipment, machinery and apparatus provided:

a. It is shown that it does not pose a significant risk in transportation;

b. The quantities of hazardous materials do not exceed those specified in § 173.4 of this subchapter; and

c. The equipment, machinery or apparatus conforms with § 173.222 of this subchapter.

* * * * *

139 Use of the ''special arrangement'' proper shipping names for international shipments must be made under an IAEA Certificate of Competent Authority issued by the U.S. Competent Authority in accordance with the requirements in § 173.471, § 173.472, or § 173.473 of this subchapter. Use of these proper shipping names for domestic shipments may be made only under a DOT exemption, as defined in, and in accordance with the requirements of subpart B of part 107 of this subchapter.

* * * * *

142 These hazardous materials may not be classified and transported unless authorized by the Associate Administrator. The Associate Administrator will base the authorization on results from Series 2 tests and a Series 6(c) test from the UN Manual of Tests and Criteria on packages as prepared for transport in accordance with the requirements of this subchapter.

143 These articles may contain:

a. Division 2.2 compressed gases, including oxygen;

b. Signal devices (Class 1) which may include smoke and illumination signal flares. Signal devices must be packed in plastic or fiberboard inner packagings;

c. Electric storage batteries;

d. First aid kits; or

e. Strike anywhere matches.

* * * * *

(3) *''B'' codes.* These provisions apply only to bulk packagings, other than IBCs:

Code/Special Provisions

* * * * *

B53 Packagings must be made of either aluminum or steel.

* * * * *

B69 Dry sodium cyanide or potassium cyanide may be shipped in sift-proof weather-resistant metal covered hopper cars, covered motor vehicles, portable tanks or non-specification bins. Bins must be approved by the Associate Administrator.

* * * * *

(4) *Table 1—IBC Codes and BB Special IBC Packing Provisions.* These

provisions apply only to transportation in IBCs:

TABLE 1.—IBC CODES[1]

IBC Code	Authorized IBCs
IB1	*Authorized IBCs:* Metal (31A, 31B and 31N). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB2	*Authorized IBCs:* Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB3	*Authorized IBCs:* Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1 and 31HA2, 31HB2, 31HN2, 31HD2 and 31HH2). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB4	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N).
IB5	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 21HZ1 and 31HZ1).
IB6	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2). *Additional Requirement:* Composite IBCs 11HZ2 and 21HZ2 may not be used when the hazardous materials being transported may become liquid during transport.
IB7	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2); Wooden (11C, 11D and 11F). *Additional Requirement:* Liners of wooden IBCs must be sift-proof.
IB8	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2); Fiberboard (11G); Wooden (11C, 11D and 11F); Flexible (13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 or 13M2).
IB99	IBCs are only authorized if approved by the Associate Administrator.

[1] 1 IBCs may be used for the transportation of hazardous materials when no IBC code is assigned in the § 172.101 Hazardous Materials Table for the specific material if approved by the Associate Administrator.

TABLE 2.—ORGANIC PEROXIDE IBC CODE (IB52)[1]

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature (°C)	Emergency temperature (°C)
3109	ORGANIC PEROXIDE, TYPE F, LIQUID				
	tert-Butyl hydroperoxide, not more than 72% with water	31A	1250		
	tert-Butyl peroxyacetate, not more than 32% in diluent type A	31A	1250		
		31HA1	1000		
	tert-Butyl peroxy-3,5,5-trimethylhexanoate, not more than 32% in diluent type A.	31A	1250		
		31HA1	1000		
	Cumyl hydroperoxide, not more than 90% in diluent type A	31HA1	1250		
	Dibenzoyl peroxide, not more than 42% as a stable dispersion	31H1	1000		
	Di-tert-butyl peroxide, not more than 52% in diluent type A	31A	1250		
		31HA1	1000		
	1,1-Di-(tert-butylperoxy) cyclohexane, not more than 42% in diluent type A.	31H1	1000		
	Dilauroyl peroxide, not more than 42%, stable dispersion, in water	31HA1	1000		
	Isopropyl cumyl hydroperoxide, not more than 72% in diluent type A.	31HA1	1250		
	p-Menthyl hydroperoxide, not more than 72% in diluent type A	31HA1	1250		
	Peroxyacetic acid, stabilized, not more than 17%	31H1	1500		
		31HA1	1500		
		31A	1500		
3119	ORGANIC PEROXIDE, TYPE F, LIQUID, TEMPERATURE CONTROLLED				
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B.	31HA1	1000	+30	+35
		31A	1250	+30	+35
	tert-Butyl peroxyneodecanoate, not more than 32% in diluent type A.	31A	1250	0	+10

TABLE 2.—ORGANIC PEROXIDE IBC CODE (IB52)[1]—Continued

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature (°C)	Emergency temperature (°C)
	tert-Butyl peroxyneodecanoate, not more than 42% stable dispersion, in water.	31A	1250	−5	+5
	tert-Butyl peroxypivalate, not more than 27% in diluent type B	31HA1	1000	+10	+15
		31A	1250	+10	+15
	Cumyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1250	−15	−5
	Di-(4-tert-butylcyclohexyl) peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1000	+30	+35
	Dicetyl peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1000	+30	+35
	Di-(2-ethylhexyl) peroxydicarbonate, not more than 52%, stable dispersion, in water.	31A	1250	−20	−10
	Dimyristyl peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1000	+15	+20
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 38% in diluent type A.	31HA1	1000	+10 C	+15
		31A	1250	+10 C	+15
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 52%, stable dispersion, in water.	31A	1250	+10	+15
	1,1,3,3-Tetramethylbutyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1250	−5	+5

[1] This IBC Code applies to organic peroxides of type F. For formulations not listed in this table, only IBCs that are approved by the Associate Administrator may be used.

TABLE 3.—BB CODES

BB1	IBCs must be packed in closed freight containers or a closed transport vehicle.
BB2	When IBCs other than metal or rigid plastics IBCs are used, they must be offered for transportation in a closed freight container or a closed transport vehicle.
BB3	Flexible IBCs shall be sift-proof and water-resistant or shall be fitted with a sift-proof and water-resistant liner.
BB4	Flexible, fiberboard or wooden IBCs must be sift-proof and water-resistant or be fitted with a sift-proof and water-resistant liner.
BB5	IBCs must be provided with a device to allow venting. The inlet to the venting device must be located in the vapor space of the IBC under maximum filling conditions.
BB6	Non-specification bulk bins are authorized.
BB7	For UN identification numbers 1327, 1363, 1364, 1365, 1386, 1841, 2211, 2217, 2793 and 3314, IBCs are not required to meet the IBC performance tests specified in part 178 of this subchapter.

* * * * *

(7) *''T'' codes.* (i) These provisions apply to the transportation of UN portable tanks. Portable tank instructions specify the requirements applicable to a portable tank when used for the transportation of a specific hazardous material. These requirements must be met in addition to the design and construction specifications in part 178 of this subchapter. Portable tank instructions T1 through T22 specify the applicable minimum test pressure, the minimum shell thickness (in reference steel), bottom opening requirements and pressure relief requirements. In T23, the organic peroxides and self-reactive substances which are authorized to be transported in portable tanks are listed along with the applicable control and emergency temperatures. Liquefied compressed gases are assigned to portable tank instruction T50. T50 provides the maximum allowable working pressures, bottom opening requirements, pressure relief requirements and degree of filling requirements for liquefied compressed gases permitted for transport in portable tanks. Refrigerated liquefied gases which are authorized to be transported in portable tanks are specified in tank instruction T75.

(ii) The following table specifies the portable tank requirements applicable to T Codes T1 through T22. Column 1 specifies the T Code. Column 2 specifies the minimum test pressure, in bar (1 bar = 14.5 psig), at which the periodic hydrostatic testing required by § 173.32b of this subchapter must be conducted. Column 3 specifies the section reference for minimum shell thickness or, alternatively, the minimum shell thickness value. Column 4 specifies the applicability of § 178.275(f)(3) of this subchapter for the pressure relief devices. When the word ''Normal'' is indicated, § 178.275(f)(3) of this subchapter does not apply. Column 5 either references the applicable requirements for bottom openings in part 178 of this subchapter, or references ''Prohibited'' which means bottom openings are prohibited. The table follows:

TABLE OF PORTABLE TANK T CODES

[Portable Tank Instructions: T1–T22—Portable tank instructions. T1–T22 apply to liquid and solid hazardous materials of Classes 3 through 9 which are transported in portable tanks.]

Portable tank instruction (1)	Minimum test pressure (bar) (2)	Minimum shell thickness (in mm-reference steel) (See § 178.274(d)) (3)	Pressure-relief requirements (See § 178.275(f)) (4)	Bottom opening requirements (See § 178.275(c)) (5)
T1	1.5	§ 178.274(d)(2)	Normal	§ 178.274(c)(2).
T2	1.5	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T3	2.65	§ 178.274(d)(2)	Normal	§ 178.275(c)(2).
T4	2.65	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T5	2.65	§ 178.274(d)(2)	§ 178.275(f)(3)	Prohibited.
T6	4	§ 178.274(d)(2)	Normal	§ 178.275(c)(2).
T7	4	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T8	4	§ 178.274(d)(2)	Normal	Prohibited.
T9	4	6 mm	Normal	Prohibited.
T10	4	6 mm	§ 178.275(f)(3)	Prohibited.
T11	6	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T12	6	§ 178.274(d)(2)	§ 178.275(f)(3)	§ 178.275(c)(3).
T13	6	6 mm	Normal	Prohibited.
T14	6	6 mm	§ 178.275(f)(3)	Prohibited.
T15	10	§ 178.274(d)(2)	Normal	§ 178.275(c)(3).
T16	10	§ 178.274(d)(2)	§ 178.275(f)(3)	§ 178.275(c)(3).
T17	10	6 mm	Normal	§ 178.275(c)(3).
T18	10	6 mm	§ 178.275(f)(3)	§ 178.275(c)(3).
T19	10	6 mm	§ 178.275(f)(3)	Prohibited.
T20	10	8 mm	§ 178.275(f)(3)	Prohibited.
T21	10	10 mm	Normal	Prohibited.
T22	10	10 mm	§ 178.275(f)(3)	Prohibited.

(iii) The following table specifies the portable tank requirements applicable to T23 for self-reactive substances of Division 4.1 and organic peroxides of Division 5.2 which are authorized to be transported in portable tanks:

PORTABLE TANK INSTRUCTION

[T23—Portable tank instruction. T23 applies to self-reactive substances of Division 4.1 and organic peroxides of Division 5.2.]

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel)	Bottom opening requirements	Pressure-relief requirements	Filling limits	Control temperature (°C)	Emergency temperature (°C)
3109	Organic peroxide, Type F, liquid.	444444	See § 178.274(d)(2).	See § 178.275(c)(3).	See § 178.275(j)(1).	Not more than 90% at 59 °F (15 °C).		
	tert-Butyl hydroperoxide not more than 72% water. (Provided that steps have been taken to achieve the safety equivalence of 65% tert-Butyl hydroperoxide and 35% water.).		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Cumyl hydro-peroxide, not more than 90% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Di-tert-butyl peroxide, not more than 32% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Isopropyl cumyl hydro-peroxide, not more than 72% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	p-Menthyl hydro-peroxide, not more than 72% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Pinanyl hydro-peroxide, not more than 50% in diluent type A.		§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
3110	Organic peroxide, Type F, solid.	4	§ 178.274(d)(2)	§ 178.275(c)(3)	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
	Dicumyl peroxide. Maximum quantity per portable tank 2,000 kg.							
3119	Organic peroxide, Type F, liquid, temperature controlled.	444444	See § 178.274(d)(2).	See § 178.275(c)(3).	See § 178.275(j)(1).	Not more than 90% at 59 °F (15 °C).	As approved by Assoc. Admin. for HMS.	As approved by Assoc. Admin. for HMS.

PORTABLE TANK INSTRUCTION—Continued

[T23—Portable tank instruction. T23 applies to self-reactive substances of Division 4.1 and organic peroxides of Division 5.2.]

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel)	Bottom opening requirements	Pressure-relief requirements	Filling limits	Control temperature (°C)	Emergency temperature (°C)
	tert-Butyl peroxyacetate, not more than 32% in diluent type B.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	+30	+35
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	+15	+20
	tert-Butyl peroxypivalate, not more than 27% in diluent type B.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	−5	+10
	tert-Butyl peroxy-3,5,5-trimethyl-hexanoate, not more than 32% in diluent type B.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	+35	+40
	Di-(3,5,-trimethyl-hexanoyl) peroxide, not more than 38% in diluent type A.		§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	0	+5
3120	Organic peroxide, Type F, solid, temperature controlled.	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	As approved by Assoc. Admin. for HMS.	As approved by Assoc. Admin. for HMS.
3229	Self-reactive liquid Type F ..	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
3230	Self-Reactive solid Type F	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).		
3239	Self-reactive liquid Type F, temperature controlled.	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	As approved by Assoc. Admin. for HMS.	As approved by Assoc. Admin. for HMS.
3240	Self-reactive solid Type F, temperature controlled.	4	§ 178.274(d)(2) ..	§ 178.275(c)(3) ...	§ 178.275(j)(1)	Not more than 90% at 59 °F (15 °C).	As approved by Assoc. Admin. for HMS.	As approved by Assoc. Admin. for HMS.

(iv) The following portable tank instruction applies to portable tanks used for the transportation of liquefied compressed gases. The T50 table provides the UN identification number and proper shipping name for each liquefied compressed gas authorized to be transported in a T50 portable tank. The following table provides maximum allowable working pressures, bottom opening requirements, pressure relief device requirements and degree of filling requirements for each liquefied compressed gases permitted for transportation in a T50 portable tank:

Note to reader: *We are proposing to revise the word ''stabilized'' in the proper shipping names below to read ''inhibited'' (see preamble discussion under § 172.101).*

PORTABLE TANK INSTRUCTION

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
1005	Ammonia, anhydrous	29.0 25.7 22.0 19.7	Allowed	§ 178.276(e)	0.53
1009	Bromotrifluoromethane *or* Refrigerant gas R 13B1	38.0 34.0 30.0 27.5	.....do	Normal	1.13
1010	Butadienes, stabilized	7.5 7.0 7.0 7.0	.....do	.....do	0.55
1011	Butane	7.0 7.0 7.0 7.0	.....do	.....do	0.51

PORTABLE TANK INSTRUCTION—Continued

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
1012	Butylene	8.0 7.0 7.0 7.0	.....do	.....do	0.53
017	Chlorine	19.0 17.0 15.0 13.5	Not allowed	§ 178.276(e)	1.25
1018	Chlorodifluoromethane *or* Refrigerant gas R 22	26.0 24.0 21.0 19.0	Allowed	Normal	1.03
1020	Chloropentafluoroethane *or* Refrigerant gas R 115	23.0 20.0 18.0 16.0	.....do	.....do	1.06
1021	1-Chloro-1,2,2,2-tetrafluoroethane *or* Refrigerant gas R 124.	10.3 9.8 7.9 7.0	.....do	.....do	1.2
1027	Cyclopropane	18.0 16.0 14.5 13.0	.....do	.....do	0.53
1028	Dichlorodifluoromethane *or* Refrigerant gas R 12	16.0 15.0 13.0 11.5	.....do	.....do	1.15
1029	Dichlorofluoromethane *or* Refrigerant gas R 21	7.0 7.0 7.0 7.0	.....do	.....do	1.23
1030	1,1-Difluoroethane *or* Refrigerant gas R 152a	16.0 14.0 12.4 11.0	.....do	.....do	0.79
1032	Dimethylamine, anhydrous	7.0 7.0 7.0 7.0	.....do	.....do	0.59
1033	Dimethyl ether	15.5 13.8 12.0 10.6	.....do	.....do	0.58
1036	Thylamine	7.0 7.0 7.0 7.0	.....do	.....do	0.61
1037	Ethyl chloride	7.0 7.0 7.0 7.0	.....do	.....do	0.8
1040	Ethylene oxide *with nitrogen up to a total pressure of 1MPa (10 bar) at 50 °C.*	−10	Not allowed	§ 178.276(e)	.078
1041	Ethylene oxide and carbon dioxide mixture *with more than 9% but no more than 87% ethylene oxide.*	[1]	Allowed	Normal	See § 173.32(f)
1055	Isobutylene	8.1 7.0 7.0 7.0	.....do	.....do	0.52
1060	Methyl acetylene and propadiene mixture, stabilized.	28.0 24.5 22.0 20.0	.....do	.....do	0.43

PORTABLE TANK INSTRUCTION—Continued

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
1061	Methylamine, anhydrous	10.8 9.6 7.8 7.0	.....do	.....do	0.58
1062	Methyl bromide	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)	1.51
1063	Methyl chloride *or* Refrigerant gas R 40	14.5 12.7 11.3 10.0	Allowed	Normal	.081
1064	Methyl mercaptan	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)	0.78
1067	Dinitrogen tetroxide	7.0 7.0 7.0 7.0	....do	§ 178.276(e)	1.3
1075	Petroleum gas, liquefied	(1)	Allowed	Normal	See § 173.32(f)
1077	Propylene	28.0 24.5 22.0 20.0	.....do	.....do	0.43
1078	Refrigerant gas, n.o.s	(1)	.....do	.....do	See § 173.32(f)
1079	Sulphur dioxide	11.6 10.3 8.5 7.6	Not Allowed	§ 178.276(e)	1.23
1082	Trifluorochloroethylene, stabilized *or* Refrigerant gas R 1113.	17.0 15.0 13.1 11.6	.....do	§ 178.276(e)	1.13
1083	Trimethylamine, anhydrous	7.0 7.0 7.0 7.0	Allowed	Normal	0.56
1085	Vinyl bromide, stabilized	7.0 7.0 7.0 7.0	.....do	.....do	1.37
1086	Vinyl chloride, stabilized	10.6 9.3 8.0 7.0	.....do	.....do	0.81
1087	Vinyl methyl ether, stabilized	7.0 7.0 7.0 7.0	.....do	.....do	0.67
1581	Chloropicrin and methyl bromide mixture	7.0 7.0 7.0 7.0	Not allowed	§ 178.276(e)	1.51
1582	Chloropicrin and methyl chloride mixture	19.2 16.9 15.1 13.1	.....do	§ 178.276(e)	0.81
1858	Hexafluoropropylene compressed *or* Refrigerant gas R 1216.	19.2 16.9 15.1 13.1	Allowed	Normal	1.11

PORTABLE TANK INSTRUCTION—Continued

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
1912	Methyl chloride and methylene chloride mixture	15.2 13.0 11.6 10.1	.....do	.....do	0.81
1958	1,2-Dichloro-1,1,2,2-tetrafluoroethane *or* Refrigerant gas R 114.	7.0 7.0 7.0 7.0	.....do	.....do	1.3
1965	Hydrocarbon gas, mixture liquefied, n.o.s	([1])	.....do	.....do	See § 173.32(f)
1969	Isobutane	8.5 7.5 7.0 7.0	.....do	.....do	0.49
1973	Chlorodifluoromethane and chloropentafluoroethane mixture *with fixed boiling point, with approximately 49% chlorodifluoromethane or* Refrigerant gas R 502.	28.3 25.3 22.8 20.3	.....do	.....do	1.05
1974	Chlorodifluorobromomethane *or* Refrigerant gas R 12B1.	7.4 7.0 7.0 7.0	.....do	.....do	1.61
1976	Octafluorocyclobutane *or* Refrigerant gas RC 318	8.8 7.8 7.0 7.0	.....do	.....do	1.34
1978	Propane	22.5 20.4 18.0 16.5	.....do	.....do	0.42
1983	1-Chloro-2,2,2-trifluoroethane *or* Refrigerant gas R 133a.	7.0 7.0 7.0 7.0	.....do	.....do	1.18
2035	1,1,1-Trifluoroethane compressed *or* Refrigerant gas R 143a.	31.0 27.5 24.2 21.8	.....do	.....do	0.76
2424	Octafluoropropane *or* Refrigerant gas R 218	23.1 20.8 18.6 16.6	.....do	.....do	1.07
2517	1-Chloro-1,1-difluoroethane *or* Refrigerant gas R 142b.	8.9 7.8 7.0 7.0	.....do	.....do	0.99
2602	Dichlorodifluoromethane and difluoroethane azeotropic mixture *with approximately 74% dichlorodifluoromethane or* Refrigerant gas R 500.	20.0 18.0 16.0 14.5	.....do	.....do	1.01
3057	Trifluoroacetyl chloride	14.6 12.9 11.3 9.9	Not allowed	§ 178.276(e)	1.17
3070	Ethylene oxide and dichlorodifluoromethane mixture *with not more than 12.5% ethylene oxide*.	14.0 12.0 11.0 9.0	Allowed	§ 178.276(e)	1.09
3153	Perfluoro (methyl vinyl ether)	14.3 13.4 11.2 10.2	.....do	Normal	1.14
3159	1,1,1,2-Tetrafluoroethane *or* Refrigerant gas R 134a.	17.7 15.7 13.8 12.1	.....do	.....do	1.04

PORTABLE TANK INSTRUCTION—Continued

[T50—Portable tank instruction 50 applies to liquefied compressed gases.]

UN No.	Non-refrigerated liquefied compressed gasses	Max. allowable working pressure (bar) Small; Bare; Sunshield Insulated	Openings below liquid level	Pressure relief requirements (See § 178.276(e))	Maximum filing density (kg/l)
3161	Liquefied gas, flammable, n.o.s.	(1)	do	do	See § 173.32(f)
3163	Liquefied gas, n.o.s.	(1)	do	do	See § 173.32(f)
3220	Pentafluoroethane *or* Refrigerant gas R 125	34.4 30.8 27.5 24.5	do	do	0.95
3252	Difluoromethane *or* Refrigerant gas R 32	43.0 39.0 34.4 30.5	do	do	0.78
3296	Heptafluoropropane *or* Refrigerant gas R 227	16.0 14.0 12.5 11.0	do	do	1.2
3297	Ethylene oxide and chlorotetrafluoroethane mixture, *with not more than 8.8% ethylene oxide*.	8.1 7.0 7.0 7.0	do	do	1.16
3298	Ethylene oxide and pentafluoroethane mixture, *with not more than 7.9% ethylene oxide*.	25.9 23.4 20.9 18.6	do	do	1.02
3299	Ethylene oxide and tetrafluoroethane mixture, *with not more than 5.6% ethylene oxide*.	16.7 14.7 12.9 11.2	do	do	1.03
3318	Ammonia solution, *relative density less* than 0.880 at 15 °C in water, with more than 50% ammonia.	(1)	do	§ 178.276(e)	§ 173.32(f)
3337	Refrigerant gas R 404A	31.6 28.3 25.3 22.5	do	Normal	0.84
3338	Refrigerant gas R 407A	31.3 28.1 25.1 22.4	do	do	0.95
3339	Refrigerant gas R 407B	33.0 29.6 26.5 23.6	do	do	0.95
3340	Refrigerant gas R 407C	29.9 26.8 23.9 21.3	do	do	0.95

[1] See MAWP definition in § 178.276(a).

(v) When portable tank instruction T75 is referenced in Column (7) of the § 172.101 Table, the applicable refrigerated liquefied gases are authorized to be transported in portable tanks in accordance with the requirements of § 178.277 of this subchapter.

(vi) When a specific portable tank instruction is specified by a T Code in Column (7) of the § 172.101 Table for a specific hazardous material, a Specification portable tank conforming to an alternative tank instruction may be used if:

(A) the portable tank has a higher or equivalent test pressure (for example, 4 bar when 2.65 bar is specified);

(B) the portable tank has greater or equivalent wall thickness (for example, 10 bar when 6 bar is specified);

(C) the portable tank has a pressure relief device as specified in the T Code or is preceded by a frangible disc when no frangible disc is required. If a frangible disc is required in series with the pressure relief device, the alternative portable tank must be fitted with a frangible disc; and

(D) the portable tank is fitted with bottom openings having two or three effective means of closure or no bottom openings when two effective means of closure are specified; or the portable tank has no bottom openings or three effective means of closure when three effective means of closure are specified. If no bottom openings are authorized, the alternative portable tank must not have bottom openings.

(vii) When a hazardous material is not assigned a portable tank T Code or TP 9 is referenced in Column (7) of the § 172.101 Table, the hazardous material may only be transported in a portable tank if approved by the Associate Administrator.

(viii) Portable tank special provisions are assigned to certain hazardous materials to specify requirements that are in addition to those provided by the portable tank instructions or the requirements in part 178 of this subchapter. Portable tank special provisions are designated with the abbreviation TP (tank provision) and are assigned to specific hazardous materials in Column (7) of the § 172.101 Table. The following is a list of the portable tank special provisions:

Code/Special Provisions

TP1 The maximum degree of filling must not exceed the degree of filling determined by the following (see Note 1 following TP3 for an explanation of the coefficients):

$$\left(\text{Degree of filling} = \frac{97}{1+\alpha\,(tr-tf)}\right).$$

TP2 The maximum degree of filling must not exceed the degree of filling determined by the following (see Note 1 following TP3):

$$\left(\text{Degree of filling} = \frac{95}{1+\alpha\,(tr-tf)}\right).$$

TP3 a. For liquids transported under elevated temperature, the maximum degree of filling is determined by the following:

$$\left(\text{Degree of filling} = 95\frac{dr}{df}\right).$$

Where: α is the mean coefficient of cubical expansion of the liquid between the mean temperature of the liquid during filling (t_f) and the maximum mean bulk temperature during transportation (t_r) both in degrees celsius.

b. For liquids transported under ambient conditions α may be calculated using the formula:

$$\propto = \frac{d_{15} - d_{50}}{35\ d_{50}}$$

Where: d_{15} and d_{50} are the densities of the liquid at 15 °C (59 °F) and 50 °C (122 °F), respectively.

TP4 The maximum degree of filling for portable tanks must not exceed 90%.

TP5 [Reserved.]

TP6 To prevent the tank from bursting in an event, including fire engulfment under the conditions prescribed in CGA pamphlet S–1.2 (see § 171.7 of this subchapter), it must be equipped with pressure relief devices that are adequate in relation to the capacity of the tank and the nature of the hazardous material transported.

TP7 The vapor space must be purged of air by nitrogen or other means.

TP8 A portable tank having a minimum test pressure of 1.5 bar (150 kPa) may be used when the flashpoint of the hazardous material transported is greater than 0 °C (32 °F).

TP9 A hazardous material assigned to special provision TP9 in Column (7) of the § 172.101 Table may only be transported in a portable tank if approved by the Associate Administrator.

TP10 The portable tank must be fitted with a lead lining at least 5 mm (0.2 inches) thick. The lead lining must be tested annually to ensure that it is intact and functional. Another suitable lining material may be used if approved by the Associate Administrator.

TP12 This material is considered highly corrosive to steel.

TP13 Self-contained breathing apparatus must be provided when this hazardous material is transported by sea.

TP16 The tank must be protected against over and under pressurization which may be experienced during transportation. The means of protection must be approved by the approval agency designated to approve the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter. The pressure relief device must be preceded by a frangible disk in accordance with the requirements of § 178.275(f)(3) of this subchapter to prevent crystallization of the product in the pressure relief device.

TP17 Only inorganic non-combustible materials may be used for thermal insulation of the tank.

TP18 The temperature of this material must be maintained between 18 °C (64.4 °F) and 40 °C (104 °F) while in transportation. Portable tanks containing solidified methacrylic acid must not be reheated during transportation.

TP19 The calculated wall thickness must be increased by 3 mm at the time of construction. Wall thickness must be verified ultrasonically at intervals midway between periodic hydraulic tests (every 2.5 years). The portable tank must not be used if the wall thickness is less than that prescribed by the applicable T code in Column (7) of the Table for this material.

TP20 This hazardous material must only be transported in insulated tanks under a nitrogen blanket.

TP21 The wall thickness must not be less than 8 mm. Tanks must be hydraulically tested and internally inspected at intervals not exceeding 2.5 years.

TP22 Lubricants for portable tank fittings must be oxygen compatible.

TP24 The portable tank may be fitted with a device to prevent the build up of excess pressure due to the slow decomposition of the hazardous material being transported. The device must be in the vapor space when the tank is filled under maximum filling conditions. This device must also prevent an unacceptable amount of leakage of liquid in the case of overturning.

TP25 Sulphur trioxide 99.95% pure and above may be transported in tanks without an inhibitor provided that it is maintained at a temperature equal to or above 32.5 °C (90.5 °F).

TP26 The heating device must be exterior to the shell. For UN 3176, this requirement only applies when the hazardous material reacts dangerously with water.

TP27 A portable tank having a minimum test pressure of 4 bar (400 kPa) may be used provided the calculated test pressure is 4 bar or less based on the MAWP of the hazardous material, as defined in § 178.275, where the test pressure is 1.5 times the MAWP.

TP28 A portable tank having a minimum test pressure of 2.65 bar (265 kPa) may be used provided the calculated test pressure is 2.65 bar or less based on the MAWP of the hazardous material, as defined in § 178.275 of this subchapter, where the test pressure is 1.5 times the MAWP.

TP29 A portable tank having a minimum test pressure of 1.5 bar (150.0 kPa) may be used provided the calculated test pressure is 1.5 bar or less based on the MAWP of the hazardous materials, as defined in § 178.275 of this subchapter, where the test pressure is 1.5 times the MAWP.

TP30 This hazardous material may only be transported in insulated tanks.

TP31 This hazardous material may only be transported in tanks in the solid state.

TP37 IM portable tanks are only authorized for the shipment of hydrogen peroxide solutions in water containing 72% or less hydrogen peroxide by weight. Pressure relief devices shall be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure. In addition, the portable tank must be designed so that internal surfaces may be effectively cleaned and passivated. Each tank must be equipped with pressure relief devices conforming to the following requirements:

Concentration of hydrogen peroxide solution	Total venting capacity in standard cubic feet per hour (S.C.F.H.) per pound of hydrogen peroxide solution
52% or less	11
Over 52%, but not greater than 60%	22
Over 60%, but not greater than 72%	32

TP38 Each tank must be insulated with an insulating material so that the overall thermal conductance at 15.5 °C (60 °F) is no more than 1.5333 kilojoules per hour per square meter per degree Celsius (0.075 Btu per hour per square foot per degree Fahrenheit) temperature differential. Insulating materials may not promote corrosion to steel when wet.

TP44 Each portable tank must be made of stainless steel, except that steel other than stainless steel may be used in accordance with the provisions of § 173.24b(b) of this

subchapter. Thickness of stainless steel for tank shell and heads must be the greater of 7.62 mm (0.300 inch) or the thickness required for a portable tank with a design pressure at least equal to 1.5 times the vapor pressure of the hazardous material at 46 °C (115 °F).

TP45 Each portable tank must be made of stainless steel, except that steel other than stainless steel may be used in accordance with the provisions of 173.24b(b) of this subchapter. Thickness of stainless steel for portable tank shells and heads must be the greater of 6.35 mm (0.250 inch) or the thickness required for a portable tank with a design pressure at least equal to 1.3 times the vapor pressure of the hazardous material at 46 °C (115 °F).

TP46 Portable tanks in sodium metal service are not required to be hydrostatically retested.

TP47 This hazardous material is not permitted for transport in IM portable tanks.

* * * * *

(8) * * *

Code/Special Provisions

W7 Vessel stowage category for uranyl nitrate hexahydrate solution is ''D'' as defined in § 172.101(k)(4).

W8 Vessel stowage category for pyrophoric thorium metal or pyrophoric uranium metal is ''D'' as defined in § 172.101(k)(4).

W9 When offered for transportation by water, the following Specification packagings are not authorized unless approved by the Associate Administrator: Woven plastic bags, plastic film bags, textile bags, paper bags, IBCs and bulk packagings.

* * * * *

13. In addition, in § 172.102, in paragraph (c)(3), Special Provisions B100, B101, B103, B104, B105, B106, B108, B109 and B110 would be removed.

14. In § 172.203, paragraph (d)(11) would be revised, new paragraphs (i)(5) and (i)(6) would be added, and paragraph (n) would be revised to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(d) * * *

(11) For a shipment of low specific activity material or surface contaminated objects, the appropriate group notation of LSA–I, LSA–II, LSA–III, SCO–I, or SCO–II, unless these symbols are contained in the proper shipping name.

* * * * *

(i) * * *

(5) Minimum flashpoint if 61°C or below (in °C closed cup (c.c.).

(6) Subsidiary hazards not communicated in the proper shipping name.

* * * * *

(n) *Elevated temperature materials.* If a liquid material in a package meets the definition of an elevated temperature material in § 171.8 of this subchapter, and the fact that it is an elevated temperature material is not disclosed in the proper shipping name (for example, when the words ''Molten'' or ''Elevated temperature'' are part of the proper shipping name), the word ''HOT'' must immediately precede the proper shipping name of the material on the shipping paper.

* * * * *

15. In § 172.402, paragraph (b) would be revised to read as follows:

§ 172.402 Additional labeling requirements.

* * * * *

(b) *Display of hazard class on labels.* The appropriate hazard class or division number must be displayed in the lower corner of a primary hazard label and a subsidiary hazard label. A subsidiary label meeting the specifications of this section which were in effect on [Date of publication of final rule] (such as, a label without the hazard class or division number displayed in the lower corner of the label) may continue to be used as a subsidiary label in domestic transportation by rail or highway until October 1, 2005, provided the color tolerances are maintained and are in accordance with the display requirements in this subchapter.

* * * * *

§ 172.405 [Amended]

16. In § 172.405, the following changes would be made:

a. In paragraph (a) introductory text, the wording ''subsidiary label when—'' would be removed and ''subsidiary label.'' would be added in its place.

b. Paragraphs (a)(1) and (a)(2) would be removed.

17. In § 172.411, the section heading, the text of paragraph (c) preceding the labels, and paragraph (d) would be revised to read as follows:

§ 172.411 EXPLOSIVE 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 labels.

* * * * *

(c) Except for size and color, the EXPLOSIVE 1.4, EXPLOSIVE 1.5 and EXPLOSIVE 1.6 labels must be as follows:

* * * * *

(d) In addition to complying with § 172.407, the background color on the EXPLOSIVE 1.4, EXPLOSIVE 1.5, EXPLOSIVE 1.6 and EXPLOSIVE subsidiary label must be orange. The ''*'' shall be replaced with the appropriate compatibility group. The compatibility group letter must be shown as a capitalized Roman letter. Division numerals must measure at least 30 mm (1.2 inches) in height and at least 5 mm (0.2 inches) in width.

18. In addition, in § 172.411, in paragraph (c), the wording ''EXPLOSIVE SUBSIDIARY LABEL:'' and the label following it would be removed.

19. In § 172.504, in paragraph (g), a sentence would be added at the end of the existing text and paragraphs (g)(1) through (g)(4) would be added to read as follows:

§ 172.504 General placarding requirements.

* * * * *

(g) * * * When more than one compatibility group placard is required for Class 1 materials, only one placard is required to be displayed as follows:

(1) Explosive articles of compatibility groups C, D or E may be placarded displaying compatibility group E.

(2) Explosive articles of compatibility groups C, D, E or N may be placarded displaying compatibility group D.

(3) Explosive substances of compatibility groups C and D may be placarded displaying compatibility group D.

(4) Explosive articles of compatibility groups C, D, E or G, except for fireworks, may be placarded displaying compatibility group E.

20. In § 172.519, paragraph (b)(4) would be revised to read as follows:

§ 172.519 General specifications for placards.

* * * * *

(b) * * *

(4) For a placard corresponding to the primary or subsidiary hazard class of a material, the hazard class or division number must be displayed in the lower corner of the placard. A permanently affixed subsidiary placard meeting the specifications of this section which were in effect on [date of publication of final rule] (such as, a placard without the hazard class or division number displayed in the lower corner of the placard) and which was installed prior to October 1, 2001, may continue to be used as a subsidiary placard in domestic transportation by rail or highway, provided the color tolerances are maintained and are in accordance with the display requirements in this subchapter. Stocks of non-permanently affixed subsidiary placards in compliance with the requirements in effect on [date of publication of final rule], may continue to be used in domestic transportation by rail or highway until October 1, 2005, or until current stocks are depleted, whichever occurs first.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

21. The authority citation for part 173 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.53.

22. In § 173.2a, in paragraph (b), in the Precedence of Hazard Table, in the first column, the first three entries would be amended by adding a footnote reference ''[2]'' immediately following ''I'', ''II'', and ''III'', respectively, and in footnote 2 at the end of the table would be revised to read as follows:

§ 173.2a Classification of a material having more than one hazard.

* * * * *

(b) * * *

PRECEDENCE OF HAZARD TABLE

* * * * * * *

[2] Materials of Division 4.1 other than self-reactive substances and solid desensitized explosives, and materials of Class 3 other than liquid desensitized explosives.

* * * * *

23. In § 173.4, paragraph (a)(1) introductory text is revised to read as follows:

§ 173.4 Small quantity exceptions.

(a) * * *

(1) The maximum quantity of material per inner receptacle or article is limited to:

* * * * *

24. In § 173.24b, paragraph (e) would be added to read as follows:

§ 173.24b Additional general requirements for bulk packagings.

* * * * *

(e) *Specification packagings and UN standard packagings manufactured outside the United States*—(1) *UN portable tanks.* A UN portable tank manufactured in the United States must conform in all details to the applicable requirements in this part, the specification requirements in part 178 of this subchapter and the retest requirements in part 180 of this subchapter.

(2) *UN portable tanks manufactured outside the United States.* A UN portable tank manufactured outside the United States, in accordance with national or international regulations based on the UN Recommendations on the Transport of Dangerous Goods and is an authorized packaging, it may be filled, offered and transported in the United States, if the § 172.101 Table of this subchapter authorizes the hazardous material and it conforms to the applicable T code and tank provision codes assigned to the hazardous material in Column (7) of the Table. In addition, the portable tank must be in accordance with the following:

(i) Conform to applicable provisions in the UN Recommendations on the Transport of Dangerous Goods (Incorporated by reference, see § 171.7 of this subchapter) and the requirements of this subpart;

(ii) Be capable of passing the prescribed tests in part 178 of this subchapter applicable to the UN portable tank specification;

(iii) Be designed and manufactured according to the ASME Code (Incorporated by reference, see § 171.7 of this subchapter) or a pressure vessel design code approved by the Associate Administrator;

(iv) Be approved by the Associate Administrator when the portable tank is designed and constructed under the provisions of an alternative arrangement (see § 178.274(a)(2) of this subchapter); and

(v) When manufactured in a country other than the United States, the competent authority of the country of manufacture must provide reciprocal treatment for UN portable tanks manufactured in the United States.

25. Section 173.32 would be revised to read as follows:

§ 173.32 Requirements for the use of portable tanks.

(a) *General requirements.* No person may offer a hazardous material for transportation in a portable tank except as authorized by this subchapter.

(1) Except as otherwise provided in this subpart, a portable tank may not be used for the transportation of a hazardous material unless it meets the requirements of this subchapter.

(2) No person may fill and offer for transportation a portable tank when the prescribed periodic test or inspection under subpart G of part 180 of this subchapter has become due until the test or inspection has been successfully completed. This requirement does not apply to any portable tank filled prior to the test or inspection due date.

(3) When a portable tank is used as a cargo tank container, it shall conform to all the requirements prescribed for cargo tank containers. (See § 173.33.)

(b) *Substitute packagings.* A particular Specification portable tank may be substituted for another portable tank as follows:

(1) An IM or UN portable tank may be used whenever an IM or UN portable tank having less stringent requirements is authorized provided the portable tank meets or exceeds the requirements for pressure-relief devices, bottom outlets and any other special provisions specified in § 172.102(c)(7)(vi) of this subchapter.

(2) Where a Specification IM101 or IM102 portable tank is prescribed, a Specification 51 portable tank otherwise conforming to the special commodity requirements of § 172.102(c)(7) of this subchapter may be used.

(3) A DOT Specification 51 portable tank may be used whenever a DOT Specification 56, 57, or 60 portable tank is authorized. A DOT Specification 60 portable tank may be used whenever a DOT Specification 56 or 57 portable tank is authorized. A higher integrity tank used instead of a specified portable tank must meet the same design profile; for example, a DOT Specification 51 portable tank must be lined if used instead of a lined DOT Specification 60 portable tank.

(c) *Grandfather provisions for portable tanks*—(1) *Continued use of specification 56 and 57 portable tanks.* Continued use of an existing portable tank constructed to DOT Specification 56 or 57 is authorized only for a tank constructed before October 1, 1996. A stainless steel portable tank internally lined with polyethylene that was constructed on or before October 1, 1996, and that meets all requirements of DOT Specification 57 except for being equipped with a polypropylene discharge ball valve and polypropylene secondary discharge opening closure, may be marked as a Specification 57 portable tank and used in accordance with the provisions of this section.

(2) A DOT Specification 51 and IM 101 or IM 102 portable tank may not be manufactured after January 1, 2003 may continue to be used for the transportation of a hazardous material provided they fulfill the requirements of

this subchapter, including the specification requirements and the requirements of this subchapter for the transportation of the particular hazardous material (see § 171.14(d)(5) of this subchapter), and provided it conforms to the periodic inspection and tests specified for the particular portable tank in subpart G of part 180 of this subchapter. On and after January 1, 2003, all newly manufactured portable tanks must conform to the requirements for the design, construction and approval of UN portable tanks as specified in §§ 178.273, 178.274, 178.275, 178.276 and 178.277 of this subchapter.

(3) A DOT Specification portable tank manufactured prior to January 1, 1992 that is equipped with a non-reclosable pressure relief device may continue in service for the hazardous materials for which it is authorized. Except for a DOT Specification 56 or 57 portable tank, a DOT Specification portable tank manufactured after January 1, 1992, used for materials meeting the definition for Division 6.1 liquids, Packing Group I or II, Class 2 gases, or Class 3 or 4 liquids, must be equipped with a re-closing pressure relief valve having adequately sized venting capacity.

(d) *Maximum Allowable Working Pressure.* (1) Prior to filling and offering a portable tank for transportation, the shipper must confirm that the portable tank conforms to the specification required for the hazardous material and that the maximum allowable working pressure (MAWP) of the portable tank is greater than or equal to the highest pressure obtained under the following conditions:

(i) For compressed gases and certain refrigerated liquids that are not cryogenic liquids and that are not transported in a UN portable tank, the pressure prescribed in § 173.315. For liquefied compressed gases transported in a UN portable tank, the pressures prescribed in T50 in § 172.102 of this subchapter.

(ii) For liquid hazardous materials the pressures specified in § 178.275(a) of this subchapter used for determining the MAWP.

(iii) The maximum pressure used to load or unload the hazardous material.

(2) Unless otherwise specified, where a portable tank is authorized, the minimum tank design pressure is 172 kPa (25 psig) for any Packing Group I or Packing Group II liquid hazardous material that meets more than one hazard class definition.

(e) *External inspection prior to filling.* Each portable tank must be given a complete external inspection. Any unsafe condition must be corrected prior to its being offered for transportation. The external inspection shall include a visual inspection of:

(1) The shell, piping, valves and other appurtenances for corroded areas, dents, defects in welds and other defects such as missing, damaged, or leaking gaskets;

(2) All flanged connections or blank flanges for missing or loose nuts and bolts;

(3) All emergency devices for corrosion, distortion, or any damage or defect that could prevent their normal operation;

(4) All required markings on the tank for legibility; and

(5) Any device for tightening manhole covers to ensure such devices are operative and adequate to prevent leakage at the manhole cover.

(f) *Loading requirements.* (1) A hazardous material may not be loaded in a portable tank if the part of the tank or any of its appurtenances having contact with the material during transportation would be damaged, would cause a dangerous reaction with the material or would compromise the ability of the portable tank to retain the hazardous material.

(2) A hazardous material may not be loaded in a portable tank unless it has pressure relief devices providing total relieving capacity meeting the requirements of this subchapter.

(3) Except during a hydrostatic test, a portable tank may not be subjected to a pressure greater than its maximum allowable working pressure.

(4) A portable tank may not be loaded to a gross weight greater than the maximum allowable gross weight specified on its identification plate.

(5) Except for a non-flowable solid or a liquid with a viscosity of 2,680 centistokes (millimeters squared per second) or greater at 20°C (68 °F), a portable tank or compartment thereof having a volume greater than 7,500 L (1,980 gallons) may not be loaded to a filling density of more than 20% and less than 80% by volume. This filling restriction does not apply if a portable tank is divided by partitions or surge plates into compartments of not more than 7,500 L (1,980) capacity. Portable tanks must not be offered for transportation in an ullage condition liable to produce an unacceptable hydraulic force due to surge.

(6) The outage for a portable tank may not be less than 2% at a temperature of 50 °C (122 °F). For UN portable tanks, the applicable maximum filling limits apply as specified according to the assigned TP codes in Column (7) of the § 172.101 Table of this subchapter except when transported domestically.

(7) Each tell-tale indicator for the space between a frangible disc and a safety relief valve mounted in series must be checked after the tank is filled and prior to transportation to ensure that the frangible disc is leak free. Any leakage through the frangible disc must be corrected prior to offering the tank for transportation. The tell-tale device must be designed to prevent the loss of any hazardous material through the device itself while the tank is in transportation.

(8) During filling, the temperature of the hazardous materials shall not exceed the limits of the design temperature range of the portable tank.

(9) The maximum mass of liquefied compressed gas per liter (gallon) of shell capacity (kg/L or lbs./gal.) may not exceed the density of the liquefied compressed gas at 50 °C (122 °F). The portable tank must not be liquid full at 60 °C (140 °F).

(g) *Relief system.* Any DOT Specification portable tank manufactured prior to January 1, 1992 that is equipped with a non-reclosable pressure relief device may continue in service for the hazardous materials for which it it is authorized. Except for DOT Specification 56 and 57 portable tanks, any DOT Specification portable tank manufactured after January 1, 1992 used for materials meeting the definition for Division 6.1 liquids Packing Group I or II, Class 2 gases, or Class 3 or 4 liquids must be equipped with a reclosing pressure relief valve having adequately sized venting capacity.

(h) *Additional requirements for specific modal transport.* In addition to other applicable requirements, the following apply:

(1) A portable tank containing a hazardous material may not be loaded on a highway or rail transport vehicle unless loaded entirely within the horizontal outline thereof, without overhang or projection of any part of the tank assembly. In addition, for unloading a portable tank, see § 177.834(h) of this subchapter.

(2) A portable tank used for the transportation of flammable liquids by rail may not be fitted with non-reclosing pressure relief devices except in series with reclosing pressure relief valves.

(3) A portable tank or Specification 106A or 110A multi-unit tank car containing a hazardous material may not be offered for transportation aboard a passenger vessel unless:

(i) The vessel is operating under a change to its character of vessel certification as defined in § 171.8 of this subchapter; and

(ii) The material is permitted to be transported aboard a passenger vessel in the § 172.101 Table of this subchapter.

(i) *Additional general commodity specific requirements.* In addition to other applicable requirements, the following requirements apply:

(1) Each uninsulated portable tank used for the transportation of liquefied compressed gases must have an exterior surface finish that is significantly reflective, such as a light-reflecting color if painted, or a bright reflective metal or other material if unpainted.

(2) If a hazardous material is being transported in a molten state, the portable tank must be thermally insulated with suitable insulation material of sufficient thickness that the overall thermal conductance is not more than 0.080 Btu per hour per square foot per degree Fahrenheit differential.

(j) *Additional requirements for portable tanks other than IM specification and UN portable tanks.* (1) The bursting strength of any piping and fittings must be at least four times the design pressure of the tank, and at least four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves) that may subject piping to pressures greater than the design pressure of the tank.

(2) Pipe joints must be threaded, welded or flanged. If threaded pipe is used, the pipe and pipe fittings must not be lighter than (Schedule 80) weight. Non-malleable metals must not be used in the construction of valves or fittings. Where copper tubing is permitted, joints must be brazed or be of equally strong metal union type. The melting point of brazing material may not be lower than 1,000 °F (537.8°C). The method of joining tubing must not decrease the strength of the tubing such as by the cutting of threads.

(3) Non-malleable metals may not be used in the construction of valves or fittings.

(4) Suitable provision must be made in every case to allow for expansion, contraction, jarring and vibration of all pipe. Slip joints may not be used for this purpose.

(5) Piping and fittings must be grouped in the smallest practicable space and must be protected from damage as required by the specification.

(6) All piping, valves and fittings on every portable tank must be leakage tested with gas or air after installation and proved tight at not less than the design pressure of the portable tank on which they are used. In the event of replacement, all such piping, valves, or fittings so replaced must be tested in accordance with the requirements of this section before the portable tank is returned to transportation service. The requirements of this section apply to all hoses used on portable tanks, except that hoses may be tested either before or after installation on the portable tank.

(7) All materials used in the construction of portable tanks and their appurtenances may not be subject to destructive attack by the contents of the tank.

(8) All parts of the portable tanks and appurtenances for anhydrous ammonia must be steel. No aluminum, copper, silver, zinc, nor their alloys may be used. Brazed joints may not be used.

(9) Each outlet of a portable tank used for the transportation of liquefied compressed gases, except carbon dioxide, must be provided with a suitable automatic excess-flow valve (see definition in § 178.337–1(g) of this subchapter). These valves must be located inside the portable tank or at a point outside the portable tank where the line enters or leaves the portable tank. The valve seat must be located inside the portable tank or may be located within a welded flange or its companion flange, or within a nozzle or within a coupling. The installation must be made in such a manner as to reasonably assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

(i) Safety device connections and liquid level gauging devices that are constructed so that the outward flow of tank contents willl not exceed that passed by an opening of 0.1397 cm (0.0550 inches) are not required to be equipped with excess-flow valves.

(ii) An excess-flow valve must close automatically if the flow reaches the rated flow of gas or liquid specified by the original valve manufacturer when piping mounted directly on the valve is sheared off before the first valve, pump, or fitting downstream from the excess flow valve.

(iii) An excess-flow valve may be designed with a by-pass, not to exceed a 0.1016 cm (0.040 inches) diameter opening to allow equalization of pressure.

(iv) Filling and discharge lines must be provided with manually operated shut-off valves located as close to the tank as practical. The use of ''Stop-Check'' valves to satisfy with one valve the requirements of this section is forbidden.

(10) Each portable tank used for carbon dioxide and nitrous oxide must be lagged with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 Btu per square foot per degree Fahrenheit differential in temperature per hour. The conductance must be determined at 60° Fahrenheit. Insulation material used on portable tanks for nitrous oxide must be noncombustible.

(11) A refrigerating and/or heating coil or coils must be installed in portable tanks used for carbon dioxide and nitrous oxide. Such coils must be tested externally to at least the same pressure as the test pressure of the portable tank. The coils must also be tested internally to at least twice the working pressure of the heating or refrigerating system to be used, but in no case less than the test pressure of the portable tank. Such coils must be securely anchored. The refrigerant or heating medium to be circulated through the coil or coils must be such as to cause no adverse chemical reaction with the portable tank or its contents in the event of leakage.

§ 173.32a [Removed]

26. § 173.32a would be removed.

§ 173.32b [Removed]

27. § 173.32b would be removed.

§ 173.32c [Removed]

28. § 173.32c would be removed.

29. In § 173.61, paragraph (e)(3) would be revised and a new paragraph (e)(8) would be added to read as follows:

§ 173.61 Mixed packaging requirements.

* * * * *

(e) * * *

(3) Explosives of compatibility group S may be packaged together with explosives of all other compatibility groups except A and L, and the entire package shall be treated as belonging to any of the packaged compatibility groups except S.

* * * * *

(8) Explosive articles of compatibility groups C, D, E and G, except for fireworks and articles requiring special packaging, may be packaged together and the entire package shall be treated as belonging to compatibility group E.

§ 173.62 [Amended]

30. In § 173.62, in paragraph (c), in the Explosives Packing Instructions Table, in the fourth column, the following changes would be made in appropriate packaging specification number order:

a. For packing instruction entries, 112(a), 112(b), 112(c), 113, 115, 116, 130, 131, 134, 135, 136, 138, 140, 141, 142 and 144, under the word ''Drums'', the wording ''plywood (1D)'' would be added in the alpha-numeric order of the parenthetical.

b. For the packing instruction entries, 112(c), 113, 115, 134, 138 and 140, under the word ''Drums'', the wording ''plastics, removable head (1H2)'' would be added in the alpha-numeric order of the parenthetical.

c. For the packing instruction entries, 134 and 138, under the word ''Drums'', the wording ''fiberboard (1G)'' would be added in the alpha-numeric order of the parenthetical.

d. For the packing instruction entry, 144, under the wording ''plastics, expanded (4H1)'', the word ''Drums.'' would be added and under the new word ''Drums.'', the wording, ''steel, removable head (1A2)'', ''Aluminum, removable head (1B2)'' and ''plastics, removable head (1H2)'' would be added in the alpha-numeric order of the parenthetical.

e. For the packing instruction entry, 144, under the word ''Boxes'', the wording ''plastics, solid (4H2)'' would be added in the alpha-numeric order of the parenthetical.

f. For the packing instruction entries, 112(c) and 113, under the word ''Boxes'', the wording ''aluminum (4B)'' would be added in the alpha-numeric order of the parenthetical.

31. In § 173.128, paragraph (d)(1)(ii) would be revised to read as follows:

§ 173.128 Class 5, Division 5.2—Definitions and types.

* * * * *

(a) * * *

(1) * * *

(ii) A mixture of organic peroxides prepared according to § 173.225(c)(3); or

* * * * *

32. In § 173.150, paragraph (d)(2) is revised to read as follows:

§ 173.150 Exceptions for Class 3 (flammable) and combustible liquids.

* * * * *

(d) * * *

(2) Is in an inner packaging of five liters (1.3 gallons) or less, and is not transported as checked or carry-on baggage by passenger aircraft, except as provided in § 175.10(a)(17) of this subchapter; or

* * * * *

33. In § 173.162, paragraph (a) introductory text and (a)(1) would be revised to read as follows:

§ 173.162 Gallium.

(a) Except when packaged in cylinders or steel flasks, gallium must be packaged in packagings which meet the requirements of part 178 of this subchapter at the Packing Group I performance level for transportation by aircraft, and at the Packing Group III performance level for transport by highway, rail or vessel, as follows:

(1) In combination packagings intended to contain liquids consisting of glass, earthenware or rigid plastic inner packagings with a maximum net mass of 15 kg (33 pounds) each. The inner packagings must be packed in wood boxes (4C1, 4C2, 4D, 4F), fiberboard boxes (4G), plastic boxes (4H1, 4H2), fiber drums (1G) or removable head steel and plastic drums or jerricans (1A2, 1H2, 3A2 or 3H2) with sufficient cushioning materials to prevent breakage. Either the inner packagings or the outer packagings must have inner liners or bags of strong leakproof and puncture-resistant material impervious to the contents and completely surrounding the contents to prevent it from escaping from the package, irrespective of its position.

* * * * *

34. In § 173.185, a new sentence would be added at the end of paragraph (a), paragraphs (b) introductory text, (b)(1), (b)(2), (b)(5), (c)(1), (c)(2), and (c)(3) would be revised, and a heading would be added to paragraph (c) to read as follows:

§ 173.185 Lithium batteries and cells.

(a) * * * For the purposes of this subchapter, ''lithium content'' means the mass of lithium in the anode of a lithium metal or lithium alloy cell, except in the case of a lithium ion cell where the ''equivalent lithium content'' in grams is calculated to be 0.3 times the rated capacity in ampere-hours.

(b) *Exceptions.* Cells and batteries are not subject to the requirements of this subchapter if they meet the following requirements:

(1) Each cell with a liquid cathode may contain no more than 0.5 g of lithium content. Each cell with a solid cathode may contain no more than 1.0 g lithium content. Each lithium ion cell may contain no more than 1.5 g of equivalent lithium content;

(2) Each battery with a liquid cathode may contain an aggregate quantity of no more than 1.0 g lithium content. Each battery with a solid cathode may contain an aggregate quantity of no more than 2.0 g of lithium content. Each lithium-ion battery may contain an aggregate quantity of no more than 8.0 grams of equivalent lithium content;

* * * * *

(5) If when fully charged, the aggregate lithium content of the anodes in a liquid cathode battery is more than 0.5 g, or the aggregate lithium content of the anodes in a solid cathode battery is more than 1.0 g, then the battery may not contain a liquid or gas that is a hazardous material according to this subchapter unless the liquid or gas, if free, would be completely absorbed or neutralized by other materials in the battery.

(c) *Additional exceptions.* * * *

(1) The lithium content of the anode of each cell, when fully charged, is not more than 5 g;

(2) The aggregate lithium content of the anodes of each battery, when fully charged, is not more than 25 g;

(3) Each cell or battery is of the type proven to be non-dangerous by testing in accordance with tests in the UN Manual of Tests and Criteria (incorporated by reference, see § 171.7 of this subchapter). Such testing must be carried out on each type of cell or battery prior to the initial transport of that type; and

* * * * *

35. In § 173.224, paragraph (b)(4) would be revised; in the table following paragraph (b)(7), the following entry would be added in the appropriate alphabetical order; and paragraph (d) would be removed, to read as follows:

§ 173.224 Packaging and control and emergency temperatures for self-reactive materials.

* * * * *

(b) * * *

(4) *Packing method.* Column 4 specifies the highest packing method which is authorized for the self-reactive material. A packing method corresponding to a smaller package size may be used, but a packing method corresponding to a larger package size may not be used. The Table of Packing Methods in § 173.225(d) defines the packing methods. Bulk packagings are authorized as specified in § 173.225(d) for Type F self-reactive substances. Additional bulk packagings are authorized if approved by the Associate Administrator.

* * * * *

(7) * * *

SELF-REACTIVE SUBSTANCES

Self-reactive substance (1)	Identification No. (2)	Concentration—(%) (3)	Packing method (4)	Control temperature—(°C) (5)	Emergency temperature (6)	Notes (7)
* * *		*	*	*		*
2,2′-Azodi(isobutyronitrile) as a water based paste	3224	≤50%	OP6	.....	.....	.....
* * *		*	*	*		*

* * * * *

36. In § 173.225, in paragraph (b), in the Organic Peroxide Table, the following entries would be removed and added in the appropriate alphabetical order; in Column (8), ''7'' and ''10'' would be removed each place they appear; and in the ''NOTES'' immediately following the Table, Notes ''7'' and ''10'' would be removed and reserved and Notes ''26'' and ''27'' would be added in the appropriate numerical order; and paragraphs (e) introductory text, (e)(3), and (e)(5) would be revised to read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

* * * * *

(b) * * *

ORGANIC PEROXIDE TABLE

Technical name (1)	ID number (2)	Concentration (mass %) (3)	Diluent (mass %) A (4a)	Diluent (mass %) B (4b)	Diluent (mass %) I (4c)	Water (mass %) (5)	Packing method (6)	Temperature (°C) Control (7a)	Temperature (°C) Emergency (7b)	Note (8)
* * *		*		*			*		*	
[REMOVE:]										
tert-Amyl peroxybenzoate	UN3105	≤96	≥4	.....	.....	.....	OP7	.....	.....	.....
* * *		*		*			*		*	
tert-Butyl peroxy-2-ethylhexanoate	UN3119	≤32	.....	≥68	.....	.....	Bulk	10	15	14
* * *		*		*			*		*	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3117	≤42	.....	.....	.....	.....	OP8	0	10	
* * *		*		*			*		*	
tert-Butyl peroxyneoheptanoate	UN3115	≤77	≥23	.....	.....	.....	OP7	10	15	
* * *		*		*			*		*	
tert-Butyl peroxypivalate	UN3119	≤27	.....	≥73	.....	.....	Bulk	−5	5	14
* * *		*		*			*		*	
Cumyl peroxyneoheptanoate	UN3115	≤77	≥23	.....	.....	.....	OP7	0	10	
* * *		*		*			*		*	
Cyclohexanone peroxide(s)	UN3105	≤72	.....	≥28	.....	.....	OP7	.....	.....	5
* * *		*		*			*		*	
1,1-Di-(tert-butylperoxy)-3,5,5- trimethylcyclohexane	UN3101	>90–100	.....	.....	.....	.....	OP5			
1,1-Di-(tert-butylperoxy)-3,5,5- trimethylcyclohexane	UN3103	>57–90	≥10	.....	.....	.....	OP5			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane	UN3106	≤57	.....	.....	≥43	.....	OP7.			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane	UN3107	≤57	≥43	.....	.....	.....	OP8			
1,1-Di-(tert-butylperoxy)-3,5,5-trimethylcyclohexane	UN3107	≤32	≥26	≥42	.....	.....	OP8			
* * *		*		*			*		*	
Di-(2-ethylhexyl) peroxydicarbonate	UN3115	≤77	.....	≥23	.....	.....	OP7	−15	−5	
* * *		*		*			*		*	
Diisopropyl peroxydicarbonate	UN3115	≤52	.....	≥48	.....	.....	OP7	−10	0	
* * *		*		*			*		*	
2,5-Dimethyl-2,5-di-(2-ethylhexanoylperoxy)hexane	UN3115	≤100	.....	.....	.....	.....	OP7	20	25	.....
* * *		*		*			*		*	
Dimyristyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42	.....	.....	.....	.....	IBC	15	25	10
* * *		*		*			*		* –	
Di-n-propyl peroxydicarbonate	UN3113	≤100	.....	.....	.....	.....	OP4	−25	−15	.....
* * *		*		*			*		*	
Di-(3,5,5-trimethylhexanoyl) peroxide	UN3119	≤38	≥62	.....	.....	.....	Bulk	−10	0	14
* * *		*		*			*		*	
Isopropyl sec-butyl peroxydicarbonate [and] Di-sec-butyl peroxy-dicarbonate [and] Di-isopropyl peroxydicarbonate.	UN3115	≤32 +≤15–18 +≤12–15	≥38	.....	.....	.....	OP7	−20	−10	.....
* * *		*		*			*		*	
2,4,4-Trimethylpentyl-2-peroxyneodecanoate	UN3115	≤72	.....	≥28	.....	.....	OP7	−5	5	.....
2,4,4-Trimethylpentyl-2-peroxyneodecanoate [as a stable dispersion in water]..	UN3119	≤52	.....	.....	.....	.....	OP8	−5	5	
2,4,4-Trimethylpentyl-2-peroxy phenoxyacetate	UN3115	≤37	.....	≥63	.....	.....	OP7	−10	0	

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Note
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
[ADD:]										
tert-Amyl peroxybenzoate	UN3103	≤100					OP5			
* * *		*		*			*		*	
tert-Butyl peroxy-2-ethylhexanoate	UN3119	≤32		≥68			Bulk	15	20	14
* * *		*		*			*		*	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3117	≤52					OP8	0	10	
* * *		*		*			*		*	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤42					IBC	−5	5	10
* * *		*		*			*		*	
tert-Butyl peroxyneodecanoate	UN3119	≤32	≥68				IBC	0	10	10
* * *		*		*			*		*	
tert-Butyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	0	10	
* * *		*		*			*		*	
tert-Butyl peroxypivalate	UN3119	≤27		≥73			Bulk	5	10	14
* * *		*		*			*		*	
Cumyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					IBC	−15	−5	
* * *		*		*			*		*	
Cumyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	−10	0	
* * *		*		*			*		*	
Cyclohexanone peroxide(s)	UN3105	≤72	≥28				OP7			5
* * *		*		*			*		*	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3101	>90–100					OP5			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3103	>57–90	≥10				OP5			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3105	≤77		≥23			OP7			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3106	≤57			≥43		OP7			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3107	≤57	≥43				OP8			
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane	UN3107	≤32	≥26	≥42			OP8			
* * *		*		*			*		*	
2,2-Di-(4,4-di-(tert-butylperoxy cyclohexyl) propane	UN3107	≤ 22		≥78			OP8			
* * *		*		*			*		*	
Di-(2-ethylhexyl) peroydicarbonate [as a stable dispersion in water].	UN3119	≤52					IBC	−20	−10	
* * *		*		*			*		*	
Di-(2-ethoxyethyl) peroxydicarbonate	UN3115	≤52		≥48			OP7	−10	0	
* * *		*		*			*		*	
Di-(2-ethylhexyl) peroxydicarbonate	UN3115	≤77	≥23				OP7	−15	−5	
* * *		*		*			*		*	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water].	UN3117	≤ 62					OP8	−15	−5	
* * *		*		*			*		*	
Diisopropyl peroxydicarbonate	UN3115	≤52		≥48			OP7	−20	−10	
* * *		*		*			*		*	
Di-(3-methoxybutyl) peroxydicarbonate	UN3115	≤ 52		≥48			OP7	−5	5	
* * *		*		*			*		*	
Di-(3-methylbenzoyl) peroxide+Benzoyl (3-methylbenzoyl) peroxide+Dibenzoyl peroxide.	UN3115	≤ 20+ ≤18+ ≤4		≥58			OP7	35	40	
* * *		*		*			*		*	
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane	UN3108	≤77			≥23		OP8			
* * *		*		*			*		*	
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3	UN3101	>86–100					OP5			
* * *		*		*			*		*	
Dimyristyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					IBC	15	20	10
* * *		*		*			*		*	
Di-n-propyl peroxydicarbonate	UN3113	≤100					OP3	−25	−15	
* * *		*		*			*		*	
Di-n-propyl peroxydicarbonate	UN3113	≤77		≥23			OP5	−20	−10	
* * *		*		*			*		*	
tert-Hexyl peroxyneodecanoate	UN3115	≤71	≥29				OP7	0	10	
* * *		*		*			*		*	
tert-Hexyl peroxypivalate	UN3115	≤72		≥28			OP7	10	15	
* * *		*		*			*		*	
Methyl ethyl ketone peroxide(s)	UN3105	≤37	≥55			≥8	OP7 26			

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Note
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
* * *		*		*			*		*	
1,1,3,3-Tetramethylbutyl peroxyneodecanoate	UN3115	≤72	.....	≥28	.....	.....	OP7	−5	5	.....
1,1,3,3-Tetramethylbutyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52	.....	.....	.....	.....	IBC −5	−5	−10	
1,1,3,3-Tetramethylbutyl peroxy phenoxyacetate	UN3115	≤37	.....	≥63	.....	.....	OP7	−10	0	.....
* * *		*		*			*		*	
3,6,9-Triethyl-3,6,9-trimethyl-1,4,7-triperoxonane	UN3105	≤42	≥58	.....	.....	.....	OP7	.....	.....	27
* * *		*		*			*		*	

Notes:

* * * * *

26. Available oxygen must be ≤ 10%.
27. Available oxygen must be ≤ 7.6%.

* * * * *

(e) *Bulk packagings for organic peroxides.* The following bulk packagings are authorized:

* * * * *

(3) *Portable tanks.* The following requirements apply to portable tanks intended for the transport of Type F organic peroxides or Type F self-reactive substances. DOT 51, 57, IM 101 portable tanks, and UN portable tanks that conform to the requirements of T23 (see § 172.102(c)(7) of this subchapter), when T23 is specified in Column (7) of the § 171.101 Table of this subchapter for the Type F organic peroxide or Type F self-reactive substance. Type F organic peroxide or self-reactive substance formulations other than those indicated in T23 may be transported in portable tanks if approved by the Associate Administrator. The following conditions also apply:

(i) The portable tank must be designed for a test pressure of at least 0.4 MPa (4 bar).

(ii) Portable tanks must be fitted with temperature-sensing devices.

(iii) Portable tanks must be fitted with pressure relief devices and emergency-relief devices. Vacuum-relief devices may also be used. Pressure relief devices must operate at pressures determined according to both the properties of the hazardous material and the construction characteristics of the portable tank. Fusible elements are not allowed in the shell.

(iv) The pressure relief devices must consist of reclosing devices fitted to prevent significant build-up within the portable tank of the decomposition products and vapors released at a temperature of 50 °C (122 °F). The capacity and start-to-discharge pressure of the relief devices must be in accordance with the applicable requirements of this subchapter specified for the portable tank. The start-to-discharge pressure must in no case be such that liquid would escape from the pressure relief devices if the portable tank were overturned.

(v)(A) The emergency-relief devices may be of the reclosing or frangible types, or a combination of the two, designed to vent all the decomposition products and vapors evolved during a period of not less than one hour of complete fire engulfment as calculated by the following formula:

$$q = 70961\ F\ A^{0.82}$$

Where:
q = heat absorption (W)
A = wetted area (m^2)

(B) Insulation factor (F) in the formula in paragraph (e)(3)(v)(A) of this section equals 1 for non-insulated vessels and for insulated vessels F is calculated using the following formula:

$$F = \frac{U\left(923 - T_{PO}\right)}{47032}$$

Where:
U = K/L = heat transfer coefficient of the insulation ($W \cdot m^{-2} \cdot K^{-1}$); where K = heat conductivity of insulation layer ($W \cdot m^{-1} \cdot K^{-1}$), and L = thickness of insulation layer (m).
T_{PO} = temperature of material at relieving conditions (K).

(vi) The start-to-discharge pressure of emergency-relief devices must be higher than that specified for the pressure relief devices in paragraph (e)(3)(iv) of this section. The emergency-relief devices must be sized and designed in such a way that the maximum pressure in the shell never exceeds the test pressure of the portable tank.

Note to Paragraph (e)(3)(vi): An example of a method to determine the size of emergency-relief devices is given in Appendix 5 of the UN Manual of Tests and Criteria (incorporated by reference, see § 171.7 of this subchapter).

(vii) For insulated portable tanks, the capacity and setting of emergency-relief devices must be determined assuming a loss of insulation from 1 percent of the surface area.

(ix) Vacuum-relief devices and reclosing devices on portable tanks used for flammable hazardous materials must be provided with flame arresters. Any reduction of the relief capacity caused by the flame arrester must be taken into account and the appropriate relief capacity must be provided.

(x) Service equipment such as devices and external piping must be designed and constructed so that no hazardous material remains in them after filling the portable tank.

(xi) Portable tanks may be either insulated or protected by a sun-shield. If the SADT of the hazardous material in the portable tank is 55 °C (131 °F) or less, the portable tank must be completely insulated. The outer surface must be finished in white or bright metal.

(xii) The degree of filling must not exceed 90% at 15 °C (59 °F).

(xiii) DOT 57 metal portable tanks are authorized only for tert-butyl cumyl peroxide, di-(2-tert-butylperoxyisopropyl-benzene(s), dicumyl peroxide and mixtures of two or more of these peroxides.

* * * * *

(5) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to IB52 (see 172.102(c)(4) of this subchapter), as applicable, and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group II performance level. The following additional requirements also apply:

(i) IBCs shall be provided with a device to allow venting during transportation. The inlet to the pressure

relief device shall be sited in the vapor space of the IBC under maximum filling conditions during transportation.

(ii) To prevent explosive rupture of metal IBCs or composite IBCs with complete metal casing, the emergency-relief devices shall be designed to vent all the decomposition products and vapors evolved during self-accelerating decomposition or during a period of not less than one hour of complete fire-engulfment as calculated by the formula in paragraph (e)(3)(v) of this section. The control and emergency temperatures specified in IB52 are based on a non-insulated IBC.

37. In § 173.240, paragraphs (c) and (d) would be revised to read as follows:

§ 173.240 Bulk packagings for certain low hazard solid materials.

* * * * *

(c) *Portable tanks and closed bulk bins.* DOT 51, 56, 57 and 60 portable tanks; IMO type 1, 2 and 5, and IM 101 and IM 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; and sift-proof non-DOT Specification portable tanks and closed bulk bins are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

38. In § 173.241, paragraphs (c) and (d) would be revised to read as follows:

§ 173.241 Bulk packagings for certain low hazard liquid and solid materials.

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; IMO type 1, 2 and 5, and IM 101 and IM 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; and non-DOT Specification portable tanks suitable for transport of liquids are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

39. In § 173.242, paragraphs (c) introductory text and (d) would be revised to read as follows:

§ 173.242 Bulk packagings for certain medium hazard liquids and solids, including solids with dual hazards.

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; Specification IM and UN portable tanks when a T Code is specified in Column (7) of the § 172.101 Hazardous Materials Table for a specific hazardous material; and marine portable tanks conforming to 46 CFR part 64 are authorized. DOT Specification 57 portable tanks used for the transport by vessel of Class 3, Packaging Group II materials must conform to the following:

* * * * *

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2; and

(iv) Composite: 11HZ2 and 21HZ2.

* * * * *

40. In § 173.243, paragraphs (c) and (d) would be revised to read as follows:

§ 173.243 Bulk packaging for certain high hazard liquids and dual hazard materials which pose a moderate hazard.

* * * * *

(c) *Portable tanks.* DOT Specification 51 and 60 portable tanks; UN portable tanks when a T code is specified in Column (7) of the § 172.101 Table of this subchapter for a specific hazardous material; and marine portable tanks conforming to 46 CFR part 64 with design pressure of at least 172.4 kPa (25 psig) are authorized.

(d) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section provided the IBC type is authorized according to the IBC packaging code specified for the specific hazardous material in Column (7) of the § 172.101 Table of this subchapter and the IBC conforms to the requirements in part 178 of this subchapter at the Packing Group performance level as specified in Column (5) of the § 172.101 Table of this subchapter for the material being transported.

(1) IBCs may not be used for the following hazardous materials:

(i) Packing Group I liquids; and

(ii) Packing Group I solids that may become liquid during transportation.

(2) The following IBCs may not be used for Packing Group II and III solids that may become liquid during transportation:

(i) Wooden: 11C, 11D and 11F;

(ii) Fiberboard: 11G;

(iii) Flexible: 13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 and 13M2, and

(iv) Composite: 11HZ2 and 21HZ2.

* * * * *

41. In § 173.247, paragraph (c) would be revised to read as follows:

§ 173.247 Bulk packaging for certain elevated temperature materials (Class 9) and certain flammable elevated temperature materials (Class 3).

* * * * *

(c) *Portable tanks.* DOT Specification 51, 56, 57 and 60 portable tanks; IM 101, 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; metal IBCs and non-

specification portable tanks equivalent in structural design and accident damage resistance to specification packagings are authorized.

* * * * *

42. In § 173.306, paragraph (a)(4)(iii) would be revised to read as follows:

§ 173.306 Limited quantities of compressed gases.

(a) * * *

(4) * * *

(iii) Non-pressurized gases, flammable must be packed in hermetically-sealed glass or metal inner packagings of not more than 5 L (1.3 gallons) overpacked in a strong outer packaging.

* * * * *

43. In § 173.315, the text of paragraph (a) preceding the table and paragraphs (i)(1)((iii), (i)(3), (i)(4) and (i)(8) would be revised and paragraph (i)(7) would be removed and reserved to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) Liquefied compressed gases that are transported in UN portable tanks must be loaded and offered for transportation in accordance with tank provision T50 in § 172.102 of this subchapter. A liquefied compressed gas offered for transportation in a cargo tank motor vehicle or a portable tank must be prepared in accordance with this section, § 173.32, § 173.33 and subpart E or subpart G of part 180 of this subchapter; for cryogenic liquids, also see § 173.326 and § 173.328. Except for UN portable tanks, a liquefied compressed gas must be loaded and offered for transportation in accordance with the following table:

* * * * *

(i) * * *

(1) * * *

(iii) For an insulated tank, the required relieving capacity of the relief valves must be the same as for an uninsulated tank, unless the insulation will remain in place and will be effective under fire conditions. In this case, except for UN portable tanks, each insulated tank must be covered by a sheet metal jacket of not less than 16 gauge thickness. For UN portable tanks where the relieving capacity of the valves has been reduced on the basis of the insulation system, the insulation system must remain effective at all temperatures less than 649 °C (1200.2 °F) and be jacketed with a material having a melting point of 700 °C (1292.0 °F) or greater.

* * * * *

(3) Each safety relief valve on a portable tank, other than a UN portable tank, must be set to start-to-discharge at pressure no higher than 110% of the tank design pressure and no lower than the design pressure specified in paragraph (a) of this section for the gas transported. For UN portable tanks used for liquefied compressed gases and constructed in accordance with the requirements of § 178.276 of this subchapter, the pressure relief device(s) must conform to § 178.276(e) of this subchapter.

(4) Except for UN portable tanks, each safety relief valve must be plainly and permanently marked with the pressure in p.s.i.g. at which it is set to discharge, with the actual rate of discharge of the device in cubic feet per minute of the gas or of air at 60 °F (15.6 °C) and 14.7 p.s.i.a., and with the manufacturer's name or trade name and catalog number. The start-to-discharge valve must be visible after the valve is installed. The rated discharge capacity of the device must be determined at a pressure of 120% of the design pressure of the tank. For UN portable tanks, each pressure relief device must be clearly and permanently marked as specified in § 178.274(f)(1) of this subchapter.

* * * * *

(8) Each safety relief valve outlet must be provided with a protective device to prevent the entrance and accumulation of dirt and water. This device must not impede flow through the valve. Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

44. The authority citation for Part 175 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

45. In § 175.10, paragraphs (a)(10) and (a)(16) would be revised, and paragraph (a)(17) would be added to read as follows:

§ 175.10 Exceptions.

(a) * * *

(10) Safety matches or a lighter intended for use by an individual when carried on one's person. However, lighters containing unabsorbed liquid fuel (other than liquefied gas), lighter fuel, and lighter refills are not permitted on one's person or in checked or carry-on baggage.

* * * * *

(16) Perfumes and colognes, purchased through duty-free sales, carried by passengers or crew in carry-on baggage.

(17) Alcoholic beverages containing—

(i) Not more than 24% alcohol by volume; or

(ii) More than 24% and not more than 70% alcohol by volume when in retail packagings not exceeding 5 liters (1.3 gallons) carried by a crewmember or passenger in checked or carry-on baggage, with a total net quantity per person of 5 liters (1.3 gallons) for such beverages.

* * * * *

46. In § 175.33, paragraph (a) introductory text would be revised to read as follows:

§ 175.33 Notification of pilot-in-command.

(a) Except as provided in § 175.10, when a hazardous material subject to the provisions of this subchapter is carried in an aircraft, the operator of the aircraft must provide the pilot-in-command with accurate and legible written information as early as practicable before departure of the aircraft, which specifies at least the following:

* * * * *

47. Section 175.78 would be revised to read as follows:

§ 175.78 Stowage compatibility of cargo.

(a) For stowage on an aircraft, in a cargo facility, or in any other area at an airport designated for the stowage of hazardous materials, packages containing hazardous materials which might react dangerously with one another may not be placed next to each other or in a position that would allow a dangerous interaction in the event of leakage.

(b) As a minimum, the segregation instructions prescribed in the following Segregation Table must be followed to maintain acceptable segregation between packages containing hazardous materials with different hazards. The Segregation Table instructions in paragraph (c) of this section apply whether or not the class or division is the primary or subsidiary risk. The Segregation Table follows:

SEGREGATION TABLE

Hazard label	Class or division							
	1	2	3	4.2	4.3	5.1	5.2	8
1	Note 1	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2
1	Note 2							
2	Note 2							
3	Note 2					X		
4.2	Note 2					X		
4.3	Note 2					X		X
5.1	Note 2		X	X				
5.2	Note 2							
8	Note 2				X			

(c) Instructions for using the Segregation Table are as follows:

(1) The dots at the intersection of a row and column indicate that no restrictions apply.

(2) The letter ''X'' at the intersection of a row and column indicates that packages containing these classes of hazardous materials may not be stowed next to or in contact with each other, or in a position which would allow interaction in the event of leakage of the contents.

(3) *Note 1.* ''Note 1'' at the intersection of a row and column means the following:

(i) For explosives in compatibility groups A through K and N—

(A) Packages bearing the same compatibility group letter and the same division number may be stowed together.

(B) Explosives of the same compatibility group, but different divisions may be stowed together provided the whole shipment is treated as belonging to the division having the smaller number. However, when explosives of Division 1.5 Compatibility Group D are stowed together with explosives of Division 1.2 Compatibility Group D, the whole shipment must be treated as Division 1.1, Compatibility Group D.

(C) Packages bearing different compatibility group letters may not be stowed , whether or not they belong to the same division, except as provided in paragraphs (c)(3)(ii) and (iii) of this section.

(ii) Explosives in Compatibility Group L may not be stowed with explosives in other compatibility groups. They may only be stowed with the same type of explosives in Compatibility Group L.

(iii) Explosives of Division 1.4, Compatibility Group S, may be stowed with explosives of all compatibility groups except for Compatibility Groups A and L.

(iv) Other than explosives of Division 1.4, Compatibility Group S (see paragraph (c)(3)(iii) of this section), and Compatibility Groups C, D and E that may be stowed together, explosives that do not belong in the same compatibility group may not be stowed together.

(A) Any combination of substances in Compatibility Groups C and D must be assigned to the most appropriate compatibility group shown in the § 172.101 Hazardous Materials Table.

(B) Explosives in Compatibility Group N may be stowed together with explosives in Compatibility Groups C, D and E when the combination is assigned Compatibility Group D.

(4) *Note 2.* ''Note 2'' at the intersection of a row and column means that other than explosives of Division 1.4, Compatibility Group S, explosives may not be stowed together with that class.

(5) Packages containing hazardous materials with multiple hazards in the class or divisions, which require segregation in accordance with the Segregation Table need not be segregated from other packages bearing the same UN number.

(6) A package labeled ''BLASTING AGENT'' may not be stowed next to or in a position that will allow contact with a package of special fireworks or railway torpedoes.

48. In § 175.85 paragraph (a) would be revised to read as follows:

§ 175.85 Cargo location.

(a) Except as provided in § 175.10, no person may carry a hazardous material subject to the requirements of this subchapter in the cabin of a passenger-carrying aircraft or on the flight deck of any aircraft. Hazardous materials may be carried in a main deck cargo compartment of a passenger aircraft provided that the compartment is inaccessible to passengers and that it meets all certification requirements for a Class B aircraft cargo compartment in 14 CFR 25.857(b) or for a Class C aircraft cargo compartment in 14 CFR 25.857(c).

* * * * *

PART 176—CARRIAGE BY VESSEL

49. The authority citation for part 176 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

50. In § 176.2, the following definition would be added in appropriate alphabetical order to read as follows:

§ 176.2 Definitions.

* * * * *

INF cargo means packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes as those terms are defined in the ''International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships'' (incorporated by reference, see § 171.7 of this subchapter).

* * * * *

51. In § 176.63, a new paragraph (e) would be added to read as follows:

§ 176.63 Stowage locations.

* * * * *

(e) *Closed cargo transport unit,* for the purpose of stowage of Class 1 (explosive) materials on board a vessel, means a clean, substantial, weatherproof box structure which can be secured to the ship's structure and includes a closed freight container, a closed vehicle, a closed rail wagon or a portable magazine. When this stowage is specified, stowage in small compartments such as deckhouses and mast lockers or oversized weatherproof packages (overpacks) are acceptable alternatives. The floor of any closed cargo transport unit or compartment shall be constructed of wood, close boarded or arranged so that goods are stowed on sparred gratings, wooden pallets or dunnage. Provided that the necessary additional specifications are met, a closed cargo transport unit may be used for Class 1 (explosive) magazine stowage type ''A,'' ''B'' or ''C,'' but not as a portable magazine.

52. In § 176.84, in paragraph (b) Table of provisions, the entries ''4'' and ''5''

would be revised, paragraph (c)(1) would be revised, in paragraph (c)(2), the List of Notes would be revised and paragraph (c)(3) would be removed to read as follows:

§ 176.84 Other requirements for stowage and segregation for cargo vessels and passenger vessels.

* * * * *

(b) *Table of provisions:*

Code	Provisions
* *	* * *
4	Stow ''Separated from'' liquid organic materials.
5	Stow ''Separated from'' powdered metals and their compounds.

Code	Provisions
* *	* * *

(c) * * *

(1) Explosive substances and explosive articles must be stowed in accordance with Column (10A) and Columm (10B) of the § 172.101 Table of this subchapter.

Notes	Provisions
5E	Stow ''away from'' lead and its compounds.
7E	Stowage category ''04'' for projectiles or cartridges for guns, cannons or mortars; Stowage category ''08'' for other types.
8E	When under deck, special stowage is required.
14E	On deck, cargo transport unit must be steel.
15E	On deck, cargo transport unit must be leakproof.
17E	On deck stowage is recommended.
19E	Substances which contain ammonium nitrate or other ammonium salts must be stowed ''away from'' Explosive, blasting, type C, UN0083.
20E	Stowage category ''03'' for projectiles or cartridges for guns, cannons or mortars; Stowage category ''07'' for other types; magazines must be of steel construction that prevents leakage.
21E	Cargo space ventilation must be carefully controlled to avoid excessive condensation.
22E	May not be stowed together with explosive substances containing ammonium nitrate or other ammonium salts. Segregate from other Class 1 (explosive) materials in the same manner as is required for flammable liquids.
23E	Stowage category ''13'' and, for on deck stowage, non-metallic lining of closed cargo transport unit is required when not in effectively sealed, sift-proof packages; Stowage category ''10'' permitted when in effectively sealed, sift-proof packages.
26E	For closed cargo transport unit, a non-metallic lining is required.
27E	Stow away from alkaline compounds.

§ 176.128 [Amended]

53. In § 176.128, in paragraph (c), the word ''UN 0600'' would be revised to read ''UN 0060''.

§ 176.136 [Amended]

54. In § 176.136, in paragraph (e), the word ''portable'' would be removed.

55. In § 176.142, paragraph (a) would be revised to read as follows:

§ 176.142 Hazardous materials of extreme flammability.

(a) Except as allowed by paragraph (b) of this section, certain hazardous materials of extreme flammability may not be transported in a vessel carrying Class 1 (explosive) materials. This prohibition applies to the following liquid hazardous materials:

Carbon disulfide: UN1131, Class 3
Diethylzinc: UN1366, Division 4.2
Dimethylzinc: UN1370, Division 4.2
Magnesium alkyls: UN3053, Division 4.2
Methyl phosphorous dichloride: NA2845, Division 6.1
Nickel carbonyl: UN1259, Division 6.1
Pyrophoric liquid, inorganic, n.o.s.: UN3194, Division 4.2
Pyrophoric liquids, organic, n.o.s.: UN2845, Division 4.2
Pyrophoric organometallic compound, water-reactive, n.o.s.: UN3203, Division 4.2

* * * * *

56. A new section § 176.720 would be added to subpart M to read as follows:

§ 176.720 Requirements for carriage of INF cargo in international transportation.

(a) A vessel carrying INF cargo in international transportation must meet the requirements of the INF Code (incorporated by reference, see § 171.7 of this subchapter) in addition to all other applicable requirements of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

57. The authority citation for part 177 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

58. In § 177.848, paragraph (g)(3)(vi) would be revised to read as follows:

§ 177.848 Segregation of hazardous materials.

* * * * *

(g) * * *

(3) * * *

(vi) ''6'' means explosive articles in compatibility group G, other than fireworks and those requiring special handling, may be loaded, transported and stored with articles of compatibility groups C, D and E, provided no explosive substances are carried in the same vehicle.

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

59. The authority citation for part 178 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

60. A new section § 178.273 would be added to subpart H to read as follows:

§ 178.273 Approval of Specification IM portable tanks and UN portable tanks.

(a) *Application for approval.* (1) An owner or manufacturer of a portable tank shall apply for approval to a designated approval agency authorized to approve the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter.

(2) Each application for approval must contain the following information:

(i) Three complete copies of all engineering drawings, calculations, and

test data necessary to ensure that the design meets the relevant specification.

(ii) The manufacturer's serial number that will be assigned to each portable tank.

(iii) A statement as to whether the design type has been examined by any approval agency previously and judged unacceptable. Affirmative statements must be documented with the name of the approval agency, reason for nonacceptance, and the nature of modifications made to the design type.

(b) *Action by approval agency.* The approval agency shall perform the following activities:

(1) Review the application for approval to determine whether it is complete and conforms with the requirements of paragraph (a) of this section. If an application is incomplete, it will be returned to the applicant and the applicant will be informed in what respects the application is incomplete.

(2) Review all drawings and calculations to ensure that the design is in compliance with all requirements of the relevant specification. If the application is approved, one set of the approved drawings, calculations, and test data shall be returned to the applicant. The second and third (inspector's copy) sets of approved drawings, calculations, and test data shall be retained by the approval agency. Maintain drawings and approval records for as long as the portable tank remains in service. The drawings and records must be provided to DOT upon request.

(3) Witness all tests required for the approval of the portable tank specified in § 178.273 and part 180, subpart G, of this subchapter.

(4) Ensure, through appropriate inspection that each portable tank is fabricated in all respects in conformance with the approved drawings, calculations, and test data.

(5) Determine and ensure that the portable tank is suitable for its intended use and that it conforms to the requirements of this subchapter.

(6) For UN portable tanks intended for liquefied compressed gases and Division 6.1 liquids which meet the inhalation toxicity criteria (Zone A or B) as defined in § 173.132 of this subchapter, or that are designated as toxic by inhalation materials in the § 172.101 Table of this subchapter, the approval agency must ensure that:

(i) The portable tank has been constructed in accordance with the ASME Code, Section VIII, Division 1 (incorporated by reference, see § 171.7 of this subchapter). ASME Code, Section VIII, Division II or other design code may be used if approved by the Associate Administrator (see § 178.274(b)(1));

(ii) All applicable provisions of the design and construction have been met to the satisfaction of the designated approval agency in accordance with the rules established in the ASME Code and that the portable tank meets the requirements of the ASME Code or other design code if approved by the Associate Administrator (see § 178.274(b)(1)), and all the applicable requirements specified in this subchapter;

(iii) The authorized inspector has carried out all the inspections specified by the rules established in the ASME Code; and

(iv) The portable tank is marked with a U stamp code symbol under the authority of an authorized independent inspector.

(7) For UN portable tanks the approval certificate must also include the following:

(i) The results of the applicable framework and rail impact test specified in part 180, subpart G, of this subchapter; and

(ii) The results of the initial inspection and test in § 180.605 of this subchapter.

(8) Upon successful completion of all requirements of this subpart, the approval agency shall:

(i) Apply its name, identifying mark or identifying number, and the date upon which the approval was issued, to the metal identification marking plate attached to the portable tank. Any approvals for UN portable tanks authorizing design or construction alternatives (Alternate Arrangements) approved by the Associate Administrator (see § 178.274(a)(2)) must be indicated on the plate as specified in § 178.274(i).

(ii) Issue an approval certificate for each portable tank or, in the case of a series of identical portable tanks manufactured to a single design type, for each series of portable tanks. The approval certificate must include all the information required to be displayed on the required metal identification plate required by § 178.270–14 for IM portable tanks, § 178.245–6 for specification 51 steel portable tanks, or § 178.274(i) for UN portable tanks. The approval certificate must attest that the approval agency designated to approve the portable tank has approved the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter and that the portable tank is suitable for its intended purpose and meets the requirements of this subchapter. When a series of portable tanks is manufactured without change in the design type, the certificate may be valid for the entire series of portable tanks representing a single design type. For UN portable tanks, the certificate must refer to the prototype test report, the hazardous materials or group of hazardous materials allowed to be transported, the materials of construction of the shell and lining (when applicable) and an approval number. The approval number must consist of the distinguishing sign or mark of the country (''USA'' for the United States of America) where the approval was granted and a registration number.

(iii) Retain a copy of each approval certificate.

(9) The approval agency must remain independent from the manufacturer. The approval agency and the authorized inspector may be the same entity.

(c) *Manufacturers' responsibilities.* The manufacturer is responsible for compliance with the applicable specifications for the design and construction of portable tanks. In addition to responsibility for compliance, manufacturers are responsible for ensuring that the contracted approval agency and authorized inspector, if applicable, are qualified, reputable and competent. The manufacturer of a portable tank must:

(1) Comply with all the applicable requirements of the ASME Code (incorporated by reference, see § 171.7 of this subchapter) and of this subpart including, but not limited to, ensuring that the quality control, design calculations and required tests are performed and that all aspects of the portable tank meet the applicable requirements.

(2) Obtain and use a designated approval agency, if applicable, and obtain and use a DOT-designated approval agency to approve the design, construction and certification of the portable tank.

(3) Provide a statement in the manufacturers' data report attesting that each portable tank that is manufactured complies with the relevant specification and all the applicable requirements of this subchapter.

(4) Maintain records of the qualification of portable tanks for at least 5 years and provide copies to the approval agency and the owner of the tank. Provide records to the U.S. DOT upon request.

(d) *Denial of application for approval.* If an approval agency finds that a portable tank cannot be approved for any reason, it shall so notify the applicant in writing and shall provide the applicant with the reasons for which the approval is denied. A copy of the

notification letter shall be provided to the Associate Administrator. An applicant aggrieved by a decision of an approval agency may appeal the decision in writing within 90 days of receipt to the Associate Administrator.

(e) *Modifications to approved portable tanks.* (1) Prior to modification of any approved portable tank which may affect conformance of an IM or UN portable tank, which may involve a change to the design type or which may affect its ability to retain the hazardous material in transportation, the person desiring to make such modification shall inform the approval agency that issued the initial approval of the portable tank (or if unavailable another approval agency) of the nature of the modification and request approval of the modification. The owner or manufacturer shall supply the approval agency with three sets of all revised drawings, calculations, and test data relative to the intended modification.

(2) A statement as to whether the intended modification has been examined by any approval agency previously judged unacceptable. An affirmative statement must be documented with the name of the approving agency, the reason for nonacceptance, and the nature of changes made to the modification since its original rejection.

(3) The approval agency shall review the request for modification, and if it is determined that the proposed modification is in full compliance with the relevant DOT specification, including a UN portable tank, the request shall be approved and the approval agency shall perform the following activities:

(i) Return one set of the approved revised drawings, calculations, and test data to the applicant. The second and third sets of the approved revised drawings, calculations, and data shall be retained by the approval agency as required in § 107.404(a)(3) of this subchapter.

(ii) Ensure through appropriate inspection that all modifications conform to the revised drawings, calculations, and test data.

(iii) Determine the extent to which retesting of the modified tank is necessary based on the nature of the proposed modification, and ensure that all required retests are satisfactorily performed.

(iv) If modification to an approved tank alters any information on the approval certificate, issue a new approval certificate for the modified tank and ensure that any necessary changes are made to the metal identification plate. A copy of each newly issued approval certificate shall be retained by the approval agency and by the owner of each portable tank.

(4) If it determined that the proposed modification is not in compliance with the relevant DOT specification, the request shall be denied. The procedures of paragraph (d) of this section apply to such denial.

(f) *Termination of Approval Certificate.* (1) The Associate Administrator may terminate an approval issued under this section if he determines that:

(i) Information upon which the approval was based is fraudulent or substantially erroneous; or

(ii) Termination of the approval is necessary to adequately protect against risks to life and property; or

(iii) The approval was not issued by the approval agency in good faith; or

(iv) That the portable tank does not meet the specification.

(2) Before an approval is withdrawn, the Associate Administrator gives the interested party(ies):

(i) Written notice of the facts or conduct believed to warrant the withdrawal;

(ii) Opportunity to submit oral and written evidence; and

(iii) Opportunity to demonstrate or achieve compliance with the application requirement.

(3) If the Associate Administrator determines that a certificate of approval must be withdrawn to preclude a significant and imminent adverse affect on public safety, he shall withdraw the certificate of approval issued by a designated approval agency. In such circumstances, the procedures of paragraphs (f)(2) (ii) and (iii) of this section need not be provided prior to withdrawal of the approval, but shall be provided as soon as practicable thereafter.

61. Section 178.274 would be added to subpart H to read as follows:

§ 178.274 Specifications for UN portable tanks.

(a) *General.* (1) Each UN portable tank must meet the requirements of this section. In addition to the requirements of this section, requirements specific to UN portable tanks used for liquid and solid hazardous materials, liquefied compressed gases and refrigerated liquefied gases are provided in §§ 178.275, 178.276 and 178.277, respectively. Requirements for approval, maintenance, inspection, testing and use are provided in § 178.273 and part 180, subpart G, of this subchapter. Any portable tank which meets the definition of a ''container'' within the terms of the International Convention for Safe Containers (CSC) must meet the requirements of the CSC as amended and 49 CFR parts 450 through 453 and must have a CSC safety approval plate.

(2) In recognition of scientific and technological advances, the technical requirements applicable to UN portable tanks may be varied if approved by the Associate Administrator and the portable tank is shown to provide a level of safety equal to or exceeding the requirements of this subchapter with respect to the compatibility of the transported hazardous materials and the ability of the portable tank to withstand impact, loading and fire conditions. Portable tanks approved to alternative technical requirements must be marked ''Alternative Arrangement'' as specified in paragraph (i) of this section.

(3) *Definitions.* The following definitions apply for the purposes of design and construction of UN portable tanks under this subpart:

Alternate Arrangement portable tank means a UN portable tank that has been approved to alternative technical requirements or testing methods other than those specified for UN portable tanks in part 178 or part 180 of this subchapter.

Approval agency means the designated approval agency authorized to approve the portable tank in accordance with the procedures in subpart E, part 107 of this subchapter.

Design pressure is defined differently depending on the hazardous materials intended to be transported in the portable tank. See §§ 178.275, 178.276 and 178.277 as applicable.

Design type means a portable tank or series of portable tanks made of materials of the same material specifications and thicknesses, manufactured by a single manufacturer, using the same fabrication techniques (for example, welding procedures) and made with equivalent structural equipment, closures, and service equipment.

Fine grain steel means steel which has a ferritic grain size of 6 or finer when determined in accordance with ASTM E 112 (incorporated by reference, see § 171.7 of this subchapter).

Jacket means the outer insulation cover or cladding which may be part of the insulation system.

Leakage test means a test using gas to subject the shell and its service equipment to an effective internal pressure of not less than 25% of the MAWP. For portable tanks used for refrigerated liquefied gases the leakage test must be conducted at an effective internal pressure of not less than 90% of the MAWP.

Maximum allowable working pressure (MAWP) is defined differently depending on the hazardous materials intended to be transported in the portable tank. See §§ 178.275, 178.276 and 178.277, as applicable.

Maximum permissible gross mass (MPGM) means the sum of the tare mass of the portable tank and the heaviest hazardous material authorized for transportation.

Mild steel means a steel with a guaranteed minimum tensile strength of 360 N/mm² to 440 N/mm² and a guaranteed minimum elongation at fracture as specified in paragraph § 178.274(c)(11).

Offshore portable tank means a portable tank specially designed for repeated use in the transportation of hazardous materials to, from and between offshore facilities. An offshore portable tank is designed and constructed in accordance with the Guidelines for the Approval of Containers Handled in Open Seas specified in the IMDG Code (incorporated by reference, see § 171.7 of this subchapter).

Reference steel means a steel with a tensile strength of 370 N/mm² and an elongation at fracture of 27%.

Service equipment means measuring instruments and filling, discharge, venting, safety, heating, cooling and insulating devices.

Shell means the part of the portable tank which retains the hazardous materials intended for transportation, including openings and their closures, but does not include service equipment or external structural equipment.

Structural equipment means the reinforcing, fastening, protective and stabilizing members external to the shell.

Test pressure means the maximum gauge pressure at the top of the shell during the hydraulic pressure test equal to not less than 1.5 times the design pressure for liquids and 1.3 for liquefied compressed gases. The minimum test pressure for portable tanks intended for specific hazardous materials is specified in the applicable portable tank T code assigned to a particular hazardous material in the § 172.101 Table of this subchapter.

(b) *General design and construction requirements.* (1) The design temperature range for the shell must be −40 °C to 50 °C (−40 °F to 122 °F) for hazardous materials transported under normal conditions of transportation, except for portable tanks used for refrigerated liquefied gases where the minimum design temperature must not be higher than the lowest (coldest) temperature (for example, service temperature) of the contents during filling, discharge or transportation. For hazardous materials handled under elevated temperature conditions, the design temperature must not be less than the maximum temperature of the hazardous material during filling, discharge or transportation. More severe design temperatures must be considered for portable tanks subjected to severe climatic conditions (for example, portable tanks transported in arctic regions). Shells must be designed and constructed in accordance with the requirements of the ASME Code, Section VIII, Division 1 (incorporated by reference, see § 171.7 of this subchapter), except as limited or modified in this subchapter. For portable tanks used for liquid or solid hazardous materials, a design code other than the ASME Code may be used if approved by the Associate Administrator. Portable tanks used for liquified compressed gases require an ASME certification and U stamp. Shells must be made of metallic materials suitable for forming. Non-metallic materials may be used for the attachments and supports between the shell and jacket, provided their material properties at the minimum and maximum design temperatures are proven to be sufficient. For welded shells, only a material whose weldability has been fully demonstrated may be used. Welds must be of high quality and conform to a level of integrity at least equivalent to the welding requirements specified in the ASME Code, Section VIII for the welding of pressure vessels. When the manufacturing process or the materials make it necessary, the shells must be suitably heat-treated to guarantee adequate toughness in the weld and in the heat affected zones. In choosing the material, the design temperature range must be taken into account with respect to risk of brittle fracture, stress corrosion cracking, resistance to impact, and suitability for the hazardous materials intended for transportation in the portable tank. When fine grain steel is used, the guaranteed value of the yield strength must be not more than 460 N/mm² and the guaranteed value of the upper limit of the tensile strength must be not more than 725 N/mm² according to the material specification. Aluminum may not be used as a construction material for the shell. Portable tank materials must be suitable for the external environment where they will be transported taking into account the determined design temperature range. Portable tanks must be designed to withstand, without loss of contents, at least the internal pressure due to the contents and the static, dynamic and thermal loads during normal conditions of handling and transportation. The design must take into account the effects of fatigue, caused by repeated application of these loads through the expected life of the portable tank.

(2) Portable tank shells, fittings, and pipework must be constructed from materials that are:

(i) Compatible with the hazardous materials intended to be transported; or

(ii) Properly passivated or neutralized by chemical reaction, if applicable; or

(iii) For portable tanks used for liquid and solid materials, lined with corrosion-resistant material directly bonded to the shell or attached by equivalent means.

(3) Gaskets and seals must be made of materials that are compatible with the hazardous materials intended to be transported.

(4) When shells are lined, the lining must be compatible with the hazardous materials intended to be transported, homogeneous, non-porous, free from perforations, sufficiently elastic and compatible with the thermal expansion characteristics of the shell. The lining of every shell, shell fittings and piping must be continuous and must extend around the face of any flange. Where external fittings are welded to the tank, the lining must be continuous through the fitting and around the face of external flanges. Joints and seams in the lining must be made by fusing the material together or by other equally effective means.

(5) Contact between dissimilar metals which could result in damage by galvanic action must be prevented by appropriate measures.

(6) The construction materials of the portable tank, including any devices, gaskets, linings and accessories, must not adversely affect or react with the hazardous materials intended to be transported in the portable tank.

(7) Portable tanks must be designed and constructed with supports that provide a secure base during transportation and with suitable lifting and tie-down attachments.

(c) *Design criteria.* (1) Portable tanks and their fastenings must, under the maximum permissible load, be capable of absorbing the following separately applied static forces (for calculation purposes, acceleration due to gravity (g) = 9.81m/s²):

(i) In the direction of travel: 2g (twice the MPGM multiplied by the acceleration due to gravity);

(ii) Horizontally at right angles to the direction of travel: 1g (the MPGM

multiplied by the acceleration due to gravity);

(iii) Vertically upwards: 1g (the MPGM multiplied by the acceleration due to gravity); and

(iv) Vertically downwards: 2g (twice the MPGM multiplied by the acceleration due to gravity).

(2) Under each of the forces specified in paragraph (c)(1) of this section, the safety factor must be as follows:

(i) For metals having a clearly defined yield point, a design margin of 1.5 in relation to the guaranteed yield strength; or

(ii) For metals with no clearly defined yield point, a design margin of 1.5 in relation to the guaranteed 0.2% proof strength and, for austenitic steels, the 1% proof strength.

(3) The values of yield strength or proof strength must be the values according to recognized material standards. When austenitic steels are used, the specified minimum values of yield strength or proof strength according to the material standards may be increased by up to 15% when these greater values are attested in the material inspection certificate.

(4) Portable tanks must be capable of being electrically grounded to prevent dangerous electrostatic discharge when they are used for Class 2 flammable gases or Class 3 flammable liquids, including elevated temperature materials transported at or above their flash point.

(5) For shells of portable tanks used for liquefied compressed gases, the shell must consist of a circular cross section. Shells must be of a design capable of being stress-analysed mathematically or experimentally by resistance strain gauges as specified in UG–101 of the ASME Code (incorporated by reference, see § 171.7 of this subchapter), or other methods approved by the Associate Administrator.

(6) Shells must be designed and constructed to withstand a hydraulic test pressure of not less than 1.5 times the design pressure for portable tanks used for liquids and 1.3 times the design pressure for portable tanks used for liquefied compressed gases. Specific requirements are provided for each hazardous material in the applicable T Code or portable tank special provision specified in the § 172.101 Table of this subchapter. The minimum shell thickness requirements must also be taken into account.

(7) For metals exhibiting a clearly defined yield point or characterized by a guaranteed proof strength (0.2% proof strength, generally, or 1% proof strength for austenitic steels), the primary membrane stress (sigma) in the shell must not exceed 0.75 Re or 0.50 Rm, whichever is lower, at the test pressure, where:

Re = yield strength in N/mm², or 0.2% proof strength or, for austenitic steels, 1% proof strength;

Rm = minimum tensile strength in N/mm².

(8) The values of Re and Rm to be used must be the specified minimum values according to recognized material standards. When austenitic steels are used, the specified minimum values for Re and Rm according to the material standards may be increased by up to 15% when greater values are attested in the material inspection certificate.

(9) Steels which have a Re/Rm ratio of more than 0.85 are not allowed for the construction of welded shells. The values of Re and Rm to be used in determining this ratio must be the values specified in the material inspection certificate.

(10) Steels used in the construction of shells must have an elongation at fracture, in percentage, of not less than 10,000/Rm with an absolute minimum of 16% for fine grain steels and 20% for other steels.

(11) For the purpose of determining actual values for materials for sheet metal, the axis of the tensile test specimen must be at right angles (transversely) to the direction of rolling. The permanent elongation at fracture must be measured on test specimens of rectangular cross sections in accordance with ISO 6892 (see § 171.7 of this subchapter), using a 50 mm gauge length.

(d) *Minimum shell thickness.* (1) The minimum shell thickness must be the greatest thickness of the following:

(i) the minimum thickness determined in accordance with the requirements of paragraphs (d)(2) through (d)(10) of this section;

(ii) the minimum thickness determined in accordance with the ASME Code (incorporated by reference, see § 171.7 of this subchapter) or other approved pressure vessel code; or

(iii) the minimum thickness specified in the applicable T code or portable tank special provision indicated for each hazardous material in the § 172.101 Table of this subchapter.

(2) Shells (cylindrical portions, heads and manhole covers) not more than 1.80 m in diameter may not be less than 5 mm thick in the reference steel or of equivalent thickness in the metal to be used. Shells more than 1.80 m in diameter may not be less than 6 mm thick in the reference steel or of equivalent thickness in the metal to be used. For portable tanks used only for the transportation of powdered or granular solid hazardous materials of Packing Group II or III, the minimum thickness requirement may be reduced to 5 mm in the reference steel or of equivalent thickness in the metal to be used regardless of the shell diameter. For vacuum-insulated tanks, the aggregate thickness of the jacket and the shell must correspond to the minimum thickness prescribed in this paragraph, with the thickness of the shell itself not less than the minimum thickness prescribed in paragraph (d)(3) of this section.

(3) When additional protection against shell damage is provided in the case of portable tanks used for liquid and solid hazardous materials requiring test pressures less than 2.65 bar (265.0 kPa), subject to certain limitations specified in the UN Recommendations (incorporated by reference, see § 171.7 of this subchapter), the Associate Administrator may approve a reduced minimum shell thickness.

(4) The cylindrical portions, heads and manhole covers of all shells must not be less than 3 mm (0.1 inch) thick regardless of the material of construction, except for portable tanks used for liquefied compressed gases where the cylindrical portions, ends (heads) and manhole covers of all shells must not be less than 4 mm (0.2 inch) thick regardless of the material of construction.

(5) When steel that has characteristics other than that of reference steel is used, the equivalent thickness of the shell and heads must be determined according to the following formula:

Where:

$$e_1 = \frac{21.4\, e_0 d_1}{1.8^3 \sqrt{Rm_1 \times A_1}}$$

e_1 = required equivalent thickness (in mm) of the metal to be used;

e_0 = minimum thickness (in mm) of the reference steel specified in the applicable T code or portable tank special provision indicated for each material in the § 172.101 Table of this subchapter;

d_1 = 1.8m, unless the formula is used to determine the equivalent minimum thickness for a portable tank shell that is required to have a minimum thickness of 8mm or 10mm according to the applicable T code indicated in the § 172.101 Table of this subchapter. When reference steel thicknesses of 8mm or 10mm are specified, d_1 is equal to the actual diameter of the shell but not less than 1.8m;

Rm_1 = guaranteed minimum tensile strength (in N/mm²) of the metal to be used;

A_1 = guaranteed minimum elongation at fracture (in %) of the metal to be used

according to recognized material standards.

(6) The wall and all parts of the shell may not have a thickness less than that prescribed in paragraphs (d)(2), (d)(3) and (d)(4) of this section. This thickness must be exclusive of any corrosion allowance.

(7) There must be no sudden change of plate thickness at the attachment of the heads to the cylindrical portion of the shell.

(e) *Service equipment.* (1) Service equipment must be arranged so that it is protected against the risk of mechanical damage by external forces during handling and transportation. When the connections between the frame and the shell allow relative movement between the sub-assemblies, the equipment must be fastened to allow such movement without risk of damage to working parts. The external discharge fittings (pipe sockets, shut-off devices) and the internal stop-valve and its seating must be protected against mechanical damage by external forces (for example, by using shear sections). The filling and discharge devices (including flanges or threaded plugs) and any protective caps must be capable of being secured against unintended opening.

(2) Each connection to a portable tank must be clearly marked to indicate its function.

(3) Each stop-valve or other means of closure must be designed and constructed to a rated pressure not less than the MAWP of the shell taking into account the temperatures expected during transport. All stop-valves with screwed spindles must close by a clockwise motion of the handwheel. For other stop-valves the position (open and closed) and direction of closure must be clearly indicated. All stop-valves must be designed to prevent unintentional opening.

(4) Piping must be designed, constructed and installed to avoid the risk of damage due to thermal expansion and contraction, mechanical shock and vibration. All piping must be of a suitable metallic material. Welded pipe joints must be used wherever possible.

(5) Joints in copper tubing must be brazed or have an equally strong metal union. The melting point of brazing materials must be no lower than 525 °C (977 °F). The joints must not decrease the strength of the tubing, such as may happen when cutting threads.

(6) The burst pressure of all piping and pipe fittings must be greater than the highest of four times the MAWP of the shell or four times the pressure to which it may be subjected in service by the action of a pump or other device (except pressure relief devices).

(7) External fittings must be grouped together. Filling and discharge connections may be installed below the normal liquid level of the tank if the tank design conforms to the following requirements:

(i) The portable tank must be permanently mounted in a full framework for containerized transport. For each portable tank design, a prototype portable tank, must fulfill the requirements of parts 450 through 453 of this title for compliance with the requirements of Annex II of the International Convention for Safe Containers.

(ii) Each filling and discharge connection must be equipped with an internal self-closing stop-valve capable of closing within 30 seconds of actuation. Each internal self-closing stop-valve must be protected by a shear section or sacrificial device located outboard of the valve. The shear section or sacrificial device must break at no more than 70 percent of the load that would cause failure of the internal self-closing stop-valve.

(iii) Each internal self-closing stop-valve must be provided with remote means of automatic closure, both thermal and mechanical. The thermal means of automatic closure must actuate at a temperature of not over 121 °C (250 °F).

(8) Ductile metals must be used in the construction of valves and accessories.

(f) *Pressure relief devices.*—(1) *Marking of pressure relief devices.* Every pressure relief device must be clearly and permanently marked with the following:

(i) the pressure (in bar or kPa) or temperature for fusible elements (in °C) at which it is set to discharge;

(ii) the allowable tolerance at the discharge pressure for reclosing devices;

(iii) the reference temperature corresponding to the rated pressure for frangible discs;

(iv) the allowable temperature tolerance for fusible elements;

(v) the rated flow capacity of the device in standard cubic meters of air per second (m^3/s) determined according to ISO 4126–1 (incorporated by reference, see § 171.7 of this subchapter); and

(vi) when practicable, the device must show the manufacturer's name and product number.

(2) *Connections to pressure relief devices.* Connections to pressure relief devices must be of sufficient size to enable the required discharge to pass unrestricted to the safety device. No stop-valve may be installed between the shell and the pressure relief devices except where duplicate devices are provided for maintenance or other reasons and the stop-valves serving the devices actually in use are locked open or the stop-valves are interlocked so that at least one of the duplicate devices is always in use. There must be no obstruction in an opening leading to a vent or pressure relief device which might restrict or cut-off the flow from the shell to that device. Vents or pipes from the pressure relief device outlets, when used, must deliver the relieved vapor or liquid to the atmosphere in conditions of minimum back-pressure on the relieving devices.

(3) *Location of pressure relief devices.* (i) Each pressure relief device inlet must be situated on top of the shell in a position as near the longitudinal and transverse center of the shell as reasonably practicable. All pressure relief device inlets must, under maximum filling conditions, be situated in the vapor space of the shell and the devices must be so arranged as to ensure that escaping vapor is discharged unrestrictedly. For flammable hazardous materials, the escaping vapor must be directed away from the shell in such a manner that it cannot impinge upon the shell. For refrigerated liquefied gases, the escaping vapor must be directed away from the tank and in such a manner that it cannot impinge upon the tank. Protective devices which deflect the flow of vapor are permissible provided the required relief-device capacity is not reduced.

(ii) Arrangements must be made to prevent unauthorized persons from access to the pressure relief devices and to protect the devices from damage caused by the portable tank overturning.

(g) *Gauging devices.* Unless a portable tank is intended to be filled by weight, it must be equipped with one or more gauging devices. Glass level-gauges and gauges made of other fragile material, which are in direct communication with the contents of the tank are prohibited. A connection for a vacuum gauge must be provided in the jacket of a vacuum-insulated portable tank.

(h) *Portable tank supports, frameworks, lifting and tie-down attachments.* (1) Portable tanks must be designed and constructed with a support structure to provide a secure base during transport. The forces and safety factors specified in paragraphs (c)(1) and (c)(2) of this section, respectively, must be taken into account in this aspect of the design. Skids, frameworks, cradles or other similar structures are acceptable.

(2) The combined stresses caused by portable tank mountings (for example,

cradles, framework, etc.) and portable tank lifting and tie-down attachments must not cause excessive stress in any portion of the shell. Permanent lifting and tie-down attachments must be fitted to all portable tanks. Preferably they should be fitted to the portable tank supports but may be secured to reinforcing plates located on the shell at the points of support. Each portable tank must be designed so that the center of gravity of the filled tank is approximately centered within the points of attachment for lifting devices.

(3) In the design of supports and frameworks, the effects of environmental corrosion must be taken into account.

(4) Forklift pockets must be capable of being closed off. The means of closing forklift pockets must be a permanent part of the framework or permanently attached to the framework. Single compartment portable tanks with a length less than 3.65 m need not have forklift pockets that are capable of being closed off provided that:

(i) The shell, including all the fittings, are well protected from being hit by the forklift blades; and

(ii) The distance between forklift pockets (measured from the center of each pocket) is at least half of the maximum length of the portable tank.

(5) During transport, portable tanks must be adequately protected against damage to the shell, and service equipment resulting from lateral and longitudinal impact and overturning on the shell and service equipment must be constructed to withstand impact or overturning. External fittings must be protected so as to preclude the release of the shell contents upon impact or overturning of the portable tank on its fittings. Examples of protection include:

(i) Protection against lateral impact which may consist of longitudinal bars protecting the shell on both sides at the level of the median line;

(ii) Protection of the portable tank against overturning which may consist of reinforcement rings or bars fixed across the frame;

(iii) Protection against rear impact which may consist of a bumper or frame;

(iv) Protection of the shell against damage from impact or overturning by use of an ISO frame in accordance with ISO 1496–3 (incorporated by reference, see § 171.7 of this subchapter); and

(v) Protection of the portable tank from impact or overturning by a vacuum insulation jacket.

(i) *Marking.* (1) Every portable tank must be fitted with a corrosion resistant metal plate permanently attached to the portable tank in a conspicuous place and readily accessible for inspection. When the plate cannot be permanently attached to the shell, the shell must be marked with at least the information required by the ASME Code (incorporated by reference, see § 171.7 of this subchapter). At a minimum, the following information must be marked on the plate by stamping or by any other similar method:

Country of manufacture
UN
Approval Country
Approval Number
Alternative Arrangements ''AA'' (see § 178.274(a)(2))
Manufacturer's name or mark
Manufacturer's serial number
Approval Agency (Authorized body for the design approval)
Owner's registration number
Year of manufacture
Pressure vessel code to which the shell is designed
Test pressure _____ bar gauge.
MAWP _____ bar gauge.
External design pressure (not required for portable tanks used for refrigerated liquefied gases) _____ bar/gauge.
Design temperature range _____ °C to _____ °C. (For portable tanks used for refrigerated liquefied gases, the minimum design temperature must be marked.)
Water capacity at 20 °C/ _____ liters.
Water capacity of each compartment at 20 °C _____ liters.
Initial pressure test date and witness identification.
MAWP for heating/cooling system _____ bar gauge.
Shell material(s) and material standard reference(s).
Equivalent thickness in reference steel _____ mm.
Lining material (when applicable).
Date and type of most recent periodic test(s).
Month _____ Year _____ Test pressure _____ bar/gauge.
Stamp of approval agency that performed or witnessed the most recent test.
For portable tanks used for refrigerated liquefied gases:
Either ''thermally insulated'' or ''vacuum insulated'' _____.
Effectiveness of the insulation system (heat influx) _____ Watts (W).
Reference holding time _____ days or hours and initial pressure _____ bar/kPa gauge and degree of filling _____ in kg for each refrigerated liquefied gas permitted for transportation.

(2) The following information must be marked either on the portable tank itself or on a metal plate firmly secured to the portable tank:

Name of the operator.
Name of hazardous materials being transported and maximum mean bulk temperature (except for refrigerated liquefied gases, the name and temperature are only required when the maximum mean bulk temperature is higher than 50 °C).
Maximum permissible gross mass (MPGM) _____ kg.
Unladen (tare) mass _____ kg.

Note to Paragraph (i)(2): For the identification of the hazardous materials being transported refer to part 172 of this subchapter.

(3) If a portable tank is designed and approved for open seas operations, such as offshore oil exploration, in accordance with the IMDG Code, the words ''OFFSHORE PORTABLE TANK'' must be marked on the identification plate.

62. Section 178.275 would be added to subpart H to read as follows:

§ 178.275 Specification for UN Portable Tanks intended for the transportation of liquid and solid hazardous materials.

(a) In addition to the requirements of § 178.274, the following definitions and requirements apply to UN portable tanks intended for the transportation of liquid and solid hazardous materials:

(1) *Design pressure* means the pressure to be used in calculations required by the recognized pressure vessel code. The design pressure must not be less than the highest of the following pressures:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The sum of:

(A) The absolute vapor pressure (in bar) of the hazardous material at 65 °C, minus 1 bar (149 °F, minus 100 kPa);

(B) The partial pressure (in bar) of air or other gases in the ullage space, resulting from their compression during filling without pressure relief by a maximum ullage temperature of 65 °C (149 °F) and a liquid expansion due to an increase in mean bulk temperature of 35 °C (95 °F); and

(C) A head pressure determined on the basis of the forces specified in § 178.274(c), but not less than 0.35 bar (35 kPa).

(2) *Maximum allowable working pressure (MAWP)* means a pressure that must not be less than the highest of the following pressures measured at the top of the shell while in operating position:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The maximum effective gauge pressure to which the shell is designed which must be not less than the design pressure.

(b) *Service equipment.* (1) In addition to the requirements specified in § 178.274, for service equipment, all openings in the shell, intended for filling or discharging the portable tank must be fitted with a manually operated stop-valve located as close to the shell

as reasonably practicable. Other openings, except for openings leading to venting or pressure relief devices, must be equipped with either a stop-valve or another suitable means of closure located as close to the shell as reasonably practicable.

(2) All portable tanks must be fitted with a manhole or other inspection openings of a suitable size to allow for internal inspection and adequate access for maintenance and repair of the interior. Compartmented portable tanks must have a manhole or other inspection openings for each compartment.

(3) For insulated portable tanks, top fittings must be surrounded by a spill collection reservoir with suitable drains.

(4) Piping must be designed, constructed and installed to avoid the risk of damage due to thermal expansion and contraction, mechanical shock and vibration. All piping must be of a suitable metallic material. Welded pipe joints must be used wherever possible.

(c) *Bottom openings.* (1) Certain hazardous materials may not be transported in portable tanks with bottom openings. When the applicable T code or portable tank special provision, as referenced for materials in the § 172.101 Table of this subchapter, specifies that bottom openings are prohibited, there must be no openings below the liquid level of the shell when it is filled to its maximum permissible filling limit. When an existing opening is closed, it must be accomplished by internally and externally welding one plate to the shell.

(2) Bottom discharge outlets for portable tanks carrying certain solid, crystallizable or highly viscous hazardous materials must be equipped with at least two serially fitted and mutually independent shut-off devices. Use of only two shut-off devices is only authorized when this paragraph is referenced in the applicable T Code indicated for each hazardous material in the § 172.101 Table of this subchapter. The design of the equipment must be to the satisfaction of the approval agency and must include:

(i) An external stop-valve fitted as close to the shell as reasonably practicable; and

(ii) A liquid tight closure at the end of the discharge pipe, which may be a bolted blank flange or a screw cap.

(3) Except as provided in paragraph (c)(2) of this section, every bottom discharge outlet must be equipped with three serially fitted and mutually independent shut-off devices. The design of the equipment must be to the satisfaction of the approval agency and must include:

(i) A self-closing internal stop-valve, which is a stop-valve within the shell or within a welded flange or its companion flange, such that:

(A) The control devices for the operation of the valve are designed to prevent any unintended opening through impact or other inadvertent act;

(B) The valve is operable from above or below;

(C) If possible, the setting of the valve (open or closed) must be capable of being verified from the ground;

(D) Except for portable tanks having a capacity less than 1,000 liters (264.2 gallons), it must be possible to close the valve from an accessible position of the portable tank that is remote from the valve itself; and

(E) The valve must continue to be effective in the event of damage to the external device for controlling the operation of the valve;

(ii) An external stop-valve fitted as close to the shell as reasonably practicable; and

(iii) A liquid tight closure at the end of the discharge pipe, which may be a bolted blank flange or a screw cap.

(4) For a lined shell, the internal stop-valve required by paragraph (c)(3)(i) of this section may be replaced by an additional external stop-valve.

(d) *Pressure relief devices.* All portable tanks must be fitted with at least one pressure relief device. All relief devices must be designed, constructed and marked in accordance with the requirements of this subchapter.

(e) *Vacuum-relief devices.* (1) A shell which is to be equipped with a vacuum-relief device must be designed to withstand, without permanent deformation, an external pressure of not less than 0.21 bar (21.0 kPa) above the internal pressure. The vacuum-relief device must be set to relieve at a vacuum setting not greater than minus (−) 0.21 bar (−21.0 kPa) unless the shell is designed for a higher external over pressure, in which case the vacuum-relief pressure of the device to be fitted must not be greater than the tank design vacuum pressure. A shell that is not fitted with a vacuum-relief device must be designed to withstand, without permanent deformation, an external pressure of not less than 0.4 bar (40.0 kPa) above the internal pressure.

(2) Vacuum-relief devices used on portable tanks intended for the transportation of hazardous materials meeting the criteria of Class 3, including elevated temperature hazardous materials transported at or above their flash point, must prevent the immediate passage of flame into the shell or the portable tank must have a shell capable of withstanding, without leakage, an internal explosion resulting from the passage of flame into the shell.

(f) *Pressure relief devices.* (1) Each portable tank with a capacity not less than 1,900 liters (501.9 gallons) and every independent compartment of a portable tank with a similar capacity, must be provided with one or more pressure relief devices of the reclosing type. Such portable tanks may, in addition, have a frangible disc or fusible element in parallel with the reclosing devices, except when the applicable T code assigned to a hazardous material requires that the frangible disc precede the pressure relief device, according to paragraph (f)(3) of this section, or when no bottom openings are allowed. The pressure relief devices must have sufficient capacity to prevent rupture of the shell due to over pressurization or vacuum resulting from filling, discharging, from heating of the contents or fire.

(2) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of liquid and the development of any dangerous excess pressure.

(3) When required for certain hazardous materials by the applicable T code or portable tank special provision specified for a hazardous material in the § 172.101 Table of this subchapter, portable tanks must have a pressure relief device consistent with the requirements of this subchapter. Except for a portable tank in dedicated service that is fitted with an approved relief device constructed of materials compatible with the hazardous material, the relief device system must include a frangible disc preceding a reclosing pressure relief device. A pressure gauge or suitable tell-tale indicator for the detection of disc rupture, pin-holing or leakage must provide the space between the frangible disc and the pressure relief device. The frangible disc must rupture at a nominal pressure 10% above the start to discharge pressure of the relief device.

(4) Every portable tank with a capacity less than 1,900 liters (501.9 gallons) must be fitted with a pressure relief device, which may be a frangible disc when this disc is set to rupture at a nominal pressure equal to the test pressure at any temperature within the design temperature range.

(5) When the shell is fitted for pressure discharge, a suitable pressure relief device must provide the inlet line to the portable tank set to operate at a pressure not higher than the MAWP of the shell, and a stop-valve must be fitted as close to the shell to minimize the potential for damage.

(6) *Setting of pressure relief devices.* (i) Pressure relief devices must operate only in conditions of excessive rise in temperature, since the shell must not be subject to undue fluctuations of pressure during normal conditions of transportation.

(ii) The required pressure relief device must be set to start-to-discharge at a nominal pressure of five-sixths of the test pressure for shells having a test pressure of not more than 4.5 bar (450 kPa) and 110% of two-thirds of the test pressure for shells having a test pressure of more than 4.5 bar (450 kPa). A self-closing relief device must close at a pressure not more than 10% below the pressure at which the discharge starts. The device must remain closed at all lower pressures. This requirement does not prevent the use of vacuum-relief or combination pressure relief and vacuum-relief devices.

(g) *Fusible elements.* Fusible elements must operate at a temperature between 110 °C (230 °F) and 149 °C (300.2 °F) provided that the pressure in the shell at the fusing temperature will not exceed the test pressure. They must be placed at the top of the shell with their inlets in the vapor space and in no case may they be shielded from external heat. Fusible elements must not be utilized on portable tanks with a test pressure which exceeds 2.65 bar (265.0 kPa). Fusible elements used on portable tanks intended for the transport of elevated temperature hazardous materials must be designed to operate at a temperature higher than the maximum temperature that will be experienced during transport and must be to the satisfaction of the approval agency.

(h) *Capacity of pressure relief devices.* (1) The reclosing pressure relief device required by paragraph (f)(1) must have a minimum cross sectional flow area equivalent to an orifice of 31.75 mm (1.3 inches) diameter. Vacuum-relief devices, when used, must have a cross sectional flow area not less than 284 mm^2 (11.2 inches^2).

(2) Under conditions of complete fire engulfment of the portable tank, the combined delivery capacity of the relief devices must be sufficient to limit the pressure in the shell to 20% above the start-to-discharge pressure specified in paragraph(f)(6) of this section. Emergency pressure relief devices may be used to achieve the full relief capacity prescribed. The total required capacity of the relief devices may be determined using the formula in paragraph (h)(2)(i) of this section or the table in paragraph (h)(2)(iii) of this section.

(i)(A) To determine the total required capacity of the relief devices, which must be regarded as being the sum of the individual capacities of all the contributing devices, the following formula must be used:

$$Q = 12.4 \frac{FA^{0.82}}{LC} \sqrt{\frac{ZT}{M}}$$

Where:

Q = minimum required rate of discharge in cubic meters of air per second (m^3/s) at standard conditions: 1 bar and 0 °C (273 K);

F = for uninsulated shells: 1; for insulated shells: U(649 − t)/13.6 but in no case is less than 0.25 where: U = thermal conductance of the insulation in kW·m^{-2}·K^{-1}, at 38 °C; and t = actual temperature of the hazardous material during filling (in °C) or when this temperature is unknown, let t = 15 °C. The value of F given above for insulated shells may only be used if the insulation is in conformance with paragraph (h)(2)(iv) of this section;

A = total external surface area of shell in square meters;

Z = the gas compressibility factor in the accumulating condition (when this factor is unknown, let Z equal 1.0);

T = absolute temperature in Kelvin (°C + 273) above the pressure relief devices in the accumulating condition;

L = the latent heat of vaporization of the liquid, in kJ/kg, in the accumulating condition;

M = molecular weight of the hazardous material.

(B) The constant C, as shown in the formula in paragraph (h)(2)(i)(A) of this section, is derived from one of the following formula as a function of the ratio k of specific heats:

$$k = \frac{C_p}{C_v}$$

Where:

c_p is the specific heat at constant pressure; and

c_v is the specific heat at constant volume.

(C) When *k*>1:

$$C = \sqrt{k\left(\frac{2}{k+1}\right)^{\frac{k+1}{k-1}}}$$

(D) When *k* = 1 or k is unknown, a value of 0.607 may be used for the constant C. C may also be taken from the following table:

C CONSTANT VALUE TABLE

k	C	k	C	k	C
1.00	0.607	1.26	0.660	1.52	0.704
1.02	0.611	1.28	0.664	1.54	0.707
1.04	0.615	1.30	0.667	1.56	0.710
1.06	0.620	1.32	0.671	1.58	0.713
1.08	0.624	1.34	0.674	1.60	0.716
1.10	0.628	1.36	0.678	1.62	0.719
1.12	0.633	1.38	0.681	1.64	0.722
1.14	0.637	1.40	0.685	1.66	0.725
1.16	0.641	1.42	0.688	1.68	0.728
1.18	0.645	1.44	0.691	1.70	0.731
1.20	0.649	1.46	0.695	2.00	0.770
1.22	0.652	1.48	0.698	2.20	0.793
1.24	0.656	1.50	0.701	.....	

(ii) As an alternative to the formula in paragraph (h)(2)(i) of this section, relief devices for shells used for transporting liquids may be sized in accordance with the table in paragraph (h)(2)(iii) of this section. The table in paragraph (h)(2)(iii) of this section assumes an insulation value of F = 1 and must be adjusted accordingly when the shell is insulated. Other values used in determining the table in paragraph (h)(2)(iii) of this section are: L = 334.94 kJ/kg; M = 86.7; T = 394 K; Z = 1; and C = 0.607.

(iii) Minimum emergency vent capacity, Q, in cubic meters per air per second at 1 bar and 0 °C (273 K), as shown in the following table:

MINIMUM EMERGENCY VENT CAPACITY

[Q Values]

A Exposed area (square meters)	Q (Cubic meters of air per second)	A Exposed area (square meters)	Q (Cubic meters of air per second)
2	0.230	37.5	2.539
3	0.320	40	2.677
4	0.405	42.5	2.814
5	0.487	45	2.949
6	0.565	47.5	3.082
7	0.641	50	3.215
8	0.715	52.5	3.346
9	0.788	55	3.476
10	0.859	57.5	3.605
12	0.998	60	3.733
14	1.132	62.5	3.860
16	1.263	65	3.987
18	1.391	67.5	4.112
20	1.517	70	4.236
22.5	1.670	75	4.483
25	1.821	80	4.726
27.5	1.969	85	4.967
30	2.115	90	5.206
32.5	2.258	95	5.442
35	2.400	100	5.676

(iv) Insulation systems, used for the purpose of reducing venting capacity, must be approved by the approval agency. In all cases, insulation systems approved for this purpose must:

(A) Remain effective at all temperatures up to 649 °C (1200.2 °F); and

(B) Be jacketed with a material having a melting point of 700 °C (1292 °F) or greater.

(i) *Approval, inspection and testing.* Approval procedures for UN portable tanks are specified in § 178.273. Inspection and testing requirements are specified in § 180.605 of this subchapter.

63. Section 178.276 would be added to subpart H to read as follows:

§ 178.276 Requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of liquefied compressed gases.

(a) In addition to the requirements of § 178.274 applicable to UN portable tanks, the following requirements apply to UN portable tanks used for liquefied compressed gases. In addition to the definitions in § 178.274, the following definitions apply:

Design pressure means the pressure to be used in calculations required by the ASME Code (incorporated by reference, see § 171.7 of this subchapter). The design pressure must be not less than the highest of the following pressures:

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The sum of:

(A) The maximum effective gauge pressure to which the shell is designed as defined in this paragraph under ''MAWP''; and

(B) A head pressure determined on the basis of the dynamic forces specified in paragraph (h) of this section, but not less than 0.35 bar (35 kPa).

Note to Paragraph (a)(1): For the purpose of this section, the term ''design pressure'' as used in this specification is identical to the term ''maximum allowable working pressure'' as used in the ASME Code, Section VIII.

(2) *Design reference temperature* means the temperature at which the vapor pressure of the contents is determined for the purpose of calculating the MAWP. The value for each portable tank type is as follows:

(i) Shell with a diameter of 1.5 meters or less: 65 °C; or

(ii) Shell with a diameter of more than 1.5 meters:

(A) Without insulation or sun shield: 60 °C;

(B) With sun shield: 55 °C; and

(C) With insulation: 50 °C.

(3) *Filling density* means the average mass of liquefied compressed gas per liter of shell capacity (kg/l).

(4) *Maximum allowable working pressure (MAWP)* means a pressure that must be not less than the highest of the following pressures measured at the top of the shell while in operating position, but in no case less than 7 bar (700 kPa):

(i) The maximum effective gauge pressure allowed in the shell during filling or discharge; or

(ii) The maximum effective gauge pressure to which the shell is designed, which must be:

(A) Not less than the pressure specified for each liquefied compressed gas listed in portable tank special provision T50; and

(B) Not less than the sum of:

(*1*) The absolute vapor pressure (in bar) of the liquefied compressed gas at the design reference temperature minus 1 bar; and

(*2*) The partial pressure (in bar) of air or other gases in the ullage space which is determined by the design reference temperature and the liquid phase expansion due to the increase of the mean bulk temperature of t_r-t_f (t_f = filling temperature, usually 15 °C, t_r = 50 °C maximum mean bulk temperature);

(b) *General design and construction requirements.* (1) Tanks must be of seamless or welded steel construction, or combination of both, and have a water capacity greater than 450 liters (118.9 gallons). Tanks must be designed, constructed, certified and stamped in accordance with the ASME Code, Section VIII (incorporated by reference, see § 171.7 of this subchapter).

(2) Portable tanks must be postweld heat-treated and radiographed as prescribed in the ASME Code, except that each portable tank constructed in accordance with part UHT of the ASME Code must be postweld heat-treated. Where postweld heat treatment is required, the portable tank must be treated as a unit after completion of all the welds in and/or to the shell and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment is made. A portable tank used for anhydrous ammonia must be postweld heat-treated. The postweld heat treatment must be as prescribed in the ASME Code, but in no event at less than 1050 °F tank metal temperature. Additionally, portable tanks constructed in accordance with part UHT of the ASME Code must conform to the following requirements:

(i) Welding procedure and welder performance tests must be made annually in accordance with section IX of the ASME Code. In addition to the essential variables named therein, the following must be considered to be essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer's identification of rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25 percent from the procedure qualification. Records of the qualification must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

(ii) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full-sized specimens shall be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0° F Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

(3) Welding procedures and welder performance tests must be made annually in accordance with Section IX of the ASME Code. In addition to the essential variables named therein, the following must be considered to be essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer's identification of rod and flux. The number of passes,

thickness of plate and heat input per pass may not vary more than 25% from the procedure qualification. Records of the qualification must be retained for at least 5 years by the portable tank manufacturer and made available to the approval agency and the owner of the tank as specified in § 178.273.

(4) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of raw material of the same heat and having a thickness variation no greater than plus or minus 25%. The minimum impact required for full-sized specimens must be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0° F Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

(5) When the shells intended for the transportation of liquefied compressed gases are equipped with thermal insulation, a device must be provided to prevent any dangerous pressure from developing in the insulating layer in the event of a leak, when the protective covering is so closed as to be gas-tight. The thermal insulation must not inhibit access to the fittings and discharge devices. In addition, the thermal insulation systems must satisfy the following requirements:

(i) Consist of a shield covering not less than the upper third, but not more than the upper half of the surface of the shell, and separated from the shell by an air space of approximately 40 mm across; or

(ii) Consist of a complete cladding of insulating materials. The insulation must be of adequate thickness and constructed to prevent the ingress of moisture and damage to the insulation. The insulation and cladding must have a thermal conductance of not more than 0.67 ($W \cdot m^{-2} \cdot K^{-1}$) under normal conditions of transportation.

(c) *Service equipment.* (1) All openings with a diameter of more than 1.5 mm (.1 inch) in shells of portable tanks, except openings for pressure-relief devices, inspection openings and closed bleed holes, must be fitted with at least three mutually independent shut-off devices in series: the first being an internal stop-valve, excess flow valve, integral excess flow valve, or excess flow feature device (see § 178.337–1(g)), the second being an external stop-valve and the third being a blank flange or equivalent device.

(2) When a portable tank is fitted with an excess flow valve, the excess flow valve must be so fitted that its seating is inside the shell or inside a welded flange or, when fitted externally, its mountings must be designed so that in the event of impact it must maintain its effectiveness. The excess flow valves must be selected and fitted so as to close automatically when the rated flow specified by the manufacturer is reached. Connections and accessories leading to or from such a valve must have a capacity for a flow more than the excess flow valve's rated flow.

(3) For filling and discharge openings, the first shut-off device must be an internal stop-valve and the second must be a stop-valve placed in an accessible position on each discharge and filling pipe.

(4) For filling and discharge bottom openings of portable tanks intended for the transportation of flammable and/or toxic liquefied compressed gases, the internal stop-valve must be a quick closing safety device that closes automatically in the event of unintended movement of the portable tank during filling or discharge or fire engulfment. Except for portable tanks having a capacity of not more than 1,000 liters (264.2 gallons), it must be possible to operate this device by remote control.

(5) In addition to filling, discharge and gas pressure equalizing orifices, shells may have openings in which gauges, thermometers and manometers can be fitted. Connections for such instruments must be made by suitable welded nozzles or pockets and may not be connected by screwed connections through the shell.

(6) All portable tanks must be fitted with manholes or other inspection openings of suitable size to allow for internal inspection and adequate access for maintenance and repair of the interior.

(d) *Bottom openings.* Bottom openings are prohibited on portable tanks when the portable tank special provision T50 in § 172.102(c)(7) of this subchapter indicates that bottom openings are not allowed. In this case, there may be no openings located below the liquid level of the shell when it is filled to its maximum permissible filling limit.

(e) *Pressure relief devices.* (1) Portable tanks must be provided with one or more reclosing pressure relief devices. The pressure relief devices must open automatically at a pressure not less than the MAWP and be fully open at a pressure equal to 110% of the MAWP. These devices must, after discharge, close at a pressure not less than 10% below the pressure at which discharge starts and must remain closed at all lower pressures. The pressure relief devices must be of a type that will resist dynamic forces including liquid surge. A frangible disc may only be used in series with a reclosing pressure relief device.

(2) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of gas and the development of any dangerous excess pressure.

(3) Portable tanks intended for the transportation of certain liquefied compressed gases identified in portable tank special provision T50 in § 172.102 of this subchapter must have a pressure relief device which conforms to the requirements of this subchapter. Unless a portable tank in dedicated service is fitted with a relief device constructed of materials compatible with the hazardous material, the relief device must comprise a frangible disc preceded by a reclosing device. The space between the frangible disc and the device must be provided with a pressure gauge or a suitable tell-tale indicator. This arrangement must facilitate the detection of disc rupture, pinholing or leakage which could cause a malfunction of the pressure relief device. The frangible discs must rupture at a nominal pressure 10% above the start-to-discharge pressure of the relief device.

(4) In the case of portable tanks used for more than one gas, the pressure relief devices must open at a pressure indicated in paragraph (f) of this section for the gas having the highest maximum allowable pressure of the gases allowed to be transported in the portable tank.

(f) *Capacity of relief devices.* The combined delivery capacity of the relief devices must be sufficient so that, in the event of total fire engulfment, the pressure inside the shell cannot exceed 120% of the MAWP. Reclosing relief devices must be used to achieve the full relief capacity prescribed. In the case of portable tanks used for more than gas, the combined delivery capacity of the pressure relief devices must be taken for the liquefied compressed gas which requires the highest delivery capacity of the liquefied compressed gases allowed to be transported in the portable tank. The total required capacity of the relief devices must be determined according to the requirements in § 178.275(h). These requirements apply only to liquefied compressed gases which have critical temperatures well above the temperature at the accumulating condition. For gases which have critical temperatures near or below the temperature at the accumulating condition, the calculation of the pressure relief device delivery capacity must consider the additional thermodynamic properties of the gas (for example, CGA S–1.2–1995;

incorporated by reference, see § 171.7 of this subchapter).

64. A new § 178.277 would be added to subpart H to read as follows:

§ 178.277 Requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of refrigerated liquefied gases.

(a) In addition to the requirements of § 178.274 applicable to UN portable tanks, the following requirements and definitions apply to UN portable tanks used for refrigerated liquefied gases:

(1) *Design pressure.* For the purpose of this section the term *design pressure* is consistent with the definition for design pressure in the ASME Code, Section VIII (incorporated by reference, see § 171.7 of this subchapter).

(2) *Holding time* is the time, as determined by testing, that will elapse from loading until the pressure of the contents, under equilibrium conditions, reaches the lowest set pressure of the pressure limiting device(s) (for example, pressure control valve or pressure relief device). Holding time must be determined as specified in § 178.338–9.

(3) *Maximum allowable working pressure (MAWP)* means the maximum effective gauge pressure permissible at the top of the shell of a loaded portable tank in its operating position including the highest effective pressure during filling and discharge;

(4) *Minimum design temperature* means the temperature which is used for the design and construction of the shell not higher than the lowest (coldest) service temperature of the contents during normal conditions of filling, discharge and transportation.

(5) *Shell* means the part of the portable tank which retains the refrigerated liquefied gas intended for transport, including openings and their closures, but does not include service equipment or external structural equipment.

(6) *Tank* means a construction which normally consists of either :

(i) A jacket and one or more inner shells where the space between the shell(s) and the jacket is exhausted of air (vacuum insulation) and may incorporate a thermal insulation system; or

(ii) A jacket and an inner shell with an intermediate layer of solid thermally insulating material (for example, solid foam).

(b) *General design and construction requirements.* (1) Portable tanks must be of seamless or welded steel construction and have a water capacity of more than 450 liters (118.9 gallons). Portable tanks must be designed, constructed, certified and stamped in accordance with the ASME Code (incorporated by reference, see § 171.7 of this subchapter).

(2) Portable tanks must be postweld heat treated and radiographed as prescribed in the ASME Code except that each tank constructed in accordance with part UHT of the ASME Code must be postweld heat treated. Where postweld heat treatment is required, the tank must be treated as a unit after completion of all the welds to the shell and heads. The method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment is made. The postweld heat treatment must be as prescribed in the ASME Code, but in no event at less than 1050 °F tank metal temperature.

(3) Welding procedure and welder performance tests must be made annually in accordance with Section IX of the ASME Code (incorporated by reference, see § 171.7 of this subchapter). In addition to the essential variables named in the ASME Code, the following must be considered as essential variables: number of passes, thickness of plate, heat input per pass, and the specified rod and flux. The number of passes, thickness of plate and heat input per pass may not vary more than 25% from the procedure qualification. Records of the qualification must be retained for at least 5 years by the portable tank manufacturer and made available to the approval agency and the owner of the portable tank as specified in § 178.273.

(4) Impact tests must be made on a lot basis. A lot is defined as 100 tons or less of the same heat and having a thickness variation no greater than plus or minus 25%. The minimum impact required for full-sized specimens must be 20 foot-pounds (or 10 foot-pounds for half-sized specimens) at 0 °F Charpy V-Notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact requirement.

(5) Shells and jackets must be made of metallic materials suitable for forming. Jackets must be made of steel. Non-metallic materials may be used for the attachments and supports between the shell and jacket, provided their material properties at the minimum design temperature are proven to be sufficient. In choosing the material, the minimum design temperature must be taken into account with respect to risk of brittle fracture, to hydrogen embrittlement, to stress corrosion cracking and to resistance to impact.

(6) Any part of a portable tank, including fittings, gaskets and pipe-work, which can be expected normally to come into contact with the refrigerated liquefied gas transported must be compatible with that refrigerated liquefied gas.

(7) The thermal insulation system must include a complete covering of the shell with effective insulating materials. External insulation must be protected by a jacket so as to prevent the ingress of moisture and other damage under normal transport conditions.

(8) When a jacket is so closed as to be gas-tight, a device must be provided to prevent any dangerous pressure from developing in the insulation space.

(9) Materials which may react with oxygen or oxygen enriched atmospheres in a dangerous manner may not be used in portable tanks intended for the transport of refrigerated liquefied gases having a boiling point below minus 182 °C at atmospheric pressure in locations with the thermal insulation where there is a risk of contact with oxygen or with oxygen enriched fluid.

(10) Insulating materials must not deteriorate unduly in service.

(11) A reference holding time must be determined for each refrigerated liquefied gas intended for transport in a portable tank. The reference holding time must be determined by testing in accordance with the requirements of § 178.338–9, considering the following factors:

(i) The effectiveness of the insulation system, determined in accordance with paragraph (b)(12) of this section;

(ii) The lowest set pressure of the pressure limiting device;

(iii) The initial filling conditions;

(iv) An assumed ambient temperature of 30 °C (86 °F);

(v) The physical properties of the individual refrigerated liquefied gas intended to be transported.

(12) The effectiveness of the insulation system (heat influx in watts) may be determined by type testing the portable tank in accordance with a procedure specified in § 178.338–9(c) or by using the holding time test in § 178.338–9(b). This test must consist of either:

(i) A constant pressure test (for example, at atmospheric pressure) when the loss of refrigerated liquefied gas is measured over a period of time; or

(ii) A closed system test when the rise in pressure in the shell is measured over a period of time.

(13) When performing the constant pressure test, variations in atmospheric pressure must be taken into account. When performing either test, corrections must be made for any variation of the ambient temperature from the assumed

ambient temperature reference value of 30 °C (86 °F).

(14) The jacket of a vacuum-insulated double-wall tank must have either an external design pressure not less than 100 kPa (1 bar) gauge pressure calculated in accordance with the ASME Code or a calculated critical collapsing pressure of not less than 200 kPa (2 bar) gauge pressure. Internal and external reinforcements may be included in calculating the ability of the jacket to resist the external pressure.

Note to paragraph (b): For the determination of the actual holding time as indicated by paragraphs (b)(11), (12) and (13) of this section, before each journey, refer to § 178.338–9(b).

(c) *Design criteria.* For shells with vacuum insulation, the test pressure must not be less than 1.3 times the sum of the MAWP and 100 kPa (1 bar). In no case may the test pressure be less than 300 kPa (3 bar) gauge pressure.

(d) *Service equipment.* (1) Each filling and discharge opening in portable tanks used for the transport of flammable refrigerated liquefied gases must be fitted with at least three mutually independent shut-off devices in series: the first being a stop-valve situated as close as reasonably practicable to the jacket, the second being a stop-valve and the third being a blank flange or equivalent device. The shut-off device closest to the jacket must be a quick closing device, which closes automatically in the event of unintended movement of the portable tank during filling or discharge or fire engulfment. This device must be operable by remote control.

(2) Each filling and discharge opening in portable tanks used for the transport of non-flammable refrigerated liquefied gases must be fitted with at least two mutually independent shut-off devices in series: the first being a stop-valve situated as close as reasonably practicable to the jacket and the second a blank flange or equivalent device.

(3) For sections of piping which can be closed at both ends and where liquid product can be trapped, a method of automatic pressure relief must be provided to prevent excess pressure build-up within the piping.

(4) Each connection on a portable tank must be clearly marked to indicate its function.

(5) When pressure-building units are used, the liquid and vapor connections to that unit must be provided with a valve as close to the jacket as reasonably practicable to prevent the loss of contents in case of damage to the pressure-building unit.

(6) The materials of construction of valves and accessories must have satisfactory properties at the lowest operating temperature of the portable tank.

(e) *Pressure relief devices.* (1) Every shell must be provided with not less than two independent reclosing pressure relief devices. The pressure relief devices must open automatically at a pressure not less than the MAWP and be fully open at a pressure equal to 110% of the MAWP. These devices must, after discharge, close at a pressure not lower than 10% below the pressure at which discharge starts and must remain closed at all lower pressures. The pressure relief devices must be of the type that will resist dynamic forces including surge.

(2) Except for portable tanks used for oxygen, portable tanks for non-flammable refrigerated liquefied gases (except oxygen) and hydrogen may in addition have frangible discs in parallel with the reclosing devices as specified in paragraphs (e)(4)(ii) and (e)(4)(iii) of this section.

(3) Pressure relief devices must be designed to prevent the entry of foreign matter, the leakage of gas and the development of any dangerous excess pressure.

(4) *Capacity and setting of pressure relief devices.* (i) In the case of the loss of vacuum in a vacuum-insulated tank or of loss of 20% of the insulation of a tank insulated with solid materials, the combined capacity of all pressure relief devices installed must be sufficient so that the pressure (including accumulation) inside the shell does not exceed 120% of the MAWP.

(ii) For non-flammable refrigerated liquefied gases (except oxygen) and hydrogen, this capacity may be achieved by the use of frangible discs in parallel with the required safety-relief devices. Frangible discs must rupture at nominal pressure equal to the test pressure of the shell.

(iii) Under the circumstances described in paragraphs (e)(4)(i) and (e)(4)(ii) of this section, together with complete fire engulfment, the combined capacity of all pressure relief devices installed must be sufficient to limit the pressure in the shell to the test pressure.

(iv) The required capacity of the relief devices must be calculated in accordance with CGA Pamphlet S–1–1.2 (incorporated by reference, see § 171.7 of this subchapter).

65. In § 178.703, paragraph (a)(1) introductory text would be revised and in paragraph (a)(1)(ii), a new sentence would be added at the end of the paragraph to read as follows:

§ 178.703 Marking of intermediate bulk containers.

(a) * * *

(1) Mark every IBC in a durable and clearly visible manner (may be applied in a single line or in multiple lines provided the correct sequence is followed) with the following information in letters, numerals and symbols of at least 12 mm in height and in the sequence presented:

* * * * *

(ii) * * * The letter ''W'' must follow the IBC design type identification code on an IBC when the IBC differs from the requirements in subpart N of this part, or is tested using methods other than those specified in this subpart, and is approved by the Associate Administrator in accordance with the provisions in § 178.801(i).

* * * * *

66. In § 178.705, paragraph (c)(1)(iv)(A) would be revised and a new paragraph (c)(1)(iv)(C) would be added to read as follows:

§ 178.705 Standards for metal intermediate bulk containers.

* * * * *

(c) * * *

(1) * * *

(iv) * * *

(A) For a reference steel having a product of Rm X Ao = 10,000, where Ao is the minimum elongation (as a percentage) of the reference steel to be used on fracture under tensile stress, (Rm X Ao = 10,000 X 145; if tensile strength is in U.S. Standard units of pounds per square inch) the wall thickness must not be less than:

Capacity (C) in liters[1]	Wall thickness (T) in mm			
	Types 11A, 11B, 11N		Types 21A, 21B, 21N, 31A, 31B, 31N	
	Unprotected	Protected	Unprotected	Protected
C ≤ 1000	2.0	1.5	2.5	2.0
1000 < C ≤ 2000	T=C/2000 + 1.5	T=C/2000 + 1.0	T=C/2000 + 2.0	T=C/2000 + 1.5

Capacity (C) in liters[1]	Wall thickness (T) in mm			
	Types 11A, 11B, 11N		Types 21A, 21B, 21N, 31A, 31B, 31N	
	Unprotected	Protected	Unprotected	Protected
2000 < C ≤ 3000	T=C/2000 + 1.5	T=C/2000 + 1.0	T=C/1000 + 1.0	T=C/2000 + 1.5

[1] Where: gallons = liters × 0.264.

* * * * *

(C) For purposes of the calculation described in paragraph (c)(1)(iv)(B) of this section, the guaranteed minimum tensile strength of the metal to be used (Rm_1) must be the minimum value according to material standards. However, for austenitic (stainless) steels, the specified minimum value for Rm, according to the material standards, may be increased by up to 15% when a greater value is provided in the material inspection certificate. When no material standard exists for the material in question, the value of Rm must be the minimum value indicated in the material inspection certificate.

* * * * *

67. In § 178.801, in paragraph (i), two sentences would be added at the end of the paragraph to read as follows:

§ 178.801 General requirements.

* * * * *

(i) * * * A large packaging, as defined in § 171.8 of this subchapter, may be used if approved by the Associate Administrator. The large packaging must conform to the construction standards, performance testing and packaging marking requirements specified in the UN Recommendations (incorporated by reference, see § 171.7 of this subchapter)

* * * * *

68. In § 178.812, paragraph (c)(1) would be revised and a new paragraph (c)(3) would be added to read as follows:

§ 178.812 Top lift test.

* * * * *

(c) *Test method.* (1) A metal or flexible IBC must be lifted in the manner for which it is designed until clear of the floor and maintained in that position for a period of five minutes.

* * * * *

(3) If not tested as indicated in paragraph (c)(1) of this section, a flexible IBC design type must be tested as follows:

(i) Fill the flexible IBC to 95% full with a material representative of the product to be shipped.

(ii) Suspend the flexible IBC by its lifting devices.

(iii) Apply a constant downward force through a specially designed platen. The platen will be a minimum of 60% and a maximum of 80% of the cross sectional surface area of the flexible IBC.

(iv) The combination of the mass of the filled flexible IBC and the force applied through the platen must be a minimum of six times the maximum net mass of the flexible IBC. The test must be conducted for a period of five minutes.

(v) Other equally effective methods of top lift testing and preparation may be used with approval of the Associate Administrator.

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

69. The authority citation for part 180 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

70. Subpart G would be added to part 180 to read as follows:

Subpart G—Qualification and Maintenance of Portable Tanks

Sec.
180.601 Applicability.
180.603 Qualification of portable tanks.
180.605 Requirements for retest, inspection or repair of portable tanks.

Subpart G—Qualification and Maintenance of Portable Tanks

§ 180.601 Applicability.

This subpart prescribes requirements, in addition to those contained in parts 107, 171, 172, 173, and 178 of this subchapter, applicable to any person responsible for the continuing qualification, maintenance or periodic retesting of a portable tank.

§ 180.603 Qualification of portable tanks.

(a) Each portable tank used for the transportation of hazardous materials must be an authorized packaging.

(b) To qualify as an authorized packaging, each portable tank must conform to the requirements of this subchapter or the applicable specification to which the portable tank was constructed.

(c) The following portable tanks are authorized for use provided they conform to all applicable safety requirements of this subchapter: 51, 56, 57, 60, IM 101, IM 102 and UN portable tanks.

(d) A portable tank that also meets the definition of ''container'' in 49 CFR 450.3(a)(3) must conform to the requirements in parts 450 through 453 of this tile for compliance with Annex II of the Convention for Safe Containers (CSC).

(e) *Exemption portable tanks based on DOT 51 portable tanks.* The owner of a portable tank constructed in accordance with and used under an exemption issued prior to August 31, 1996, which was in conformance with the requirements for Specification DOT 51 portable tanks with the exception of the location of fill and discharge outlets, shall examine the portable tank and its design to determine if it meets the outlet requirements in effect on October 1, 1999. If the owner determines that the portable tank is in compliance with all requirements of the DOT 51 specification, the exemption number stenciled on the portable tank shall be removed and the specification plate (or a plate placed adjacent to the specification plate) shall be durably marked ''DOT 51–E*****'' (where ***** is to be replaced by the exemption number). During the period the portable tank is in service, and for one year thereafter, the owner of the portable tank must retain on file at its principal place of business a copy of the last exemption in effect.

§ 180.605 Requirements for retest, inspection or repair of portable tanks.

(a) A portable tank constructed in accordance with a DOT specification for which a test or inspection specified in this section has become due, may not be filled and offered for transportation or transported until the test or inspection has been successfully completed. This paragraph (a) does not apply to any portable tank filled prior to the test or inspection due date.

(b) *Conditions requiring test and inspection of portable tanks.* Without regard to any other test or inspection requirements, a Specification or UN portable tank must be tested and inspected in accordance with this section prior to further use if any of the following conditions exist:

(1) The portable tank shows evidence of bad dents, corroded or abraded areas,

leakage, or any other condition that might render it unsafe for transportation service.

(2) The portable tank has been in an accident and has been damaged to an extent that may adversely affect its ability to retain the hazardous material.

(3) The portable tank has been out of hazardous materials transportation service for a period of one year or more.

(4) The portable tank has been modified from its original design specification.

(5) The Department so requires based on the existence of probable cause that the portable tank is in an unsafe operating condition.

(c) *Schedule for initial and periodic inspections and tests.* Each Specification portable tank must be tested and inspected in accordance with the following schedule:

(1) Each IM or UN portable tank must be given an initial inspection and test before being placed into service, a periodic inspection and test at least once every five years, and an intermediate periodic inspection and test at least every 2.5 years following the last five-year periodic inspection and test.

(2) Each Specification 51 portable tank must be given a periodic inspection and test at least once every five years.

(3) Each Specification 56 or 57 portable tank must be given a periodic inspection and test at least once every 2.5 years.

(4) Each Specification 60 portable tank must be given a periodic inspection and test at the end of the first 4-year period after the original test; at least once every 2 years thereafter up to a total of 12 years of service; and at least once annually thereafter. Retesting is not required on a rubber-lined tank except before each relining.

(d) *Initial inspection and test.* The initial inspection and test of a portable tank must include the following:

(1) A check of the design characteristics;

(2) An internal and external examination of the portable tank and its fittings, taking into account the hazardous materials to be transported;

(3) A hydrostatic pressure test as specified in paragraph (i) of this section;

(4) A leakage test;

(5) A test of the satisfactory operation of all service equipment including pressure relief devices must also be performed. When the shell and its fittings have been pressure-tested separately, they must be subjected to a leakage test after reassembly. All welds subject to full stress level in the shell must be inspected during the initial test by radiographic, ultrasonic, or another suitable non-destructive test method. This does not apply to the jacket;

(6) A UN portable tank that meets the definition of ''container'' in the CSC (see 49 CFR 450.3(a)(2)) must be subjected to an impact test using a prototype representing each design type. The prototype portable tank must be shown to be capable of absorbing the forces resulting from an impact not less than 4 times (4 g) the maximum permissable gross mass of the fully loaded portable tank at a duration typical of the mechanical shocks experienced in rail transportation. A listing of standards describing methods acceptable for performing the impact test are provided in the UN Recommendations (incorporated by reference, see § 171.7 of this subchapter);

(7) The following tests must be completed on a portable tank that is also a CSC container without leakage or deformation that would render the tank unsuitable for transportation and use:

(i) *Longitudinal inertia.* The tank loaded to its maximum gross weight must be positioned with its longitudinal axis vertical. It shall be held in this position for five minutes by support at the lower end of the base structure providing vertical and lateral restraint and by support at the upper end of the base structure providing lateral restraint only.

(ii) *Lateral inertia.* The tank loaded to its maximum gross weight must be positioned for five minutes with its transverse axis vertical. It shall be held in this position for five minutes by support at the lower side of the base structure providing vertical and lateral restraint and by support at the upper side of the base structure providing lateral restraint only.

(e) *Intermediate periodic inspection and test.* The intermediate periodic inspection and test must include at least an internal and external examination of the portable tank and its fittings taking into account the hazardous materials intended to be transported; a leakage test; and a test of the satisfactory operation of all service equipment. Sheathing, thermal insulation, etc. need only to be removed to the extent required for reliable appraisal of the condition of the portable tank. For portable tanks intended for the transportation of a single hazardous material, the internal examination may be waived if it is leakage tested in accordance with the procedures in paragraph (i) of this section prior to each filling, or if approved by the Associate Administrator.

(f) *Periodic inspection and test.* The periodic inspection and test must include an internal and external examination and, unless excepted, a hydraulic pressure test as specified in this section. Sheathing, thermal insulation, etc. need only to be removed to the extent required for reliable appraisal of the condition of the portable tank. Reclosing pressure relief devices must be removed from the tank and tested separately. For portable tanks where the shell and equipment have been pressure-tested separately, after assembly they must be subjected together to a leakage test.

(g) *Exceptional inspection and test.* The exceptional inspection and test is necessary when a portable tank shows evidence of damaged or corroded areas, or leakage, or other conditions that indicate a deficiency that could affect the integrity of the portable tank. The extent of the exceptional inspection and test must depend on the amount of damage or deterioration of the portable tank. It must include at least the intermediate inspection and a hydrostatic test according paragraph (e) of this section. Pressure relief devices need not be tested or replaced unless there is reason to believe the relief devices have been affected by the damage or deterioration.

(h) *Internal and external examination.* The internal and external examinations must ensure that:

(1) The shell is inspected for pitting, corrosion, or abrasions, dents, distortions, defects in welds or any other conditions, including leakage, that might render the portable tank unsafe for transportation;

(2) The piping, valves, and gaskets are inspected for corroded areas, defects, and other conditions, including leakage, that might render the portable tank unsafe for filling, discharge or transportation;

(3) Devices for tightening manhole covers are operative and there is no leakage at manhole covers or gaskets;

(4) Missing or loose bolts or nuts on any flanged connection or blank flange are replaced or tightened;

(5) All emergency devices and valves are free from corrosion, distortion and any damage or defect that could prevent their normal operation. Remote closure devices and self-closing stop-valves must be operated to demonstrate proper operation;

(6) Required markings on the portable tank are legible and in accordance with the applicable requirements; and

(7) The framework, the supports and the arrangements for lifting the portable tank are in satisfactory condition.

(i) *Pressure test procedures for specification 51, 57, 60, IM or UN portable tanks.* (1) Each Specification 57 portable tank must be leak tested by a

minimum sustained air pressure of at least three psig applied to the entire tank. Each Specification 51 or 56 portable tank must be tested by a minimum pressure (air or hydrostatic) of at least 2 psig or at least one and one-half times the design pressure (maximum allowable working pressure, or re-rated pressure) of the tank, whichever is greater. Leakage tests for all other portable tanks must be at a pressure of at least 25% of MAWP. During each air pressure test, the entire surface of all joints under pressure must be coated with or immersed in a solution of soap and water, heavy oil, or other material suitable for the purpose of detecting leaks, but in no case less than five minutes. The pressure must be held for a period of time sufficiently long to assure detection of leaks. During the air or hydrostatic test, relief devices may be removed, but all the closure fittings must be in place and the relief device openings plugged. Lagging need not be removed from a lagged tank if it is possible to maintain the required test pressure at constant temperature with the tank disconnected from the source of pressure.

(2) Each Specification 60 portable tank must be retested by completely filling the tank with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100 °F during the test, and applying a pressure of 60 psig. The tank shall be capable of holding the prescribed pressure for at least 10 minutes without leakage, evidence of impending failure, or failure. All closures shall be in place while the test is made and the pressure shall be gauged at the top of the tank. Safety devices and/or vents shall be plugged during this test.

(3) Each Specification IM or UN portable tank, except for UN portable tanks used for liquefied compressed gases and all piping, valves and accessories, except pressure relief devices, must be hydrostatically tested with water, or other liquid of similar density and viscosity, to a pressure not less than 150% of its maximum allowable working pressure. UN portable tanks used for liquefied compressed gases must be hydrostatically tested with water, or other liquid of similar density and viscosity, to a pressure not less than 130% of its maximum allowable working pressure. The minimum test pressure for a portable tank is determined on the basis of the hazardous materials that are intended to be transported in the tanks. Minimum test pressure for specific hazardous materials are specified in the applicable T Codes assigned to a particular hazardous material in the § 172.101 Table of this subchapter. While under pressure the tank shall be inspected for leakage, distortion, or any other condition which might render the tank unsafe for service. A portable tank fails to meet the requirements of the pressure test if, during the test, there is permanent distortion of the tank exceeding that permitted by the applicable specification; if there is any leakage; or if there are any deficiencies. Any portable tank that fails must be rejected and may not be used again for the transportation of a hazardous material unless the tank is adequately repaired, and, thereafter, a successful test is conducted in accordance with the requirements of this paragraph. An approval agency shall witness the hydrostatic test. Any damage or deficiency that might render the portable tank unsafe for service shall be repaired to the satisfaction of the witnessing approval agency. The repaired tank must be hydrostatically retested. Upon successful completion of the hydrostatic test, the witnessing approval agency shall apply its name, identifying mark or identifying number in accordance with paragraph (l) of this section.

(j) *Rejection criteria.* When evidence of any unsafe condition is discovered, the portable tank may not be returned to service until it has been corrected and the pressure test is repeated and passed.

(k) *Repair.* The repair of a portable tank is authorized, provided such repairs are made in accordance with the requirements prescribed in the specification for the tank's original design and construction. In addition to any other provisions of the specification, no portable tank may be repaired so as to cause leakage or cracks or the likelihood of leakage or cracks near areas of stress concentration due to cooling metal shrinkage in welding operations, sharp fillets, reversal of stresses, or otherwise. No field welding may be done except to non-pressure parts. In all cases, when cutting, burning or welding operations on the shell have been affected, that work must be done with the approval of the approval agency and be done in accordance with the requirements of this subchapter, taking into account the pressure vessel code used for the construction of the shell. A pressure test to the original test pressure must be performed after the work is completed.

(l) *Inspection and test markings.* Each portable tank must be durably and legibly marked, in English, with the date (month and year) of the last hydrostatic test, the identification markings of the approval agency witnessing the test when required, and the date of the last visual inspection. The marking must be placed on or near the metal identification plate in letters not less than 3 mm (0.118 inches) high when on the metal identification plate and 32 mm (1.25 inches) high when on the portable tank.

(m) *Record retention.* The owner of each portable tank or his authorized agent shall retain a written record of the date and results of all required inspections and tests, and the name and address of the person performing the inspection or test, until the next retest has been satisfactorily completed and recorded. In addition, a manufacturer's data report of the portable tank must be procured and retained in the files of the owner during the time that such portable tank is used for such service, except for Specifications 56 and 57 portable tanks.

Issued in Washington, DC on August 16, 2000, under authority delegated in 49 CFR part 106.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 00–21417 Filed 10–20–00; 8:45 am]

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Federal Register

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October 23, 2000

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the San Diego Fairy Shrimp (*Branchinecta sandiegoensis*); Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF97

Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the San Diego Fairy Shrimp (*Branchinecta sandiegoensis*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for the San Diego fairy shrimp (*Branchinecta sandiegonensis*). The San Diego fairy shrimp is listed as an endangered species under the Act. A total of approximately 1,629 hectares (4,025 acres) of land falls within the boundaries of designated critical habitat. Critical habitat for the San Diego fairy shrimp is located in San Diego and Orange Counties, California.

Section 7 of the Act requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to destroy or adversely modify designated critical habitat. As required by section 4 of the Act, we considered economic and other relevant impacts prior to making a final decision on what areas to designate as critical habitat.

DATES: This final rule is effective November 22, 2000.

ADDRESSES: The complete administrative record for this rule is on file at the Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. The complete file for this rule is available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ken Berg, Field Supervisor, Carlsbad Fish and Wildlife Office, at the above address (telephone 760/431–9440; facsimile 760/431–5902).

SUPPLEMENTARY INFORMATION:

Background

The San Diego fairy shrimp (*Branchinecta sandiegonensis*) is a small aquatic crustacean (Order: Anostraca), restricted to vernal pools (pools that have water in them for only a portion of any given year) in coastal southern California and south to northwestern Baja California, Mexico. It is a habitat specialist found in small, shallow vernal pools and ephemeral (lasting a short time) basins that range in depth from approximately 5 to 30 centimeters (2 to 12 inches (in)) (Simovich and Fugate 1992; Hathaway and Simovich 1996). Water chemistry is also an important factor in determining fairy shrimp distribution (Belk 1977; Gonzales *et al.* 1996), hence, no individuals have been found in riverine or marine waters. All known localities are below 701 meters (m) (2,300 feet (ft)) and are within 64 kilometers (km) (40 miles (mi)) of the Pacific Ocean.

San Diego fairy shrimp is one of several *Branchinecta* species that occur in southern California (Simovich and Fugate 1992). Other species of *Branchinecta* in southern California include the non-listed versatile fairy shrimp (*B. lindahli*) and the federally threatened vernal pool fairy shrimp (*B. lynchi*). Male San Diego fairy shrimp are distinguished from males of other species of *Branchinecta* by differences found at the distal (located far from the point of attachment) tip of the second antennae. Females are distinguishable from females of other species of *Branchinecta* by the shape and length of the brood sac, the length of the ovary, and by the presence of paired dorsolateral (located on the sides, toward the back) spines on five of the abdominal segments (Fugate 1993).

Mature individuals lack a carapace (hard outer covering of the head and thorax) and have a delicate elongate body, large stalked compound eyes, and 11 pairs of swimming legs. They swim or glide gracefully upside down by means of complex wave-like beating movements of the legs that pass from front to back. Adult male San Diego fairy shrimp range in size from 9 to 16 millimeters (mm) (0.35 to 0.63 in); adult females are 8 to 14 mm (0.31 to 0.55 in.) long. The second pair of antennae in males are greatly enlarged and specialized for clasping the females during copulation, while the second pair of antennae in the females are cylindrical and elongate. The females carry their eggs in an oval or elongate ventral brood sac (Eriksen and Belk 1999). Little data is available for what fairy shrimp feed on, although algae, bacteria, protozoa, rotifers, and bits of organic matter are thought to be a large part of their diet (Pennak 1989; Eng *et al.* 1990).

Adult San Diego fairy shrimp are usually observed from January to March; however, in years with early or late rainfall, the hatching period may be extended. The species hatches and matures within 7 days to 2 weeks depending on water temperature (Hathaway and Simovich 1996; Simovich and Hathaway 1997). San Diego fairy shrimp disappear after about a month, but animals will continue to hatch if subsequent rains result in additional water or refilling of the vernal pools (Branchiopod Research Group 1996). The eggs are either dropped to the pool bottom or remain in the brood sac until the female dies and sinks. The ''resting eggs,'' or ''cysts,'' are capable of withstanding temperature extremes and prolonged drying. When the pools refill in the same or subsequent rainy seasons, some but not all of the eggs may hatch. Fairy shrimp egg banks in the soil may be composed of the eggs from several years of breeding (Donald 1983; Simovich and Hathaway 1997). Simovich and Hathaway (1997) found that vernal pools and ephemeral wetlands that support anostracans (*i.e.,* San Diego fairy shrimp), and occur in areas with variable weather conditions or filling periods (such as southern California), may hatch only a fraction of the total cyst (organisms in a resting stage) bank in any given year. Thus, reproductive success is spread over several seasons.

Vernal pools have a discontinuous occurrence in several regions of California (Keeler-Wolf *et al.* 1995), from as far north as the Modoc Plateau in Modoc County, south to the international border in San Diego County. Vernal pools form in regions with Mediterranean climates, where shallow depressions fill with water during fall and winter rains and then evaporate in the spring (Collie and Lathrop 1976; Holland 1976, 1988; Holland and Jain 1977, 1988; Thorne 1984; Zedler 1987; Simovich and Hathaway 1997). In years of high precipitation, overbank flooding from intermittent streams may augment the amount of water in some vernal pools (Hanes *et al.* 1990). Vernal pool studies conducted in the Sacramento Valley indicate that the contribution of subsurface or overland flows is significant only in years of high precipitation when pools are already saturated (Hanes and Stromberg 1996). Downward percolation of water in vernal pool basins is prevented by the presence of an impervious subsurface layer, such as a claypan, hardpan, or volcanic stratum (Holland 1976, 1988).

Researchers have found that vernal pools located in San Diego County are associated with five soil series types, Huerheuero, Olivenhain, Placentia, Redding, and Stockpen (Bauder and McMillan 1991). These soil types have a nearly impermeable surface or subsurface soil layer with a flat or gently sloping topography (Service 1998). Due to local topography and geology, the

pools are usually clustered into pool complexes (Bauder 1986; Holland and Jain 1977). Pools within a complex are typically separated by distances on the order of meters, and may form dense, interconnected mosaics of small pools or a more sparse scattering of larger pools.

Vernal pool systems are often characterized by different landscape features including mima mound (miniature mounds) micro-topography, varied pool basin size and depth, and vernal swales (low tract of marshy land). Vernal pool complexes that support one to many distinct vernal pools are often interconnected by a shared watershed.

San Diego County supports the largest number of remaining vernal pools occupied by the San Diego fairy shrimp. Scientists estimated that, historically, vernal pool soils covered approximately 208 hectares (ha) (520 acres (ac)) of San Diego County (Bauder and McMillan 1991). Based on available information at the time of listing, we estimate that fewer than 82 ha (202 ac) of occupied vernal pool habitat (based on vernal pool basins and not their associated watersheds) remain in the county, of which an estimated 70 percent occurs on military lands (Bauder and Weir 1991). Keeler-Wolf *et al.* (1995) concluded that the greatest recent losses of vernal pool habitat in San Diego County have occurred in Mira Mesa, Rancho Penasquitos, and Kearny Mesa, which accounted for 73 percent of all the pools destroyed in the region during the 7-year period between 1979 and 1986. Other substantial losses have occurred in the Otay Mesa area, where over 40 percent of the vernal pools were destroyed between 1979 to 1990. Similar to San Diego County, vernal pool habitat was once extensive on the coastal plain of Los Angeles and Orange counties (Mattoni and Longcore 1997). Unfortunately, there has been a near-total loss of vernal pool habitat in these areas (Ferren and Pritchett 1988; Keeler-Wolf *et al.* 1995).

Urban and water development, flood control, highway and utility projects, as well as conversion of wildlands to agricultural use, have eliminated vernal pools and/or their watersheds in southern California (Jones and Stokes Associates 1987). Changes in hydrologic pattern, overgrazing, and off-road vehicle use also imperil this aquatic habitat and San Diego fairy shrimp. The flora and fauna in vernal pools or swales can change if the hydrologic regime is altered (Bauder 1986). Human activities that reduce the extent of the watershed or that alter runoff patterns (*i.e.*, amounts and seasonal distribution of water) may eliminate San Diego fairy shrimp, reduce their population sizes or reproductive success, or shift the location of sites inhabited by this species. The California Department of Fish and Game's Natural Diversity Data Base ranks the vernal pool habitat type in priority class G1–S1, which denotes communities in the State of California that occur over fewer than 809 ha (2,000 ac) globally.

Previous Federal Action

David Hogan, formerly of the San Diego Biodiversity Project in Julian, California; Dr. Denton Belk of Our Lady of the Lake University in San Antonio, Texas; and the Biodiversity Legal Foundation petitioned us to list the San Diego fairy shrimp as an endangered species, in a letter dated March 16, 1992. We received the petition on March 24, 1992. On August 4, 1994, we published a proposed rule in the **Federal Register** (59 FR 39874) to list the San Diego fairy shrimp as an endangered species. The proposed rule was the first Federal action on the San Diego fairy shrimp, and also constituted the 12-month petition finding, as required by section 4(b)(3)(B) of the Act. On February 3, 1997, we published a final rule determining the San Diego fairy shrimp to be an endangered species (62 FR 4925).

At the time of listing, we concluded that designation of critical habitat for the San Diego fairy shrimp was not prudent because such designation would not benefit the species. We were also concerned that critical habitat designation would likely increase the degree of threat from vandalism or other human-induced impacts. We were aware of several instances of apparently intentional habitat destruction that had occurred during the listing process. However, we have determined that the threats to this species, and its habitat, from specific instances of habitat destruction do not outweigh the broader educational and any potential regulatory and other possible benefits that designation of critical habitat would provide for this species. A designation of critical habitat will provide educational benefits by formally identifying those areas essential to the conservation of the species, and the areas likely to be the focus of our recovery efforts for the San Diego fairy shrimp. Therefore, we conclude that the benefits of designating critical habitat on lands essential for the conservation of the San Diego fairy shrimp will not increase incidences of vandalism above current levels for this species.

On October 14, 1998, the Southwest Center for Biological Diversity filed a lawsuit in Federal District Court for the Southern District of California for our failure to designate critical habitat for the San Diego fairy shrimp. On September 16, 1999, the court ordered that ''On or before February 29, 2000, the Service shall submit for publication in the **Federal Register**, a proposal to withdraw the existing not prudent critical habitat determination together with a new proposed critical habitat determination for the San Diego fairy shrimp'' (*Southwest Center for Biodiversity* v. *United States Department of the Interior et al.,* CV 98–1866) (S.D. Cal.).

On March 8, 2000, we published a proposed rule to designate critical habitat for the San Diego fairy shrimp (65 FR 12181). We proposed critical habitat within approximately 14,771 ha (36,501 ac) within Orange and San Diego counties, California. The public comment period was open for 60 days. On August 21, 2000, we published a notice of availability for the draft economic analysis and reopening of the comment period for the proposed rule for the San Diego fairy shrimp critical habitat (65 FR 50672). The second comment period closed on September 5, 2000.

Critical Habitat

Critical habitat is defined in section 3 of the Act as—(i) the specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures that are necessary to bring an endangered species or a threatened species to the point at which listing under the Act is no longer necessary.

In order to be included in a critical habitat designation, the habitat must first be ''essential to the conservation of the species.'' Critical habitat designations identify, to the extent known using the best scientific and commercial data available, habitat areas that provide essential life cycle needs of the species (*i.e.*, areas on which are found the primary constituent elements, as defined at 50 CFR 424.12(b)).

Section 4 requires that we designate critical habitat at the time of listing and based on what we know at the time of the designation. When we designate critical habitat at the time of listing or

under short court-ordered deadlines, we will often not have sufficient information to identify all areas of critical habitat. We are required, nevertheless, to make a decision and thus must base our designations on what, at the time of designation, we know to be critical habitat.

Within the geographic area occupied by the species, we will designate only areas currently known to be essential. Essential areas should already have the features and habitat characteristics that are necessary to sustain the species. We will not speculate about what areas might be found to be essential if better information became available, or what areas may become essential over time. If the information available at the time of designation does not show that an area provides essential life cycle needs of the species, then the area should not be included in the critical habitat designation. Within the geographic area occupied by the species, we will not designate areas that do not now have the primary constituent elements, as defined at 50 CFR 424.12(b), that provide essential life cycle needs of the species.

Our regulations state that, ''The Secretary shall designate as critical habitat areas outside the geographic area presently occupied by the species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.'' (50 CFR 424.12(e)). Accordingly, when the best available scientific and commercial data do not demonstrate that the conservation needs of the species require designation of critical habitat outside of occupied areas, we will not designate critical habitat in areas outside the geographic area occupied by the species.

The Service's Policy on Information Standards Under the Endangered Species Act, published in the **Federal Register** on July 1, 1994 (Vol. 59, p. 34271), provides criteria, establishes procedures, and provides guidance to ensure that decisions made by the Service represent the best scientific and commercial data available. It requires Service biologists, to the extent consistent with the Act and with the use of the best scientific and commercial data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat. When determining which areas are critical habitat, a primary source of information should be the listing package for the species. Additional information may be obtained from a recovery plan, articles in peer-reviewed journals, conservation plans developed by states and counties, scientific status surveys and studies, and biological assessments or other unpublished materials (*i.e.* gray literature).

Habitat is often dynamic, and species may move from one area to another over time. Furthermore, we recognize that designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, all should understand that critical habitat designations do *not* signal that habitat outside the designation is unimportant or may not be required for recovery. Areas outside the critical habitat designation will continue to be subject to conservation actions that may be implemented under Section 7(a)(1) and to the regulatory protections afforded by the section 7(a)(2) jeopardy standard and the Section 9 take prohibition, as determined on the basis of the best available information at the time of the action. We specifically anticipate that federally funded or assisted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans, or other species conservation planning efforts if new information available to these planning efforts calls for a different outcome.

Methods

In determining areas that are essential to conserve the San Diego fairy shrimp, we used the best scientific and commercial data available. This included data from research and survey observations published in peer-reviewed articles, recovery criteria outlined in the Recovery Plan for Vernal Pools of Southern California (Recovery Plan) (Service 1998), regional Geographic Information System (GIS) vegetation and species coverages (including vegetation layers for Orange and San Diego Counties), data collected on the U.S. Marine Corps (Marine Corps) Air Station, Miramar (Miramar) and Marine Corps Station, Camp Pendleton (Camp Pendleton), data collected from reports submitted by biologists holding section 10(a)(1)(A) recovery permits, and comments received on the proposed rule and economic analysis.

Primary Constituent Elements

In accordance with sections 3(5)(A)(i) and 4(b)(2) of the Act, and regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat, we are required to base critical habitat determinations on the best scientific and commercial data available. We consider those physical and biological features (primary constituent elements) that are essential to the conservation of the species, and that may require special management considerations or protection. These include, but are not limited to: space for individual and population growth, and for normal behavior; food, water, or other nutritional or physiological requirements; cover or shelter; sites for breeding and reproduction; and habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

The primary constituent elements for the San Diego fairy shrimp are those habitat components that are essential for the primary biological needs of foraging, sheltering, reproduction, and dispersal. The primary constituent elements are found in those areas that support vernal pools or other ephemeral depressional wetlands. Primary constituent elements include the vernal pool basins and associated watersheds, and include, but are not limited to: small to large vernal pools with shallow to moderate depths that hold water for sufficient lengths of time necessary for San Diego fairy shrimp incubation and reproduction, but not necessarily every year; associated watershed(s) and hydrology for vernal pool basins and their related vernal pool complexes; ephemeral depressional wetlands, flat or gently sloping topography, and any soil type with a clay component and/or an impermeable surface or subsurface layer known to support vernal pool habitat. The associated watersheds are essential in maintaining the hydrology of vernal pools necessary to support San Diego fairy shrimp. The long-term conservation of vernal pools that are essential for the recovery of the San Diego fairy shrimp include the protection and management of their associated watersheds. Primary constituent elements or components thereof are found in all the areas designated for critical habitat.

Criteria Used To Identify Critical Habitat

In an effort to map areas essential to the conservation of the species, we used data on known San Diego fairy shrimp locations, and those vernal pools and vernal pool complexes that were identified in the Recovery Plan as essential for the stabilization and reclassification of the species. The long-

term conservation of the San Diego fairy shirmp depends upon the protection and management of vernal pools within each management area to retain local genetic differentiation, reduce the risk of losing individual species or pool types, buffer environmental variation, and provide for the opportunity for re-establishment of new populations (Service 1998). We then evaluated those areas based on the hydrology, watershed and topographic features. Based on this evaluation, a 250 m (820 ft) Universal Transverse Mercator (UTM) (North American Datum 1927 (NAD 27)) grid was overlaid on top of those vernal pool complexes and their associated essential watersheds. In those cases where occupied vernal pools were not identified in the Recovery Plan, we relied on recent scientific data to update the map coverage.

In defining critical habitat boundaries, we made an effort to avoid developed areas, such as towns and other similar lands, that are unlikely to contribute to San Diego fairy shrimp conservation. However, the minimum mapping unit that we used did not allow us to exclude all developed areas, such as towns, or housing developments, or other lands unlikely to contain the primary constituent elements essential for conservation of the San Diego fairy shrimp. Existing features and structures within the boundaries of the mapped units, such as buildings, roads, aqueducts, railroads, airports, other paved areas, lawns, landscaped areas, and other urban areas, will not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a section 7 consultation, unless they affect the species and/or primary constituent elements in adjacent critical habitat. Within the area designated as critical habitat, only an estimated 18 ha (45 ac) is of unknown occupancy. The remaining complexes of vernal pools and their associated watersheds within the designated critical habitat area are within the geographical area occupied by San Diego fairy shrimp.

In summary, in determining areas that are essential to conserve San Diego fairy shrimp, we used the best scientific information available to us. The critical habitat areas described below constitute our best assessment of areas needed for the species' conservation and recovery.

Critical Habitat Designation

The approximate area of critical habitat by county and land ownership is shown in Table 1. Critical habitat includes San Diego fairy shrimp habitat throughout the species' range in the United States (*i.e.,* Orange and San Diego Counties, California). Lands designated are under private, State, and Federal ownership, with Federal lands including lands managed by the U.S. Department of Defense (DOD) and the Service. Lands designated as critical habitat have been divided into five Critical Habitat Units. A brief description of each unit and the reasons for designating it as critical habitat are presented below. The units are generally based on geographical location of the vernal pools, soil types, and local variation of topographic position (*i.e.,* coastal mesas, inland valley).

TABLE 1.—APPROXIMATE AREA ENCOMPASSING DESIGNATED CRITICAL HABITAT IN HECTARES (HA) (ACRES (AC)) BY COUNTY AND LAND OWNERSHIP

County	Federal land [1]	Local/state land	Private land	Total
Orange	N/A	25 ha (62 ac)	N/A	25 ha (62 ac)
San Diego	88 ha (218 ac)	154 ha (379 ac)	1,362 ha (3,366 ac)	1,604 ha (3,963 ac)
Total	88 ha (218 ac)	179 ha (441 ac)	1,362 ha (3,366 ac)	1,629 ha (4,025 ac)

[1] Includes Department of Defense and U.S. Fish and Wildlife Service lands.

Unit 1: Orange County (Fairview Regional Park)

Unit 1 encompasses approximately 25 ha (62 ac) in Orange County within the Los Angeles Basin-Orange Management Area as outlined in the Recovery Plan. The Fairview Regional Park vernal pool complex is occupied by the species and is designated as critical habitat. This unit provides the northern extent of this species' distribution and represents the historic distribution of coastal terrace vernal pools in this area. This northernmost unit is essential to the conservation of the San Diego fairy shrimp by maintaining the ecological distribution of this species, retaining the genetic diversity of this population, and to provide a buffer against catastrophic events.

Unit 2: San Diego: North Coastal Mesa

Unit 2 encompasses approximately 79 ha (195 ac) in San Diego County within the San Diego. It includes a small portion of Camp Pendleton and an area within the City of Carlsbad as outlined in the Recovery Plan. The area designated on Camp Pendleton includes lands leased by the California State Department of Parks and Recreation and private interests from Camp Pendleton. Within the jurisdiction of the City of Carlsbad, one vernal pool complex located in the vicinity of Palomar Airport and one complex at Poinsettia Lane train station are designated as critical habitat. These vernal pool complexes represent vernal pool habitat associated with coastal terraces found north of the San Dieguito River. Given the rarity of San Diego fairy shrimp and the limited amount of vernal pool habitat, this unit is essential to the conservation of this species because of the broad array of vernal pool complexes that are represented. This unit supports recovery criteria by maintaining a diversity of vernal pools that support the genetic diversity and population stability of the San Diego fairy shrimp.

Unit 3: San Diego: Inland Valley

Unit 3 encompasses 1,231 ha (3,042 ac) in San Diego County within the San Diego: Inland Valley Management Area as outlined in the Recovery Plan. Lands designated contain vernal pool complexes within the jurisdiction of the City of San Marcos and the community of Ramona. In the community of Ramona, one of the complexes is within the County's Ramona Airport boundaries. These vernal pool complexes are generally isolated from maritime influence (greater than 10 km (6 mi) from the coast) and are representative of vernal pools associated with alluvial or volcanic type soils. Approximately 18 ha (45 ac) of this unit are currently of unknown occupancy. This unit provides for the conservation of the San Diego fairy shrimp by protecting vernal pools within the

geographical range, maintaining the diversity of vernal pool habitats, and retaining the genetic diversity of these populations.

Unit 4: San Diego: Central Coastal Mesa

Unit 4 encompasses 225 ha (556 ac) in San Diego County within the San Diego: Central Coastal Mesa Management Area as outlined in the Recovery Plan. Lands designated contain vernal pool complexes within the jurisdiction of the City of San Diego, State of California, Service, and private interests. These vernal pool complexes are associated with coastal terraces and mesas found south of the San Dieguito River to the San Diego Bay. This unit protects a diversity of vernal pools that support the San Diego fairy shrimp. Protection of this broad representation of vernal pools furthers the recovery of this species by maintaining genetic diversity and stabilizing populations.

Unit 5: San Diego: Southern Coastal Mesa

Unit 5 encompasses 69 ha (170 ac) in San Diego County within the San Diego: Southern Coastal Mesa Management Area as outlined in the Recovery Plan. Lands designated include vernal pool complexes within the jurisdiction of the Service, City of San Diego, City of Chula Vista, County of San Diego, U.S. Immigration and Naturalization Service (INS), and private interests. These vernal pool complexes are associated with coastal mesas from the Sweetwater River south to the international border with Mexico. This southernmost unit is essential to the conservation of the San Diego fairy shrimp by maintaining the ecological distribution of this species, retaining the genetic diversity of this population, and to provide a buffer against catastrophic events.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a) of the Act requires Federal agencies, including the Service, to ensure that actions they fund, authorize, or carry out are not likely to jeopardize the continued existence of a threatened or endangered species, or result in the destruction or adverse modification of critical habitat to the extent that the action appreciably diminishes the value of the critical habitat for the survival and recovery of the species. Individuals, organizations, States, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding. In 50 CFR 402.02, ''jeopardize the continued existence'' (of a species) is defined as engaging in an activity likely to result in an appreciable reduction in the likelihood of survival and recovery of a listed species. ''Destruction or adverse modification'' (of critical habitat) is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for the survival and recovery of the listed species for which critical habitat was designated. Thus, the definitions of ''jeopardy'' to the species and ''adverse modification'' of critical habitat are nearly identical.

Section 7(a) of the Act requires Federal agencies, including the Service, to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory. If a species is listed or critical habitat is designated, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Through this consultation, we would ensure that the permitted actions do not adversely modify critical habitat.

When we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we also provide reasonable and prudent alternatives to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid resulting in the destruction or adverse modification of critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where critical habitat is subsequently designated, and the Federal agency has retained discretionary involvement or control over the action or such discretionary involvement or control is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation with us on actions for which formal consultation has been completed, if those actions may affect designated critical habitat and they have retained discretionary involvement in the action. Further, some Federal agencies may have conferenced with us on proposed critical habitat. We may adopt the formal conference report as the biological opinion when critical habitat is designated, if no significant new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

Activities on Federal lands that may affect the San Diego fairy shrimp or its critical habitat will require section 7 consultation. Activities on private or State lands requiring a permit from a Federal agency, such as a permit from the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act, or some other Federal action, including funding (*e.g.,* Federal Highway Administration, Federal Aviation Administration, or Federal Emergency Management Agency) will also continue to be subject to the section 7 consultation process. Federal actions not affecting listed species or critical habitat and actions on non-Federal lands that are not federally funded, authorized, or permitted do not require section 7 consultation.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe in any proposed or final regulation that designates critical habitat those activities involving a Federal action that may adversely modify such habitat, or that may be affected by such designation.

Activities that, when carried out, funded, or authorized by a Federal agency, may affect critical habitat and require that a section 7 consultation be conducted include, but are not limited to:

(1) Any activity that results in discharge of dredged or fill material, excavation, or mechanized land clearing of ephemeral and/or vernal pool basins (e.g., road and fence construction and maintenance, right-of-way designation, airport improvement activities, and regulation of agricultural activities);

(2) Any activity that alters the watershed, water quality, or water quantity to an extent that water quality becomes unsuitable to support San Diego fairy shrimp, or any activity that significantly affects the natural hydrologic function of the vernal pool system; and

(3) Activities that could lead to the introduction of exotic species into San Diego fairy shrimp habitat.

Activities that may destroy or adversely modify critical habitat include those that alter the primary constituent elements to an extent that the value of critical habitat for both the survival and recovery of the San Diego fairy shrimp is appreciably reduced. We note that such activities may also jeopardize the continued existence of the species.

To properly portray the effects of critical habitat designation, we must first compare the section 7 requirements for actions that may affect critical habitat with the requirements for actions that may affect a listed species. Section 7 prohibits actions funded, authorized, or carried out by Federal agencies from jeopardizing the continued existence of a listed species or destroying or adversely modifying the listed species' critical habitat. Actions likely to ''jeopardize the continued existence'' of a species are those that would appreciably reduce the likelihood of the species' survival and recovery. Actions likely to ''destroy or adversely modify'' critical habitat are those that would appreciably reduce the value of critical habitat for the survival and recovery of the listed species.

Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species. Given the similarity of these definitions, actions likely to destroy or adversely modify critical habitat would almost always result in jeopardy to the species concerned, particularly when the area of the proposed action is occupied by the species concerned. In those cases, critical habitat provides little additional protection to a species, and the ramifications of its designation are few or none. However, if occupied habitat becomes unoccupied in the future, there is a potential benefit from critical habitat in such areas.

If you have questions regarding whether specific activities will constitute destruction or adverse modification of critical habitat, contact the Field Supervisor, Carlsbad Fish and Wildlife Office (see **ADDRESSES** section). Requests for copies of the regulations on listed wildlife, and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Branch of Endangered Species, 911 N.E. 11th Ave, Portland, Oregon 97232 (telephone 503/231–2063; facsimile 503/231–6243).

All lands designated as critical habitat are within the geographical area occupied by the species and are likely to be used by the San Diego fairy shrimp. Federal agencies already consult with us on activities in areas currently occupied by the species, or if the species may be affected by the action to ensure that their actions do not jeopardize the continued existence of the species. Thus, we do not anticipate additional regulatory protection will result from critical habitat designation.

Exclusions Under Section 3(5)(A) Definition

Special management or protection is a term that originates in the definition of critical habitat in section 3 of the Act that refers to areas within the current range of the species. For areas in the current range of the species, we first determine whether the area contains the physical and biological features essential to the conservation of the species and the area has or needs special management or protection. Additional special management is not required if adequate management or protection is already in place. Adequate special management or protection is provided by a legally operative plan/agreement that addresses the maintenance and improvement of the primary constituent elements important to the species and manages for the long-term conservation of the species. We use the following three criteria to determine if a plan provides adequate special management or protection: (1) A current plan/agreement must be complete and provide sufficient conservation benefit to the species, (2) the plan must provide assurances that the conservation management strategies will be implemented, and (3) the plan must provide assurances that the conservation management strategies will be effective, *i.e.,* provide for periodic monitoring and revisions as necessary. If all of these criteria are met, then the lands covered under the plan would no longer meet the definition of critical habitat.

The Sikes Act Improvements Act of 1997 (Sikes Act) requires each military installation that includes land and water suitable for the conservation and management of natural resources to complete, by November 17, 2001, an Integrated Natural Resources Management Plan (INRMP). An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found there. Each INRMP includes an assessment of the ecological needs on the installation, including needs to provide for the conservation of listed species; a statement of goals and priorities; a detailed description of management actions to be implemented to provide for these ecological needs; and a monitoring and adaptive management plan. We consult with the military on the development and implementation of INRMPs for installations with listed species. We believe bases that have completed and approved INRMPs that address the needs of the species generally do not meet the definition of critical habitat discussed above, as they require no additional special management or protection.

We evaluated Department of Defense (DOD) Integrated Natural Resource Management Plans (INRMPs) for DOD land that was within the proposed critical habitat to determine whether any INRMPs met the special management criteria. To date, Marine Corps Air Base, Miramar is the only DOD installation that has completed a final INRMP that provides for sufficient conservation management and protection for the San Diego fairy shrimp. We reviewed this plan and determined that it addresses and meets the three criteria. Therefore, lands on Marine Corps Air Base, Miramar no longer meet the definition of critical habitat, and they have been excluded from the final designation of critical habitat for the San Diego fairy shrimp.

Exclusions Under Section 4(b)(2)

Subsection 4(b)(2) of the Act allows us to exclude areas from critical habitat designation where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. For the following reasons, we believe that in most instances the benefits of excluding HCPs from critical habitat designations will outweigh the benefits of including them.

(1) Benefits of Inclusion

The benefits of including HCP lands in critical habitat are normally small. The principal benefit of any designated critical habitat is that activities in such habitat that may affect it require consultation under section 7 of the Act. Such consultation would ensure that

adequate protection is provided to avoid adverse modification of critical habitat. Where HCPs are in place, our experience indicates that this benefit is small or non-existent. Currently approved and permitted HCPs are already designed to ensure the long-term survival of covered species within the plan area. Where we have an approved HCP, lands that we ordinarily would define as critical habitat for the covered species will normally be protected in reserves and other conservation lands by the terms of the HCPs and their implementation agreements. These HCPs and implementation agreements include management measures and protections for conservation lands that are crafted to protect, restore, and enhance their value as habitat for covered species.

In addition, an HCP application must itself be consulted upon. While this consultation will not look specifically at the issue of adverse modification of critical habitat, it will look at the very similar concept of jeopardy to the listed species in the plan area. Since HCPs, particularly large regional HCPs, address land use within the plan boundaries, habitat issues within the plan boundaries will have been thoroughly addressed in the HCP and the consultation on the HCP. Our experience is also that, under most circumstances, consultations under the jeopardy standard will reach the same result as consultations under the adverse modification standard. Implementing regulations (50 CFR Part 402) define ''jeopardize the continued existence of'' and ''destruction or adverse modification of'' in virtually identical terms. Jeopardize the continued existence of means to engage in an action ''that reasonably would be expected * * * to reduce appreciably the likelihood of both the survival and recovery of a listed species.'' Destruction or adverse modification means an ''alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species.'' Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species, in the case of critical habitat by reducing the value of the habitat so designated. Thus, actions satisfying the standard for adverse modification are nearly always found to also jeopardize the species concerned, and the existence of a critical habitat designation does not materially affect the outcome of consultation. Additional measures to protect the habitat from adverse modification are not likely to be required.

Further, HCPs typically provide for greater conservation benefits to a covered species than section 7 consultations because HCPs assure the long term protection and management of a covered species and its habitat, and funding for such management through the standards found in the 5-Point Policy for HCPs (64 FR 35242) and the HCP No Surprises regulation (63 FR 8859). Such assurances are typically not provided by section 7 consultations which, in contrast to HCPs, often do not commit the project proponent to long term special management or protections. Thus, a consultation typically does not accord the lands it covers the extensive benefits an HCP provides.

The development and implementation of HCPs provide other important conservation benefits, including the development of biological information to guide conservation efforts and assist in species recovery and the creation of innovative solutions to conserve species while allowing for development. The educational benefits of critical habitat, including informing the public of areas that are important for the long-term survival and conservation of the species, are essentially the same as those that would occur from the public notice and comment procedures required to establish an HCP, as well as the public participation that occurs in the development of many regional HCPs. For these reasons, then, we believe that designation of critical habitat has little benefit in areas covered by HCPs.

(2) Benefits of Exclusion

The benefits of excluding HCPs from being designated as critical habitat may be more significant. During two public comment periods on our critical habitat policy, we received several comments about the additional regulatory and economic burden of designating critical habitat. These include the need for additional consultation with the Service and the need for additional surveys and information gathering to complete these consultations. HCP applicants have also stated that they are concerned that third parties may challenge HCPs on the basis that they result in adverse modification or destruction of critical habitat, should critical habitat be designated within the HCP boundaries.

The benefits of excluding HCPs include relieving landowners, communities and counties of any additional minor regulatory review that might be imposed by critical habitat. Many HCPs, particularly large regional HCPs, take many years to develop and, upon completion, become regional conservation plans that are consistent with the recovery of covered species. Many of these regional plans benefit many species, both listed and unlisted. Imposing an additional regulatory review after HCP completion may jeopardize conservation efforts and partnerships in many areas and could be viewed as a disincentive to those developing HCPs. Excluding HCPs provides us with an opportunity to streamline regulatory compliance and confirms regulatory assurances for HCP participants.

A related benefit of excluding HCPs is that it would encourage the continued development of partnerships with HCP participants, including states, local governments, conservation organizations, and private landowners, that together can implement conservation actions we would be unable to accomplish alone. By excluding areas covered by HCPs from critical habitat designation, we preserve these partnerships, and, we believe, set the stage for more effective conservation actions in the future.

In general, then, we believe the benefits of critical habitat designation to be small in areas covered by approved HCPs. We also believe that the benefits of excluding HCPs from designation are significant. Weighing the small benefits of inclusion against the benefits of exclusion, including the benefits of relieving property owners of an additional layer of approvals and regulation, together with the encouragement of conservation partnerships, would generally result in HCPs being excluded from critical habitat designation under Section 4(b)(2) of the Act.

Not all HCPs are alike with regard to species coverage and design. Within this general analytical framework, we need to evaluate completed and legally operative HCPs in the range of the San Diego fairy shrimp to determine whether the benefits of excluding these particular areas outweigh the benefits of including them.

Several habitat conservation planning efforts have been completed within the range of the San Diego fairy shrimp. Principal among these is the San Diego Multiple Species Conservation Program (MSCP) and its subarea plans. The MSCP provides conservation measures for the San Diego fairy shrimp even though take authorization, should any be needed, is designed to come from a subsequent permitting process (typically through a section 7 consultation with the Corps). The MSCP will result in the avoidance of the majority of fairy shrimp habitat within the planning area. The MSCP provides that fairy shrimp habitat should be completely avoided to the maximum extent practicable

pursuant to the Clean Water Act Section 404(b)(1) guidelines. Unavoidable impacts to vernal pool habitats are to be minimized and mitigated to achieve no net loss of wetland function and value and to provide additional protective measures. Moreover, the MSCP provides for adaptive management and monitoring to ensure the long-term viability of the vernal pool habitat. The benefits of excluding lands covered by these HCPs would be significant in preserving positive relationships with our conservation partners, lessening potential additional regulatory review and potential economic burdens, reinforcing the regulatory assurances provided for in the implementation agreements for the approved HCPs, and providing for more established and cooperative partnerships for future conservation efforts. In the economic analysis completed for the San Diego fairy shrimp critical habitat designation, we concluded that some development companies may be affected by any modifications to projects or incremental delays in the implementation of projects due to consultations that occur as a result of critical habitat designation for the San Diego fairy shrimp. In addition, we concluded that landowners may incur costs to determine whether their land contains the primary constituent elements for the San Diego fairy shrimp, and may experience temporary changes in property values as markets respond to the uncertainty associated with critical habitat designation. Thus, we determined that the benefits of excluding critical habitat within the San Diego MSCP outweigh the benefits of designation. Consequently, these lands have not been designated as critical habitat for the San Diego fairy shrimp.

In summary, the benefits of including the MSCP in critical habitat for the San Diego fairy shrimp include increased educational benefits and minor additional management protections and measures. The benefits of excluding MSCP from being designated as critical habitat for the San Diego fairy shrimp include the additional conservation measures for the San Diego fairy shrimp and other listed species, preservation of partnerships that may lead to future conservation, and the avoidance of the minor regulatory and economic burdens associated with the designation of critical habitat. The benefits of excluding these areas from critical habitat designation outweigh the benefits of including these areas. Furthermore, we have determined that these exclusions will not result in the extinction of the species. We have already completed section 7 consultation on the impacts of these HCPs on the species. We have determined that they will not jeopardize the continued existence of the species, meaning that they will not appreciably reduce the survival and recovery of the species.

Another HCP effort is the Natural Community Conservation Planning (NCCP) program in Orange and San Diego Counties. The NCCP/HCP effort in Orange County Central/Coastal is designed to provide the same level of protection for San Diego fairy shrimp as the San Diego MSCP. However, unlike the San Diego MSCP, the vernal pool complex at Fairview Regional Park within Orange County occurs within a city which is not a participating jurisdiction under the plan. The benefits from designating this area as critical habitat are not outweighed by the benefits of the HCP. Therefore, the Fairview Regional Park vernal pool complex is included as critical habitat.

We anticipate that future HCPs in the range of the San Diego fairy shrimp will include it as a covered species and provide for its long-term conservation. We expect that HCPs undertaken by local jurisdictions (*e.g.*, counties, cities) and other parties will identify, protect, and provide appropriate management for those specific lands within the boundaries of the plans that are essential for the long-term conservation of the species. Section 10(a)(1)(B) of the Act states that HCPs must meet issuance criteria, including minimizing and mitigation for any take of the listed species covered by the permit to the maximum extent practicable, and that the taking must not appreciably reduce the likelihood of the survival and recovery of the species in the wild. We fully expect that our future analysis of HCPs and section 10(a)(1)(B) permits under section 7 will show that covered activities carried out in accordance with the provisions of the HCPs and section 10(a)(1)(B) permits will not result in the destruction or adverse modification of critical habitat designated for the San Diego fairy shrimp.

In the event that future HCPs covering the San Diego fairy shrimp are developed within the boundaries of designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential for the conservation of this species. This will be accomplished by either directing development and habitat modification to nonessential areas, or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process provides an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by the San Diego fairy shrimp. The process also enables us to conduct detailed evaluations of the importance of such lands to the long-term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks.

We will provide technical assistance and work closely with applicants throughout the development of future HCPs to identify lands essential for the long-term conservation of the San Diego fairy shrimp and appropriate management for those lands. The take minimization and mitigation measures provided under these HCPs are expected to protect the essential habitat lands designated as critical habitat in this rule. If an HCP that addresses the San Diego fairy shrimp as a covered species is ultimately approved, we will reassess the critical habitat boundaries in light of the HCP. We will seek to undertake this review when the HCP is approved, but funding constraints may influence the timing of such a review.

In contrast to Marine Corps Air Base Miramar, Marine Corps Base Camp Pendleton (Camp Pendleton) has not yet completed their INRMP. Camp Pendleton has several substantial vernal pool complexes that support the San Diego fairy shrimp. In light of these factors, we proposed 4,902 ha (12,114 ac) of the approximately 50,000 ha (125,000 acre) base as critical habitat for the San Diego fairy shrimp. Out of the 46 training or joint use areas on Camp Pendleton, the proposal included all of five such areas, which were concentrated on the coastal portion of the Base. In addition, the proposal included habitat found elsewhere on the base.

The INRMP for Camp Pendleton will be completed by the statutory deadline of November 17, 2001. We will consult with the Marines under section 7 of the Act on the development and implementation of the INRMP. We fully expect that, once the INRMP is completed and approved, areas of the base included in the proposed critical habitat designation will not meet the definition of critical habitat, as they will require no additional special management or protection.

Today, as the INRMP has not yet been completed and approved, these lands on the base meet the definition of critical habitat. Nevertheless, we have determined that it is appropriate to exclude Camp Pendleton from this critical habitat designation under section 4(b)(2). The main benefit of this

exclusion is ensuring that the mission-critical military training activities can continue without interruption at Camp Pendleton while the INRMP is being completed. On March 30, 2000, at the request of the Marines, we initiated formal consultation with Camp Pendleton on their uplands activities. These activities include military training, maintenance, fire management, real estate, and recreation programs. Upon completion, this consultation will address the 93 percent of the Base not included in our 1995 opinion concerning the Base's programmatic conservation plan for riparian and estuarine/beach ecosystems (U.S. Fish and Wildlife Service 1995). Because of the immense complexity of dealing with a multitude of hard-to-define upland activities and numerous federally listed plants and animals, we expect completion of the consultation and issuance of our biological opinion to take several months to a year.

The proposed critical habitat designation included about 4,902 ha (12,114 ac), or about 10 percent of the Base. If critical habitat is designated on Camp Pendleton for the San Diego fairy shrimp, the Marines would be compelled by their interpretation of the Endangered Species Act to significantly curtail necessary training within the area designated as critical habitat, to the detriment of mission-critical training capability, until the consultation is concluded, up to a year from now. As a result, the Base's utility as a Marine training site would be limited. The Marines have no alternative site suitable for the kinds of training that occur on the Base.

In contrast, the benefits of designating critical habitat on the base now are small. The primary benefit of designation is the prohibition on destruction or adverse modification of critical habitat under section 7 of the Act. However, we believe that section 7 consultation on any proposed action on the base that would result in an adverse modification conclusion would also result in a jeopardy conclusion, and we are now engaged in formal consultation with the Marines on their activities in vernal pool habitat on the Camp Pendleton. In addition, the Marines have a statutory obligation under the Sikes Act to complete an INRMP for Camp Pendleton about 13 months from now; as noted above, we expect that, when completed and adopted, this INRMP will provide equal or greater protection to San Diego fairy shrimp habitat on the base than a critical habitat designation.

We conclude that the benefits of excluding Camp Pendleton exceed the benefits of including the base in the critical habitat designation; further, we have determined that excluding the base will not result in the extinction of the San Diego fairy shrimp, as sufficient vernal pools remain within the final critical habitat designation and sections 7(a)(2) and 9 of the Act still apply to the activities affecting San Diego fairy shrimp on Camp Pendleton, This exclusion does not include that part of Camp Pendleton leased to the State of California and included within San Onofre State Park (including San Mateo Park). Because these lands are used minimally, if at all, by the Marines for training, the 16 ha (40 ac) of lands proposed within the state park are retained in the final designation.

Should additional information become available that changes our analysis of the benefits of excluding any of these (or other) areas compared to the benefits of including them in the critical habitat designation, we may revise this final designation accordingly. Similarly, if new information indicates any of these areas should not be included in the critical habitat designation because they no longer meet the definition of critical habitat, we may revise this final critical habitat designation. If, consistent with available funding and program priorities, we elect to revise this designation, we will do so through a subsequent rulemaking.

Summary of Comments and Recommendations

In the March 8, 2000, proposed rule (65 FR 12181), we requested all interested parties to submit comments on the specifics of the proposal including information, policy, treatment of HCPs, and proposed critical habitat boundaries. The first comment period closed on May 8, 2000. The comment period was reopened from August 21 to September 5, 2000, (65 FR 50672), to allow for additional comments on the proposed rule and comments on the draft economic analysis of the proposed critical habitat. Due to an error in the date of the deadline for public comment that was identified in the **Federal Register** notice (65 FR 50672), we published a correction on August 25, 2000 (65 FR 51903). We entered comments received from May 8 to August 21, 2000, into the administrative record for the second comment period. Comments received following the close of the second comment period (a total of 3) were entered into the administrative record and marked as late. These later comments were reviewed to determine if they raised any new or substantial issues that had not been raised by any earlier comment. None of the late comments raised a new or substantial issue that had not been raised earlier.

We contacted all appropriate State and Federal agencies, county governments, elected officials, and other interested parties and invited them to comment. In addition, we published newspaper notices inviting public comment in the following newspapers in southern California: Orange County Register, North County Times, and the San Diego Union-Tribune. These notices were published on March 8 and 9, 2000.

We requested four biologists familiar with the San Diego fairy shrimp and the conservation of vernal pools to peer review the proposed critical habitat designation. Two of the peer reviewers submitted comments on the proposed critical habitat designation, providing updated biological information, critical review, and editorial comments. We addressed their comments in the responses below, or incorporated them into other parts of this final rule.

We received a total of 31 comments during the 2 comment periods, from 2 Federal agencies, 3 State agencies, 5 local agencies, and 15 private organizations or individuals. Three commenters submitted comments more than once. We reviewed all comments received for substantive issues and new data regarding the San Diego fairy shrimp and critical habitat. We grouped comments of a similar nature into four general issues relating specifically to the proposed critical habitat determination and draft economic analysis on the proposed determination. These are addressed in the following summary.

Issue 1: Biological Justification and Methodology

(1) *Comment:* The broad or landscape scale of the proposed critical habitat includes areas that do not contain the primary constituent elements for the San Diego fairy shrimp. The statements in the proposed rule that only areas containing the primary constituent elements for the San Diego fairy shrimp are being proposed as critical habitat is confusing and does not allow for a defined boundary. Several commenters questioned the biological justification for proposing critical habitat for the San Diego fairy shrimp using such a landscape scale approach when specific, detailed information is available. Many commenters felt the mapping should be more detailed, and the critical habitat be more precisely defined, excluding areas that obviously are not San Diego fairy shrimp critical habitat. Some commenters criticized our use of a 1-km UTM grid as flawed because it included too much area unlikely to contain the

primary constituent elements, and that the Economic Analysis was also flawed because it was based on these large units, and was not in keeping with the Act's requirement to ''narrowly define critical habitat.'' Additionally, one commenter stated that the designation was not based on the best scientific and commercial data available, and that the Service has not adequately provided notice of the precise outlined boundaries of critical habitat.

Our Response: We are required to describe critical habitat (50 CFR 424.12(c)) with specific limits using reference points and lines as found on standard topographic maps of the area. Due to the time constraints imposed by the court, and the absence of detailed GIS coverages during the preparation of the proposed determination, we used a 1 km (0.6 mi) UTM grid system to describe the boundaries of critical habitat units. Because of this large mapping scale, some areas not essential for the conservation of the San Diego fairy shrimp were included in the boundaries of proposed critical habitat.

In the preparation of the final determination, we had available for use, more detailed GIS coverages that allowed us to reduce our minimum mapping unit from a 1 km (0.6 mi) UTM grid square to a 250 m (820 ft) UTM grid square. This allowed for the exclusion of many areas not essential to the conservation of the San Diego fairy shrimp and resulted in the drawing of more refined critical habitat boundaries. Consequently, by using a finer scale grid, the total acreage of lands designated as critical habitat decreased. The lands within the mapped boundaries are considered critical habitat for the San Diego fairy shrimp.

(2) *Comment:* Several commenters voiced concern that their property was within proposed critical habitat boundaries even though it does not contain San Diego fairy shrimp habitat.

Our Response: We recognize that not all parcels of land within designated critical habitat contain the habitat components essential to San Diego fairy shrimp conservation. While we have refined the critical habitat maps since the proposal, even with the 250 m (820 ft) UTM grid square, the minimum mapping unit that we used in defining critical habitat boundaries for the San Diego fairy shrimp did not allow us to exclude all developed areas such as towns, housing developments, or other developed lands unlikely to provide habitat for the San Diego fairy shrimp. However, these areas are within designated critical habitat since they are within the defined boundaries of the designation. Because they do not contain habitat for the species, we believe that activities that occur on them will not affect critical habitat. Therefore, these activities would not trigger a section 7 consultation.

(3) *Comment:* The final rule listing the San Diego fairy shrimp (62 FR 4925) as endangered stated that the species occupied only 81 ha (200 ac) of vernal pool habitat and is not a widespread species. The proposed rule for designating critical habitat (65 FR 12181) proposed over 14,771 ha (36,501 ac) as occupied critical habitat. How is this possible?

Our Response: The 81 ha (200 ac) estimate refers to the vernal pool basins occupied by the San Diego fairy shrimp at the time of listing in 1997. Since the listing of the San Diego fairy shrimp, additional surveys and scientific studies have increased our understanding of the distribution and habitat needs of this species and the amount of vernal pool habitats. Additionally, the 1 km (0.6 mi) grid size used in the proposed rule to define critical habitat also included some nonessential portions of the watersheds of the vernal pools. Thus, the 14,771 ha (36,501 ac) identified in the critical habitat proposal included both the vernal pool basins and their associated watersheds. We refined our grid size (250 m (820 ft)) and removed nonessential areas (10,171 ha (25,133 ac)), which reduced the amount of land designated as critical habitat for the final rule. The areas designated as critical habitat include both vernal pool basins and their associated watersheds. The associated watersheds are essential in maintaining the hydrology of vernal pools necessary to support San Diego fairy shrimp.

(4) *Comment:* ''Incidentally-created habitat'' should not be considered critical habitat, and take of the species in ''incidentally-created habitats'' should not be considered to ''jeopardize'' the species.

Our Response: ''Incidentally created habitats'' for the San Diego fairy shrimp are generally associated with existing vernal pools, vernal pools complexes, and ephemeral ponds and depressions. We define these habitats as ''highly disturbed'' or ''modified'' habitats as opposed to incidentally created, as often these areas supported natural vernal pools in the past. All of the designated critical habitat areas are considered essential to the conservation of the San Diego fairy shrimp as described in the Recovery Plan for Vernal Pools of Southern California. Therefore, these vernal pools, including any ''incidentally created habitats,'' have been designated as critical habitat. The take prohibitions under section 9 of the Act do not differentiate between natural and ''incidentally created habitats.''

Issue 2: Policy and Regulations

(5) *Comment:* Many commenters were supportive of the policy that lands covered by approved and future HCPs that provide take authorization for the San Diego fairy shrimp be excluded from critical habitat. Several commenters suggested that designated critical habitat be removed concurrently with approval of the HCP because they are concerned that additional consultations would be required as a result of critical habitat. Some commenters also asked if completed and Service-approved subarea plans would be exempted similar to HCPs. Many commenters questioned whether the MSCP would provide for adequate protection of fairy shrimp in lieu of critical habitat, when it has not done so in the past (without critical habitat).

Our Response: We recognize that critical habitat is only one of many conservation tools for federally listed species. HCPs are one of the most important tools for reconciling land use with the conservation of listed species on non-Federal lands. Section 4(b)(2) allows us to exclude from critical habitat designation areas where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. We believe that in most instances, the benefits of excluding HCPs from critical habitat designations will outweigh the benefits of including them. For this designation, we find that the benefits of exclusion outweigh the benefits of inclusion for the MSCP HCP issued for the San Diego fairy shrimp. However, lands without completed HCPs have been included as critical habitat. We expect to analyze the specific benefits in each particular critical habitat designation because not all HCPs are alike with regard to species coverage and design.

We anticipate that future HCPs in the range of the San Diego fairy shrimp will include it as a covered species and provide for its long-term conservation. We expect that HCPs undertaken by local jurisdictions (*e.g.*, counties, cities) and other parties will identify, protect, and provide appropriate management for those specific lands within the boundaries of the plans that are essential for the long-term conservation of the species. Section 10(a)(1)(B) of the Act states that HCPs must meet issuance criteria, including minimizing and mitigating any take of the listed species covered by the permit to the maximum extent practicable, and that the taking will not appreciably reduce the

likelihood of the survival and recovery of the species in the wild. We fully expect that our analyses of future HCPs and section 10(a)(1)(B) permits under section 7 will show that covered activities carried out in accordance with the provisions of the HCPs and Section 10(a)(1)(B) permits will not result in the destruction or adverse modification of critical habitat designated for the San Diego fairy shrimp.

In the event that future HCPs covering the San Diego fairy shrimp are developed within the boundaries of designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential for the conservation of the San Diego fairy shrimp by either directing development and habitat modification to nonessential areas, or appropriately restricting activities within essential habitat areas so that such activities will not result in the destruction or adverse modification of the primary constituent elements. The HCP development process provides an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by the San Diego fairy shrimp. The process also enables us to conduct detailed evaluations of the importance of such lands to the long-term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks. We are continuing to work with the cities of Chula Vista, Carlsbad, San Marcos, and other jurisdictions to insure that their subarea plans provide for the long-term conservation of the San Diego fairy shrimp.

We will provide technical assistance and work closely with applicants throughout the development of future HCPs to identify lands essential for the long-term conservation of the San Diego fairy shrimp and appropriate management for those lands. The take minimization and mitigation measures provided under these HCPs are expected to protect the essential habitat lands designated as critical habitat in this rule. If an HCP that addresses the San Diego fairy shrimp as a covered species is ultimately approved, we will reassess the critical habitat boundaries in light of the HCP. We will seek to undertake this review when the HCP is approved, but funding constraints may influence the timing of such a review.

(6) *Comment:* It is illegal and unscientific to withdraw critical habitat designation from land covered by a currently approved HCP, or to withdraw it from future HCPs when they are approved because these HCPs do not provide adequate protection for the San Diego fairy shrimp. Critical habitat protects land essential for conservation, which is a higher standard than an HCP permit or section 7 consultation, which only assure that jeopardy would not occur.

Our Response: Section 4(b)(2) of the Act provides for a balancing test in designating critical habitat. We may exclude HCPs from critical habitat if the benefits of excluding them outweigh the benefits of including them in the designation. See our response to Comment 5 for a discussion of conservation measures afforded covered species under HCPs.

(7) *Comment:* An Environmental Impact Statement as defined under NEPA should be written to address the potential significant impacts from the proposed designation of San Diego fairy shrimp critical habitat.

Our Response: We determined that we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reason for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

(8) *Comment:* The broad scale of the proposed critical habitat maps is not specific enough to allow for reasonable public comment therefore violating the Act and 50 CFR Sec. 424.12(c).

Our Response: We identified specific areas referenced by UTM coordinates, which are found on standard topographic maps. We also made available a public viewing room where the proposed critical habitat units superimposed on 7.5 minute topographic maps and spot imagery could be inspected. Further, we distributed GIS coverages and maps of the proposed critical habitat to everyone who requested them. We believe the information made available to the public was sufficiently detailed to allow for informed public comment. This final rule contains the legal descriptions of areas designated as critical habitat required pursuant to 50 CFR Sec. 424.12(c). If additional clarification is necessary, contact the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

(9) *Comment:* The designation of critical habitat would place an additional burden on landowners above and beyond what the listing of the species would require. The number of section 7 consultations will increase; large areas where no San Diego fairy shrimp are known to occur will now be subject to section 7 consultation. Many Federal agencies have been making a ''no effect'' determination within unoccupied suitable habitat. Now, with critical habitat there will be ''may affect'' determinations, and section 7 consultation will be required if any of the constituent elements are present.

Our Response: We acknowledge that there may be some additional section 7 consultations due to critical habitat. However, we believe in most cases, the outcome of these consultations will be similar to the outcome of consultations without critical habitat. See our response to Issue 39. Since vernal pools are widely recognized as a sensitive and declining habitat, projects are often required, by jurisdictions other than the Service, to offset impacts to vernal pools regardless of the presence of designated critical habitat. Therefore, we believe that if there is any additional burden due to critical habitat, it will be minimal.

(10) *Comment:* Several commenters requested that, once a section 7 consultation is completed that addresses the San Diego fairy shrimp, the lands covered by the consultation be excluded from critical habitat, similar to what has been proposed for lands covered by approved HCPs.

Our Response: We disagree that lands covered by a section 7 consultation should be removed from critical habitat. Section 7 of the Act requires that Federal actions not jeopardize the continued existence of a species or result in the destruction or adverse modification of critical habitat. In contrast, HCPs typically provide for greater conservation benefits to a covered species by assuring the long-term protection and management of a covered species and its habitat, and funding for such management through the standards found in the 5-Point Policy for HCPs (64 FR 35242), the HCP No Surprises regulation (63 FR 8859), and relevant regulations governing the issuance and implementation of HCPs. However, such assurances are typically not provided in connection with Federal projects subject to section 7 consultations which, in contrast to activities on non-Federal lands covered by HCPs, often do not commit to long term special management or protections.

(11) *Comment:* Comments received from the Department of Defense (DOD) requested that their lands be excluded from the critical habitat designation because protections and management afforded the San Diego fairy shrimp under Integrated Natural Resource Management Plans (INRMPs) pursuant to the Sike's Act were sufficient, thereby resulting in their lands not requiring special management or protection and

not meeting the definition of critical habitat.

Our Response: We agree that INRMPs can provide special management lands such that they no longer meet the definition of critical habitat when the plans meet the following criteria: (1) a current INRMP must be complete and provide sufficient conservation benefit to the San Diego fairy shrimp, (2) the plan must provide assurances that the conservation management strategies will be implemented, and (3) the plan must provide assurances that the conservation management strategies will be effective, *i.e.,* provide for periodic monitoring and revisions as necessary. If all of these criteria are met, then the lands covered under the plan would no longer meet the definition of critical habitat.

To date, Marine Corps Air Base, Miramar is the only DOD installation that has completed a final INRMP that provides for sufficient conservation management and protection for the San Diego fairy shrimp. We have reviewed this plan and have determined that it addresses and meets the three criteria. Therefore, lands on Marine Corps Air Base, Miramar no longer meet the definition of critical habitat, and they have been excluded from the final designation of critical habitat for the San Diego fairy shrimp.

(12) *Comment:* Are emergency maintenance activities within designated critical habitat exempt for consultation under section 7 of the Act?

Our Response: Emergency maintenance activities are not exempt from consultation under section 7 of the Act. The regulations at 50 CFR 402.05 allow for informal consultation where emergency circumstances mandate the need to consult in an expedited manner. Formal consultation must be initiated as soon as possible after the emergency is under control. In addition, we have conducted programmatic consultations with FEMA and other Federal agencies for future anticipated emergency actions. These consultations can be conducted prior to the emergency and address anticipated response activities.

(13) *Comment:* Several commenters requested that we extend the comment period on the proposed determination and economic analysis to allow for additional outreach to affected property owners and to obtain their comments.

Our Response: Following the publication of the proposed critical habitat determination on March 8, 2000, we opened a 60-day public comment period, which closed on May 8, 2000. We conducted outreach notifying affected elected officials, local jurisdictions, and interest groups. We conducted much of this outreach through legal notices in regional newspapers; letters and news releases faxed and/or mailed to elected officials, local jurisdictions, and interest groups; and publication of the proposed determination and associated material on our Regional world wide web page. We published a notice in the **Federal Register** on August 21, 2000, announcing the availability of the draft economic analysis and opening a public comment period from August 21, 2000, to September 5, 2000, to allow for comments on the draft economic analysis and additional comments on the proposed determination. We provided notification of the draft economic analysis through letters and news releases faxed and/or mailed to affected elected officials, local jurisdictions, and interest groups. We also published the draft economic analysis and associated material on our Regional world wide web page following the draft's release on August 21, 2000. Because of the court-ordered timeframe, we were not able to extend or open an additional public comment period.

(14) *Comment:* Critical habitat should not have been proposed before an economic and other impacts analysis was completed, and the opportunity to comment on the economic analysis and the proposed rule was limited.

Our Response: We published the proposed determination in the **Federal Register** (65 FR 5946), and invited public comment. We used comments received on the proposed critical habitat to develop the draft economic analysis. We reopened the comment period from August 21, 2000, to September 5, 2000, to allow for comments on the draft economic analysis and proposed rule. We believe this was sufficient given the short timeframe ordered by the court.

(15) *Comment:* Several commenters recommended adding specific lands to critical habitat. These additions included Carmel Mountain, all pools identified in the Vernal Pool Recovery Plan, and all vernal pools currently known.

Our Response: We did not include all known vernal pools in proposed critical habitat. All of the designated critical habitat areas are considered essential to the conservation of the San Diego fairy shrimp as described in the Recovery Plan for Vernal Pools of Southern California. Other vernal pools, including those on Carmel Mountain, were not designated as critical habitat, because they are included in the MSCP plans. The vernal pools on Carmel Mountain are within the San Diego MSCP and were excluded pursuant to section 4(b)(2).

(16) *Comment:* A number of commenters identified specific areas that they thought should not be designated as critical habitat.

Our Response: Where site-specific documentation was submitted to us providing a rationale as to why an area should not be designated critical habitat, we evaluated that information in accordance with the definition of critical habitat pursuant to section 3 of the Act. We made a determination as to whether modifications to the proposal were appropriate. We reviewed the maps to ensure that only those lands essential for the conservation of the San Diego fairy shrimp were designated as critical habitat. We excluded lands from the final designation that we determined to be non-essential to the conservation of the San Diego fairy shrimp. We also excluded lands that were located within an approved HCP for the San Diego fairy shrimp upon determining that the benefits of excluding those areas outweighed the benefits of including them. We included lands in the final designation that we still considered essential, using the revised mapping scale and did not have special management sufficient for the conservation of the San Diego fairy shrimp. Certain lands that were included in the proposed rule were not designated as critical habitat. For example, based on information provided during the comment periods, we excluded Otay Land Company property since no vernal pools were present.

(17) *Comment:* Several commenters recommended that we postpone issuing a final determination until a more specific and defensible critical habitat proposal can be written and an accurate and quantitative economic analysis be conducted.

Our Response: We are required to use the best available information in designating critical habitat. We are under a court order to complete the designation of San Diego fairy shrimp critical habitat by October 15, 2000. We did solicit new biological data and public participation during the comment periods on the proposed rule and draft economic analysis. These comments have been taken into account in the development of this final determination. Further, we will continue to monitor and collect new information and may revise the critical habitat designation in the future if new information supports a change, given our available funding and priorities.

Issue 3: Economic Issues

(18) *Comment:* Some commenters stated that we should have estimated the cumulative economic effect of the critical habitat designation for the San Diego fairy shrimp along with the effect of future pending and proposed critical habitat for other species in southern California.

Our Response: We are not required to estimate the cumulative effects of critical habitat designations as part of our rulemaking procedures. We are required to only consider the effect of the proposed government action, which in this case is the designation of critical habitat for the San Diego fairy shrimp. Again, the appropriate baseline to use in an analysis of a Federal action, which in this case is the designation of critical habitat for the San Diego fairy shrimp, is the way the world would look absent the proposed regulation. Against this baseline, we attempt to identify and measure the incremental costs and benefits associated with the government action. Because the San Diego fairy shrimp is already a federally protected species, any effects the listing has on the regulated community is considered part of the baseline scenario. Future pending and proposed critical habitat designations for other species in southern California will be part of separate rulemakings and consequently, their economic effects will be considered separately.

(19) *Comment:* Some commenters were concerned that, while we discussed impacts that are more appropriately attributable to the listing of the San Diego fairy shrimp than to the proposed designation of critical habitat, we did not provide quantified estimates of economic impacts associated with the listing.

Our Response: We do not agree that the economic impacts of the listing should be considered in the economic analysis for the designation of critical habitat. Section 4(b) of the Act is clear that the listing decision be based solely on the best available scientific and commercial data available. Congress also made it clear in the Conference Report accompanying the 1982 amendments to the Act that ''economic considerations have no relevance to determinations regarding the status of species * * *'' If we were to consider the economic impacts of listing in the critical habitat designation analysis it would lead to confusion, because the designation analysis is meant to determine whether areas should be excluded from the designation of critical habitat based solely upon the costs and benefits of the designation, and not upon the costs and benefits of listing a species. Additionally, because the Act specifically precludes us from considering the economic impacts of the listing, it would be improper to consider those impacts in the context of an economic analysis of the critical habitat designation. Our economic analyses address how our actions may affect current or planned activities and practices; they do not address impacts associated with previous Federal actions, which in this case includes the listing of the San Diego fairy shrimp as an endangered species.

(20) *Comment:* One commenter was concerned that the economic analysis failed to address the economic impacts of baseline conditions and we were at fault for defining the baseline as ''without critical habitat.''

Our Response: The statutory language in the Act prohibits us from considering economic impacts when determining whether or not a species should be added to the list of federally protected species. As a result, we have not estimated these impacts in the past, nor were we able to do so for the draft economic analysis on proposed critical habitat for the San Diego fairy shrimp. Typically, our economic analyses are principally concerned with how our proposed actions may affect current activities and practices and do not focus on impacts associated with previous Federal actions, which in this case includes the listing of the San Diego fairy shrimp as an endangered species in 1997. By defining our baseline as ''without critical habitat designation'' our analyses are consistent with the standards published by the Office of Management and Budget for preparing economic analyses under Executive Order 12866.

(21) *Comment:* Many commenters expressed concern that the draft economic analysis failed to quantify the effects of proposed critical habitat designation, or that we could not adequately assess the impacts of critical habitat, as we did not include detailed information on land uses or potential effects of their designation.

Our Response: We were able to identify only the types of impacts likely to occur as a result of proposed critical habitat designation. These impacts include new consultations, reinitiation of consultations, and perhaps some prolongment of ongoing consultations to address critical habitat concerns, as required under section 7 of the Act. In some of these cases, it is possible that we might recommend reasonable and prudent alternatives to the proposed activity that triggered the consultation, which would also be an impact. Also, the length of time required to carry out consultations may result in opportunity costs associated with project delays. Due to the short time required by the court to complete this action, we were unable to quantify these impacts. We intend to quantify impacts for future designations.

In the case of critical habitat for the San Diego fairy shrimp, however, we have only designated habitat within the geographical area that is occupied by the San Diego fairy shrimp (except for 18 ha (55 ac) of unknown occupancy). As a result, these impacts are not likely to be significant because Federal agencies are already required to consult with us on activities taking place on these lands that have the potential to adversely affect the San Diego fairy shrimp. While the Act requires agencies to consult with us on activities that may adversely affect the San Diego fairy shrimp and critical habitat, we do not believe that within proposed critical habitat for the San Diego fairy shrimp there are likely to be any actions of concern that adversely modify critical habitat without simultaneously causing concern about the potential for the action to jeopardize the San Diego fairy shrimp, which would trigger a consultation regardless of critical habitat designation.

We also recognize that in some instances, the designation of critical habitat could result in a distorted real estate market because participants may believe that land within critical habitat designation is subject to additional constraints. In truth, this is not the case because critical habitat designation for the San Diego fairy shrimp is not adding any extra protection, nor impacting landowners beyond that associated with the listing of the species as threatened under the Act. As a result, we believe that any resulting distortion will be temporary and have a relatively insignificant effect on the real estate market as it should become readily apparent to market participants that critical habitat for the San Diego fairy shrimp is not imposing any additional constraints on landowner activities beyond those currently associated with the listing.

(22) *Comments:* The draft economic analysis failed to consider the effect critical habitat designation would have on the demand for new housing, and that the economic analysis ignores the impact of the designation on California's critical housing shortage.

Our Response: We do not believe that the designation of critical habitat to the San Diego fairy shrimp will have any further additional impacts on land development. This belief stems from the

fact that vernal pools, which constitute the critical habitat we have proposed to designate, are already classified as wetlands. As a result, developers must first obtain a section 404 wetland development permit from the Corps before proceeding with any development activity. Because the San Diego fairy shrimp is already a federally protected species, the Corps is currently required to consult on their activities that may affect the San Diego fairy shrimp. Consequently, critical habitat designation for the San Diego fairy shrimp will have no significant effect on land development activities.

(23) *Comment:* The assumption applied in the economic analysis that the designation of critical habitat will cause no impacts above and beyond those caused by listing of the species is faulty, legally indefensible, and contrary to the Act. ''Adverse modification'' and ''jeopardy'' are different, will result in different impacts, and should be analyzed as such in the economic analysis.

Our Response: We disagree with the commenter's assertion that ''jeopardy'' and ''adverse modification'' represent different standards. Section 7 prohibits actions funded, authorized, or carried out by Federal agencies from jeopardizing the continued existence of a listed species or destroying or adversely modifying the listed species' critical habitat. Actions likely to ''jeopardize the continued existence'' of a species are those that would appreciably reduce the likelihood of both the survival and recovery of a listed species. Actions likely to result in the destruction or adverse modification of critical habitat are those that would appreciably reduce the value of critical habitat for both the survival and recovery of a listed species. Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species. Given the similarity of these definitions, actions likely to result in the destruction or adverse modification of critical habitat would almost always result in jeopardy to the species concerned, particularly where, as here, only habitat within the geographic area occupied by the San Diego fairy shrimp is designated as critical habitat.

(24) *Comment:* Several commenters questioned our ability to accurately estimate the economic effects of critical habitat designation because of the imprecise method used by the Service to designate critical habitat.

Our Response: We believe that the method used to identify proposed critical habitat for the San Diego fairy shrimp was sufficiently accurate for us to identify land ownership and use activities that potentially could be affected by the designation. Because we have limited the designation to vernal pools, which are already subject to section 7 consultations due to the presence of a federally protected species, and because any land development activities already require an authorizing permit from the Corps, we believe we have accurately identified and summarized potential economic effects from the designation.

(25) *Comment:* One commenter stated that the designation of critical habitat on Camp Pendelton and MAS Miramar would significantly restrict and unduly compromise unit commanders' ability and flexibility to simulate real world combat scenarios and contingencies, which the economic analysis failed to measure.

Our Response: The economic analysis addressed proposed critical habitat designation on these two military installations. The analysis concluded, however, that these installations would face little additional impact beyond that currently experienced due to the listing of the San Diego fairy shrimp. The Service, however, is aware of the strategic importance of these military installations. No critical habitat was designated at Miramar because their approved INRMP provided sufficient management for the San Diego fairy shrimp and thus these vernal pool areas do not meet the definition of critical habitat. Critical habitat that was proposed on Camp Pendleton was excluded through section 4(b)(2) of the Act, since the benefits of excluding outweigh the benefits of including those vernal pool areas within the designation.

Issue 4: Other Relevant Issues

(26) *Comment:* The Marine Corps commented that the Service did not evaluate the impact of the critical habitat designation on training maneuvers at Marine Corps Base Camp Pendleton and the subsequent impact on the combat readiness of the Marine Corps.

Our Response: Training maneuvers at Camp Pendleton are already subject to section 7 of the Act. However, we evaluated the impact of the designation of critical habitat at Camp Pendleton and determined that it would have caused significant curtailment of necessary training within the area designated, to the detriment of mission-critical training capability. Thus, in this final rule, we are designating only the area on Camp Pendleton that includes lands leased by the California State Department of Parks and Recreation and private interests from Camp Pendleton.

(27) *Comment:* Vernal pools and fairy shrimp habitat are best preserved by government ownership and management of the land rather than private ownership. Small vernal pools on isolated parcels of land in danger from development should be relocated to government-owned land.

Our Response: We agree that land acquisition can be an important tool in the conservation of vernal pools, and will continue to pursue this strategy to conserve vernal pools where appropriate.

Summary of Changes From the Proposed Rule

Based on a review of public comments received on the proposed determination of critical habitat and economic analysis for the San Diego fairy shrimp, we reevaluated our proposed designation of critical habitat for this species. These changes include the following: (1) Reduction in the minimum mapping unit for defining critical habitat boundaries; (2) removal of Marine Corps Air Station, Miramar from the designation due to an existing, finalized resource management plan; and (3) removal of Marine Corps Base Camp Pendleton from the designation (except for lands leased by the California State Department of Parks and Recreation and private interests from Camp Pendleton) under section 4(b)(2) of the Act.

Based on public comment and the availability of more current and precise GIS (spot imagery) data, we refined the minimum mapping unit for the designation from a 1 km (0.6 mi) UTM grid to a 250 m (820 ft) UTM grid. We then superimposed the proposed critical habitat boundaries on the newer imagery data and removed lands that were not essential to the conservation of the San Diego fairy shrimp. The refined mapping scale reduced the total amount of land by approximately 6,575 ha (16,247 ac) as designated as critical habitat.

During the comment period for the proposed determination of critical habitat for the San Diego fairy shrimp, we received and subsequently evaluated a final Integrated Natural Resource Management Plan for Marine Corps Air Base, Miramar. This plan addresses the San Diego fairy shrimp as a covered species and provides conservation management and protections for the species. We evaluated this plan and determined that the conservation management measures and protections afforded the San Diego fairy shrimp are sufficient to ensure its conservation on

the Base (see discussion under Evaluation of Areas for Special Management section of this rule). Therefore, we have excluded Marine Corps Air Base, Miramar from the final determination of critical habitat for San Diego fairy shrimp.

We also determined that it is appropriate to exclude Camp Pendleton from this critical habitat designation. Under section 4(b)(2) of the Act, we weighed the benefits of excluding Camp Pendleton land against the benefits of designating these areas and concluded that the benefits excluding outweigh the benefits of including. The main benefit of this exclusion is ensuring that the mission-critical military training activities can continue without interruption at Camp Pendleton while formal consultation on upland activities at the base is being completed.

Economic Analysis

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial data available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. We cannot exclude such areas from critical habitat when such exclusion will result in the extinction of the species.

Economic effects caused by listing the San Diego fairy shrimp as an endangered species, and by other statutes, are the baseline upon which the effects of critical habitat designation are evaluated. The economic analysis must then examine the incremental economic effects of the critical habitat including both the cost and benefits. Economic effects are measured as changes in national income, regional jobs, and household income. An analysis of the economic effects of San Diego fairy shrimp critical habitat designation was prepared (Industrial Economics, Incorporated, 2000) and made available for public review (August 21–September 5, 2000; 65 FR 50672). The final analysis, which reviewed and incorporated public comments, concluded that no significant economic impacts are expected from critical habitat designation above and beyond those already imposed by listing the San Diego fairy shrimp. The most likely economic effects of critical habitat designation are on activities funded, authorized, or carried out by a Federal agency. The analysis examined the effects of the proposed designation on: (1) Reinitiation of section 7 consultations, (2) length of time in which section 7 consultations are completed, and (3) new consultation resulting from the determination. Because areas proposed for critical habitat are within the geographic range occupied by the San Diego fairy shrimp, activities that may affect critical habitat may also affect the species, and would thus be subject to consultation whether or not critical habitat is designated. We believe that any project that would adversely modify or destroy critical habitat would also jeopardize the continued existence of the species and that reasonable and prudent alternatives to avoid jeopardizing the species would also avoid adverse modification of critical habitat. Thus, no regulatory burden or significant additional costs would accrue because of critical habitat above and beyond that resulting from listing. Our economic analysis recognizes that there may be costs from delays associated with reinitiating completed consultations after the critical habitat designation is made final. There may also be economic effects due to the reaction of the real estate market to critical habitat designation, as real estate values may be lowered due to perceived increase in the regulatory burden. We believe this impact will be short-term, however.

A copy of the final economic analysis and description of the exclusion process with supporting documents are included in our administrative record and may be obtained by contacting our office (see **ADDRESSES** section).

Public Hearings

No public hearing was held for the proposed rule.

Required Determinations

Regulatory Planning and Review

This document has been reviewed by the Office of Management and Budget (OMB), in accordance with Executive Order 12866. OMB makes the final determination under Executive Order 12866.

(a) This rule will not have an annual economic effect of $100 million or more or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit analysis is not required. The San Diego fairy shrimp was listed as an endangered species in 1997. In fiscal years 1997 through 1999, we conducted 27 formal section 7 consultations with other Federal agencies to ensure that their actions would not jeopardize the continued existence of the fairy shrimp.

The areas designated as critical habitat are currently within the geographic range occupied by the San Diego fairy shrimp. Under the Act, critical habitat may not be destroyed or adversely modified by a Federal agency action; the Act does not impose any restrictions on non-Federal entities unless they are conducting activities funded or otherwise sponsored or permitted by a Federal agency (see Table 2 below). Section 7 requires Federal agencies to ensure that they do not jeopardize the continued existence of the species. Based upon our experience with the species and its needs, we conclude that any Federal action or authorized action that could potentially cause an adverse modification of the proposed critical habitat would currently be considered as ''jeopardy'' under the Act. Accordingly, the designation of occupied areas as critical habitat does not have any incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding. Non-Federal persons that do not have a Federal ''sponsorship'' of their actions are not restricted by the designation of critical habitat (however, they continue to be bound by the provisions of the Act concerning ''take'' of the species). Additionally, designation of critical habitat in these areas will also not likely result in an increased regulatory burden since the Corps requires review of projects requiring permits in all vernal pools.

(b) This rule will not create inconsistencies with other agencies' actions. As discussed above, Federal agencies have been required to ensure that their actions do not jeopardize the continued existence of the San Diego fairy shrimp since the listing in 1997. The prohibition against adverse modification of critical habitat is not expected to impose any additional restrictions to those that currently exist in occupied areas of designated critical habitat. Because of the potential for impacts on other Federal agency activities, we will continue to review this action for any inconsistencies with other Federal agency actions.

(c) This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies are currently required to ensure that their activities do not jeopardize the continued existence of the species, and, as discussed above, we do not anticipate that the adverse modification prohibition (resulting from critical habitat designation) will have any

incremental effects in areas of occupied habitat. Additionally, designation of critical habitat in these areas will not likely result in an increased regulatory burden since the Corps requires review of projects requiring permits in all vernal pools.

(d) This rule will not raise novel legal or policy issues. The rule follows the requirements for determining critical habitat contained in the Endangered Species Act.

TABLE 2.—IMPACTS OF SAN DIEGO FAIRY SHRIMP CRITICAL HABITAT DESIGNATION.

Categories of activities	Activities potentially affected by species listing only [1]	Additional activities potentially affected by critical habitat designation [2]
Federal Activities Potentially Affected.[3]	Activities such as those affecting waters of the United States by the Army Corps of Engineers under section 404 of the Clean Water Act; road construction and maintenance, right-of-way designation, and regulation of agricultural activities; regulation of airport improvement activities under Federal Aviation Administration jurisdiction; military training and maneuvers on Marine Corps Base Camp Pendleton and Marine Corps Air Station, Miramar and other applicable DOD lands; construction of roads and fences along the international border with Mexico and associated immigration enforcement activities by the Immigration and Naturalization Service; construction of communication sites licensed by the Federal Communications Commission; and activities funded by any Federal agency.	None.
Private or other non-Federal Activities Potentially Affected.[4]	Activities such as removing or destroying San Diego fairy shrimp habitat (as defined in the primary constituent elements discussion), whether by mechanical, chemical, or other means, (*e.g.* grading, overgrazing, construction, road building, herbicide application, etc.), and appreciably decreasing habitat value or quality through indirect effects (*e.g.,* edge effects, invasion of exotic plants or animals, or fragmentation) that require a Federal action (permit, authorization, or funding)).	None.

[1] This column represents the activities potentially affected by listing the San Diego fairy shrimp as an endangered species (February 3, 1997; 62 FR 4925) under the Endangered Species Act.
[2] This column represents activities potentially affected by the critical habitat designation in addition to those activities potentially affected by listing the species.
[3] Activities initiated by a Federal agency.
[4] Activities initiated by a private or other non-Federal entity that may need Federal authorization or funding.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

In the economic analysis, we determined that designation of critical habitat will not have a significant effect on a substantial number of small entities. As discussed under Regulatory Planning and Review above and in this final determination, this designation of critical habitat for the San Diego fairy shrimp is not expected to result in any restrictions in addition to those currently in existence for areas of occupied critical habitat. As indicated on Table 1 (see Critical Habitat Designation section), we designated property owned by Federal, State, and local governments, and private property.

Within these areas, the types of Federal actions or authorized activities that we have identified as potential concerns are:

(1) Regulation of activities affecting waters of the United States by the Corps under section 404 of the Clean Water Act;

(2) Regulation of water flows, damming, diversion, and channelization by Federal agencies;

(3) Regulation of grazing, mining, and recreation by the Bureau of Land Management or U.S. Forest Service;

(4) Road construction and maintenance, right-of-way designation, and regulation of agricultural activities;

(5) Regulation of airport improvement activities by the Federal Aviation Administration;

(6) Military training and maneuvers on Camp Pendleton and other applicable DOD lands;

(7) Construction of roads and fences along the international border with Mexico, and associated immigration enforcement activities by the INS;

(8) Hazard mitigation and post-disaster repairs funded by the Federal Emergency Management Agency;

(9) Construction of communication sites licensed by the Federal Communications Commission; and

(10) Activities funded by the U.S. Environmental Protection Agency, U.S. Department of Energy, or any other Federal agency.

Many of these activities sponsored by Federal agencies within the designated critical habitat areas are carried out by small entities (as defined by the Regulatory Flexibility Act) through contract, grant, permit, or other Federal authorization. As discussed above, these actions are currently required to comply with the listing protections of the Act, and the designation of critical habitat is not anticipated to have any additional effects on these activities in areas of critical habitat occupied or potentially unoccupied by the species.

For actions on non-Federal property that do not have a Federal connection (such as funding or authorization), the current restrictions concerning take of the species remain in effect, and this rule will have no additional restrictions.

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

In the economic analysis, we determined whether designation of critical habitat would cause (a) any effect on the economy of $100 million or more, (b) any increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (c) any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. Refer to the final economic analysis for a discussion of the effects of this determination.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(a) This rule will not ''significantly or uniquely'' affect small governments. A

Small Government Agency Plan is not required. Small governments will be affected only to the extent that any programs using Federal funds, permits, or other authorized activities must ensure that their actions will not adversely affect the critical habitat. However, as discussed above, these actions are currently subject to equivalent restrictions through the listing protections of the species, and no further restrictions are anticipated.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year, that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications. A takings implication assessment is not required. As discussed above, the designation of critical habitat affects only Federal agency actions. The rule will not increase or decrease the current restrictions on private property concerning take of the San Diego fairy shrimp. Due to current public knowledge of the species protection, the prohibition against take of the species both within and outside of the designated areas, and the fact that critical habitat provides no incremental restrictions, we do not anticipate that property values will be affected by the critical habitat designation. While real estate market values may temporarily decline following designation, due to the perception that critical habitat designation may impose additional regulatory burdens on land use, we expect any such impacts to be short-term. Additionally, critical habitat designation does not preclude development of HCPs and issuance of incidental take permits. Landowners in areas that are included in the designated critical habitat will continue to have opportunity to utilize their property in ways consistent with the survival of the San Diego fairy shrimp.

Federalism

In accordance with Executive Order 13132, the rule does not have significant Federalism effects. A Federalism assessment is not required. The designation of critical habitat within the geographic range occupied by the San Diego fairy shrimp imposes no additional restrictions to those currently in place and, therefore, has little incremental impact on State and local governments and their activities. The designation may have some benefit to these governments in that the areas essential to the conservation of the species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While making this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long-range planning (rather than waiting for case-by-case section 7 consultations to occur).

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. We designate critical habitat in accordance with the provisions of the Act. The determination uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the San Diego fairy shrimp.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule references permits for HCPs which contain information collection activity. The Fish and Wildlife Service has OMB approval for the collection under OMB Control Number 1018–0094. The Service 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.

National Environmental Policy Act

We determined that we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 Act in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This final determination does not constitute a major Federal action significantly affecting the quality of the human environment.

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 readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no Tribal lands essential for the conservation of the San Diego fairy shrimp because they do not support populations or suitable habitat. Therefore, critical habitat for the San Diego fairy shrimp has not been designated on Tribal lands.

References Cited

A complete list of all references cited in this final rule is available upon request from the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

Author

The primary authors of this notice are the Carlsbad Fish and Wildlife Office staff (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h), revise the entry for ''Fairy shrimp, San Diego'' under ''CRUSTACEANS'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
CRUSTACEANS							
*	*	*	*	*	*		*
Fairy shrimp, San Diego.	*Branchinecta sandiegonensis.*	U.S.A. (CA)	NA	E	608	17.95(h)	NA
*	*	*	*	*	*		*

3. In § 17.95 add critical habitat for the San Diego fairy shrimp *(Branchinecta sandiegonensis)* under paragraph (h) in the same alphabetical order as this species occurs in § 17.11(h), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(h) *Crustaceans.*

* * * * *

San Diego Fairy Shrimp *(Branchinecta sandiegonensis)*

1. Critical habitat units are depicted for Orange and San Diego counties, California, on the maps below.

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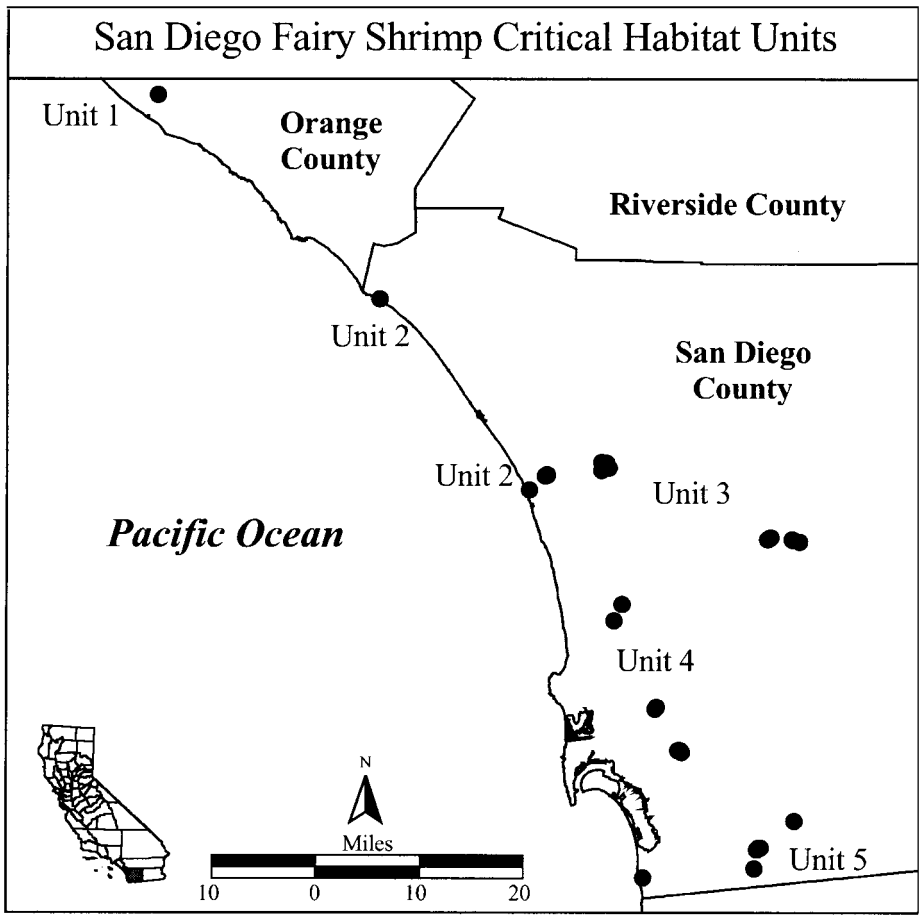
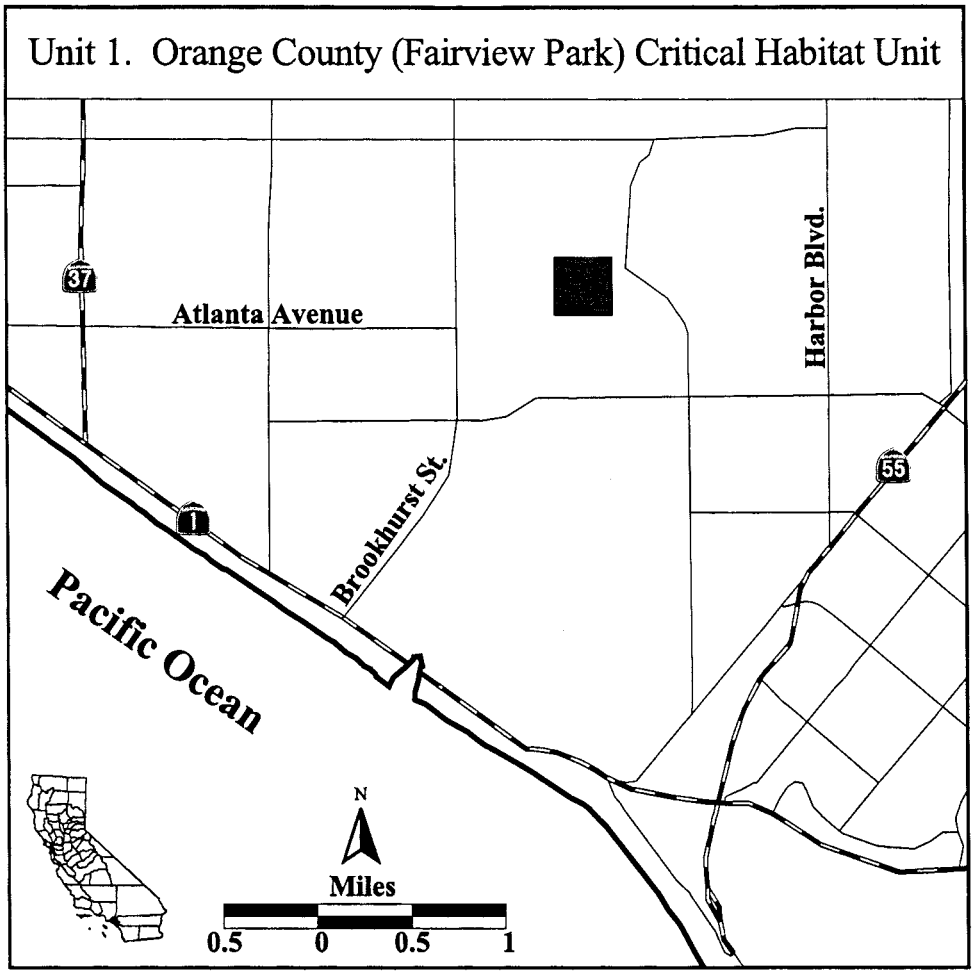


2. Critical habitat includes vernal pool basins and vernal pool complexes indicated on the maps below and their associated watersheds and hydrologic regime.

3. Within these areas, the primary constituent elements include, but are not limited to, those habitat components that are essential for the primary biological needs of foraging, sheltering, reproduction, and dispersal. The primary constituent elements are found in those areas that support vernal pools or other ephemeral depressional wetlands. Within these seasonal wetlands, specific associations that are essential to the primary biological needs of the San Diego fairy shrimp include, but are not limited to: small to large vernal pools with shallow to moderate depths that hold water for sufficient lengths of time necessary for San Diego fairy shrimp incubation and reproduction, but not necessarily every year; entire watershed(s) and hydrology for vernal pool basins and their associated vernal pool complexes, ephemeral depressional wetlands, flat or gently sloping topography, and any soil type with a clay component and/or an impermeable surface or subsurface layer known to support vernal pool habitat.

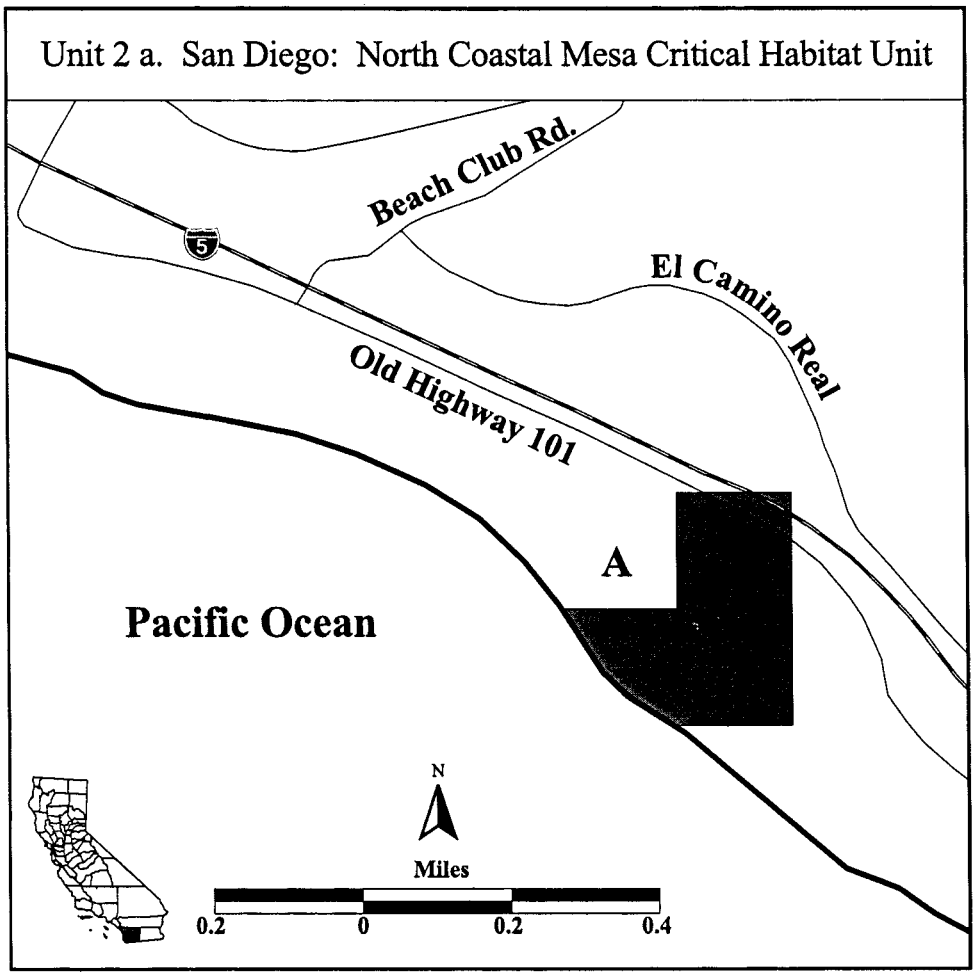
4. Existing features and structures, such as buildings, roads, railroads, urban development, and other features not containing primary constituent elements, are not considered critical habitat. In addition,

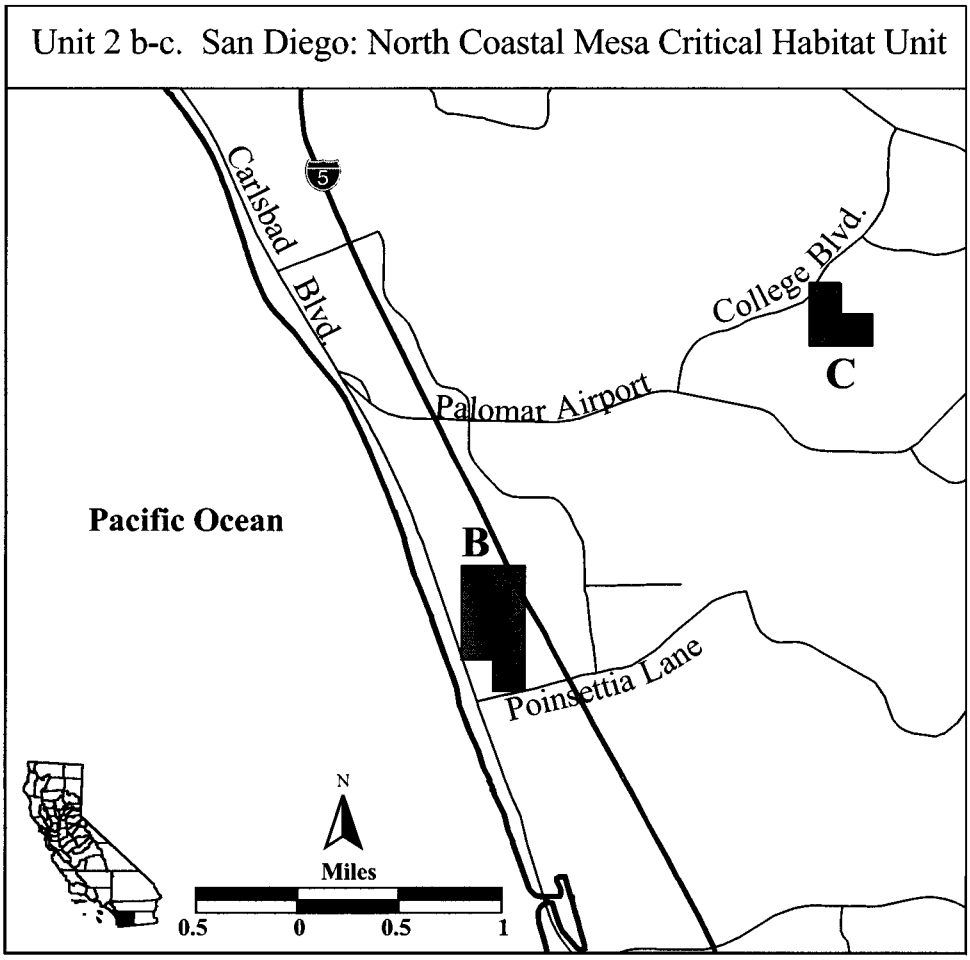
critical habitat does not include non-Federal lands covered by a legally operative incidental take permit for the San Diego fairy shrimp issued under section 10(a)(1)(B) of the Act on or before October 23, 2000.



Map Unit 1: Orange County (Fairview Park) Critical Habitat Unit, Orange County, California

From USGS 1:24,000 quadrangle map Newport Beach (1981), California, the lands bounded by the following UTM, North American Datum 1927 (NAD 27) coordinates (E,N): 412500,3725000; 413000,3725000; 413000,3724500; 412500,3724500; 412500,3725000.


Unit 2 a. San Diego: North Coastal Mesa Critical Habitat Unit
Beach Club Rd.
5
El Camino Real
Old Highway 101
A
Pacific Ocean
N
Miles
0.2
0
0.2
0.4

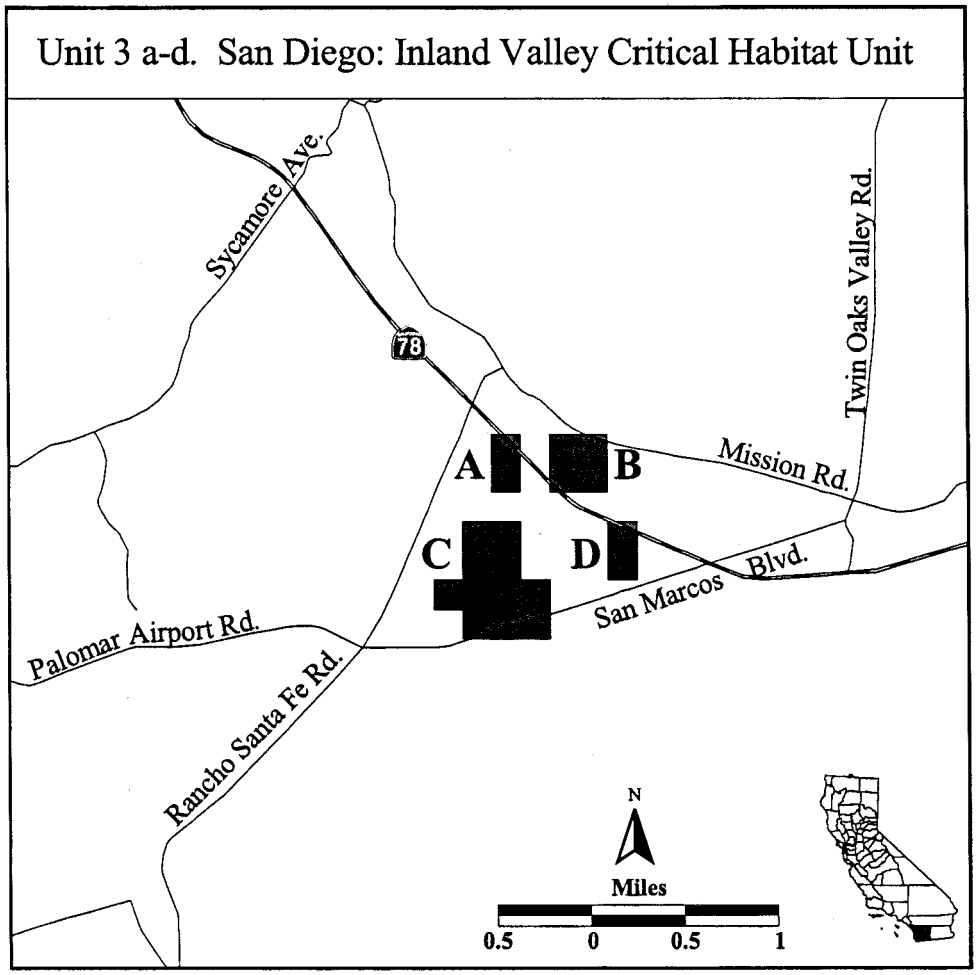


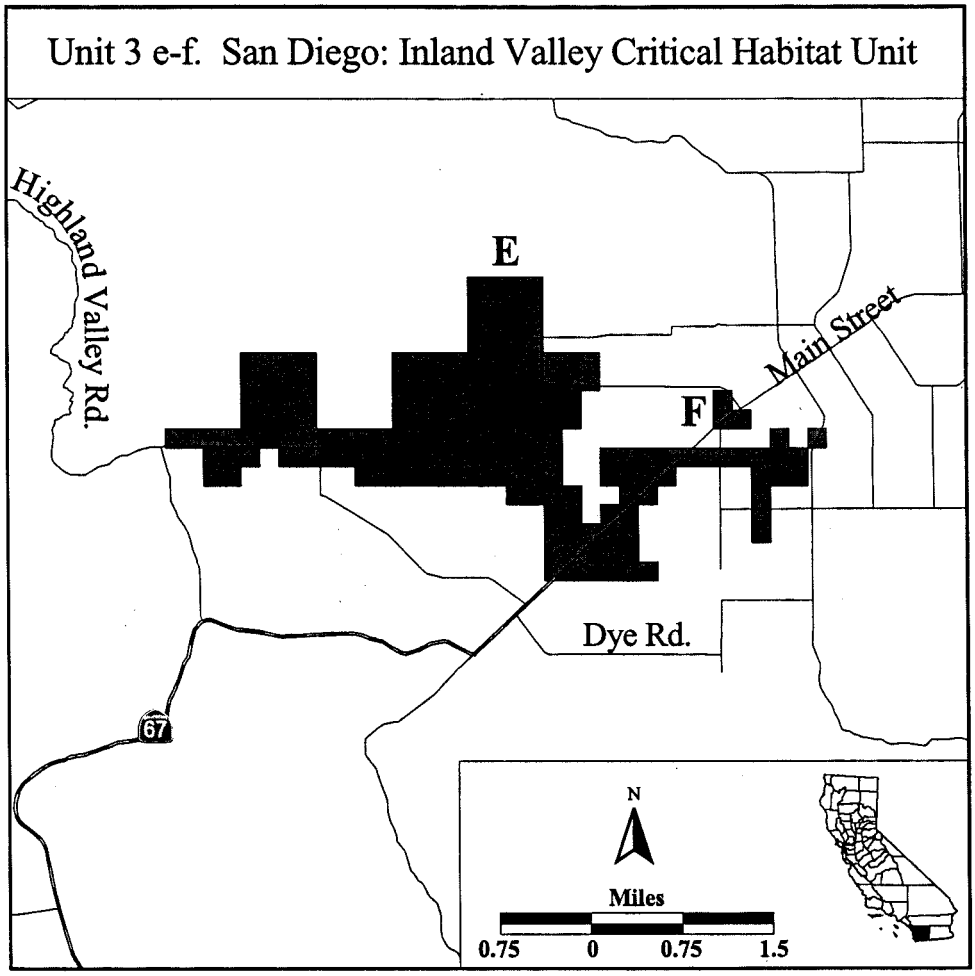
Map Unit 2: San Diego: North Coastal Mesa Critical Habitat Unit, San Diego, County, California

Unit 2a: From USGS 1:24000 quadrangle maps San Clemente (1968) and San Onofre Bluff (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 447250,3693250; 447500,3693250; 447500,3692750; 447000,3692750; 447000,3693000; 447250,3693000; 447250,3693250, excluding the Pacific Ocean.

Unit 2b: From USGS 1:24000 quadrangle map San Luis Rey (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 473000,3665750; 473250,3665750; 473250,3665500; 473500,3665500; 473500,3665250; 473000,3665250; 473000,3665750.

Unit 2c: From USGS 1:24000 quadrangle maps Encinitas (1968), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 470250,3663500; 470750,3663500; 470750,3662500; 470500,3662500; 470500,3662750; 470250,3662750; 470250,3663500.


Unit 3 a-d. San Diego: Inland Valley Critical Habitat Unit
Sycamore Ave.
78
Twin Oaks Valley Rd.
A
B
Mission Rd.
C
D
San Marcos Blvd.
Palomar Airport Rd.
Rancho Santa Fe Rd.
N
Miles
0.5
0
0.5
1



Map Unit 3: San Diego: Inland Valley Critical Habitat Unit, San Diego, County, California

Unit 3a: From USGS 1:24000 quadrangle map San Marcos (1983), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 481750,3667500; 482000,3667500; 482000,3667000; 481750,3667000; 481750,3667500.

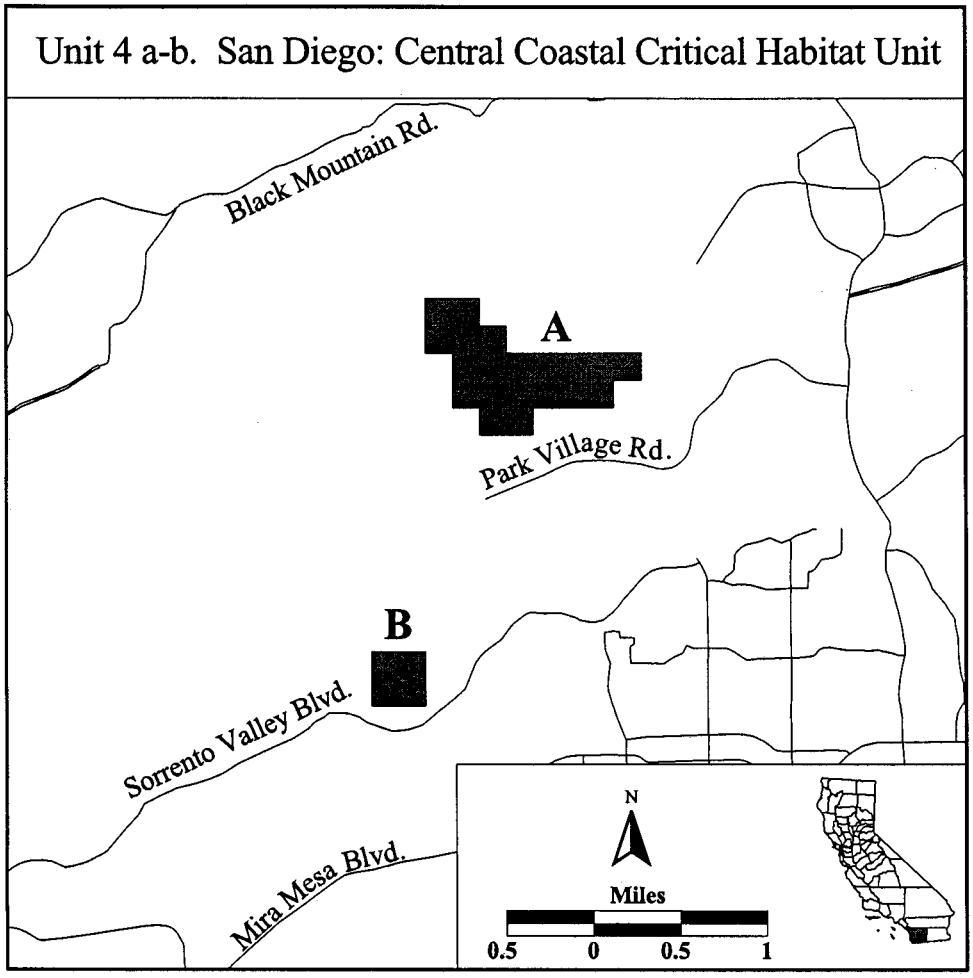
Unit 3b: From USGS 1:24000 quadrangle map San Marcos (1983), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 482250,3667500; 482750,3667500; 482750,3667000; 482250,3667000; 482250,3667500.

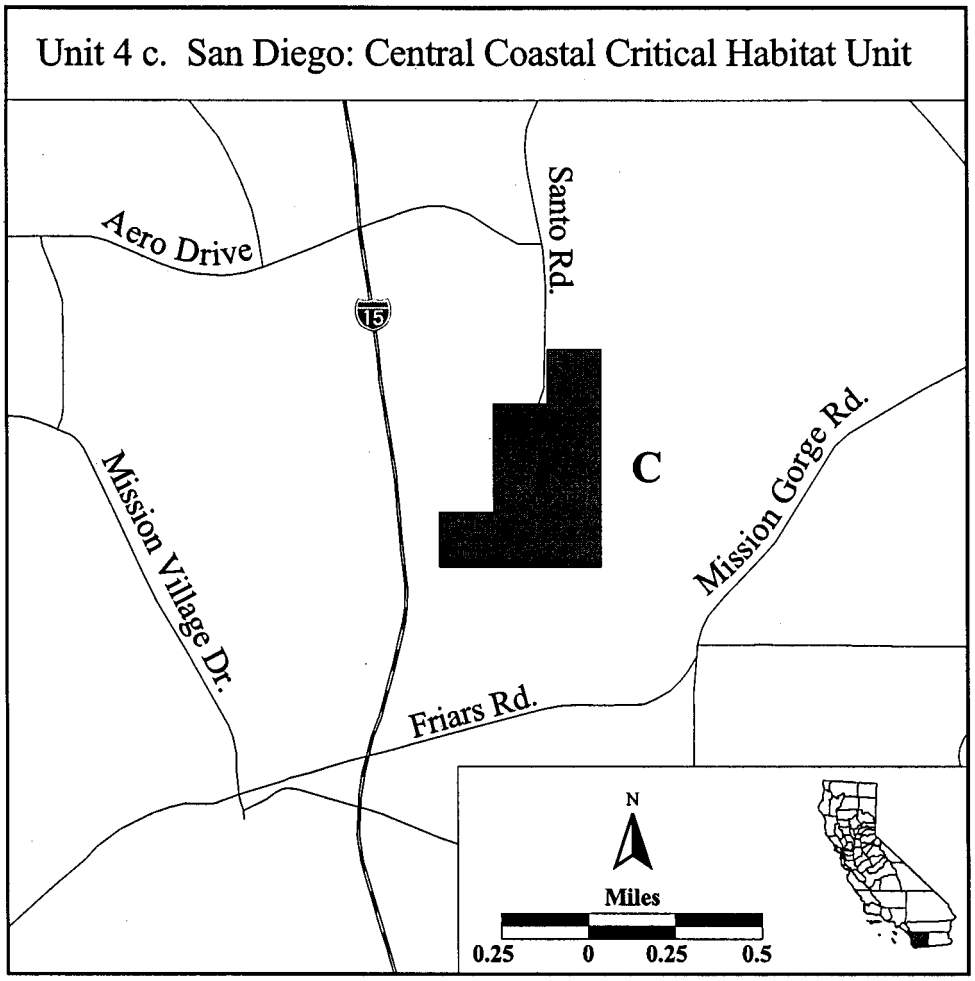
Unit 3c: From USGS 1:24000 quadrangle map San Marcos (1983), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 481500,3666750; 482000,3666750; 482000,3666250; 482250,3666250; 482250,3665750; 481500,3665750; 481500,3666000; 481250,3666000; 481250,3666250; 481500,3666250; 481500,3666750.

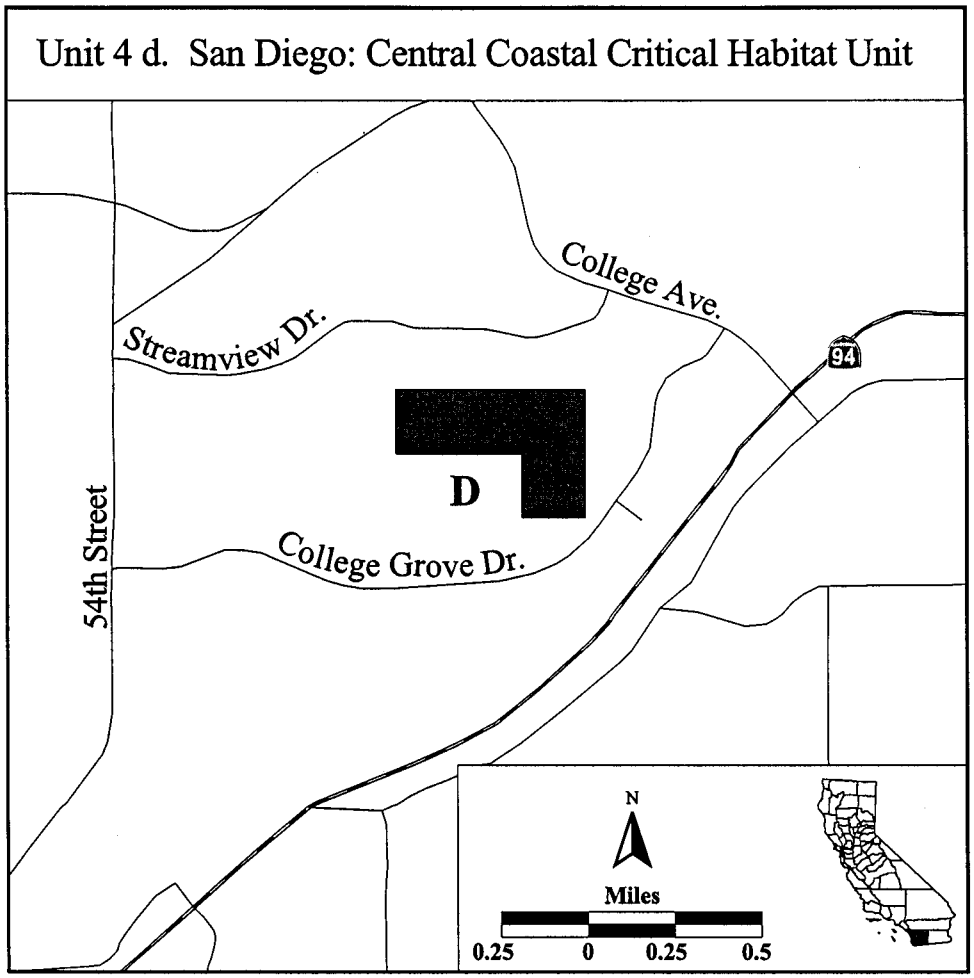
Unit 3d: From USGS 1:24000 quadrangle map San Marcos (1983), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 482750,3666750; 483000,3666750; 483000,3666250; 482750,3666250; 482750,3666750.

Unit 3e: From USGS 1:24000 quadrangle maps San Pasqual (1971) and Ramona (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 508000,3657000; 509000,3657000; 509000,3656000; 509750,3656000; 509750,3655500; 509500,3655500; 509500,3655000; 509250,3655000; 509250,3654250; 509500,3654250; 509500,3653750; 509750,3653750; 509750,3654000; 510000,3654000; 510000,3654250; 509750,3654250; 509750,3654750; 512000,3654750; 512000,3655000; 512250,3655000; 512250,3654750; 512500,3655000; 512750,3655000; 512750,3654750; 512500,3654750; 512500,3654250; 512000,3654250; 512000,3653500; 511750,3653500; 511750,3654500; 510750,3654500; 510750,3654250; 510500,3654250; 510500,3654000; 510250,3654000; 510250,3653250; 510500,3653250; 510500,3653000; 509000,3653000; 509000,3654000; 508500,3654000; 508500,3654250; 506500,3654250; 506500,3654500; 505500,3654500; 505500,3654750; 505250,3654750; 505250,3654500; 505000,3654500; 505000,3654250; 504500,3654250; 504500,3654750; 504000,3654750; 504000,3655000; 505000,3655000; 505000,3656000; 506000,3656000; 506000,3655000; 507000,3655000; 507000,3656000; 508000,3656000; 508000,3657000.

Unit 3f: From USGS 1:24000 quadrangle map San Pasqual (1971) and Ramona (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 511250,3655500; 511500,3655500; 511500,3655250; 511750,3655250; 511750,3655000; 511250,3655000; 511250,3655500.


Unit 4 a-b. San Diego: Central Coastal Critical Habitat Unit
Black Mountain Rd.
A
Park Village Rd.
B
Sorrento Valley Blvd.
Mira Mesa Blvd.
N
Miles
0.5
0
0.5
1


Unit 4 c. San Diego: Central Coastal Critical Habitat Unit
Aero Drive
Santo Rd.
15
C
Mission Gorge Rd.
Mission Village Dr.
Friars Rd.
N
Miles
0.25
0
0.25
0.5



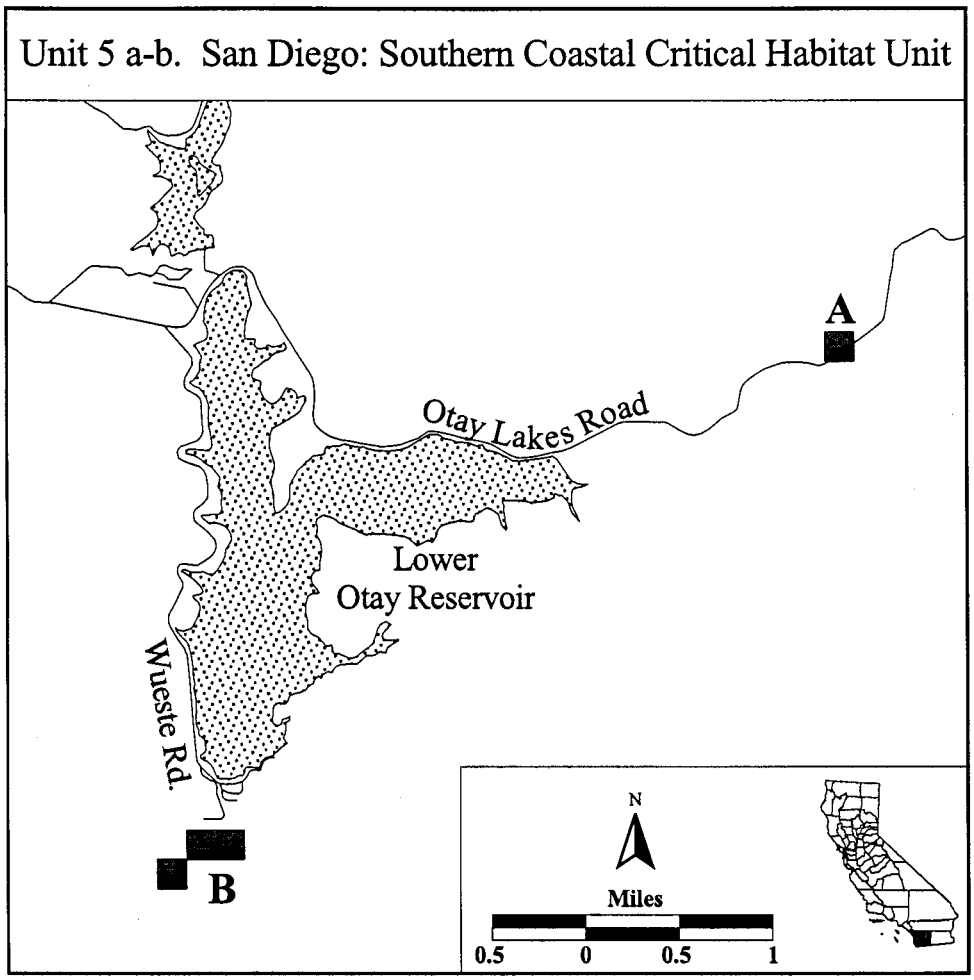
Map Unit 4: San Diego: Central Coastal Mesa Critical Habitat Unit, San Diego, County, California

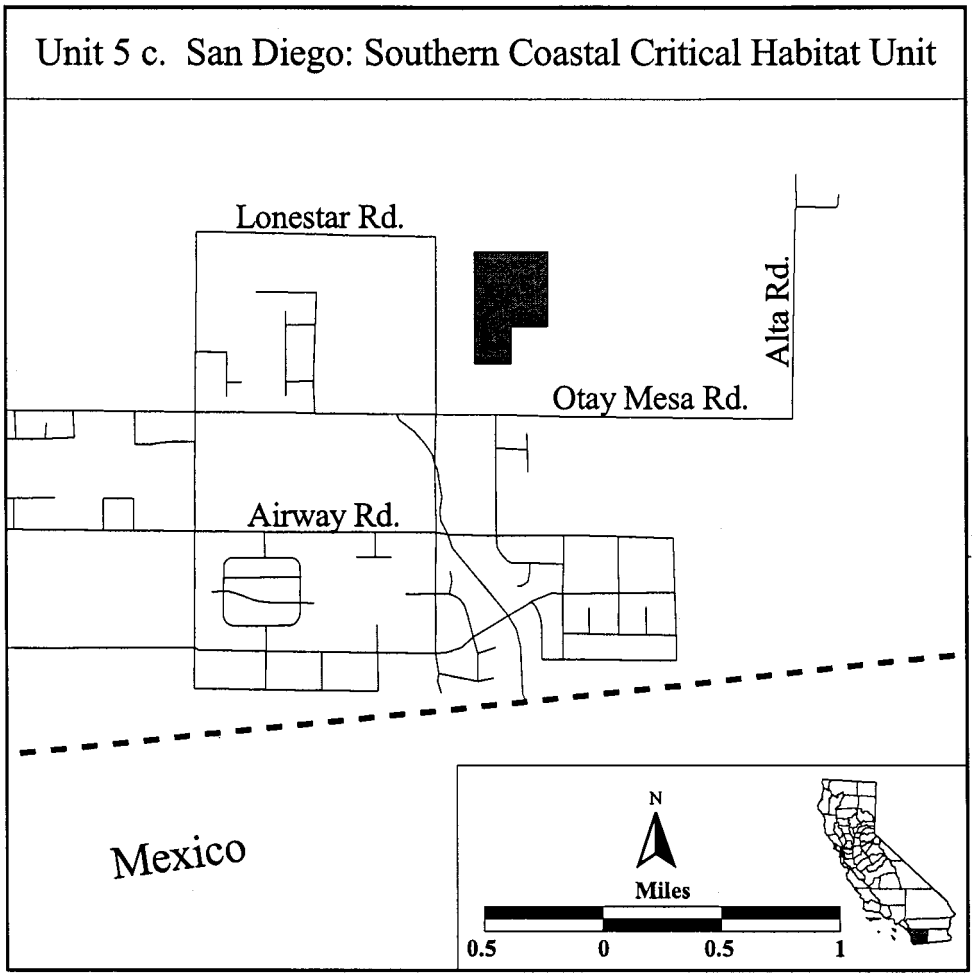
Unit 4a: From USGS 1:24000 quadrangle map Del Mar (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 484000,3646000; 484500,3646000; 484500,3645750; 484750,3645750; 484750,3645500; 486000,3645500; 486000,3645250; 485750,3645250; 485750,3645000; 485000,3645000; 485000,3644750; 484500,3644750; 484500,3645000; 484250,3645000; 484250,3645500; 484000,3645500; 484000,3646000.

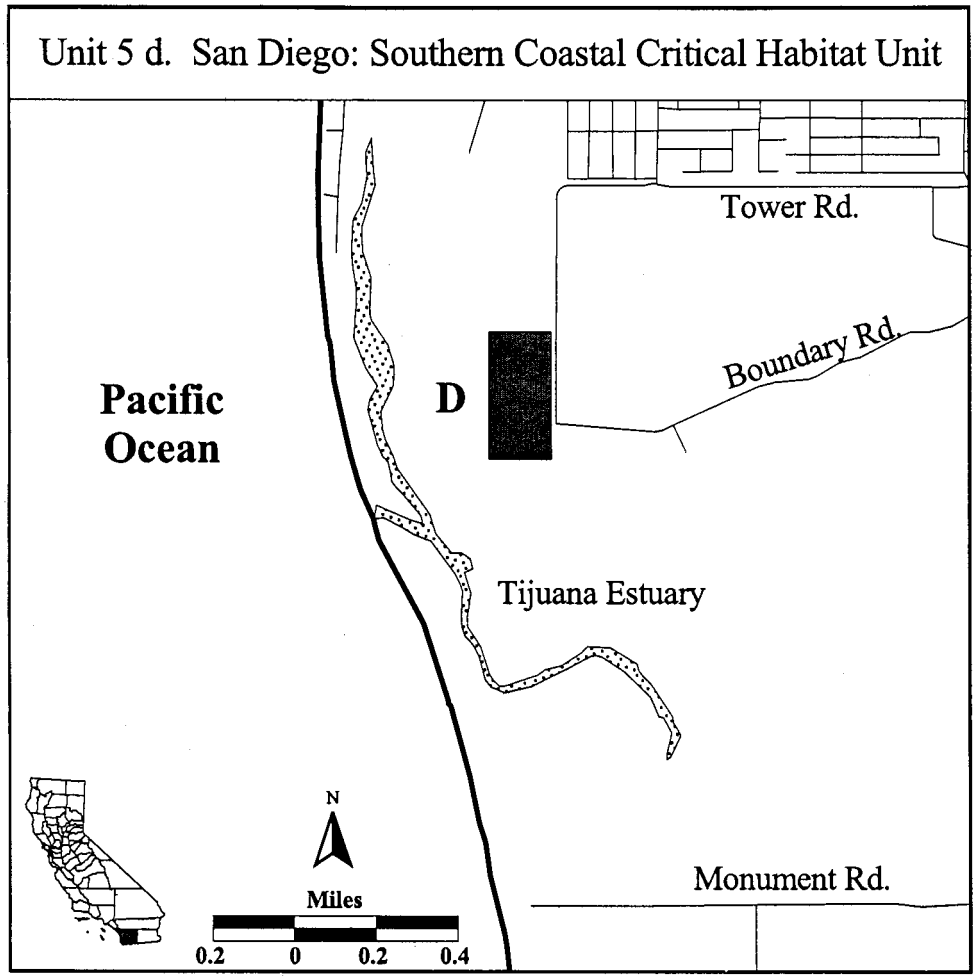
Unit 4b: From USGS 1:24000 quadrangle map Del Mar (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 483500,3642750; 484000,3642750; 484000,3642250; 483500,3642250; 483500,3642750.

Unit 4c: From USGS 1:24000 quadrangle map La Mesa (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 490250,3629500; 490500,3629500; 490500,3628500; 489750,3628500; 489750,3628750; 490000,3628750; 490000,3629250; 490250,3629250; 490250,3629500.

Unit 4d: From USGS 1:24000 quadrangle map National City (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 493750,3622500; 494500,3622500; 494500,3622000; 494250,3622000; 494250,3622250; 493750,3622250; 493750,3622500.


Unit 5 a-b. San Diego: Southern Coastal Critical Habitat Unit
A
Otay Lakes Road
Lower
Otay Reservoir
Wueste Rd.
B
N
Miles
0.5
0
0.5
1


Unit 5 c. San Diego: Southern Coastal Critical Habitat Unit
Lonestar Rd.
Alta Rd.
Otay Mesa Rd.
Airway Rd.
Mexico
N
Miles
0.5
0
0.5
1



Map Unit 5: San Diego: Southern Coastal Mesa Critical Habitat Unit, San Diego, County, California

Unit 5a: From USGS 1:24000 quadrangle map Dulzura (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 511750,3611500; 512000,3611500; 512000,3611250; 511750,3611250; 511750,3611500.

Unit 5b: From USGS 1:24000 quadrangle map Otay Mesa (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 506250,3607250; 506750,3607250; 506750,3607000; 506250,3607000; 506250,3606750; 506000,3606750; 506000,3607000; 506250,3607000; 506250,3607250.

Unit 5c: From USGS 1:24000 quadrangle map Otay Mesa (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 505500,3604250; 506000,3604250; 506000,3603750; 505750,3603750; 505750,3603500; 505500,3603500; 505500,3604250.

Unit 5d: From USGS 1:24000 quadrangle map Imperial Beach (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 488250,3602750; 488500,3602750; 488500,3602250; 488250,3602250; 488250,3602750.

* * * * *

Dated: October 16, 2000.

Kenneth L. Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–26967 Filed 10–17–00; 2:59 pm]

BILLING CODE 4310–55–RC

Federal Register

Monday,
October 23, 2000

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the San Diego Fairy Shrimp (*Branchinecta sandiegoensis*); Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF97

Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the San Diego Fairy Shrimp (*Branchinecta sandiegoensis*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for the San Diego fairy shrimp (*Branchinecta sandiegonensis*). The San Diego fairy shrimp is listed as an endangered species under the Act. A total of approximately 1,629 hectares (4,025 acres) of land falls within the boundaries of designated critical habitat. Critical habitat for the San Diego fairy shrimp is located in San Diego and Orange Counties, California.

Section 7 of the Act requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to destroy or adversely modify designated critical habitat. As required by section 4 of the Act, we considered economic and other relevant impacts prior to making a final decision on what areas to designate as critical habitat.

DATES: This final rule is effective November 22, 2000.

ADDRESSES: The complete administrative record for this rule is on file at the Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. The complete file for this rule is available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ken Berg, Field Supervisor, Carlsbad Fish and Wildlife Office, at the above address (telephone 760/431–9440; facsimile 760/431–5902).

SUPPLEMENTARY INFORMATION:

Background

The San Diego fairy shrimp (*Branchinecta sandiegonensis*) is a small aquatic crustacean (Order: Anostraca), restricted to vernal pools (pools that have water in them for only a portion of any given year) in coastal southern California and south to northwestern Baja California, Mexico. It is a habitat specialist found in small, shallow vernal pools and ephemeral (lasting a short time) basins that range in depth from approximately 5 to 30 centimeters (2 to 12 inches (in)) (Simovich and Fugate 1992; Hathaway and Simovich 1996). Water chemistry is also an important factor in determining fairy shrimp distribution (Belk 1977; Gonzales *et al.* 1996), hence, no individuals have been found in riverine or marine waters. All known localities are below 701 meters (m) (2,300 feet (ft)) and are within 64 kilometers (km) (40 miles (mi)) of the Pacific Ocean.

San Diego fairy shrimp is one of several *Branchinecta* species that occur in southern California (Simovich and Fugate 1992). Other species of *Branchinecta* in southern California include the non-listed versatile fairy shrimp (*B. lindahli*) and the federally threatened vernal pool fairy shrimp (*B. lynchi*). Male San Diego fairy shrimp are distinguished from males of other species of *Branchinecta* by differences found at the distal (located far from the point of attachment) tip of the second antennae. Females are distinguishable from females of other species of *Branchinecta* by the shape and length of the brood sac, the length of the ovary, and by the presence of paired dorsolateral (located on the sides, toward the back) spines on five of the abdominal segments (Fugate 1993).

Mature individuals lack a carapace (hard outer covering of the head and thorax) and have a delicate elongate body, large stalked compound eyes, and 11 pairs of swimming legs. They swim or glide gracefully upside down by means of complex wave-like beating movements of the legs that pass from front to back. Adult male San Diego fairy shrimp range in size from 9 to 16 millimeters (mm) (0.35 to 0.63 in); adult females are 8 to 14 mm (0.31 to 0.55 in.) long. The second pair of antennae in males are greatly enlarged and specialized for clasping the females during copulation, while the second pair of antennae in the females are cylindrical and elongate. The females carry their eggs in an oval or elongate ventral brood sac (Eriksen and Belk 1999). Little data is available for what fairy shrimp feed on, although algae, bacteria, protozoa, rotifers, and bits of organic matter are thought to be a large part of their diet (Pennak 1989; Eng *et al.* 1990).

Adult San Diego fairy shrimp are usually observed from January to March; however, in years with early or late rainfall, the hatching period may be extended. The species hatches and matures within 7 days to 2 weeks depending on water temperature (Hathaway and Simovich 1996; Simovich and Hathaway 1997). San Diego fairy shrimp disappear after about a month, but animals will continue to hatch if subsequent rains result in additional water or refilling of the vernal pools (Branchiopod Research Group 1996). The eggs are either dropped to the pool bottom or remain in the brood sac until the female dies and sinks. The ''resting eggs,'' or ''cysts,'' are capable of withstanding temperature extremes and prolonged drying. When the pools refill in the same or subsequent rainy seasons, some but not all of the eggs may hatch. Fairy shrimp egg banks in the soil may be composed of the eggs from several years of breeding (Donald 1983; Simovich and Hathaway 1997). Simovich and Hathaway (1997) found that vernal pools and ephemeral wetlands that support anostracans (*i.e.,* San Diego fairy shrimp), and occur in areas with variable weather conditions or filling periods (such as southern California), may hatch only a fraction of the total cyst (organisms in a resting stage) bank in any given year. Thus, reproductive success is spread over several seasons.

Vernal pools have a discontinuous occurrence in several regions of California (Keeler-Wolf *et al.* 1995), from as far north as the Modoc Plateau in Modoc County, south to the international border in San Diego County. Vernal pools form in regions with Mediterranean climates, where shallow depressions fill with water during fall and winter rains and then evaporate in the spring (Collie and Lathrop 1976; Holland 1976, 1988; Holland and Jain 1977, 1988; Thorne 1984; Zedler 1987; Simovich and Hathaway 1997). In years of high precipitation, overbank flooding from intermittent streams may augment the amount of water in some vernal pools (Hanes *et al.* 1990). Vernal pool studies conducted in the Sacramento Valley indicate that the contribution of subsurface or overland flows is significant only in years of high precipitation when pools are already saturated (Hanes and Stromberg 1996). Downward percolation of water in vernal pool basins is prevented by the presence of an impervious subsurface layer, such as a claypan, hardpan, or volcanic stratum (Holland 1976, 1988).

Researchers have found that vernal pools located in San Diego County are associated with five soil series types, Huerheuero, Olivenhain, Placentia, Redding, and Stockpen (Bauder and McMillan 1991). These soil types have a nearly impermeable surface or subsurface soil layer with a flat or gently sloping topography (Service 1998). Due to local topography and geology, the

pools are usually clustered into pool complexes (Bauder 1986; Holland and Jain 1977). Pools within a complex are typically separated by distances on the order of meters, and may form dense, interconnected mosaics of small pools or a more sparse scattering of larger pools.

Vernal pool systems are often characterized by different landscape features including mima mound (miniature mounds) micro-topography, varied pool basin size and depth, and vernal swales (low tract of marshy land). Vernal pool complexes that support one to many distinct vernal pools are often interconnected by a shared watershed.

San Diego County supports the largest number of remaining vernal pools occupied by the San Diego fairy shrimp. Scientists estimated that, historically, vernal pool soils covered approximately 208 hectares (ha) (520 acres (ac)) of San Diego County (Bauder and McMillan 1991). Based on available information at the time of listing, we estimate that fewer than 82 ha (202 ac) of occupied vernal pool habitat (based on vernal pool basins and not their associated watersheds) remain in the county, of which an estimated 70 percent occurs on military lands (Bauder and Weir 1991). Keeler-Wolf *et al.* (1995) concluded that the greatest recent losses of vernal pool habitat in San Diego County have occurred in Mira Mesa, Rancho Penasquitos, and Kearny Mesa, which accounted for 73 percent of all the pools destroyed in the region during the 7-year period between 1979 and 1986. Other substantial losses have occurred in the Otay Mesa area, where over 40 percent of the vernal pools were destroyed between 1979 to 1990. Similar to San Diego County, vernal pool habitat was once extensive on the coastal plain of Los Angeles and Orange counties (Mattoni and Longcore 1997). Unfortunately, there has been a near-total loss of vernal pool habitat in these areas (Ferren and Pritchett 1988; Keeler-Wolf *et al.* 1995).

Urban and water development, flood control, highway and utility projects, as well as conversion of wildlands to agricultural use, have eliminated vernal pools and/or their watersheds in southern California (Jones and Stokes Associates 1987). Changes in hydrologic pattern, overgrazing, and off-road vehicle use also imperil this aquatic habitat and San Diego fairy shrimp. The flora and fauna in vernal pools or swales can change if the hydrologic regime is altered (Bauder 1986). Human activities that reduce the extent of the watershed or that alter runoff patterns (*i.e.*, amounts and seasonal distribution of water) may eliminate San Diego fairy shrimp, reduce their population sizes or reproductive success, or shift the location of sites inhabited by this species. The California Department of Fish and Game's Natural Diversity Data Base ranks the vernal pool habitat type in priority class G1–S1, which denotes communities in the State of California that occur over fewer than 809 ha (2,000 ac) globally.

Previous Federal Action

David Hogan, formerly of the San Diego Biodiversity Project in Julian, California; Dr. Denton Belk of Our Lady of the Lake University in San Antonio, Texas; and the Biodiversity Legal Foundation petitioned us to list the San Diego fairy shrimp as an endangered species, in a letter dated March 16, 1992. We received the petition on March 24, 1992. On August 4, 1994, we published a proposed rule in the **Federal Register** (59 FR 39874) to list the San Diego fairy shrimp as an endangered species. The proposed rule was the first Federal action on the San Diego fairy shrimp, and also constituted the 12-month petition finding, as required by section 4(b)(3)(B) of the Act. On February 3, 1997, we published a final rule determining the San Diego fairy shrimp to be an endangered species (62 FR 4925).

At the time of listing, we concluded that designation of critical habitat for the San Diego fairy shrimp was not prudent because such designation would not benefit the species. We were also concerned that critical habitat designation would likely increase the degree of threat from vandalism or other human-induced impacts. We were aware of several instances of apparently intentional habitat destruction that had occurred during the listing process. However, we have determined that the threats to this species, and its habitat, from specific instances of habitat destruction do not outweigh the broader educational and any potential regulatory and other possible benefits that designation of critical habitat would provide for this species. A designation of critical habitat will provide educational benefits by formally identifying those areas essential to the conservation of the species, and the areas likely to be the focus of our recovery efforts for the San Diego fairy shrimp. Therefore, we conclude that the benefits of designating critical habitat on lands essential for the conservation of the San Diego fairy shrimp will not increase incidences of vandalism above current levels for this species.

On October 14, 1998, the Southwest Center for Biological Diversity filed a lawsuit in Federal District Court for the Southern District of California for our failure to designate critical habitat for the San Diego fairy shrimp. On September 16, 1999, the court ordered that ''On or before February 29, 2000, the Service shall submit for publication in the **Federal Register**, a proposal to withdraw the existing not prudent critical habitat determination together with a new proposed critical habitat determination for the San Diego fairy shrimp'' (*Southwest Center for Biodiversity* v. *United States Department of the Interior et al.,* CV 98–1866) (S.D. Cal.).

On March 8, 2000, we published a proposed rule to designate critical habitat for the San Diego fairy shrimp (65 FR 12181). We proposed critical habitat within approximately 14,771 ha (36,501 ac) within Orange and San Diego counties, California. The public comment period was open for 60 days. On August 21, 2000, we published a notice of availability for the draft economic analysis and reopening of the comment period for the proposed rule for the San Diego fairy shrimp critical habitat (65 FR 50672). The second comment period closed on September 5, 2000.

Critical Habitat

Critical habitat is defined in section 3 of the Act as—(i) the specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures that are necessary to bring an endangered species or a threatened species to the point at which listing under the Act is no longer necessary.

In order to be included in a critical habitat designation, the habitat must first be ''essential to the conservation of the species.'' Critical habitat designations identify, to the extent known using the best scientific and commercial data available, habitat areas that provide essential life cycle needs of the species (*i.e.*, areas on which are found the primary constituent elements, as defined at 50 CFR 424.12(b)).

Section 4 requires that we designate critical habitat at the time of listing and based on what we know at the time of the designation. When we designate critical habitat at the time of listing or

under short court-ordered deadlines, we will often not have sufficient information to identify all areas of critical habitat. We are required, nevertheless, to make a decision and thus must base our designations on what, at the time of designation, we know to be critical habitat.

Within the geographic area occupied by the species, we will designate only areas currently known to be essential. Essential areas should already have the features and habitat characteristics that are necessary to sustain the species. We will not speculate about what areas might be found to be essential if better information became available, or what areas may become essential over time. If the information available at the time of designation does not show that an area provides essential life cycle needs of the species, then the area should not be included in the critical habitat designation. Within the geographic area occupied by the species, we will not designate areas that do not now have the primary constituent elements, as defined at 50 CFR 424.12(b), that provide essential life cycle needs of the species.

Our regulations state that, ''The Secretary shall designate as critical habitat areas outside the geographic area presently occupied by the species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.'' (50 CFR 424.12(e)). Accordingly, when the best available scientific and commercial data do not demonstrate that the conservation needs of the species require designation of critical habitat outside of occupied areas, we will not designate critical habitat in areas outside the geographic area occupied by the species.

The Service's Policy on Information Standards Under the Endangered Species Act, published in the **Federal Register** on July 1, 1994 (Vol. 59, p. 34271), provides criteria, establishes procedures, and provides guidance to ensure that decisions made by the Service represent the best scientific and commercial data available. It requires Service biologists, to the extent consistent with the Act and with the use of the best scientific and commercial data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat. When determining which areas are critical habitat, a primary source of information should be the listing package for the species. Additional information may be obtained from a recovery plan, articles in peer-reviewed journals, conservation plans developed by states and counties, scientific status surveys and studies, and biological assessments or other unpublished materials (*i.e.* gray literature).

Habitat is often dynamic, and species may move from one area to another over time. Furthermore, we recognize that designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, all should understand that critical habitat designations do *not* signal that habitat outside the designation is unimportant or may not be required for recovery. Areas outside the critical habitat designation will continue to be subject to conservation actions that may be implemented under Section 7(a)(1) and to the regulatory protections afforded by the section 7(a)(2) jeopardy standard and the Section 9 take prohibition, as determined on the basis of the best available information at the time of the action. We specifically anticipate that federally funded or assisted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans, or other species conservation planning efforts if new information available to these planning efforts calls for a different outcome.

Methods

In determining areas that are essential to conserve the San Diego fairy shrimp, we used the best scientific and commercial data available. This included data from research and survey observations published in peer-reviewed articles, recovery criteria outlined in the Recovery Plan for Vernal Pools of Southern California (Recovery Plan) (Service 1998), regional Geographic Information System (GIS) vegetation and species coverages (including vegetation layers for Orange and San Diego Counties), data collected on the U.S. Marine Corps (Marine Corps) Air Station, Miramar (Miramar) and Marine Corps Station, Camp Pendleton (Camp Pendleton), data collected from reports submitted by biologists holding section 10(a)(1)(A) recovery permits, and comments received on the proposed rule and economic analysis.

Primary Constituent Elements

In accordance with sections 3(5)(A)(i) and 4(b)(2) of the Act, and regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat, we are required to base critical habitat determinations on the best scientific and commercial data available. We consider those physical and biological features (primary constituent elements) that are essential to the conservation of the species, and that may require special management considerations or protection. These include, but are not limited to: space for individual and population growth, and for normal behavior; food, water, or other nutritional or physiological requirements; cover or shelter; sites for breeding and reproduction; and habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

The primary constituent elements for the San Diego fairy shrimp are those habitat components that are essential for the primary biological needs of foraging, sheltering, reproduction, and dispersal. The primary constituent elements are found in those areas that support vernal pools or other ephemeral depressional wetlands. Primary constituent elements include the vernal pool basins and associated watersheds, and include, but are not limited to: small to large vernal pools with shallow to moderate depths that hold water for sufficient lengths of time necessary for San Diego fairy shrimp incubation and reproduction, but not necessarily every year; associated watershed(s) and hydrology for vernal pool basins and their related vernal pool complexes; ephemeral depressional wetlands, flat or gently sloping topography, and any soil type with a clay component and/or an impermeable surface or subsurface layer known to support vernal pool habitat. The associated watersheds are essential in maintaining the hydrology of vernal pools necessary to support San Diego fairy shrimp. The long-term conservation of vernal pools that are essential for the recovery of the San Diego fairy shrimp include the protection and management of their associated watersheds. Primary constituent elements or components thereof are found in all the areas designated for critical habitat.

Criteria Used To Identify Critical Habitat

In an effort to map areas essential to the conservation of the species, we used data on known San Diego fairy shrimp locations, and those vernal pools and vernal pool complexes that were identified in the Recovery Plan as essential for the stabilization and reclassification of the species. The long-

term conservation of the San Diego fairy shirmp depends upon the protection and management of vernal pools within each management area to retain local genetic differentiation, reduce the risk of losing individual species or pool types, buffer environmental variation, and provide for the opportunity for re-establishment of new populations (Service 1998). We then evaluated those areas based on the hydrology, watershed and topographic features. Based on this evaluation, a 250 m (820 ft) Universal Transverse Mercator (UTM) (North American Datum 1927 (NAD 27)) grid was overlaid on top of those vernal pool complexes and their associated essential watersheds. In those cases where occupied vernal pools were not identified in the Recovery Plan, we relied on recent scientific data to update the map coverage.

In defining critical habitat boundaries, we made an effort to avoid developed areas, such as towns and other similar lands, that are unlikely to contribute to San Diego fairy shrimp conservation. However, the minimum mapping unit that we used did not allow us to exclude all developed areas, such as towns, or housing developments, or other lands unlikely to contain the primary constituent elements essential for conservation of the San Diego fairy shrimp. Existing features and structures within the boundaries of the mapped units, such as buildings, roads, aqueducts, railroads, airports, other paved areas, lawns, landscaped areas, and other urban areas, will not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a section 7 consultation, unless they affect the species and/or primary constituent elements in adjacent critical habitat. Within the area designated as critical habitat, only an estimated 18 ha (45 ac) is of unknown occupancy. The remaining complexes of vernal pools and their associated watersheds within the designated critical habitat area are within the geographical area occupied by San Diego fairy shrimp.

In summary, in determining areas that are essential to conserve San Diego fairy shrimp, we used the best scientific information available to us. The critical habitat areas described below constitute our best assessment of areas needed for the species' conservation and recovery.

Critical Habitat Designation

The approximate area of critical habitat by county and land ownership is shown in Table 1. Critical habitat includes San Diego fairy shrimp habitat throughout the species' range in the United States (*i.e.,* Orange and San Diego Counties, California). Lands designated are under private, State, and Federal ownership, with Federal lands including lands managed by the U.S. Department of Defense (DOD) and the Service. Lands designated as critical habitat have been divided into five Critical Habitat Units. A brief description of each unit and the reasons for designating it as critical habitat are presented below. The units are generally based on geographical location of the vernal pools, soil types, and local variation of topographic position (*i.e.,* coastal mesas, inland valley).

TABLE 1.—APPROXIMATE AREA ENCOMPASSING DESIGNATED CRITICAL HABITAT IN HECTARES (HA) (ACRES (AC)) BY COUNTY AND LAND OWNERSHIP

County	Federal land [1]	Local/state land	Private land	Total
Orange	N/A	25 ha (62 ac)	N/A	25 ha (62 ac)
San Diego	88 ha (218 ac)	154 ha (379 ac)	1,362 ha (3,366 ac)	1,604 ha (3,963 ac)
Total	88 ha (218 ac)	179 ha (441 ac)	1,362 ha (3,366 ac)	1,629 ha (4,025 ac)

[1] Includes Department of Defense and U.S. Fish and Wildlife Service lands.

Unit 1: Orange County (Fairview Regional Park)

Unit 1 encompasses approximately 25 ha (62 ac) in Orange County within the Los Angeles Basin-Orange Management Area as outlined in the Recovery Plan. The Fairview Regional Park vernal pool complex is occupied by the species and is designated as critical habitat. This unit provides the northern extent of this species' distribution and represents the historic distribution of coastal terrace vernal pools in this area. This northernmost unit is essential to the conservation of the San Diego fairy shrimp by maintaining the ecological distribution of this species, retaining the genetic diversity of this population, and to provide a buffer against catastrophic events.

Unit 2: San Diego: North Coastal Mesa

Unit 2 encompasses approximately 79 ha (195 ac) in San Diego County within the San Diego. It includes a small portion of Camp Pendleton and an area within the City of Carlsbad as outlined in the Recovery Plan. The area designated on Camp Pendleton includes lands leased by the California State Department of Parks and Recreation and private interests from Camp Pendleton. Within the jurisdiction of the City of Carlsbad, one vernal pool complex located in the vicinity of Palomar Airport and one complex at Poinsettia Lane train station are designated as critical habitat. These vernal pool complexes represent vernal pool habitat associated with coastal terraces found north of the San Dieguito River. Given the rarity of San Diego fairy shrimp and the limited amount of vernal pool habitat, this unit is essential to the conservation of this species because of the broad array of vernal pool complexes that are represented. This unit supports recovery criteria by maintaining a diversity of vernal pools that support the genetic diversity and population stability of the San Diego fairy shrimp.

Unit 3: San Diego: Inland Valley

Unit 3 encompasses 1,231 ha (3,042 ac) in San Diego County within the San Diego: Inland Valley Management Area as outlined in the Recovery Plan. Lands designated contain vernal pool complexes within the jurisdiction of the City of San Marcos and the community of Ramona. In the community of Ramona, one of the complexes is within the County's Ramona Airport boundaries. These vernal pool complexes are generally isolated from maritime influence (greater than 10 km (6 mi) from the coast) and are representative of vernal pools associated with alluvial or volcanic type soils. Approximately 18 ha (45 ac) of this unit are currently of unknown occupancy. This unit provides for the conservation of the San Diego fairy shrimp by protecting vernal pools within the

geographical range, maintaining the diversity of vernal pool habitats, and retaining the genetic diversity of these populations.

Unit 4: San Diego: Central Coastal Mesa

Unit 4 encompasses 225 ha (556 ac) in San Diego County within the San Diego: Central Coastal Mesa Management Area as outlined in the Recovery Plan. Lands designated contain vernal pool complexes within the jurisdiction of the City of San Diego, State of California, Service, and private interests. These vernal pool complexes are associated with coastal terraces and mesas found south of the San Dieguito River to the San Diego Bay. This unit protects a diversity of vernal pools that support the San Diego fairy shrimp. Protection of this broad representation of vernal pools furthers the recovery of this species by maintaining genetic diversity and stabilizing populations.

Unit 5: San Diego: Southern Coastal Mesa

Unit 5 encompasses 69 ha (170 ac) in San Diego County within the San Diego: Southern Coastal Mesa Management Area as outlined in the Recovery Plan. Lands designated include vernal pool complexes within the jurisdiction of the Service, City of San Diego, City of Chula Vista, County of San Diego, U.S. Immigration and Naturalization Service (INS), and private interests. These vernal pool complexes are associated with coastal mesas from the Sweetwater River south to the international border with Mexico. This southernmost unit is essential to the conservation of the San Diego fairy shrimp by maintaining the ecological distribution of this species, retaining the genetic diversity of this population, and to provide a buffer against catastrophic events.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a) of the Act requires Federal agencies, including the Service, to ensure that actions they fund, authorize, or carry out are not likely to jeopardize the continued existence of a threatened or endangered species, or result in the destruction or adverse modification of critical habitat to the extent that the action appreciably diminishes the value of the critical habitat for the survival and recovery of the species. Individuals, organizations, States, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding. In 50 CFR 402.02, ''jeopardize the continued existence'' (of a species) is defined as engaging in an activity likely to result in an appreciable reduction in the likelihood of survival and recovery of a listed species. ''Destruction or adverse modification'' (of critical habitat) is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for the survival and recovery of the listed species for which critical habitat was designated. Thus, the definitions of ''jeopardy'' to the species and ''adverse modification'' of critical habitat are nearly identical.

Section 7(a) of the Act requires Federal agencies, including the Service, to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory. If a species is listed or critical habitat is designated, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Through this consultation, we would ensure that the permitted actions do not adversely modify critical habitat.

When we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we also provide reasonable and prudent alternatives to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid resulting in the destruction or adverse modification of critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where critical habitat is subsequently designated, and the Federal agency has retained discretionary involvement or control over the action or such discretionary involvement or control is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation with us on actions for which formal consultation has been completed, if those actions may affect designated critical habitat and they have retained discretionary involvement in the action. Further, some Federal agencies may have conferenced with us on proposed critical habitat. We may adopt the formal conference report as the biological opinion when critical habitat is designated, if no significant new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

Activities on Federal lands that may affect the San Diego fairy shrimp or its critical habitat will require section 7 consultation. Activities on private or State lands requiring a permit from a Federal agency, such as a permit from the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act, or some other Federal action, including funding (*e.g.,* Federal Highway Administration, Federal Aviation Administration, or Federal Emergency Management Agency) will also continue to be subject to the section 7 consultation process. Federal actions not affecting listed species or critical habitat and actions on non-Federal lands that are not federally funded, authorized, or permitted do not require section 7 consultation.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe in any proposed or final regulation that designates critical habitat those activities involving a Federal action that may adversely modify such habitat, or that may be affected by such designation.

Activities that, when carried out, funded, or authorized by a Federal agency, may affect critical habitat and require that a section 7 consultation be conducted include, but are not limited to:

(1) Any activity that results in discharge of dredged or fill material, excavation, or mechanized land clearing of ephemeral and/or vernal pool basins (e.g., road and fence construction and maintenance, right-of-way designation, airport improvement activities, and regulation of agricultural activities);

(2) Any activity that alters the watershed, water quality, or water quantity to an extent that water quality becomes unsuitable to support San Diego fairy shrimp, or any activity that significantly affects the natural hydrologic function of the vernal pool system; and

(3) Activities that could lead to the introduction of exotic species into San Diego fairy shrimp habitat.

Activities that may destroy or adversely modify critical habitat include those that alter the primary constituent elements to an extent that the value of critical habitat for both the survival and recovery of the San Diego fairy shrimp is appreciably reduced. We note that such activities may also jeopardize the continued existence of the species.

To properly portray the effects of critical habitat designation, we must first compare the section 7 requirements for actions that may affect critical habitat with the requirements for actions that may affect a listed species. Section 7 prohibits actions funded, authorized, or carried out by Federal agencies from jeopardizing the continued existence of a listed species or destroying or adversely modifying the listed species' critical habitat. Actions likely to ''jeopardize the continued existence'' of a species are those that would appreciably reduce the likelihood of the species' survival and recovery. Actions likely to ''destroy or adversely modify'' critical habitat are those that would appreciably reduce the value of critical habitat for the survival and recovery of the listed species.

Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species. Given the similarity of these definitions, actions likely to destroy or adversely modify critical habitat would almost always result in jeopardy to the species concerned, particularly when the area of the proposed action is occupied by the species concerned. In those cases, critical habitat provides little additional protection to a species, and the ramifications of its designation are few or none. However, if occupied habitat becomes unoccupied in the future, there is a potential benefit from critical habitat in such areas.

If you have questions regarding whether specific activities will constitute destruction or adverse modification of critical habitat, contact the Field Supervisor, Carlsbad Fish and Wildlife Office (see **ADDRESSES** section). Requests for copies of the regulations on listed wildlife, and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Branch of Endangered Species, 911 N.E. 11th Ave, Portland, Oregon 97232 (telephone 503/231–2063; facsimile 503/231–6243).

All lands designated as critical habitat are within the geographical area occupied by the species and are likely to be used by the San Diego fairy shrimp. Federal agencies already consult with us on activities in areas currently occupied by the species, or if the species may be affected by the action to ensure that their actions do not jeopardize the continued existence of the species. Thus, we do not anticipate additional regulatory protection will result from critical habitat designation.

Exclusions Under Section 3(5)(A) Definition

Special management or protection is a term that originates in the definition of critical habitat in section 3 of the Act that refers to areas within the current range of the species. For areas in the current range of the species, we first determine whether the area contains the physical and biological features essential to the conservation of the species and the area has or needs special management or protection. Additional special management is not required if adequate management or protection is already in place. Adequate special management or protection is provided by a legally operative plan/agreement that addresses the maintenance and improvement of the primary constituent elements important to the species and manages for the long-term conservation of the species. We use the following three criteria to determine if a plan provides adequate special management or protection: (1) A current plan/agreement must be complete and provide sufficient conservation benefit to the species, (2) the plan must provide assurances that the conservation management strategies will be implemented, and (3) the plan must provide assurances that the conservation management strategies will be effective, *i.e.,* provide for periodic monitoring and revisions as necessary. If all of these criteria are met, then the lands covered under the plan would no longer meet the definition of critical habitat.

The Sikes Act Improvements Act of 1997 (Sikes Act) requires each military installation that includes land and water suitable for the conservation and management of natural resources to complete, by November 17, 2001, an Integrated Natural Resources Management Plan (INRMP). An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found there. Each INRMP includes an assessment of the ecological needs on the installation, including needs to provide for the conservation of listed species; a statement of goals and priorities; a detailed description of management actions to be implemented to provide for these ecological needs; and a monitoring and adaptive management plan. We consult with the military on the development and implementation of INRMPs for installations with listed species. We believe bases that have completed and approved INRMPs that address the needs of the species generally do not meet the definition of critical habitat discussed above, as they require no additional special management or protection.

We evaluated Department of Defense (DOD) Integrated Natural Resource Management Plans (INRMPs) for DOD land that was within the proposed critical habitat to determine whether any INRMPs met the special management criteria. To date, Marine Corps Air Base, Miramar is the only DOD installation that has completed a final INRMP that provides for sufficient conservation management and protection for the San Diego fairy shrimp. We reviewed this plan and determined that it addresses and meets the three criteria. Therefore, lands on Marine Corps Air Base, Miramar no longer meet the definition of critical habitat, and they have been excluded from the final designation of critical habitat for the San Diego fairy shrimp.

Exclusions Under Section 4(b)(2)

Subsection 4(b)(2) of the Act allows us to exclude areas from critical habitat designation where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. For the following reasons, we believe that in most instances the benefits of excluding HCPs from critical habitat designations will outweigh the benefits of including them.

(1) Benefits of Inclusion

The benefits of including HCP lands in critical habitat are normally small. The principal benefit of any designated critical habitat is that activities in such habitat that may affect it require consultation under section 7 of the Act. Such consultation would ensure that

adequate protection is provided to avoid adverse modification of critical habitat. Where HCPs are in place, our experience indicates that this benefit is small or non-existent. Currently approved and permitted HCPs are already designed to ensure the long-term survival of covered species within the plan area. Where we have an approved HCP, lands that we ordinarily would define as critical habitat for the covered species will normally be protected in reserves and other conservation lands by the terms of the HCPs and their implementation agreements. These HCPs and implementation agreements include management measures and protections for conservation lands that are crafted to protect, restore, and enhance their value as habitat for covered species.

In addition, an HCP application must itself be consulted upon. While this consultation will not look specifically at the issue of adverse modification of critical habitat, it will look at the very similar concept of jeopardy to the listed species in the plan area. Since HCPs, particularly large regional HCPs, address land use within the plan boundaries, habitat issues within the plan boundaries will have been thoroughly addressed in the HCP and the consultation on the HCP. Our experience is also that, under most circumstances, consultations under the jeopardy standard will reach the same result as consultations under the adverse modification standard. Implementing regulations (50 CFR Part 402) define ''jeopardize the continued existence of'' and ''destruction or adverse modification of'' in virtually identical terms. Jeopardize the continued existence of means to engage in an action ''that reasonably would be expected * * * to reduce appreciably the likelihood of both the survival and recovery of a listed species.'' Destruction or adverse modification means an ''alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species.'' Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species, in the case of critical habitat by reducing the value of the habitat so designated. Thus, actions satisfying the standard for adverse modification are nearly always found to also jeopardize the species concerned, and the existence of a critical habitat designation does not materially affect the outcome of consultation. Additional measures to protect the habitat from adverse modification are not likely to be required.

Further, HCPs typically provide for greater conservation benefits to a covered species than section 7 consultations because HCPs assure the long term protection and management of a covered species and its habitat, and funding for such management through the standards found in the 5-Point Policy for HCPs (64 FR 35242) and the HCP No Surprises regulation (63 FR 8859). Such assurances are typically not provided by section 7 consultations which, in contrast to HCPs, often do not commit the project proponent to long term special management or protections. Thus, a consultation typically does not accord the lands it covers the extensive benefits an HCP provides.

The development and implementation of HCPs provide other important conservation benefits, including the development of biological information to guide conservation efforts and assist in species recovery and the creation of innovative solutions to conserve species while allowing for development. The educational benefits of critical habitat, including informing the public of areas that are important for the long-term survival and conservation of the species, are essentially the same as those that would occur from the public notice and comment procedures required to establish an HCP, as well as the public participation that occurs in the development of many regional HCPs. For these reasons, then, we believe that designation of critical habitat has little benefit in areas covered by HCPs.

(2) Benefits of Exclusion

The benefits of excluding HCPs from being designated as critical habitat may be more significant. During two public comment periods on our critical habitat policy, we received several comments about the additional regulatory and economic burden of designating critical habitat. These include the need for additional consultation with the Service and the need for additional surveys and information gathering to complete these consultations. HCP applicants have also stated that they are concerned that third parties may challenge HCPs on the basis that they result in adverse modification or destruction of critical habitat, should critical habitat be designated within the HCP boundaries.

The benefits of excluding HCPs include relieving landowners, communities and counties of any additional minor regulatory review that might be imposed by critical habitat. Many HCPs, particularly large regional HCPs, take many years to develop and, upon completion, become regional conservation plans that are consistent with the recovery of covered species. Many of these regional plans benefit many species, both listed and unlisted. Imposing an additional regulatory review after HCP completion may jeopardize conservation efforts and partnerships in many areas and could be viewed as a disincentive to those developing HCPs. Excluding HCPs provides us with an opportunity to streamline regulatory compliance and confirms regulatory assurances for HCP participants.

A related benefit of excluding HCPs is that it would encourage the continued development of partnerships with HCP participants, including states, local governments, conservation organizations, and private landowners, that together can implement conservation actions we would be unable to accomplish alone. By excluding areas covered by HCPs from critical habitat designation, we preserve these partnerships, and, we believe, set the stage for more effective conservation actions in the future.

In general, then, we believe the benefits of critical habitat designation to be small in areas covered by approved HCPs. We also believe that the benefits of excluding HCPs from designation are significant. Weighing the small benefits of inclusion against the benefits of exclusion, including the benefits of relieving property owners of an additional layer of approvals and regulation, together with the encouragement of conservation partnerships, would generally result in HCPs being excluded from critical habitat designation under Section 4(b)(2) of the Act.

Not all HCPs are alike with regard to species coverage and design. Within this general analytical framework, we need to evaluate completed and legally operative HCPs in the range of the San Diego fairy shrimp to determine whether the benefits of excluding these particular areas outweigh the benefits of including them.

Several habitat conservation planning efforts have been completed within the range of the San Diego fairy shrimp. Principal among these is the San Diego Multiple Species Conservation Program (MSCP) and its subarea plans. The MSCP provides conservation measures for the San Diego fairy shrimp even though take authorization, should any be needed, is designed to come from a subsequent permitting process (typically through a section 7 consultation with the Corps). The MSCP will result in the avoidance of the majority of fairy shrimp habitat within the planning area. The MSCP provides that fairy shrimp habitat should be completely avoided to the maximum extent practicable

pursuant to the Clean Water Act Section 404(b)(1) guidelines. Unavoidable impacts to vernal pool habitats are to be minimized and mitigated to achieve no net loss of wetland function and value and to provide additional protective measures. Moreover, the MSCP provides for adaptive management and monitoring to ensure the long-term viability of the vernal pool habitat. The benefits of excluding lands covered by these HCPs would be significant in preserving positive relationships with our conservation partners, lessening potential additional regulatory review and potential economic burdens, reinforcing the regulatory assurances provided for in the implementation agreements for the approved HCPs, and providing for more established and cooperative partnerships for future conservation efforts. In the economic analysis completed for the San Diego fairy shrimp critical habitat designation, we concluded that some development companies may be affected by any modifications to projects or incremental delays in the implementation of projects due to consultations that occur as a result of critical habitat designation for the San Diego fairy shrimp. In addition, we concluded that landowners may incur costs to determine whether their land contains the primary constituent elements for the San Diego fairy shrimp, and may experience temporary changes in property values as markets respond to the uncertainty associated with critical habitat designation. Thus, we determined that the benefits of excluding critical habitat within the San Diego MSCP outweigh the benefits of designation. Consequently, these lands have not been designated as critical habitat for the San Diego fairy shrimp.

In summary, the benefits of including the MSCP in critical habitat for the San Diego fairy shrimp include increased educational benefits and minor additional management protections and measures. The benefits of excluding MSCP from being designated as critical habitat for the San Diego fairy shrimp include the additional conservation measures for the San Diego fairy shrimp and other listed species, preservation of partnerships that may lead to future conservation, and the avoidance of the minor regulatory and economic burdens associated with the designation of critical habitat. The benefits of excluding these areas from critical habitat designation outweigh the benefits of including these areas. Furthermore, we have determined that these exclusions will not result in the extinction of the species. We have already completed section 7 consultation on the impacts of these HCPs on the species. We have determined that they will not jeopardize the continued existence of the species, meaning that they will not appreciably reduce the survival and recovery of the species.

Another HCP effort is the Natural Community Conservation Planning (NCCP) program in Orange and San Diego Counties. The NCCP/HCP effort in Orange County Central/Coastal is designed to provide the same level of protection for San Diego fairy shrimp as the San Diego MSCP. However, unlike the San Diego MSCP, the vernal pool complex at Fairview Regional Park within Orange County occurs within a city which is not a participating jurisdiction under the plan. The benefits from designating this area as critical habitat are not outweighed by the benefits of the HCP. Therefore, the Fairview Regional Park vernal pool complex is included as critical habitat.

We anticipate that future HCPs in the range of the San Diego fairy shrimp will include it as a covered species and provide for its long-term conservation. We expect that HCPs undertaken by local jurisdictions (*e.g.*, counties, cities) and other parties will identify, protect, and provide appropriate management for those specific lands within the boundaries of the plans that are essential for the long-term conservation of the species. Section 10(a)(1)(B) of the Act states that HCPs must meet issuance criteria, including minimizing and mitigation for any take of the listed species covered by the permit to the maximum extent practicable, and that the taking must not appreciably reduce the likelihood of the survival and recovery of the species in the wild. We fully expect that our future analysis of HCPs and section 10(a)(1)(B) permits under section 7 will show that covered activities carried out in accordance with the provisions of the HCPs and section 10(a)(1)(B) permits will not result in the destruction or adverse modification of critical habitat designated for the San Diego fairy shrimp.

In the event that future HCPs covering the San Diego fairy shrimp are developed within the boundaries of designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential for the conservation of this species. This will be accomplished by either directing development and habitat modification to nonessential areas, or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process provides an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by the San Diego fairy shrimp. The process also enables us to conduct detailed evaluations of the importance of such lands to the long-term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks.

We will provide technical assistance and work closely with applicants throughout the development of future HCPs to identify lands essential for the long-term conservation of the San Diego fairy shrimp and appropriate management for those lands. The take minimization and mitigation measures provided under these HCPs are expected to protect the essential habitat lands designated as critical habitat in this rule. If an HCP that addresses the San Diego fairy shrimp as a covered species is ultimately approved, we will reassess the critical habitat boundaries in light of the HCP. We will seek to undertake this review when the HCP is approved, but funding constraints may influence the timing of such a review.

In contrast to Marine Corps Air Base Miramar, Marine Corps Base Camp Pendleton (Camp Pendleton) has not yet completed their INRMP. Camp Pendleton has several substantial vernal pool complexes that support the San Diego fairy shrimp. In light of these factors, we proposed 4,902 ha (12,114 ac) of the approximately 50,000 ha (125,000 acre) base as critical habitat for the San Diego fairy shrimp. Out of the 46 training or joint use areas on Camp Pendleton, the proposal included all of five such areas, which were concentrated on the coastal portion of the Base. In addition, the proposal included habitat found elsewhere on the base.

The INRMP for Camp Pendleton will be completed by the statutory deadline of November 17, 2001. We will consult with the Marines under section 7 of the Act on the development and implementation of the INRMP. We fully expect that, once the INRMP is completed and approved, areas of the base included in the proposed critical habitat designation will not meet the definition of critical habitat, as they will require no additional special management or protection.

Today, as the INRMP has not yet been completed and approved, these lands on the base meet the definition of critical habitat. Nevertheless, we have determined that it is appropriate to exclude Camp Pendleton from this critical habitat designation under section 4(b)(2). The main benefit of this

exclusion is ensuring that the mission-critical military training activities can continue without interruption at Camp Pendleton while the INRMP is being completed. On March 30, 2000, at the request of the Marines, we initiated formal consultation with Camp Pendleton on their uplands activities. These activities include military training, maintenance, fire management, real estate, and recreation programs. Upon completion, this consultation will address the 93 percent of the Base not included in our 1995 opinion concerning the Base's programmatic conservation plan for riparian and estuarine/beach ecosystems (U.S. Fish and Wildlife Service 1995). Because of the immense complexity of dealing with a multitude of hard-to-define upland activities and numerous federally listed plants and animals, we expect completion of the consultation and issuance of our biological opinion to take several months to a year.

The proposed critical habitat designation included about 4,902 ha (12,114 ac), or about 10 percent of the Base. If critical habitat is designated on Camp Pendleton for the San Diego fairy shrimp, the Marines would be compelled by their interpretation of the Endangered Species Act to significantly curtail necessary training within the area designated as critical habitat, to the detriment of mission-critical training capability, until the consultation is concluded, up to a year from now. As a result, the Base's utility as a Marine training site would be limited. The Marines have no alternative site suitable for the kinds of training that occur on the Base.

In contrast, the benefits of designating critical habitat on the base now are small. The primary benefit of designation is the prohibition on destruction or adverse modification of critical habitat under section 7 of the Act. However, we believe that section 7 consultation on any proposed action on the base that would result in an adverse modification conclusion would also result in a jeopardy conclusion, and we are now engaged in formal consultation with the Marines on their activities in vernal pool habitat on the Camp Pendleton. In addition, the Marines have a statutory obligation under the Sikes Act to complete an INRMP for Camp Pendleton about 13 months from now; as noted above, we expect that, when completed and adopted, this INRMP will provide equal or greater protection to San Diego fairy shrimp habitat on the base than a critical habitat designation.

We conclude that the benefits of excluding Camp Pendleton exceed the benefits of including the base in the critical habitat designation; further, we have determined that excluding the base will not result in the extinction of the San Diego fairy shrimp, as sufficient vernal pools remain within the final critical habitat designation and sections 7(a)(2) and 9 of the Act still apply to the activities affecting San Diego fairy shrimp on Camp Pendleton, This exclusion does not include that part of Camp Pendleton leased to the State of California and included within San Onofre State Park (including San Mateo Park). Because these lands are used minimally, if at all, by the Marines for training, the 16 ha (40 ac) of lands proposed within the state park are retained in the final designation.

Should additional information become available that changes our analysis of the benefits of excluding any of these (or other) areas compared to the benefits of including them in the critical habitat designation, we may revise this final designation accordingly. Similarly, if new information indicates any of these areas should not be included in the critical habitat designation because they no longer meet the definition of critical habitat, we may revise this final critical habitat designation. If, consistent with available funding and program priorities, we elect to revise this designation, we will do so through a subsequent rulemaking.

Summary of Comments and Recommendations

In the March 8, 2000, proposed rule (65 FR 12181), we requested all interested parties to submit comments on the specifics of the proposal including information, policy, treatment of HCPs, and proposed critical habitat boundaries. The first comment period closed on May 8, 2000. The comment period was reopened from August 21 to September 5, 2000, (65 FR 50672), to allow for additional comments on the proposed rule and comments on the draft economic analysis of the proposed critical habitat. Due to an error in the date of the deadline for public comment that was identified in the **Federal Register** notice (65 FR 50672), we published a correction on August 25, 2000 (65 FR 51903). We entered comments received from May 8 to August 21, 2000, into the administrative record for the second comment period. Comments received following the close of the second comment period (a total of 3) were entered into the administrative record and marked as late. These later comments were reviewed to determine if they raised any new or substantial issues that had not been raised by any earlier comment. None of the late comments raised a new or substantial issue that had not been raised earlier.

We contacted all appropriate State and Federal agencies, county governments, elected officials, and other interested parties and invited them to comment. In addition, we published newspaper notices inviting public comment in the following newspapers in southern California: Orange County Register, North County Times, and the San Diego Union-Tribune. These notices were published on March 8 and 9, 2000.

We requested four biologists familiar with the San Diego fairy shrimp and the conservation of vernal pools to peer review the proposed critical habitat designation. Two of the peer reviewers submitted comments on the proposed critical habitat designation, providing updated biological information, critical review, and editorial comments. We addressed their comments in the responses below, or incorporated them into other parts of this final rule.

We received a total of 31 comments during the 2 comment periods, from 2 Federal agencies, 3 State agencies, 5 local agencies, and 15 private organizations or individuals. Three commenters submitted comments more than once. We reviewed all comments received for substantive issues and new data regarding the San Diego fairy shrimp and critical habitat. We grouped comments of a similar nature into four general issues relating specifically to the proposed critical habitat determination and draft economic analysis on the proposed determination. These are addressed in the following summary.

Issue 1: Biological Justification and Methodology

(1) *Comment:* The broad or landscape scale of the proposed critical habitat includes areas that do not contain the primary constituent elements for the San Diego fairy shrimp. The statements in the proposed rule that only areas containing the primary constituent elements for the San Diego fairy shrimp are being proposed as critical habitat is confusing and does not allow for a defined boundary. Several commenters questioned the biological justification for proposing critical habitat for the San Diego fairy shrimp using such a landscape scale approach when specific, detailed information is available. Many commenters felt the mapping should be more detailed, and the critical habitat be more precisely defined, excluding areas that obviously are not San Diego fairy shrimp critical habitat. Some commenters criticized our use of a 1-km UTM grid as flawed because it included too much area unlikely to contain the

primary constituent elements, and that the Economic Analysis was also flawed because it was based on these large units, and was not in keeping with the Act's requirement to ''narrowly define critical habitat.'' Additionally, one commenter stated that the designation was not based on the best scientific and commercial data available, and that the Service has not adequately provided notice of the precise outlined boundaries of critical habitat.

Our Response: We are required to describe critical habitat (50 CFR 424.12(c)) with specific limits using reference points and lines as found on standard topographic maps of the area. Due to the time constraints imposed by the court, and the absence of detailed GIS coverages during the preparation of the proposed determination, we used a 1 km (0.6 mi) UTM grid system to describe the boundaries of critical habitat units. Because of this large mapping scale, some areas not essential for the conservation of the San Diego fairy shrimp were included in the boundaries of proposed critical habitat.

In the preparation of the final determination, we had available for use, more detailed GIS coverages that allowed us to reduce our minimum mapping unit from a 1 km (0.6 mi) UTM grid square to a 250 m (820 ft) UTM grid square. This allowed for the exclusion of many areas not essential to the conservation of the San Diego fairy shrimp and resulted in the drawing of more refined critical habitat boundaries. Consequently, by using a finer scale grid, the total acreage of lands designated as critical habitat decreased. The lands within the mapped boundaries are considered critical habitat for the San Diego fairy shrimp.

(2) *Comment:* Several commenters voiced concern that their property was within proposed critical habitat boundaries even though it does not contain San Diego fairy shrimp habitat.

Our Response: We recognize that not all parcels of land within designated critical habitat contain the habitat components essential to San Diego fairy shrimp conservation. While we have refined the critical habitat maps since the proposal, even with the 250 m (820 ft) UTM grid square, the minimum mapping unit that we used in defining critical habitat boundaries for the San Diego fairy shrimp did not allow us to exclude all developed areas such as towns, housing developments, or other developed lands unlikely to provide habitat for the San Diego fairy shrimp. However, these areas are within designated critical habitat since they are within the defined boundaries of the designation. Because they do not contain habitat for the species, we believe that activities that occur on them will not affect critical habitat. Therefore, these activities would not trigger a section 7 consultation.

(3) *Comment:* The final rule listing the San Diego fairy shrimp (62 FR 4925) as endangered stated that the species occupied only 81 ha (200 ac) of vernal pool habitat and is not a widespread species. The proposed rule for designating critical habitat (65 FR 12181) proposed over 14,771 ha (36,501 ac) as occupied critical habitat. How is this possible?

Our Response: The 81 ha (200 ac) estimate refers to the vernal pool basins occupied by the San Diego fairy shrimp at the time of listing in 1997. Since the listing of the San Diego fairy shrimp, additional surveys and scientific studies have increased our understanding of the distribution and habitat needs of this species and the amount of vernal pool habitats. Additionally, the 1 km (0.6 mi) grid size used in the proposed rule to define critical habitat also included some nonessential portions of the watersheds of the vernal pools. Thus, the 14,771 ha (36,501 ac) identified in the critical habitat proposal included both the vernal pool basins and their associated watersheds. We refined our grid size (250 m (820 ft)) and removed nonessential areas (10,171 ha (25,133 ac)), which reduced the amount of land designated as critical habitat for the final rule. The areas designated as critical habitat include both vernal pool basins and their associated watersheds. The associated watersheds are essential in maintaining the hydrology of vernal pools necessary to support San Diego fairy shrimp.

(4) *Comment:* ''Incidentally-created habitat'' should not be considered critical habitat, and take of the species in ''incidentally-created habitats'' should not be considered to ''jeopardize'' the species.

Our Response: ''Incidentally created habitats'' for the San Diego fairy shrimp are generally associated with existing vernal pools, vernal pools complexes, and ephemeral ponds and depressions. We define these habitats as ''highly disturbed'' or ''modified'' habitats as opposed to incidentally created, as often these areas supported natural vernal pools in the past. All of the designated critical habitat areas are considered essential to the conservation of the San Diego fairy shrimp as described in the Recovery Plan for Vernal Pools of Southern California. Therefore, these vernal pools, including any ''incidentally created habitats,'' have been designated as critical habitat. The take prohibitions under section 9 of the Act do not differentiate between natural and ''incidentally created habitats.''

Issue 2: Policy and Regulations

(5) *Comment:* Many commenters were supportive of the policy that lands covered by approved and future HCPs that provide take authorization for the San Diego fairy shrimp be excluded from critical habitat. Several commenters suggested that designated critical habitat be removed concurrently with approval of the HCP because they are concerned that additional consultations would be required as a result of critical habitat. Some commenters also asked if completed and Service-approved subarea plans would be exempted similar to HCPs. Many commenters questioned whether the MSCP would provide for adequate protection of fairy shrimp in lieu of critical habitat, when it has not done so in the past (without critical habitat).

Our Response: We recognize that critical habitat is only one of many conservation tools for federally listed species. HCPs are one of the most important tools for reconciling land use with the conservation of listed species on non-Federal lands. Section 4(b)(2) allows us to exclude from critical habitat designation areas where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. We believe that in most instances, the benefits of excluding HCPs from critical habitat designations will outweigh the benefits of including them. For this designation, we find that the benefits of exclusion outweigh the benefits of inclusion for the MSCP HCP issued for the San Diego fairy shrimp. However, lands without completed HCPs have been included as critical habitat. We expect to analyze the specific benefits in each particular critical habitat designation because not all HCPs are alike with regard to species coverage and design.

We anticipate that future HCPs in the range of the San Diego fairy shrimp will include it as a covered species and provide for its long-term conservation. We expect that HCPs undertaken by local jurisdictions (*e.g.*, counties, cities) and other parties will identify, protect, and provide appropriate management for those specific lands within the boundaries of the plans that are essential for the long-term conservation of the species. Section 10(a)(1)(B) of the Act states that HCPs must meet issuance criteria, including minimizing and mitigating any take of the listed species covered by the permit to the maximum extent practicable, and that the taking will not appreciably reduce the

likelihood of the survival and recovery of the species in the wild. We fully expect that our analyses of future HCPs and section 10(a)(1)(B) permits under section 7 will show that covered activities carried out in accordance with the provisions of the HCPs and Section 10(a)(1)(B) permits will not result in the destruction or adverse modification of critical habitat designated for the San Diego fairy shrimp.

In the event that future HCPs covering the San Diego fairy shrimp are developed within the boundaries of designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential for the conservation of the San Diego fairy shrimp by either directing development and habitat modification to nonessential areas, or appropriately restricting activities within essential habitat areas so that such activities will not result in the destruction or adverse modification of the primary constituent elements. The HCP development process provides an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by the San Diego fairy shrimp. The process also enables us to conduct detailed evaluations of the importance of such lands to the long-term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks. We are continuing to work with the cities of Chula Vista, Carlsbad, San Marcos, and other jurisdictions to insure that their subarea plans provide for the long-term conservation of the San Diego fairy shrimp.

We will provide technical assistance and work closely with applicants throughout the development of future HCPs to identify lands essential for the long-term conservation of the San Diego fairy shrimp and appropriate management for those lands. The take minimization and mitigation measures provided under these HCPs are expected to protect the essential habitat lands designated as critical habitat in this rule. If an HCP that addresses the San Diego fairy shrimp as a covered species is ultimately approved, we will reassess the critical habitat boundaries in light of the HCP. We will seek to undertake this review when the HCP is approved, but funding constraints may influence the timing of such a review.

(6) *Comment:* It is illegal and unscientific to withdraw critical habitat designation from land covered by a currently approved HCP, or to withdraw it from future HCPs when they are approved because these HCPs do not provide adequate protection for the San Diego fairy shrimp. Critical habitat protects land essential for conservation, which is a higher standard than an HCP permit or section 7 consultation, which only assure that jeopardy would not occur.

Our Response: Section 4(b)(2) of the Act provides for a balancing test in designating critical habitat. We may exclude HCPs from critical habitat if the benefits of excluding them outweigh the benefits of including them in the designation. See our response to Comment 5 for a discussion of conservation measures afforded covered species under HCPs.

(7) *Comment:* An Environmental Impact Statement as defined under NEPA should be written to address the potential significant impacts from the proposed designation of San Diego fairy shrimp critical habitat.

Our Response: We determined that we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reason for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

(8) *Comment:* The broad scale of the proposed critical habitat maps is not specific enough to allow for reasonable public comment therefore violating the Act and 50 CFR Sec. 424.12(c).

Our Response: We identified specific areas referenced by UTM coordinates, which are found on standard topographic maps. We also made available a public viewing room where the proposed critical habitat units superimposed on 7.5 minute topographic maps and spot imagery could be inspected. Further, we distributed GIS coverages and maps of the proposed critical habitat to everyone who requested them. We believe the information made available to the public was sufficiently detailed to allow for informed public comment. This final rule contains the legal descriptions of areas designated as critical habitat required pursuant to 50 CFR Sec. 424.12(c). If additional clarification is necessary, contact the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

(9) *Comment:* The designation of critical habitat would place an additional burden on landowners above and beyond what the listing of the species would require. The number of section 7 consultations will increase; large areas where no San Diego fairy shrimp are known to occur will now be subject to section 7 consultation. Many Federal agencies have been making a ''no effect'' determination within unoccupied suitable habitat. Now, with critical habitat there will be ''may affect'' determinations, and section 7 consultation will be required if any of the constituent elements are present.

Our Response: We acknowledge that there may be some additional section 7 consultations due to critical habitat. However, we believe in most cases, the outcome of these consultations will be similar to the outcome of consultations without critical habitat. See our response to Issue 39. Since vernal pools are widely recognized as a sensitive and declining habitat, projects are often required, by jurisdictions other than the Service, to offset impacts to vernal pools regardless of the presence of designated critical habitat. Therefore, we believe that if there is any additional burden due to critical habitat, it will be minimal.

(10) *Comment:* Several commenters requested that, once a section 7 consultation is completed that addresses the San Diego fairy shrimp, the lands covered by the consultation be excluded from critical habitat, similar to what has been proposed for lands covered by approved HCPs.

Our Response: We disagree that lands covered by a section 7 consultation should be removed from critical habitat. Section 7 of the Act requires that Federal actions not jeopardize the continued existence of a species or result in the destruction or adverse modification of critical habitat. In contrast, HCPs typically provide for greater conservation benefits to a covered species by assuring the long-term protection and management of a covered species and its habitat, and funding for such management through the standards found in the 5-Point Policy for HCPs (64 FR 35242), the HCP No Surprises regulation (63 FR 8859), and relevant regulations governing the issuance and implementation of HCPs. However, such assurances are typically not provided in connection with Federal projects subject to section 7 consultations which, in contrast to activities on non-Federal lands covered by HCPs, often do not commit to long term special management or protections.

(11) *Comment:* Comments received from the Department of Defense (DOD) requested that their lands be excluded from the critical habitat designation because protections and management afforded the San Diego fairy shrimp under Integrated Natural Resource Management Plans (INRMPs) pursuant to the Sike's Act were sufficient, thereby resulting in their lands not requiring special management or protection and

not meeting the definition of critical habitat.

Our Response: We agree that INRMPs can provide special management lands such that they no longer meet the definition of critical habitat when the plans meet the following criteria: (1) a current INRMP must be complete and provide sufficient conservation benefit to the San Diego fairy shrimp, (2) the plan must provide assurances that the conservation management strategies will be implemented, and (3) the plan must provide assurances that the conservation management strategies will be effective, *i.e.,* provide for periodic monitoring and revisions as necessary. If all of these criteria are met, then the lands covered under the plan would no longer meet the definition of critical habitat.

To date, Marine Corps Air Base, Miramar is the only DOD installation that has completed a final INRMP that provides for sufficient conservation management and protection for the San Diego fairy shrimp. We have reviewed this plan and have determined that it addresses and meets the three criteria. Therefore, lands on Marine Corps Air Base, Miramar no longer meet the definition of critical habitat, and they have been excluded from the final designation of critical habitat for the San Diego fairy shrimp.

(12) *Comment:* Are emergency maintenance activities within designated critical habitat exempt for consultation under section 7 of the Act?

Our Response: Emergency maintenance activities are not exempt from consultation under section 7 of the Act. The regulations at 50 CFR 402.05 allow for informal consultation where emergency circumstances mandate the need to consult in an expedited manner. Formal consultation must be initiated as soon as possible after the emergency is under control. In addition, we have conducted programmatic consultations with FEMA and other Federal agencies for future anticipated emergency actions. These consultations can be conducted prior to the emergency and address anticipated response activities.

(13) *Comment:* Several commenters requested that we extend the comment period on the proposed determination and economic analysis to allow for additional outreach to affected property owners and to obtain their comments.

Our Response: Following the publication of the proposed critical habitat determination on March 8, 2000, we opened a 60-day public comment period, which closed on May 8, 2000. We conducted outreach notifying affected elected officials, local jurisdictions, and interest groups. We conducted much of this outreach through legal notices in regional newspapers; letters and news releases faxed and/or mailed to elected officials, local jurisdictions, and interest groups; and publication of the proposed determination and associated material on our Regional world wide web page. We published a notice in the **Federal Register** on August 21, 2000, announcing the availability of the draft economic analysis and opening a public comment period from August 21, 2000, to September 5, 2000, to allow for comments on the draft economic analysis and additional comments on the proposed determination. We provided notification of the draft economic analysis through letters and news releases faxed and/or mailed to affected elected officials, local jurisdictions, and interest groups. We also published the draft economic analysis and associated material on our Regional world wide web page following the draft's release on August 21, 2000. Because of the court-ordered timeframe, we were not able to extend or open an additional public comment period.

(14) *Comment:* Critical habitat should not have been proposed before an economic and other impacts analysis was completed, and the opportunity to comment on the economic analysis and the proposed rule was limited.

Our Response: We published the proposed determination in the **Federal Register** (65 FR 5946), and invited public comment. We used comments received on the proposed critical habitat to develop the draft economic analysis. We reopened the comment period from August 21, 2000, to September 5, 2000, to allow for comments on the draft economic analysis and proposed rule. We believe this was sufficient given the short timeframe ordered by the court.

(15) *Comment:* Several commenters recommended adding specific lands to critical habitat. These additions included Carmel Mountain, all pools identified in the Vernal Pool Recovery Plan, and all vernal pools currently known.

Our Response: We did not include all known vernal pools in proposed critical habitat. All of the designated critical habitat areas are considered essential to the conservation of the San Diego fairy shrimp as described in the Recovery Plan for Vernal Pools of Southern California. Other vernal pools, including those on Carmel Mountain, were not designated as critical habitat, because they are included in the MSCP plans. The vernal pools on Carmel Mountain are within the San Diego MSCP and were excluded pursuant to section 4(b)(2).

(16) *Comment:* A number of commenters identified specific areas that they thought should not be designated as critical habitat.

Our Response: Where site-specific documentation was submitted to us providing a rationale as to why an area should not be designated critical habitat, we evaluated that information in accordance with the definition of critical habitat pursuant to section 3 of the Act. We made a determination as to whether modifications to the proposal were appropriate. We reviewed the maps to ensure that only those lands essential for the conservation of the San Diego fairy shrimp were designated as critical habitat. We excluded lands from the final designation that we determined to be non-essential to the conservation of the San Diego fairy shrimp. We also excluded lands that were located within an approved HCP for the San Diego fairy shrimp upon determining that the benefits of excluding those areas outweighed the benefits of including them. We included lands in the final designation that we still considered essential, using the revised mapping scale and did not have special management sufficient for the conservation of the San Diego fairy shrimp. Certain lands that were included in the proposed rule were not designated as critical habitat. For example, based on information provided during the comment periods, we excluded Otay Land Company property since no vernal pools were present.

(17) *Comment:* Several commenters recommended that we postpone issuing a final determination until a more specific and defensible critical habitat proposal can be written and an accurate and quantitative economic analysis be conducted.

Our Response: We are required to use the best available information in designating critical habitat. We are under a court order to complete the designation of San Diego fairy shrimp critical habitat by October 15, 2000. We did solicit new biological data and public participation during the comment periods on the proposed rule and draft economic analysis. These comments have been taken into account in the development of this final determination. Further, we will continue to monitor and collect new information and may revise the critical habitat designation in the future if new information supports a change, given our available funding and priorities.

Issue 3: Economic Issues

(18) *Comment:* Some commenters stated that we should have estimated the cumulative economic effect of the critical habitat designation for the San Diego fairy shrimp along with the effect of future pending and proposed critical habitat for other species in southern California.

Our Response: We are not required to estimate the cumulative effects of critical habitat designations as part of our rulemaking procedures. We are required to only consider the effect of the proposed government action, which in this case is the designation of critical habitat for the San Diego fairy shrimp. Again, the appropriate baseline to use in an analysis of a Federal action, which in this case is the designation of critical habitat for the San Diego fairy shrimp, is the way the world would look absent the proposed regulation. Against this baseline, we attempt to identify and measure the incremental costs and benefits associated with the government action. Because the San Diego fairy shrimp is already a federally protected species, any effects the listing has on the regulated community is considered part of the baseline scenario. Future pending and proposed critical habitat designations for other species in southern California will be part of separate rulemakings and consequently, their economic effects will be considered separately.

(19) *Comment:* Some commenters were concerned that, while we discussed impacts that are more appropriately attributable to the listing of the San Diego fairy shrimp than to the proposed designation of critical habitat, we did not provide quantified estimates of economic impacts associated with the listing.

Our Response: We do not agree that the economic impacts of the listing should be considered in the economic analysis for the designation of critical habitat. Section 4(b) of the Act is clear that the listing decision be based solely on the best available scientific and commercial data available. Congress also made it clear in the Conference Report accompanying the 1982 amendments to the Act that ''economic considerations have no relevance to determinations regarding the status of species * * *'' If we were to consider the economic impacts of listing in the critical habitat designation analysis it would lead to confusion, because the designation analysis is meant to determine whether areas should be excluded from the designation of critical habitat based solely upon the costs and benefits of the designation, and not upon the costs and benefits of listing a species. Additionally, because the Act specifically precludes us from considering the economic impacts of the listing, it would be improper to consider those impacts in the context of an economic analysis of the critical habitat designation. Our economic analyses address how our actions may affect current or planned activities and practices; they do not address impacts associated with previous Federal actions, which in this case includes the listing of the San Diego fairy shrimp as an endangered species.

(20) *Comment:* One commenter was concerned that the economic analysis failed to address the economic impacts of baseline conditions and we were at fault for defining the baseline as ''without critical habitat.''

Our Response: The statutory language in the Act prohibits us from considering economic impacts when determining whether or not a species should be added to the list of federally protected species. As a result, we have not estimated these impacts in the past, nor were we able to do so for the draft economic analysis on proposed critical habitat for the San Diego fairy shrimp. Typically, our economic analyses are principally concerned with how our proposed actions may affect current activities and practices and do not focus on impacts associated with previous Federal actions, which in this case includes the listing of the San Diego fairy shrimp as an endangered species in 1997. By defining our baseline as ''without critical habitat designation'' our analyses are consistent with the standards published by the Office of Management and Budget for preparing economic analyses under Executive Order 12866.

(21) *Comment:* Many commenters expressed concern that the draft economic analysis failed to quantify the effects of proposed critical habitat designation, or that we could not adequately assess the impacts of critical habitat, as we did not include detailed information on land uses or potential effects of their designation.

Our Response: We were able to identify only the types of impacts likely to occur as a result of proposed critical habitat designation. These impacts include new consultations, reinitiation of consultations, and perhaps some prolongment of ongoing consultations to address critical habitat concerns, as required under section 7 of the Act. In some of these cases, it is possible that we might recommend reasonable and prudent alternatives to the proposed activity that triggered the consultation, which would also be an impact. Also, the length of time required to carry out consultations may result in opportunity costs associated with project delays. Due to the short time required by the court to complete this action, we were unable to quantify these impacts. We intend to quantify impacts for future designations.

In the case of critical habitat for the San Diego fairy shrimp, however, we have only designated habitat within the geographical area that is occupied by the San Diego fairy shrimp (except for 18 ha (55 ac) of unknown occupancy). As a result, these impacts are not likely to be significant because Federal agencies are already required to consult with us on activities taking place on these lands that have the potential to adversely affect the San Diego fairy shrimp. While the Act requires agencies to consult with us on activities that may adversely affect the San Diego fairy shrimp and critical habitat, we do not believe that within proposed critical habitat for the San Diego fairy shrimp there are likely to be any actions of concern that adversely modify critical habitat without simultaneously causing concern about the potential for the action to jeopardize the San Diego fairy shrimp, which would trigger a consultation regardless of critical habitat designation.

We also recognize that in some instances, the designation of critical habitat could result in a distorted real estate market because participants may believe that land within critical habitat designation is subject to additional constraints. In truth, this is not the case because critical habitat designation for the San Diego fairy shrimp is not adding any extra protection, nor impacting landowners beyond that associated with the listing of the species as threatened under the Act. As a result, we believe that any resulting distortion will be temporary and have a relatively insignificant effect on the real estate market as it should become readily apparent to market participants that critical habitat for the San Diego fairy shrimp is not imposing any additional constraints on landowner activities beyond those currently associated with the listing.

(22) *Comments:* The draft economic analysis failed to consider the effect critical habitat designation would have on the demand for new housing, and that the economic analysis ignores the impact of the designation on California's critical housing shortage.

Our Response: We do not believe that the designation of critical habitat to the San Diego fairy shrimp will have any further additional impacts on land development. This belief stems from the

fact that vernal pools, which constitute the critical habitat we have proposed to designate, are already classified as wetlands. As a result, developers must first obtain a section 404 wetland development permit from the Corps before proceeding with any development activity. Because the San Diego fairy shrimp is already a federally protected species, the Corps is currently required to consult on their activities that may affect the San Diego fairy shrimp. Consequently, critical habitat designation for the San Diego fairy shrimp will have no significant effect on land development activities.

(23) *Comment:* The assumption applied in the economic analysis that the designation of critical habitat will cause no impacts above and beyond those caused by listing of the species is faulty, legally indefensible, and contrary to the Act. ''Adverse modification'' and ''jeopardy'' are different, will result in different impacts, and should be analyzed as such in the economic analysis.

Our Response: We disagree with the commenter's assertion that ''jeopardy'' and ''adverse modification'' represent different standards. Section 7 prohibits actions funded, authorized, or carried out by Federal agencies from jeopardizing the continued existence of a listed species or destroying or adversely modifying the listed species' critical habitat. Actions likely to ''jeopardize the continued existence'' of a species are those that would appreciably reduce the likelihood of both the survival and recovery of a listed species. Actions likely to result in the destruction or adverse modification of critical habitat are those that would appreciably reduce the value of critical habitat for both the survival and recovery of a listed species. Common to both definitions is an appreciable detrimental effect on both survival and recovery of a listed species. Given the similarity of these definitions, actions likely to result in the destruction or adverse modification of critical habitat would almost always result in jeopardy to the species concerned, particularly where, as here, only habitat within the geographic area occupied by the San Diego fairy shrimp is designated as critical habitat.

(24) *Comment:* Several commenters questioned our ability to accurately estimate the economic effects of critical habitat designation because of the imprecise method used by the Service to designate critical habitat.

Our Response: We believe that the method used to identify proposed critical habitat for the San Diego fairy shrimp was sufficiently accurate for us to identify land ownership and use activities that potentially could be affected by the designation. Because we have limited the designation to vernal pools, which are already subject to section 7 consultations due to the presence of a federally protected species, and because any land development activities already require an authorizing permit from the Corps, we believe we have accurately identified and summarized potential economic effects from the designation.

(25) *Comment:* One commenter stated that the designation of critical habitat on Camp Pendelton and MAS Miramar would significantly restrict and unduly compromise unit commanders' ability and flexibility to simulate real world combat scenarios and contingencies, which the economic analysis failed to measure.

Our Response: The economic analysis addressed proposed critical habitat designation on these two military installations. The analysis concluded, however, that these installations would face little additional impact beyond that currently experienced due to the listing of the San Diego fairy shrimp. The Service, however, is aware of the strategic importance of these military installations. No critical habitat was designated at Miramar because their approved INRMP provided sufficient management for the San Diego fairy shrimp and thus these vernal pool areas do not meet the definition of critical habitat. Critical habitat that was proposed on Camp Pendleton was excluded through section 4(b)(2) of the Act, since the benefits of excluding outweigh the benefits of including those vernal pool areas within the designation.

Issue 4: Other Relevant Issues

(26) *Comment:* The Marine Corps commented that the Service did not evaluate the impact of the critical habitat designation on training maneuvers at Marine Corps Base Camp Pendleton and the subsequent impact on the combat readiness of the Marine Corps.

Our Response: Training maneuvers at Camp Pendleton are already subject to section 7 of the Act. However, we evaluated the impact of the designation of critical habitat at Camp Pendleton and determined that it would have caused significant curtailment of necessary training within the area designated, to the detriment of mission-critical training capability. Thus, in this final rule, we are designating only the area on Camp Pendleton that includes lands leased by the California State Department of Parks and Recreation and private interests from Camp Pendleton.

(27) *Comment:* Vernal pools and fairy shrimp habitat are best preserved by government ownership and management of the land rather than private ownership. Small vernal pools on isolated parcels of land in danger from development should be relocated to government-owned land.

Our Response: We agree that land acquisition can be an important tool in the conservation of vernal pools, and will continue to pursue this strategy to conserve vernal pools where appropriate.

Summary of Changes From the Proposed Rule

Based on a review of public comments received on the proposed determination of critical habitat and economic analysis for the San Diego fairy shrimp, we reevaluated our proposed designation of critical habitat for this species. These changes include the following: (1) Reduction in the minimum mapping unit for defining critical habitat boundaries; (2) removal of Marine Corps Air Station, Miramar from the designation due to an existing, finalized resource management plan; and (3) removal of Marine Corps Base Camp Pendleton from the designation (except for lands leased by the California State Department of Parks and Recreation and private interests from Camp Pendleton) under section 4(b)(2) of the Act.

Based on public comment and the availability of more current and precise GIS (spot imagery) data, we refined the minimum mapping unit for the designation from a 1 km (0.6 mi) UTM grid to a 250 m (820 ft) UTM grid. We then superimposed the proposed critical habitat boundaries on the newer imagery data and removed lands that were not essential to the conservation of the San Diego fairy shrimp. The refined mapping scale reduced the total amount of land by approximately 6,575 ha (16,247 ac) as designated as critical habitat.

During the comment period for the proposed determination of critical habitat for the San Diego fairy shrimp, we received and subsequently evaluated a final Integrated Natural Resource Management Plan for Marine Corps Air Base, Miramar. This plan addresses the San Diego fairy shrimp as a covered species and provides conservation management and protections for the species. We evaluated this plan and determined that the conservation management measures and protections afforded the San Diego fairy shrimp are sufficient to ensure its conservation on

the Base (see discussion under Evaluation of Areas for Special Management section of this rule). Therefore, we have excluded Marine Corps Air Base, Miramar from the final determination of critical habitat for San Diego fairy shrimp.

We also determined that it is appropriate to exclude Camp Pendleton from this critical habitat designation. Under section 4(b)(2) of the Act, we weighed the benefits of excluding Camp Pendleton land against the benefits of designating these areas and concluded that the benefits excluding outweigh the benefits of including. The main benefit of this exclusion is ensuring that the mission-critical military training activities can continue without interruption at Camp Pendleton while formal consultation on upland activities at the base is being completed.

Economic Analysis

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial data available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. We cannot exclude such areas from critical habitat when such exclusion will result in the extinction of the species.

Economic effects caused by listing the San Diego fairy shrimp as an endangered species, and by other statutes, are the baseline upon which the effects of critical habitat designation are evaluated. The economic analysis must then examine the incremental economic effects of the critical habitat including both the cost and benefits. Economic effects are measured as changes in national income, regional jobs, and household income. An analysis of the economic effects of San Diego fairy shrimp critical habitat designation was prepared (Industrial Economics, Incorporated, 2000) and made available for public review (August 21–September 5, 2000; 65 FR 50672). The final analysis, which reviewed and incorporated public comments, concluded that no significant economic impacts are expected from critical habitat designation above and beyond those already imposed by listing the San Diego fairy shrimp. The most likely economic effects of critical habitat designation are on activities funded, authorized, or carried out by a Federal agency. The analysis examined the effects of the proposed designation on: (1) Reinitiation of section 7 consultations, (2) length of time in which section 7 consultations are completed, and (3) new consultation resulting from the determination. Because areas proposed for critical habitat are within the geographic range occupied by the San Diego fairy shrimp, activities that may affect critical habitat may also affect the species, and would thus be subject to consultation whether or not critical habitat is designated. We believe that any project that would adversely modify or destroy critical habitat would also jeopardize the continued existence of the species and that reasonable and prudent alternatives to avoid jeopardizing the species would also avoid adverse modification of critical habitat. Thus, no regulatory burden or significant additional costs would accrue because of critical habitat above and beyond that resulting from listing. Our economic analysis recognizes that there may be costs from delays associated with reinitiating completed consultations after the critical habitat designation is made final. There may also be economic effects due to the reaction of the real estate market to critical habitat designation, as real estate values may be lowered due to perceived increase in the regulatory burden. We believe this impact will be short-term, however.

A copy of the final economic analysis and description of the exclusion process with supporting documents are included in our administrative record and may be obtained by contacting our office (see **ADDRESSES** section).

Public Hearings

No public hearing was held for the proposed rule.

Required Determinations

Regulatory Planning and Review

This document has been reviewed by the Office of Management and Budget (OMB), in accordance with Executive Order 12866. OMB makes the final determination under Executive Order 12866.

(a) This rule will not have an annual economic effect of $100 million or more or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit analysis is not required. The San Diego fairy shrimp was listed as an endangered species in 1997. In fiscal years 1997 through 1999, we conducted 27 formal section 7 consultations with other Federal agencies to ensure that their actions would not jeopardize the continued existence of the fairy shrimp.

The areas designated as critical habitat are currently within the geographic range occupied by the San Diego fairy shrimp. Under the Act, critical habitat may not be destroyed or adversely modified by a Federal agency action; the Act does not impose any restrictions on non-Federal entities unless they are conducting activities funded or otherwise sponsored or permitted by a Federal agency (see Table 2 below). Section 7 requires Federal agencies to ensure that they do not jeopardize the continued existence of the species. Based upon our experience with the species and its needs, we conclude that any Federal action or authorized action that could potentially cause an adverse modification of the proposed critical habitat would currently be considered as ''jeopardy'' under the Act. Accordingly, the designation of occupied areas as critical habitat does not have any incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding. Non-Federal persons that do not have a Federal ''sponsorship'' of their actions are not restricted by the designation of critical habitat (however, they continue to be bound by the provisions of the Act concerning ''take'' of the species). Additionally, designation of critical habitat in these areas will also not likely result in an increased regulatory burden since the Corps requires review of projects requiring permits in all vernal pools.

(b) This rule will not create inconsistencies with other agencies' actions. As discussed above, Federal agencies have been required to ensure that their actions do not jeopardize the continued existence of the San Diego fairy shrimp since the listing in 1997. The prohibition against adverse modification of critical habitat is not expected to impose any additional restrictions to those that currently exist in occupied areas of designated critical habitat. Because of the potential for impacts on other Federal agency activities, we will continue to review this action for any inconsistencies with other Federal agency actions.

(c) This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies are currently required to ensure that their activities do not jeopardize the continued existence of the species, and, as discussed above, we do not anticipate that the adverse modification prohibition (resulting from critical habitat designation) will have any

incremental effects in areas of occupied habitat. Additionally, designation of critical habitat in these areas will not likely result in an increased regulatory burden since the Corps requires review of projects requiring permits in all vernal pools.

(d) This rule will not raise novel legal or policy issues. The rule follows the requirements for determining critical habitat contained in the Endangered Species Act.

TABLE 2.—IMPACTS OF SAN DIEGO FAIRY SHRIMP CRITICAL HABITAT DESIGNATION.

Categories of activities	Activities potentially affected by species listing only [1]	Additional activities potentially affected by critical habitat designation [2]
Federal Activities Potentially Affected.[3]	Activities such as those affecting waters of the United States by the Army Corps of Engineers under section 404 of the Clean Water Act; road construction and maintenance, right-of-way designation, and regulation of agricultural activities; regulation of airport improvement activities under Federal Aviation Administration jurisdiction; military training and maneuvers on Marine Corps Base Camp Pendleton and Marine Corps Air Station, Miramar and other applicable DOD lands; construction of roads and fences along the international border with Mexico and associated immigration enforcement activities by the Immigration and Naturalization Service; construction of communication sites licensed by the Federal Communications Commission; and activities funded by any Federal agency.	None.
Private or other non-Federal Activities Potentially Affected.[4]	Activities such as removing or destroying San Diego fairy shrimp habitat (as defined in the primary constituent elements discussion), whether by mechanical, chemical, or other means, (*e.g.* grading, overgrazing, construction, road building, herbicide application, etc.), and appreciably decreasing habitat value or quality through indirect effects (*e.g.,* edge effects, invasion of exotic plants or animals, or fragmentation) that require a Federal action (permit, authorization, or funding)).	None.

[1] This column represents the activities potentially affected by listing the San Diego fairy shrimp as an endangered species (February 3, 1997; 62 FR 4925) under the Endangered Species Act.
[2] This column represents activities potentially affected by the critical habitat designation in addition to those activities potentially affected by listing the species.
[3] Activities initiated by a Federal agency.
[4] Activities initiated by a private or other non-Federal entity that may need Federal authorization or funding.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

In the economic analysis, we determined that designation of critical habitat will not have a significant effect on a substantial number of small entities. As discussed under Regulatory Planning and Review above and in this final determination, this designation of critical habitat for the San Diego fairy shrimp is not expected to result in any restrictions in addition to those currently in existence for areas of occupied critical habitat. As indicated on Table 1 (see Critical Habitat Designation section), we designated property owned by Federal, State, and local governments, and private property.

Within these areas, the types of Federal actions or authorized activities that we have identified as potential concerns are:

(1) Regulation of activities affecting waters of the United States by the Corps under section 404 of the Clean Water Act;

(2) Regulation of water flows, damming, diversion, and channelization by Federal agencies;

(3) Regulation of grazing, mining, and recreation by the Bureau of Land Management or U.S. Forest Service;

(4) Road construction and maintenance, right-of-way designation, and regulation of agricultural activities;

(5) Regulation of airport improvement activities by the Federal Aviation Administration;

(6) Military training and maneuvers on Camp Pendleton and other applicable DOD lands;

(7) Construction of roads and fences along the international border with Mexico, and associated immigration enforcement activities by the INS;

(8) Hazard mitigation and post-disaster repairs funded by the Federal Emergency Management Agency;

(9) Construction of communication sites licensed by the Federal Communications Commission; and

(10) Activities funded by the U.S. Environmental Protection Agency, U.S. Department of Energy, or any other Federal agency.

Many of these activities sponsored by Federal agencies within the designated critical habitat areas are carried out by small entities (as defined by the Regulatory Flexibility Act) through contract, grant, permit, or other Federal authorization. As discussed above, these actions are currently required to comply with the listing protections of the Act, and the designation of critical habitat is not anticipated to have any additional effects on these activities in areas of critical habitat occupied or potentially unoccupied by the species.

For actions on non-Federal property that do not have a Federal connection (such as funding or authorization), the current restrictions concerning take of the species remain in effect, and this rule will have no additional restrictions.

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

In the economic analysis, we determined whether designation of critical habitat would cause (a) any effect on the economy of $100 million or more, (b) any increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (c) any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. Refer to the final economic analysis for a discussion of the effects of this determination.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(a) This rule will not ''significantly or uniquely'' affect small governments. A

Small Government Agency Plan is not required. Small governments will be affected only to the extent that any programs using Federal funds, permits, or other authorized activities must ensure that their actions will not adversely affect the critical habitat. However, as discussed above, these actions are currently subject to equivalent restrictions through the listing protections of the species, and no further restrictions are anticipated.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year, that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications. A takings implication assessment is not required. As discussed above, the designation of critical habitat affects only Federal agency actions. The rule will not increase or decrease the current restrictions on private property concerning take of the San Diego fairy shrimp. Due to current public knowledge of the species protection, the prohibition against take of the species both within and outside of the designated areas, and the fact that critical habitat provides no incremental restrictions, we do not anticipate that property values will be affected by the critical habitat designation. While real estate market values may temporarily decline following designation, due to the perception that critical habitat designation may impose additional regulatory burdens on land use, we expect any such impacts to be short-term. Additionally, critical habitat designation does not preclude development of HCPs and issuance of incidental take permits. Landowners in areas that are included in the designated critical habitat will continue to have opportunity to utilize their property in ways consistent with the survival of the San Diego fairy shrimp.

Federalism

In accordance with Executive Order 13132, the rule does not have significant Federalism effects. A Federalism assessment is not required. The designation of critical habitat within the geographic range occupied by the San Diego fairy shrimp imposes no additional restrictions to those currently in place and, therefore, has little incremental impact on State and local governments and their activities. The designation may have some benefit to these governments in that the areas essential to the conservation of the species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While making this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long-range planning (rather than waiting for case-by-case section 7 consultations to occur).

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. We designate critical habitat in accordance with the provisions of the Act. The determination uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the San Diego fairy shrimp.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule references permits for HCPs which contain information collection activity. The Fish and Wildlife Service has OMB approval for the collection under OMB Control Number 1018–0094. The Service 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.

National Environmental Policy Act

We determined that we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 Act in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This final determination does not constitute a major Federal action significantly affecting the quality of the human environment.

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 readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no Tribal lands essential for the conservation of the San Diego fairy shrimp because they do not support populations or suitable habitat. Therefore, critical habitat for the San Diego fairy shrimp has not been designated on Tribal lands.

References Cited

A complete list of all references cited in this final rule is available upon request from the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

Author

The primary authors of this notice are the Carlsbad Fish and Wildlife Office staff (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h), revise the entry for ''Fairy shrimp, San Diego'' under ''CRUSTACEANS'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
CRUSTACEANS							
*	*	*	*	*	*		*
Fairy shrimp, San Diego.	*Branchinecta sandiegonensis.*	U.S.A. (CA)	NA	E	608	17.95(h)	NA
*	*	*	*	*	*		*

3. In § 17.95 add critical habitat for the San Diego fairy shrimp *(Branchinecta sandiegonensis)* under paragraph (h) in the same alphabetical order as this species occurs in § 17.11(h), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(h) *Crustaceans.*

* * * * *

San Diego Fairy Shrimp *(Branchinecta sandiegonensis)*

1. Critical habitat units are depicted for Orange and San Diego counties, California, on the maps below.

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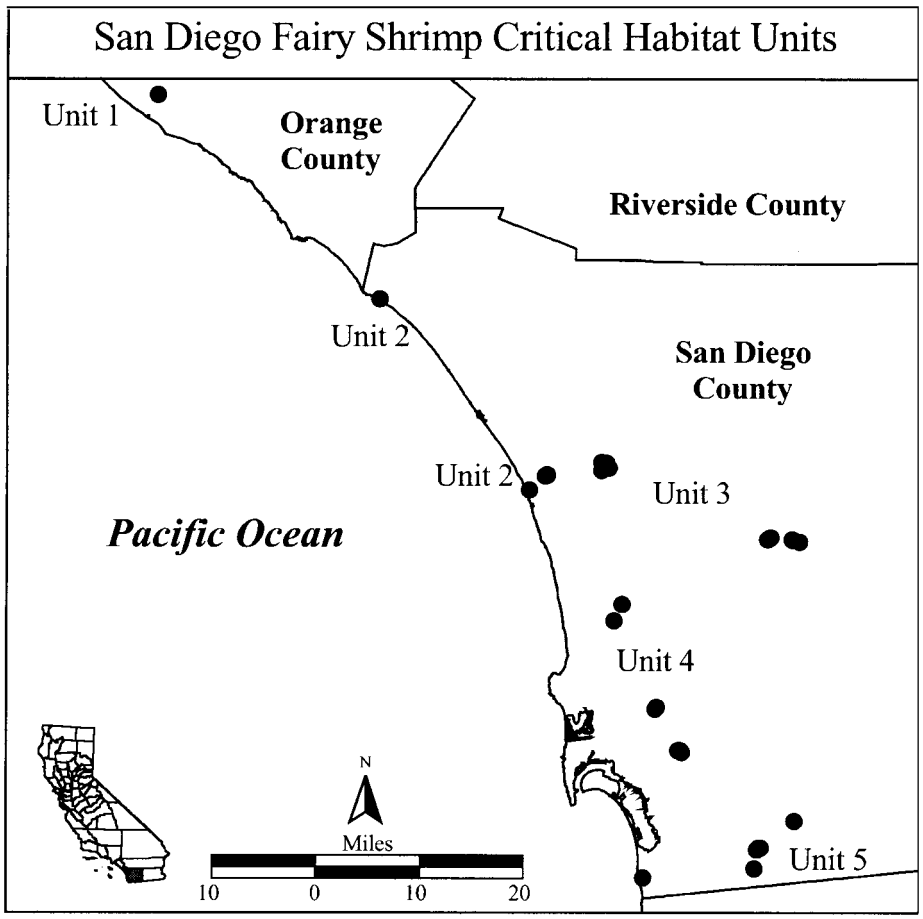
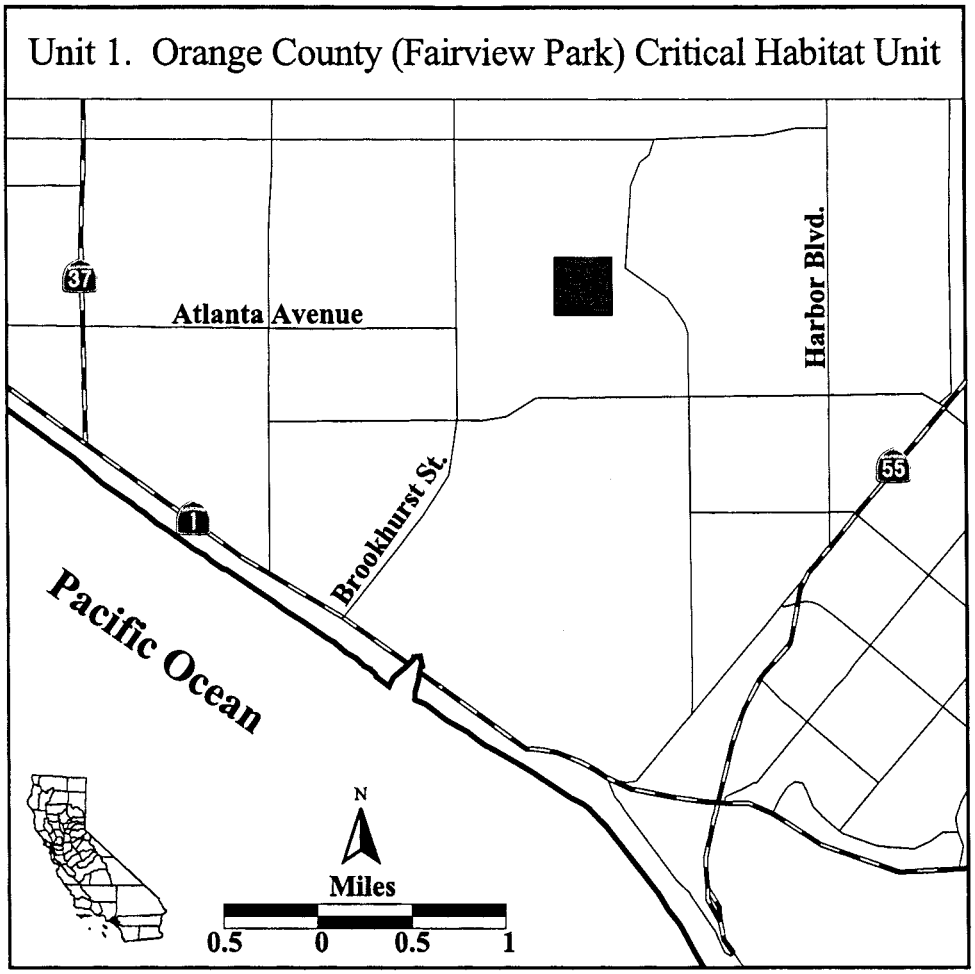


2. Critical habitat includes vernal pool basins and vernal pool complexes indicated on the maps below and their associated watersheds and hydrologic regime.

3. Within these areas, the primary constituent elements include, but are not limited to, those habitat components that are essential for the primary biological needs of foraging, sheltering, reproduction, and dispersal. The primary constituent elements are found in those areas that support vernal pools or other ephemeral depressional wetlands. Within these seasonal wetlands, specific associations that are essential to the primary biological needs of the San Diego fairy shrimp include, but are not limited to: small to large vernal pools with shallow to moderate depths that hold water for sufficient lengths of time necessary for San Diego fairy shrimp incubation and reproduction, but not necessarily every year; entire watershed(s) and hydrology for vernal pool basins and their associated vernal pool complexes, ephemeral depressional wetlands, flat or gently sloping topography, and any soil type with a clay component and/or an impermeable surface or subsurface layer known to support vernal pool habitat.

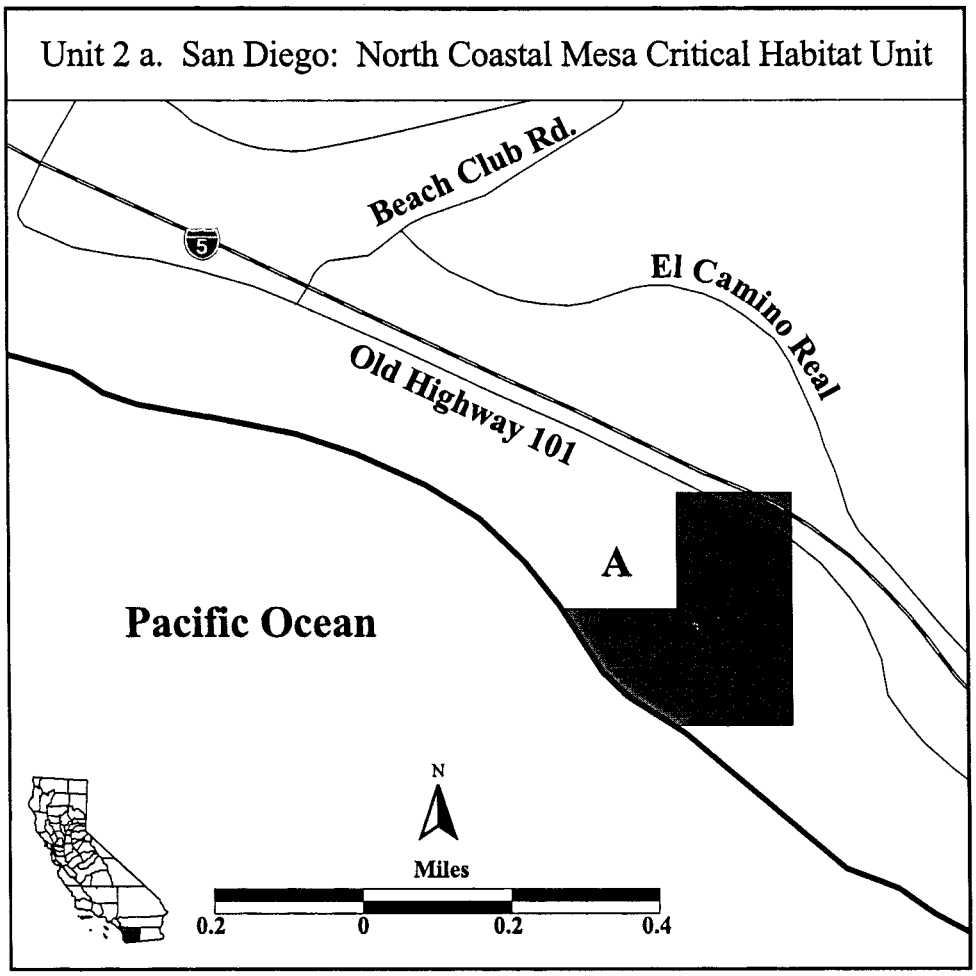
4. Existing features and structures, such as buildings, roads, railroads, urban development, and other features not containing primary constituent elements, are not considered critical habitat. In addition,

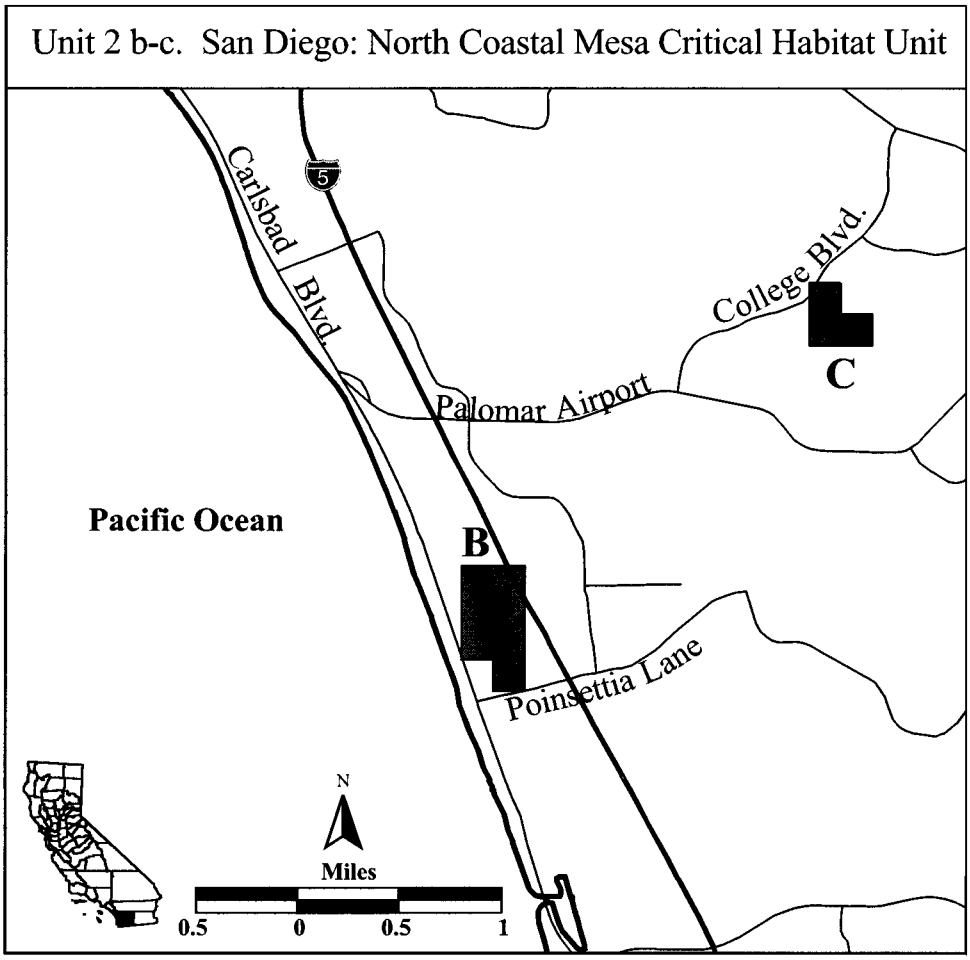
critical habitat does not include non-Federal lands covered by a legally operative incidental take permit for the San Diego fairy shrimp issued under section 10(a)(1)(B) of the Act on or before October 23, 2000.



Map Unit 1: Orange County (Fairview Park) Critical Habitat Unit, Orange County, California

From USGS 1:24,000 quadrangle map Newport Beach (1981), California, the lands bounded by the following UTM, North American Datum 1927 (NAD 27) coordinates (E,N): 412500,3725000; 413000,3725000; 413000,3724500; 412500,3724500; 412500,3725000.


Unit 2 a. San Diego: North Coastal Mesa Critical Habitat Unit
Beach Club Rd.
5
El Camino Real
Old Highway 101
A
Pacific Ocean
N
Miles
0.2
0
0.2
0.4

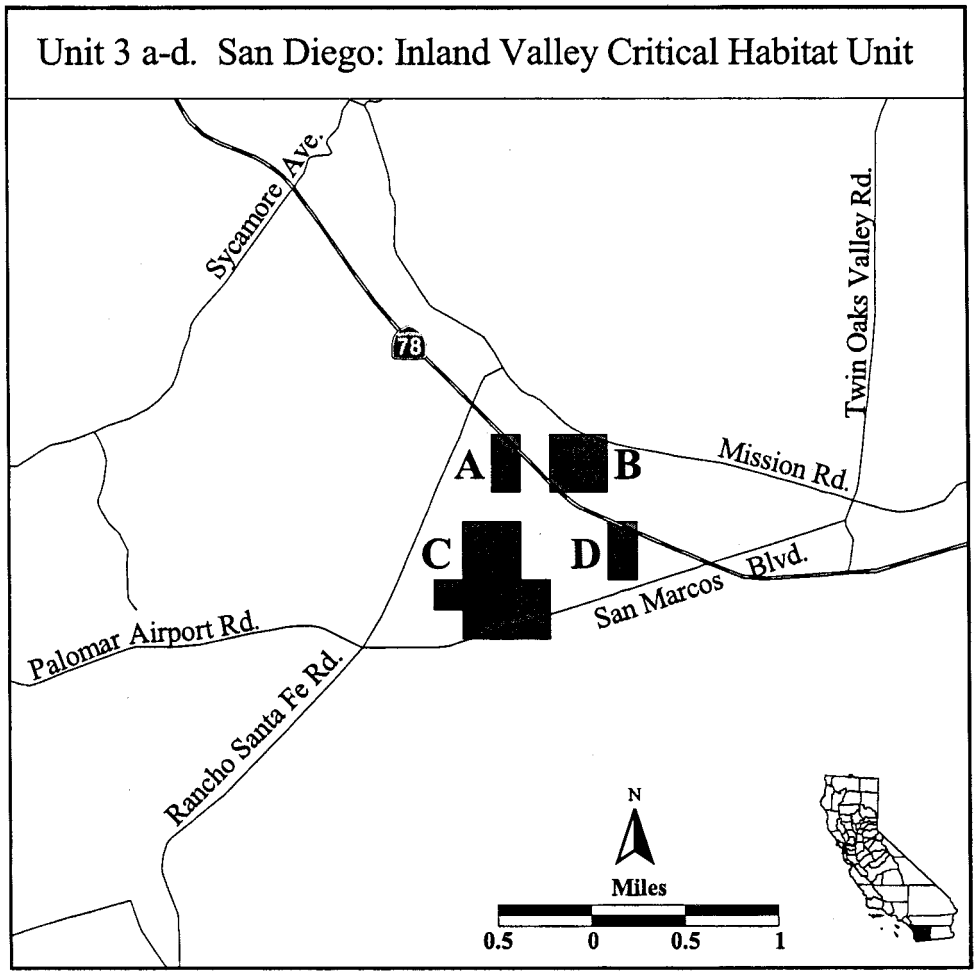


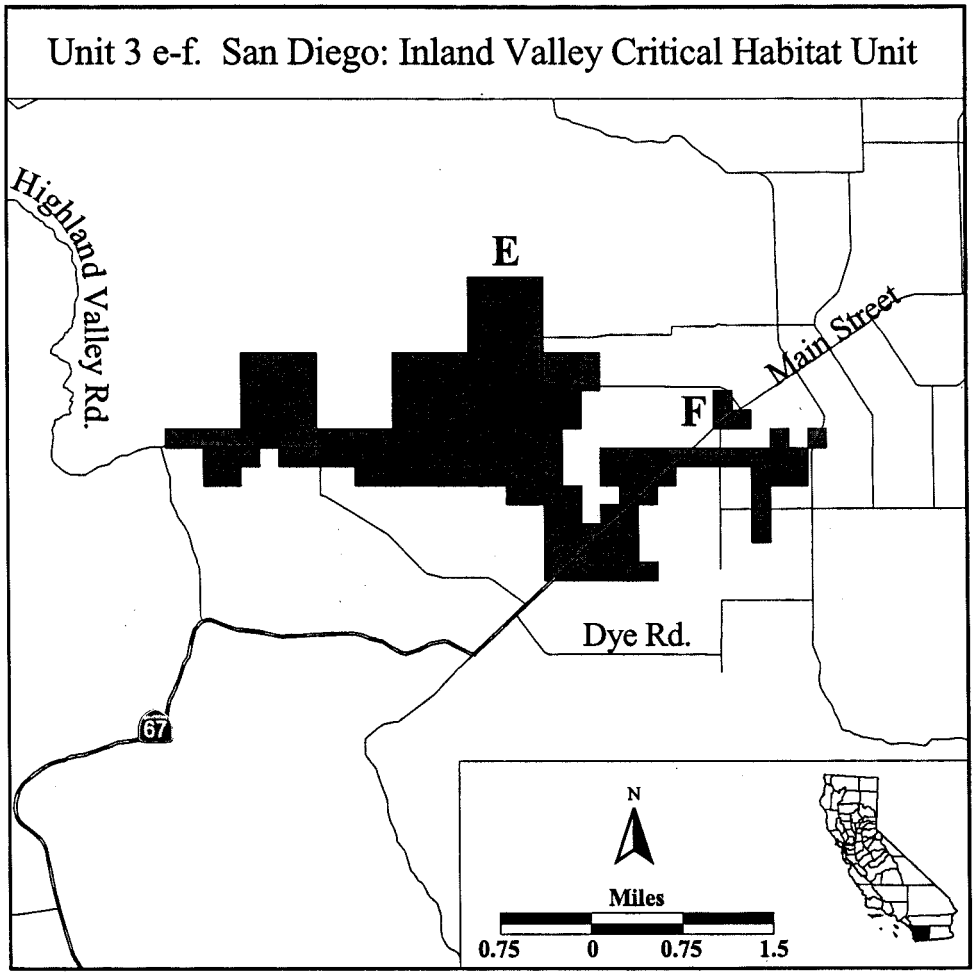
Map Unit 2: San Diego: North Coastal Mesa Critical Habitat Unit, San Diego, County, California

Unit 2a: From USGS 1:24000 quadrangle maps San Clemente (1968) and San Onofre Bluff (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 447250,3693250; 447500,3693250; 447500,3692750; 447000,3692750; 447000,3693000; 447250,3693000; 447250,3693250, excluding the Pacific Ocean.

Unit 2b: From USGS 1:24000 quadrangle map San Luis Rey (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 473000,3665750; 473250,3665750; 473250,3665500; 473500,3665500; 473500,3665250; 473000,3665250; 473000,3665750.

Unit 2c: From USGS 1:24000 quadrangle maps Encinitas (1968), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 470250,3663500; 470750,3663500; 470750,3662500; 470500,3662500; 470500,3662750; 470250,3662750; 470250,3663500.


Unit 3 a-d. San Diego: Inland Valley Critical Habitat Unit
Sycamore Ave.
78
Twin Oaks Valley Rd.
A
B
Mission Rd.
C
D
San Marcos Blvd.
Palomar Airport Rd.
Rancho Santa Fe Rd.
N
Miles
0.5
0
0.5
1



Map Unit 3: San Diego: Inland Valley Critical Habitat Unit, San Diego, County, California

Unit 3a: From USGS 1:24000 quadrangle map San Marcos (1983), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 481750,3667500; 482000,3667500; 482000,3667000; 481750,3667000; 481750,3667500.

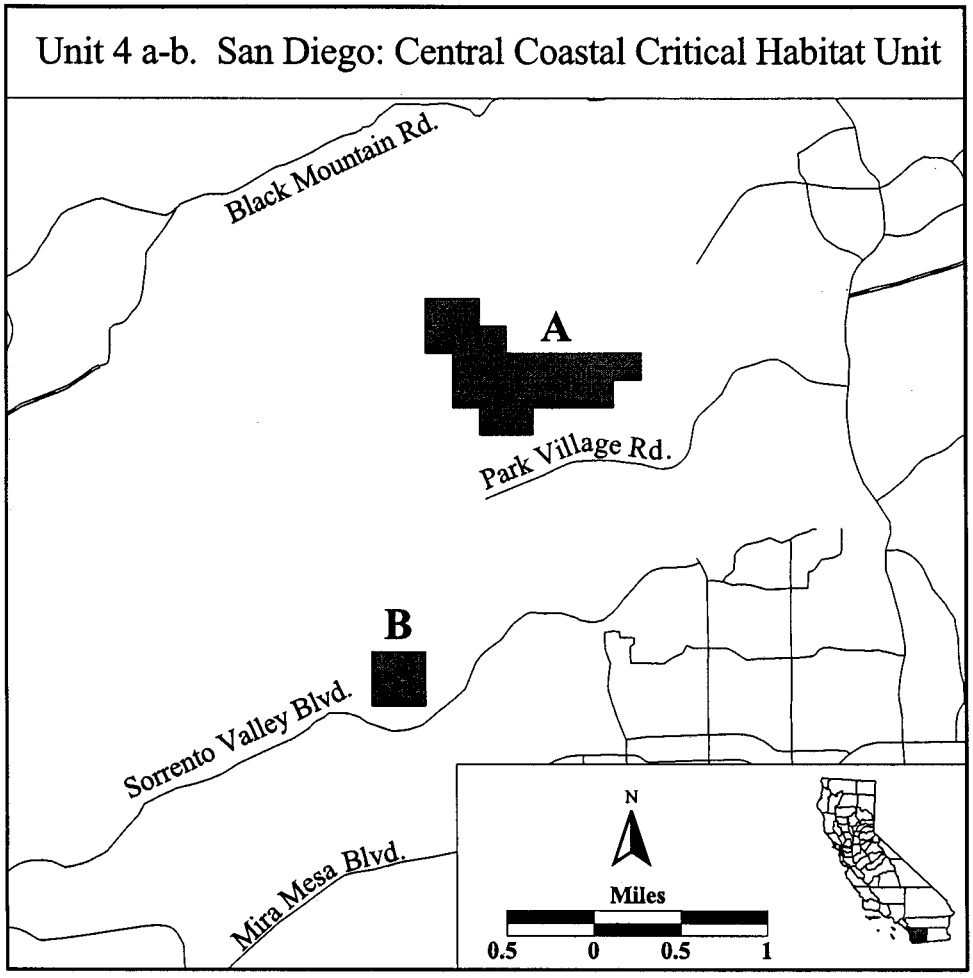
Unit 3b: From USGS 1:24000 quadrangle map San Marcos (1983), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 482250,3667500; 482750,3667500; 482750,3667000; 482250,3667000; 482250,3667500.

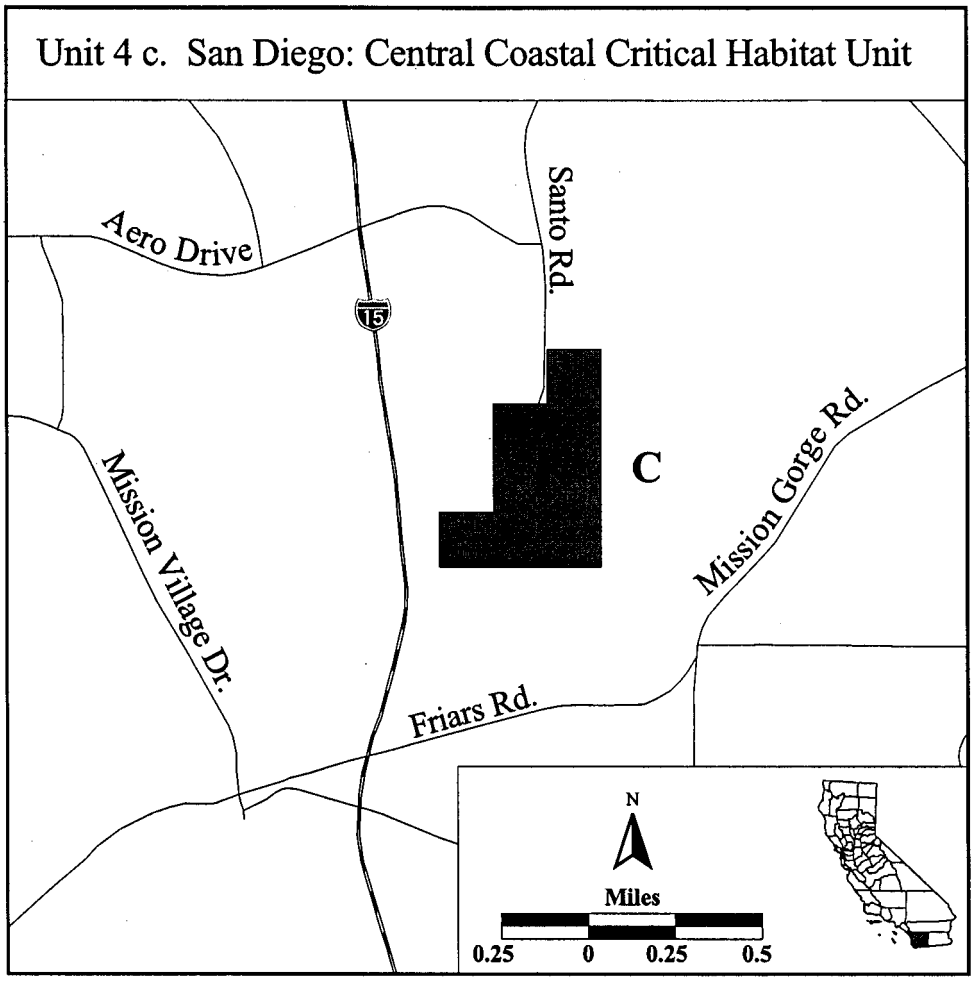
Unit 3c: From USGS 1:24000 quadrangle map San Marcos (1983), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 481500,3666750; 482000,3666750; 482000,3666250; 482250,3666250; 482250,3665750; 481500,3665750; 481500,3666000; 481250,3666000; 481250,3666250; 481500,3666250; 481500,3666750.

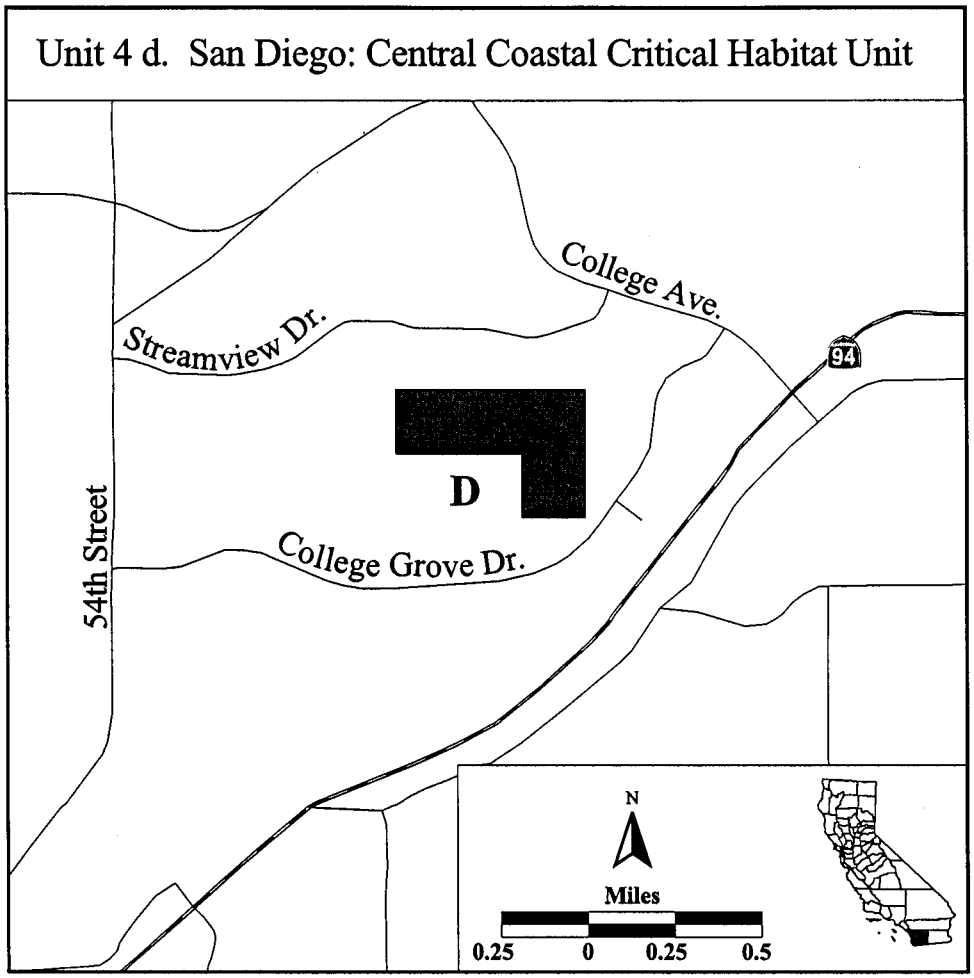
Unit 3d: From USGS 1:24000 quadrangle map San Marcos (1983), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 482750,3666750; 483000,3666750; 483000,3666250; 482750,3666250; 482750,3666750.

Unit 3e: From USGS 1:24000 quadrangle maps San Pasqual (1971) and Ramona (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 508000,3657000; 509000,3657000; 509000,3656000; 509750,3656000; 509750,3655500; 509500,3655500; 509500,3655000; 509250,3655000; 509250,3654250; 509500,3654250; 509500,3653750; 509750,3653750; 509750,3654000; 510000,3654000; 510000,3654250; 509750,3654250; 509750,3654750; 512000,3654750; 512000,3655000; 512250,3655000; 512250,3654750; 512500,3655000; 512750,3655000; 512750,3654750; 512500,3654750; 512500,3654250; 512000,3654250; 512000,3653500; 511750,3653500; 511750,3654500; 510750,3654500; 510750,3654250; 510500,3654250; 510500,3654000; 510250,3654000; 510250,3653250; 510500,3653250; 510500,3653000; 509000,3653000; 509000,3654000; 508500,3654000; 508500,3654250; 506500,3654250; 506500,3654500; 505500,3654500; 505500,3654750; 505250,3654750; 505250,3654500; 505000,3654500; 505000,3654250; 504500,3654250; 504500,3654750; 504000,3654750; 504000,3655000; 505000,3655000; 505000,3656000; 506000,3656000; 506000,3655000; 507000,3655000; 507000,3656000; 508000,3656000; 508000,3657000.

Unit 3f: From USGS 1:24000 quadrangle map San Pasqual (1971) and Ramona (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 511250,3655500; 511500,3655500; 511500,3655250; 511750,3655250; 511750,3655000; 511250,3655000; 511250,3655500.


Unit 4 a-b. San Diego: Central Coastal Critical Habitat Unit
Black Mountain Rd.
A
Park Village Rd.
B
Sorrento Valley Blvd.
Mira Mesa Blvd.
N
Miles
0.5
0
0.5
1


Unit 4 c. San Diego: Central Coastal Critical Habitat Unit
Aero Drive
Santo Rd.
15
C
Mission Gorge Rd.
Mission Village Dr.
Friars Rd.
N
Miles
0.25
0
0.25
0.5



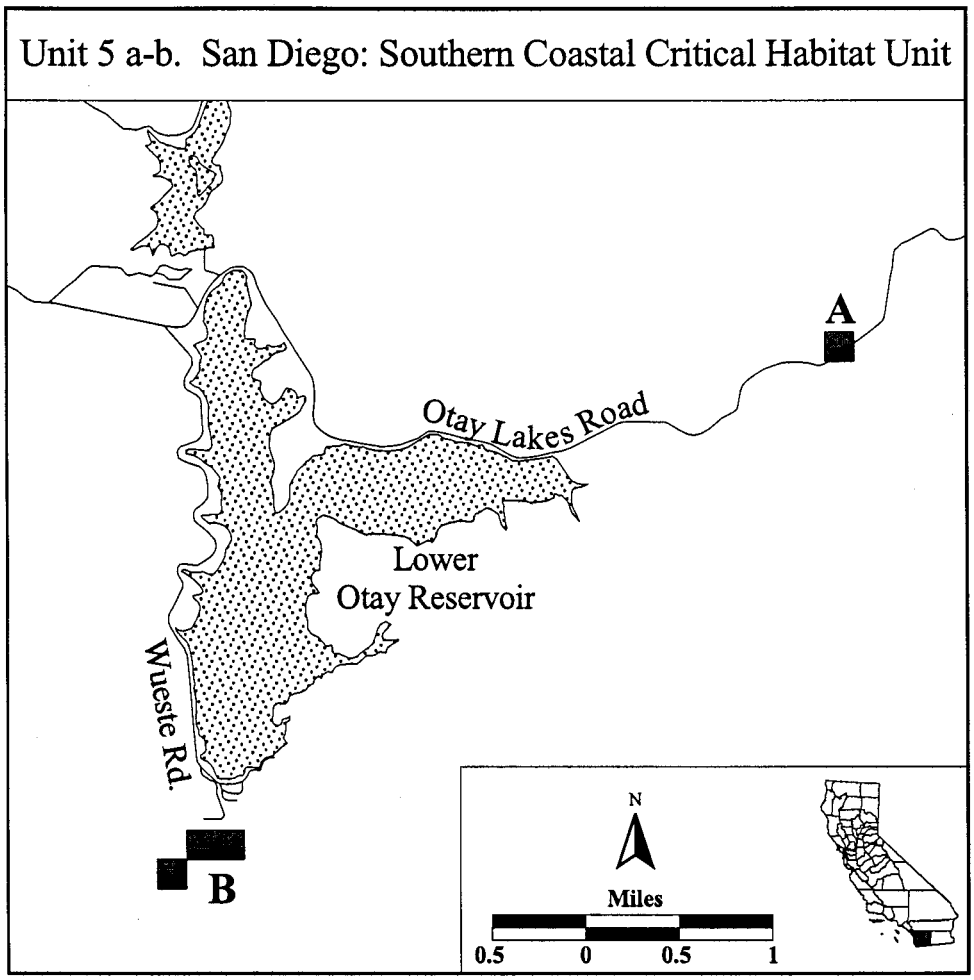
Map Unit 4: San Diego: Central Coastal Mesa Critical Habitat Unit, San Diego, County, California

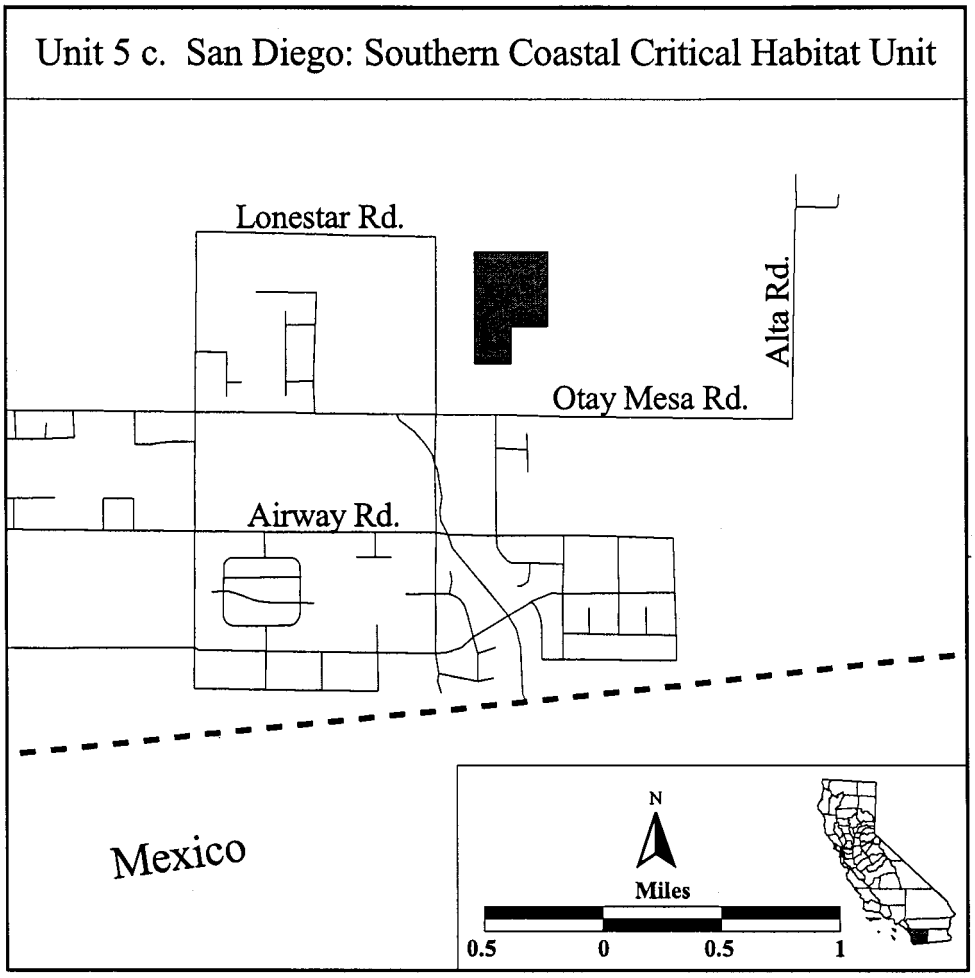
Unit 4a: From USGS 1:24000 quadrangle map Del Mar (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 484000,3646000; 484500,3646000; 484500,3645750; 484750,3645750; 484750,3645500; 486000,3645500; 486000,3645250; 485750,3645250; 485750,3645000; 485000,3645000; 485000,3644750; 484500,3644750; 484500,3645000; 484250,3645000; 484250,3645500; 484000,3645500; 484000,3646000.

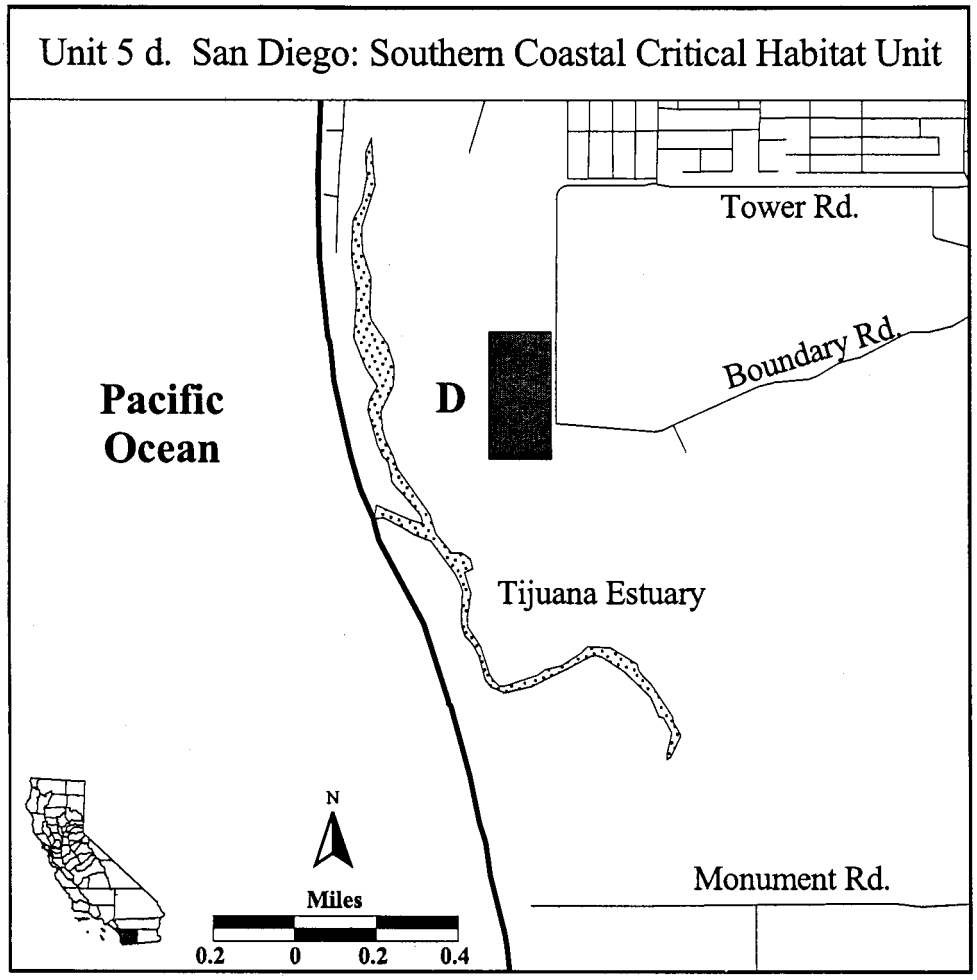
Unit 4b: From USGS 1:24000 quadrangle map Del Mar (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 483500,3642750; 484000,3642750; 484000,3642250; 483500,3642250; 483500,3642750.

Unit 4c: From USGS 1:24000 quadrangle map La Mesa (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 490250,3629500; 490500,3629500; 490500,3628500; 489750,3628500; 489750,3628750; 490000,3628750; 490000,3629250; 490250,3629250; 490250,3629500.

Unit 4d: From USGS 1:24000 quadrangle map National City (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 493750,3622500; 494500,3622500; 494500,3622000; 494250,3622000; 494250,3622250; 493750,3622250; 493750,3622500.


Unit 5 a-b. San Diego: Southern Coastal Critical Habitat Unit
A
Otay Lakes Road
Lower
Otay Reservoir
Wueste Rd.
B
N
Miles
0.5
0
0.5
1


Unit 5 c. San Diego: Southern Coastal Critical Habitat Unit
Lonestar Rd.
Alta Rd.
Otay Mesa Rd.
Airway Rd.
Mexico
N
Miles
0.5
0
0.5
1



Map Unit 5: San Diego: Southern Coastal Mesa Critical Habitat Unit, San Diego, County, California

Unit 5a: From USGS 1:24000 quadrangle map Dulzura (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 511750,3611500; 512000,3611500; 512000,3611250; 511750,3611250; 511750,3611500.

Unit 5b: From USGS 1:24000 quadrangle map Otay Mesa (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 506250,3607250; 506750,3607250; 506750,3607000; 506250,3607000; 506250,3606750; 506000,3606750; 506000,3607000; 506250,3607000; 506250,3607250.

Unit 5c: From USGS 1:24000 quadrangle map Otay Mesa (1988), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 505500,3604250; 506000,3604250; 506000,3603750; 505750,3603750; 505750,3603500; 505500,3603500; 505500,3604250.

Unit 5d: From USGS 1:24000 quadrangle map Imperial Beach (1975), California, the lands bounded by the following UTM NAD 27 coordinates (E,N): 488250,3602750; 488500,3602750; 488500,3602250; 488250,3602250; 488250,3602750.

* * * * *

Dated: October 16, 2000.

Kenneth L. Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–26967 Filed 10–17–00; 2:59 pm]

BILLING CODE 4310–55–RC

Federal Register

Monday,
October 23, 2000

Part IV

Federal Communications Commission

Privacy Act of 1974, As Amended; System of Records; Notice

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act of 1974, As Amended; System of Records

AGENCY: Federal Communications Commission (FCC or Commission)

ACTION: Notice; one proposed new system of records, 24 proposed new routine uses, 30 altered systems of records, and elimination of three systems of records.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), as amended, this document sets forth notice of the existence of all systems of records maintained by the FCC. This notice also proposes to establish one new system of records, to alter 30 existing systems, and to eliminate three systems of records that are no longer used by the Commission. For the convenience of the reader, the agency eliminated using ''Blanket Routine Uses'' and listed the routine uses in the body of the notice itself. This notice provides and makes readily available in one issue of the **Federal Register** an accurate and complete text, with administrative and editorial changes, of the FCC's systems of records for use by individuals and by agency Privacy Act officials.

DATES: Any interested person may submit written comments concerning the routine uses of this system on or before November 22, 2000. The Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act to review the system, may submit comments on or before December 4, 2000. This proposed system will be effective on December 4, 2000 unless the FCC receives comments that require a contrary determination. The Commission will publish a document in the **Federal Register** notifying the public if any changes are necessary.

ADDRESSES: Address comments to Les Smith, Performance Evaluation and Record Management (PERM), Room 1–A804, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, or via the Internet at *lesmith@fcc.gov,* or to Edward Springer, FCC Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10236, NEOB, 725 17th Street, NW., Washington, DC 20503, or via the Internet at *Edward C. Springer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Les Smith, Performance Evaluation and Record Management (PERM), Room 1–A804, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554, or via the Internet at *lesmith@fcc.gov* or Laurence Schecker, Attorney Advisor, Office of General Counsel, at (202) 418–1720 or via the Internet at *lschecker@fcc.gov.*

SUPPLEMENTARY INFORMATION: The FCC previously gave complete notice of all of its systems of records by publication in the **Federal Register**, May 18, 1992, 57 FR 21091. Since that publication, the Commission has added and deleted systems of records, and has made non-substantive changes to many existing systems of records. Therefore, a complete copy of the Commission's systems of records presently can be obtained only by referring to several **Federal Register** notices. The Commission is publishing the complete text of all of its systems notices to provide a current, easily accessible compilation.

The proposed changes in this notice result from editorial changes to the existing systems of records; notices to update, simplify, or clarify, as necessary, these systems of records; the application of new technology; and the transfer of duties and responsibilities between bureaus, including the creation of the Wireless Telecommunication Bureau (WTB) in 1994, and the most recent Commission reorganization, the creation of the Enforcement Bureau (EB) and the Consumer Information Bureau (CIB), and the elimination of the Compliance and Information Bureau (CIB) in 1999.

The transfer, updating, or renaming of seven systems of records between bureaus:

1. FCC/CCB–1 to new FCC/CIB–1, ''Informal Complaints and Inquiries Files (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services);''
2. Old FCC/CIB–4 to new FCC/CIB–4, ''Telephone and Electronic Contacts;''
3. Old FCC/FOB–2 to new FCC/EB–1, ''Violators File;''
4. Old FCC/FOB–3 to new FCC/EB–2, ''State and Operational Areas Emergency Commissions Committee Membership;''
5. FCC/OGC–7 to FCC/Central-12, ''Garnishment and Levy of Wages;''
6. Old FCC/PRB–5 to FCC/WTB–5, ''Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly;'' and
7. Old FCC/FOB–1 to FCC/WTB–6, ''Radio Operator Records.''

The addition of one new system of records:

FCC/Central-11, ''Interoffice (GroupWise) and Internet E-mail Systems;'' and

The purging of three systems of records:

1. FCC/Central-3, ''Employee Assistance Program Case Files;''
2. FCC/OGC–1, ''Alleged Violators File (Ex Parte Rules);'' and
3. FCC/OGC–4, ''Parties Involved in Current Litigation before Federal Courts.''

The alteration of nine systems of records to make various editorial changes to the existing systems notices: FCC/Central-5, ''Alcoholism and Drug Case Files; FCC/Central-6, ''Personnel Investigative Records;'' FCC/Central-7, ''Freedom of Information Act Case Files;'' FCC/OGC–2, ''Attorney Misconduct Files; FCC/OGC–2, ''Employee Complaint Adjudication;'' FCC/OGC–6, ''Private or Civil Injury Claimants;'' FCC/OIG–1, ''Criminal Investigative Files;'' FCC/OIG–2, ''General Investigative Files;'' and FCC/OMB–4, ''Security Office Control Files.''

The expansion of 15 systems of records to include additional components and updates:

FCC/Central-1, ''Pay and Leave,'' was modified to remove the travel component, which was transferred to FCC/OMD–6, and to add the ''leave transfer'' program. The records in this system of records were also expanded to include Social Security Numbers, which are required to administer the Commission's pay and leave requirements.

FCC/Central-2, ''Employee Locator Card Files,'' the purpose of this system of records was modified to address its use for administrative offices only. The system of records was also as expanded to add five routine uses, as follows:

- Routine use (1) allows disclosure where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order;
- Routine use (2) allows disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit;
- Routine use (3) allows a record on an individual in this system of records to be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office;

• Routine use (4) allows a record from this system of records to be disclosed to an FCC officer in the case where an emergency of a medical or other nature involving the employee may occur while on the job; and

• Routine use (5) permits a record in this system of records to be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

FCC/Central-8, ''Telephone Call Detail and Equipment Loan Records,'' the categories of individuals and the categories of records covered by this system were expanded to include those individuals who are loaned electronic equipment to use when their work requires them to work outside the office or to maintain close contact with the Commission staff, *i.e.,* laptop computers, pagers/beepers, and cellular telephone equipment, etc. These records include the individual's name, FCC I.D. badge number, bureau/office, loaned equipment's barcode number, serial number, model number, and modem number.

FCC/Central-9, ''Denial of Federal Benefits (Drug Debarment List),'' the categories of records in this system were expanded to include the person's Taxpayer Identification Number (TIN).

FCC/Central-10, ''Access Control System,'' the categories of records in the system were modified to limit the data elements in the ''visitors database'' to just the person's first and last names and their numerical identifier. (The person's telephone number, destination, agency or firm name, and the photographic identification elements were removed as required fields.)

FCC/CIB–1, ''Informal Complaints and Inquiries Files (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services),'' was expanded to include other telecommunications service complaints and inquiries as noted in the title change. The Commission now redacts information which could identify the complainant or correspondent, *i.e.,* name, address, and/or telephone number, before it allows the public to inspect the records. Several routine uses were added as follows:

• Routine use (1) permits a record from this system to be disclosed when a complaint against a common carrier is involved, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so;

• Routine use (3) permits a record from this system to be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit;

• Routine use (6) permits a record on an individual in this system of records to be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; and

• Routine use (7) permits a record from this system of records to be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

FCC/EB–1, ''Violators File,'' the categories of individuals covered by this system were expanded to include licensees, applicants, and unlicensed persons under parts 80, 87, 90, 94, 95, and 97 of the rules about whom there were questions of compliance with the Commission's rules or the Communications Act of 1934, as amended. One routine use was also added as follows:

• Routine use (4) was modified so that a record from this system of records may be disclosed in response to a request for information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

FCC/OET–1, ''Experimental Radio Station License Files,'' the categories of records in this system have been expanded to include the applicant's FCC Registration Number (FRN), FCC Form 702, Application for Consent to Assignment of Radio Station Construction Authorization or License; and FCC Form 703, Application for Consent to Transfer Control of Corporation Holding Station License. A routine use was added as follows:

• Routine use (1) in this system was modified to restrict disclosure of information if it is not routinely available for public inspection under § 0.457 of the Commission's rules, 47 CFR 0.459, or a request that the information be given confidential treatment is granted under § 0.459 of the Commission's rules, 47 CFR 0.459.

FCC/OGC–5, ''Parties with Pending Civil Cases that Affect the Commission before any District Court; before any Court of Appeals; and before the Supreme Court,'' the name of this system was modified to include additional courts.

FCC/OMD–2, ''Labor and Employee Relations Case Files,'' has been modified to add a routine use as follows:

• Routine use (1) permits disclosure to FCC officials when such officials have a ''need to know'' in carrying out their official duties.

FCC/OMD–3, ''Federal Advisory Committee Membership File (FACA),'' the categories of records in this system have been expanded to include copies or originals of financial disclosure forms, whenever they must be filed by the committee members, may be kept by the members' respective advisory committees. Specific information on Advisory Committees is generally stored with each Advisory Committee Official while the more general information about the committees is the Office of the Managing Director. In addition the routine uses were also modified or expanded as follows:

• Routine use (2) which allows for disclosure of information to the public, upon request, has been modified to make these records available in both hardcopy and electronic;

• Routine use (3) which permits disclosure to the General Services Administration (GSA) has been expanded to permit disclosure, if necessary, to the Office of Management and Budget (OMB), for use in compiling an annual report; and

• Routine use (4) has been added which may permit a record in this system to be disclosed to furnish information to Congress in response to periodic Congressional inquiries.

FCC/OMB–6, ''Records of Money Owed, Received, Refunded, and Returned,'' was modified to add ''Owed'' to the title of this system of records. A travel component was transferred from FCC/Central-1 to this system of records. The categories of records in this system were also expanded to include the Taxpayer Information Number (TIN), the FCC Registration Number (FRN), and loan payment information;

FCC/OMD–7, ''FCC Employee Transit Benefit and Parking Permit Programs,'' has added a mass transit component and handicap provisions which has expanded the number of routine uses applicable to this system of records. These are as follows:

• Routine use (4) which allows a record in this system to be disclosed to

a FCC employee in his/her individual capacity when inquiring about his/her application that was submitted for the Transit Benefit and/or Parking Permit Programs. Employees may do so by supplying their full name and FCC ID Badge Number (Identification Number must match number in the system);

• Routine use (5) which allows record in this system to be disclosed where there is an indication of misrepresentation to obtain, or misuse of, a transit benefit; and/or parking permit, records from this system may be referred to the appropriate FCC official responsible for revoking the transit benefit and/or parking permit, and recovering the unauthorized amount of used transit benefit, suspending employee participation in the programs, and/or may result in disciplinary action;

• Routine use (6) which allows record in this system to be disclosed to GSA/GAO for the purposes of records management inspections conducted. Such disclosure shall not be used to make a determination about an individual;

• Routine use (7) which allows a record in this system to be used for administrative purposes by authorized personnel for production of listings and reports. This system may be used for periodic review of re-certification, and to ensure eligibility for, and receipt of, transit benefit and parking privileges;

• Routine use (8) which allows a record from this system to be disclosed for a request for information from a Federal, state, or local agency in connection with the approval/disapproval of an application for special parking assignment; and

• Routine use (9) which allows a record in this system to be disclosed to agency contractors, who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the necessary activity. Recipients will be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

FCC/WTB–1, ''Wireless Services Licensing Records,'' the categories of records has been expanded to include the Taxpayer Identification Number (TIN) which appears on all FCC forms listed under this system of records.

FCC/WTB–5, ''Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly,'' was expanded to include seven routine uses. These are as follows:

• Routine use (1) allows a record from this system of records to be disclosed where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulations or order;

• Routine use (2) allows record from this system to be disclosed to request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the issuance of a license, grant or other benefit or enforcement proceedings;

• Routine use (3) allows a record from this system to be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit;

• Routine use (4) allows a record on an individual in this system of records to be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

• Routine use (5) allows a record from this system of records to be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals;

• Routine use (6) allows a record on an individual in this system of records to be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body;

• Routine use (7) allows a record from this system of records to be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when arising from his employment, an employee of the Commission is a party to litigation or anticipated litigated or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

A complete list of all FCC systems of records is published below. The complete text of the notices follows:

Table of Contents

1. FCC/Central-1, Pay and Leave Records.
2. FCC/Central-2, Employee Locator Card Files.
3. FCC/Central-5, Drug-Free Federal Workplace Program.
4. FCC/Central-6, Personnel Investigation Records.
5. FCC/Central-7, Freedom of Information Act (FOIA) Case File.
6. FCC/Central-8, Telephone Call Detail and Equipment Loan Records.
7. FCC/Central-9, Denial of Federal Benefits (Drug Debarment List).
8. FCC/Central-10, Access Control System.
9. FCC/Central-11, Interoffice (GroupWise) and Internet E-mail Systems.
10. FCC/Central-12, Garnishment and Levy of Wages.
11. FCC/CIB–1, Informal Complaints and Inquiries Files (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services).
12. FCC/CIB–4, Telephone and Electronic Contacts.
13. FCC/EB–1, Violators File.
14. FCC/EB–2, State and Operational Areas Emergency Commissions Committee Membership.
15. FCC/OET–1, Experimental Radio Station License Files.
16. FCC/OGC–2, Attorney Misconduct Files.
17. FCC/OGC–3, Employee Complaint Adjudication.
18. FCC/OGC–5, Parties with Pending Civil Cases that affect the Commission before any District Court; before any Court of Appeals; and before the Supreme Court.
19. FCC/OGC–6, Private or Civil Injury Claimants.
20. FCC/OIG–1, Criminal Investigative Files.
21. FCC/OIG–2, General Investigative Files.
22. FCC/OMD–2, Labor and Employee Relations Case Files.
23. FCC/OMD–3, Federal Advisory Committee Membership Files (FACA).
24. FCC/OMD–4, Security Office Control Files.
25. FCC/OMD–6, Records of Money Owed, Received, Refunded, and Returned.
26. FCC/OMD–7, FCC Employee Transit Benefit and Parking Permit Program.
27. FCC/OMD–8, Revenue Accounting Management Information System (''RAMIS'').
28. FCC/OMD–9, Commission Registration System (''CORES'').
29. FCC/WTB–1, Wireless Services Licensing Records.
30. FCC/WTB–5, Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly.
31. FCC/WTB–6, Radio Operator Records.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

FCC/Central-1

SYSTEM NAME:

Pay and Leave Records.

SYSTEM LOCATION:

Associate Managing Director, Human Resources Management, Office of

Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW, Room 1–B104, Washington, DC 20554. See FCC telephone directory for field office addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Communications Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains various records, including Social Security Numbers, which are required to administer the pay and leave requirements of the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3102, and 3309; 5 U.S.C. 6331–6340; Pub. L. 100–566, Leave Transfer Program; Executive Order 9397 (November 22, 1943), which authorizes the use of the Social Security Number; and Pub. L. 104–193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

PURPOSE(S):

1. To authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits, and life insurance; collect indebtedness for overpayment of salary and unpaid Internal Revenue taxes; pay income tax obligations to Internal Revenue Service; authorize issuing of salary checks by Treasury Department; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; provide for a periodic summary of employee payroll data and retirement contributions; and determine eligibility for and/or authorize donations for the leave transfer program.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record from this system may be disclosed to request information from a federal, state, or local agency maintaining civil, criminal, or other relevant information enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GAO and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

8. A record in this system of records may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

9. The names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L 104–193).

In each of these cases, the FCC will determine whether disclosure of the record is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in an automated personnel and payroll system and in files in folders, cards, magnetic tapes, and loose leaf binders.

RETRIEVABILITY:

Records are indexed by name and social security number.

SAFEGUARDS:

Records are maintained in filing cabinets in an office that is locked when not occupied by staff. Automated and manual records are available only to authorized personnel whose duties require access. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records are maintained for varying periods of time from one year to permanently in accordance with General Records Schedules issued by the National Archives and Records Administration. Disposal is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director, Human Resources Management, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B104, Washington, DC 20554, or the appropriate administrative office in which the individual is employed.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: Full name; Date of Birth; Social Security Number; and Mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager. Requesters should reasonably specify the record contents being contested.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager. Requesters should reasonably specify the record contents being contested.

RECORD SOURCE CATEGORIES:

Information is provided by management officials and by the individuals on whom the record is maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-2

SYSTEM NAME:

Employee Locator Card Files.

SYSTEM LOCATION:

Mailroom and administrative offices of the Federal Communications Commission (FCC), 445 12th Street, SW, Room TW–C201, Washington, DC 20554, and FCC field offices. See FCC telephone directory for field office addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Federal Communications Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. This system contains information regarding the employee's office, organizational location, telephone number, home telephone number and address.

2. This system also contains the home address and telephone number of the employee, and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Information in this system of records is collected for use of the administrative offices. The records in this system serve to identify an individual for office officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system of records may be used:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system of records may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, or regulation, or order.

2. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

4. A record from this system of records may be disclosed to an FCC officer in the case where an emergency of a medical or other nature involving the employee may occur while on the job.

5. A record in this system of records may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

In each of these cases, the FCC will determine whether disclosure of the record is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on cards or 3″ x 5″ paper.

RETRIEVABILITY:

Records are retrieved by the employee's name.

SAFEGUARDS:

Records are maintained in secured areas and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records are maintained as long as the individual is an employee of the Federal Communications Commission. Expired records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate personnel or administrative office in which the employee is employed.

NOTIFICATION PROCEDURE:

FCC employees wishing to inquire whether this system contains information about them should contact the appropriate FCC administrative officer where employed. Individuals must supply their full name in order for records to be located and identified.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-5

SYSTEM NAME:

Drug-Free Federal Workplace Program.

SYSTEM LOCATION:

Associate Managing Director—Administrative Operations, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FCC employees who seek guidance and counseling through the agency Drug-Free Federal Workplace Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes information on an employee's personal history as it relates to his/her problem. The system also contains records on employees referred for counseling.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C.

PURPOSE(S):

Reference material for the use of the Program Administrator and Counselors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system of records contain reference material(s) for the use of the Program Administrator and Counselors. In each case, the FCC will determine whether disclosure of the

records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in locked metal cabinets in the Program Administrator's Office.

RETRIEVABILITY:

Records are filed and retrieved by name of the employee.

SAFEGUARDS:

Records are maintained in an office that is locked when not occupied by the Program Administrator. They are maintained in strict confidence and are accorded the same security and accessibility restrictions provided for medical records.

RETENTION AND DISPOSAL:

Records are kept indefinitely or until the employee leaves the FCC, at which time they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director—Administrative Operations, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Employee, employee's supervisor, and counselors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-6

SYSTEM NAME:

Personal Investigation Records.

SECURITY CLASSIFICATION:

None for the system; however, items or records within the system may have national defense/foreign policy classifications up through secret.

SYSTEM LOCATION:

Security Operations Center, Assistant Managing Director—Administrative Offices (AMD–AO), Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Current and former FCC employees or applicants for employment in the Federal service.

2. Individuals considered for access to classified information or restricted areas and/or security determinations such as contractors, experts, instructors, and consultants to Federal programs.

3. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under a co-operative agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for violations against the law; reports of interviews with present and former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, employers, educational institutions attended; reports of action after OPM or FBI Section 8(d) Full Field Investigation; Notices of Security Investigation and other information developed from the above described Certificates of Clearance; and in some instances a photograph of the subject.

2. Also contained are investigative data concerning allegations of misconduct by an FCC employee; miscellaneous complaints not covered by the FCC's formal or informal grievance procedure; and inquiries conducted under the President's Program to eliminate waste and fraud in Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR part 5; 5 U.S.C. 1303, 1304, and 3301; Executive Orders 10450 and 11222; and 47 CFR 19.735–107.

PURPOSE(S):

The records in this system are used to provide investigative information for determinations concerning compliance with Federal regulations and for individual personal determinations including suitability and fitness for Federal employment, access to classified information or restricted areas, security clearances, evaluations of qualifications, loyalty to the U.S., and evaluations of qualifications and suitability for performance of contractual services for the U.S. Government; to document such determinations; to take action on or respond to a complaint or inquiry concerning an FCC employee or to counsel the employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

3. A record for this system of records maybe disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C.2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

4. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

5. Information from this system may be disclosed to designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office, or establishment conducts an investigation of the individual of the purpose of granting a security clearance, making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

6. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudication body when:

(a) The United States, the Commission, a component of the Commission, or when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the

records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name of the individual subject.

SAFEGUARDS:

Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Officer personnel and to Commission officials on a ''need to know'' basis when required.

RETENTION AND DISPOSAL:

Records are retained during employment or while individual is actively involved in federal programs. As appropriate, records are returned to investigating agencies after employment terminates. Records are retained for five years from the date that the employee departs from the Commission. Records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Security Operations Center, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW, Room 1–B458, Washington, DC 20554.

NOTIFICATION, RECORD ACCESS AND CONTESTING RECORD PROCEDURES:

This system is exempt from the requirement that the agency publish the procedures for notifying an individual, at his or her request, if the system contains a record pertaining to him/her, for gaining access to such record, and for contesting the contents of the record.

RECORD SOURCE CATEGORIES:

This system is exempt from the requirement that the agency publish the categories of sources of records in this system.

EXEMPTION FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt from subsections (c)(3), (d), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from 47 CFR 0.554–0.557 of the Commission's rules. These provisions concern the notification, record access, and contesting procedures described above, and also the publication of record sources. The system is exempt from these provisions because it contains the following types of information:

1. Investigative material compiled for law enforcement purposes as defined in section (k)(2) of the Privacy Act.

2. Properly classified information, obtained from another Federal agency during the course of a personnel investigation, which pertains to national defense and foreign policy, as stated in section (k)(1) of the Privacy Act.

3. Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, as described in section (k)(5) of the Privacy Act, as amended.

FCC/Central-7

SYSTEM NAME:

Freedom of Information Act (FOIA) Case Files.

SYSTEM LOCATION:

FOIA Office, Federal Communications Commission (FCC), 445 12th Street, SW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations requesting access to inspect and/or copy records of the Commission under provisions of the FOIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other information about the requester and the records sought.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act (1994 and Supp. II 1996), 5 U.S.C. 552.

PURPOSE(S):

Records are available to FOIA staff involved in correspondence and investigative processes, including appeals officials and members of the FCC General Counsel staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. In the event the Commission deems it desirable or necessary, in determining whether particular records are required to be disclosed under the FOIA, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

2. Where the appropriate official of the Commission, pursuant to the Commission's FOIA Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from the system of records.

3. The Commission contracts with a private firm for the purpose of searching, duplicating, and distributing to the public the documents maintained by the Commission and available for inspection under the Act. The contractor is required to maintain Privacy Act safeguards on such records.

4. A record on an individual in this system may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. In the event of litigation where the defendant is:

(a) The Commission, or any employee of the Commission in his or her official capacity;

(b) The United States where the Commission determines that the claim, if successful, is likely to directly the Commission's operations; or

(c) Any Commission employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Commission may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Paper records maintained in case files (original or copy of incoming request and written response). Electronic records are maintained in an electronic database.

RETRIEVABILITY:

Records are indexed by FOIA control number of individual requester.

SAFEGUARDS:

Paper records are maintained in locked file cabinets in the office of FOIA officer, with limited access. Electronic records are secured through controlled access and passwords to restricted office personnel. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Individual case files are maintained for two years after the date of reply. Denied requests and appeals of denials may be retained for longer periods (up to six years after final action) in

accordance with FOIA and FCC records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

FOIA Officer, Federal Communications Commission (FCC), 445 12th Street, SW, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the FOIA Officer.

RECORD ACCESS PROCEDURES:

Address inquiries to the FOIA Officer.

CONTESTING RECORD PROCEDURES:

Address inquiries to the FOIA Officer.

RECORD SOURCE CATEGORIES:

Individuals and organizations making requests under FOIA or from bureaus or offices of the Commission reporting on the handling of such requests for inclusion in the annual report to Congress.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-8

SYSTEM NAME:

Telephone Call Detail and Equipment Loan Records.

SYSTEM LOCATION:

Office of the Managing Director, Information Technology Center, Operations Group, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–C361, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. This system of records contains information concerning the following actions:

(a) Individuals originating calls from FCC telephones and individuals receiving such calls;

(b) Individuals placing calls to or charging calls to FCC telephones (including cellular telephones);

(c) Individuals receiving such calls, or accepting the charges; and

(d) Individuals who are loaned electronic equipment to use when their work requires them to work outside the office or to maintain close contact with the Commission staff, *i.e.,* laptops, pagers and cellular telephones.

2. The primary record subjects are current and former FCC employees, as well as individuals employed under any employment arrangement such as a contract or cooperative agreement; grantees; or other persons performing on behalf of the FCC.

3. Incidental to the coverage of the primary record subjects are non-employees who may be identified by telephone number during an inquiry or investigation relating to a potential improper or unofficial use of Government telephones or other illegal or improper activity by the primary record subject.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records in the system of records related to telephone calls placed to and from FCC phones, and the assignment of telephone numbers to employees and the location of the telephone in the FCC. Since this system includes cellular telephones, any local call to or from a cellular telephone would be included.

2. The records may include such information as the number called from, the number called, time and date of the call, duration, disposition, and the cost of the call and/or charges accepted, and the FCC component to which the relevant telephone numbers are assigned.

3. The system may also include copies of related records, *e.g.,* any periodic summaries which may have been compiled to reflect the total number of long distance calls.

4. The database(s) from which telephone numbers are retrieved contains the names of employees and their office locations, but no other personal identifiers such as social security numbers.

5. The CD–ROM files contain the agency telephone bills which provide details on all calls to and from the FCC telephones.

6. The paper files consist of a combination of the database and CD–ROM files.

7. Records in this system also include records of electronic equipment loaned to staff to use when their work requires them to work outside the office or to maintain close contact with the Commission staff, *i.e.,* laptops, cellular telephones, and pagers.

8. These records would contain the following information:

(a) Individual's name, FCC I.D. badge number, and Bureau/Office;

(b) Loaned equipment's barcode number; serial number; model number; and modem number.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

1. 44 U.S.C. 3101, which authorizes agencies to create and preserve records documenting agency organizations, functions, procedures, and transactions;

2. 31 U.S.C. 1348b., which authorizes the use of appropriated funds to pay for long distance calls only if required for official business or necessary in the interests of the Government;

3. 47 U.S.C. 154(I), which authorizes the FCC to take actions necessary to execute its functions;

4. 5 CFR 2635.704a., which prohibits use of Government property for other than authorized purposes; and

5. 41 CFR 201–21.601 and 201–21.602, which require that the Government telecommunications systems be used for official purposes only, and authorizing agencies to collect for unauthorized calls.

PURPOSE(S):

1. This system of records is used to keep track of local and long-distance telephone calls placed to and from FCC phones, including cellular telephones and the records of the equipment loaned out and those who have borrowed it.

2. The telephone records may include such information as the number called from, the number called, time and date of the call, duration, disposition, the cost of the call and/or charges accepted, and the FCC component to which the relevant telephone numbers are assigned. By maintaining these records, the FCC can monitor the charges for long distance or cellular calls and also determine if such calls are being made for other than Commission-related purposes.

3. When wireless instruments are loaned, the individual staff must sign the FCC Wireless Telecommunications Statement of Understanding and fill out FCC Form A–476, Custodial Receipt for Sensitive FCC Property when the equipment loan is made.

4. The equipment loan records include the type of equipment borrowed, the borrower, and the duration of the loan.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The FCC does not normally disclose records from this system of records. However, in the event it is appropriate, disclosure of relevant information may be made in accordance with the provisions of 5 U.S.C. 552(a)(b). Records and data may be disclosed as necessary pursuant to 5 U.S.C. 552(a)(b):

1. A record in this system of records may be disclosed to a member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained;

2. A record in this system of records may be disclosed to representatives of the General Services Administration or

the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906;

3. A record in this system of records may be disclosed to the Department of Justice (DOJ) when:

(a) The agency or any component thereof; or any employee of the agency in his or her official capacity where the DOJ has agreed to represent the employee; or

(b) The United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the DOJ is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

4. A record in this system of records may be disclosed to a court or adjudicative body in a proceeding when:

(a) The agency or any component thereof; any employee of the agency in his or her official capacity; or any employee of the agency in his or her official capacity where the agency has agreed to represent the employee; or

(b) The United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

5. A record in this system of records may be disclosed to law enforcement agencies when a record on its fact, or in conjunction with other records, indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, state, local, or tribal, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prospective responsibility of the receiving entity;

6. A record in this system of records may be disclosed to agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a (m);

7. A record in this system of records may be disclosed to the National Finance Center (the FCC's designated payroll office), the Department of the Treasury Debt Management Services and/or a current employer to effect a salary, IRS tax refund, or administrative offset to satisfy an indebtedness incurred for unofficial telephone and cellular calls; and to Federal agencies to identify and locate former employees for the purposes of collecting such indebtedness, including through administrative, salary, or tax refund offsets. Identifying and locating former employees, and the subsequent referral to such agencies for offset purposes, may be accomplished through authorized computer matching programs. Disclosures will be made only when all procedural steps established by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996 or the Computer Matching and Privacy Protection Act of 1988 as appropriate, have been taken;

8. A record in this system of records may be disclosed to a Federal, State, local, or foreign agency maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit; and

9. A record in this system of records may be disclosed to a Federal, State, local, foreign, or tribal or other information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically in one of three databases (PCS, cellular telephones, and pagers), on paper, and on CD–ROM. The databases are password protected and updated daily. Authorized individuals can check the current databases during sign out when individuals leave the FCC to ensure that the departing staff has returned any loaned equipment.

RETRIEVABILITY:

Telephone call records are retrieved by bureau or office name, the employee name, name of recipient of telephone call, telephone number. Equipment loan records are retrieved by the employee name, equipment barcode number, serial number, and model or modem numbers.

SAFEGUARDS:

Paper and CD–ROM records are maintained in file cabinets in offices which are locked at the end of the business day. Information in the database is secured through controlled access and passwords restricted to administrative office personnel. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with General Records Schedule 12, National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate bureau or office chief and first line supervisors in the Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See FCC telephone directory for a list of field office telephone numbers or the commercial telephone directory under ''U.S. Government.''

NOTIFICATION PROCEDURE:

Ask for ''Records Access Procedures'' in making inquiries regarding this system. The inquiries should be addressed to the system manager, Office of Managing Director, Information Technology Center, Operations Group,

Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Telephone assignment records; call detail listings; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance calls.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-9

SYSTEM NAME:

Denial of Federal Benefits (Drug Debarment List).

SYSTEM LOCATION:

Financial Operations Center, Associate Managing Director—Financial Operations (AMD–FO), Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A663, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals convicted of offenses concerning the distribution or possession of controlled substances, who have been denied all Federal benefits or FCC benefits as part of their sentence pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, and who have also filed applications for any FCC professional or commercial license.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records within this system will consist of a database provided to the FCC from the Department of Justice (DOJ) regarding individuals who have been denied all Federal benefits or FCC benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

1. The data elements to be used by the FCC are: DOJ identification number (ID) for the person denied Federal benefits, Person's name, Taxpayer Identification Number (TIN), and Starting and ending date of the denial of Federal benefits.

2. All other data elements in the database will be immediately discarded.

3. When there is a match of name and TIN from the database with the name and address of an application on file with the FCC, the FCC will then obtain from DOJ additional data elements: Person's name, address, and zip code. If also required by the FCC application, the person's date of birth.

4. If manual comparison of the application information with the information obtained from DOJ confirms a match, the FCC will prepare a confirmation report to be attached to the application. The confirmation report will reflect the identifying information obtained from the DOJ debarment entry, but it will not include the DOJ ID number for that debarment entry. Upon such a match, the FCC will initiate correspondence with the applicant, which will also be associated with the application. The confirmation report and any correspondence with the applicant will be among the records found in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 5301 of the Anti-Drug Abuse Act of 1988, Pub. L. 100–690, as amended by section 1002(d) of the Crime Control Act of 1990, Pub. L. 101–647 (21 U.S.C. 862), and sections 4(i) and 4(j) of the Communications Act of 1934 (47 U.S.C. 154(i) and 154(j)).

PURPOSE(S):

The records within the system will be used for the exchange of information between DOJ and the FCC in connection with the implementation of section 5301 of the Anti-Drug Abuse Act of 1988. This exchange of information permits the FCC to perform the General Services Administration (GSA) Debarment List check as provided for in the Office of National Drug Control Policy plan for implementation of section 5301 through use of information generated by DOJ. The automated records obtained from DOJ will only be used by the FCC to make an initial determination of whether an individual applicant is subject to a denial of all Federal benefits or FCC benefits imposed under section 5301 of the Anti-Drug Abuse Act of 1988.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system contains the following information: Department of Justice database provided to the FCC; the database retained by the FCC for use in the automated system; and the match reports; and any copies of the confirmation report that include the Department of Justice ID number will be routinely available for use or inspection by appropriate FCC officials.

The confirmation report (not including the DOJ ID Number) and any correspondence with the applicant will be associated with the applicant's application and will thus be made routinely available for public inspection.

In each case the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically on a computer database.

RETRIEVABILITY:

Records are retrieved by supplying the following information: Name of applicant, TIN, address (in some instances) and zip code, date of birth (in some instances), and FCC fee control number for the application.

SAFEGUARDS:

The data are provided to the FCC by the U.S. Department of Justice (DOJ) and will be protected from tampering, unauthorized disclosure, and will follow these procedures:

1. The database will be processed to extract the information to be used in the automated system, and the data elements not being used in the automated system will be electronically erased. The remaining data will be maintained at the main FCC building with a low risk of unauthorized access.

2. Access points are photo-monitored by security personnel; all employees are required to display photo ID badges; and all visitors must register and wear a visitor's badge. Access to the computer system on which the extracted database is stored requires use of a unique user ID with personal identifier, which is controlled through application and operating system security.

3. The extracted database is stored in a separate file in that system, and a separate password is required for entry to that file. The password is available to a limited number of persons based strictly on a ''need to know'' basis.

4. The reports of any automated matches containing the DOJ ID number will be made available only to the appropriate FCC officials.

RETENTION AND DISPOSAL:

1. The match reports will be retained by the FCC for only as long as it is necessary to obtain the debarment entry information and corresponding application for manual confirmation of the match. Thereafter, they will be destroyed. However, periodically, a match report will be randomly retained for a period of an additional 90 to 120 days to provide a quality check of the verification process.

2. Where the verification process establish that a match does not indicate that the applicant has been denied Federal benefits under section 5301, the debarment entry information used in that determination will be retained by the FCC for 30 days after the application has cleared the debarment check. However, as noted above, debarment entry information relating to match reports that are retained for quality control purposes will be retained until that quality check is completed.

3. Where a match is confirmed by the manual verification process, the debarment entry information will be retained for a period of at least 90 days after the date of the letter referred to above. If the application contests the determination that a section 5301 denial of Federal benefits bars a grant of the application, the debarment entry information will be retained until such time as the FCC's action on the application is no longer subject to review in any court.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director–Financial Operations (AMD–FO), Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the AMD–FO.

RECORD ACCESS PROCEDURES:

Address inquiries to the AMD–FO.

CONTESTING RECORD PROCEDURES:

Address inquiries to the AMD–FO.

RECORD SOURCE CATEGORIES:

Individuals making applications who have been convicted of certain drug offenses and who have been denied all Federal benefits or FCC benefits as part of their sentence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-10

SYSTEM NAME:

Access Control System.

SYSTEM LOCATION:

Office of the Managing Director, Security Operations Center, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current FCC employees, current contractors, frequent visitors, visitors, temporary hires, special parking access and day contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of computer databases, with all records containing the last and first name, filed alphabetically by last name, with a corresponding Badge Number.

1. The FCC employee/temporary hire database will include: First and last name, Telephone number, Bureau/Office, (Supervisor—delete), Room number, Date of issuance, and Parking (permit—delete) privilege (number—delete), if applicable, and property pass privilege if applicable.

2. The contractor database will include: First and last name, Contractor company name, Telephone number, FCC point of contact, Telephone number, and Date of issuance.

3. The Frequent Visitor's database will include: First and last name, Employer's name, Address, Telephone number, Point of contact at the employer, and Date of issuance.

4. The Visitor/day contractor database will include: First and last name along with numerical identifier.

5. The Special Parking Access database will include: First and last name, Telephone number, Employer, and Date of issuance.

Note: Proof of identity required through photographic identification is necessary prior to issuance of the contractor badge and the frequent visitor's badge and visitor's badge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Directive based on Department of Justice report entitled ''Vulnerability Assessment of Federal Facilities.''

PURPOSE(S):

This system provides a method by which the FCC can control and account for all persons entering the Commission's facilities and by which the FCC may ascertain the times persons were in these facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record from this system may be disclosed to a request for information from a Federal, state, or local agency maintaining civil, criminal, or other relevant information or other pertinent information if necessary to obtain information relevant to an investigation.

3. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

4. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

5. Records from this system may be disclosed to FCC supervisors or management representatives to ascertain (either confirm or refute) the times employees were in the facility.

In each of these cases the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained in a password protected computer database.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained by a limited number of authorized individuals.

SAFEGUARDS:

The computer terminals are stored within a secured area. The Security Office staff performs a backup operation on these files on a weekly—monthly basis on ¼″ data cartridge, which are stored/safeguarded in the Security Office.

RETENTION AND DISPOSAL:

1. When an employee/contractor/temporary hire/special parking access leaves the FCC, the file in the database is deleted.

2. Frequent visitor badges are given a two-year valid period, after which the card will automatically deactivate.

3. All returned visitor/day contractor cards will be reused on a daily basis.

4. Transaction data for all cards will be placed on backup discs and stored for one year in the FCC Security Office which is locked and alarmed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Operations Center, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains

information about them should contact the system manager indicated above. Individuals must furnish their ''Full Name'' for their records to be located and identified.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the system manager indicated above. Individuals must furnish their ''Full Name'' for their record to be located and identified. An individual requesting access must also follow FCC Privacy Act regulations regarding verification of identify and access to records. See 47 CFR 0.554–0.555.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the system manager indicated above. Individuals must furnish their ''Full Name'' for their record to be located and identified. An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records. See 47 CFR 0.556–0.557.

RECORD SOURCE CATEGORIES:

The individual to whom the information applies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-11

SYSTEM NAME:

Inter-office (GroupWise) and Internet E-mail Systems.

SYSTEM LOCATION:

Information Technology Center, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–C266, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and contractors of the Federal Communications Commission in Washington, DC and the field offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records include the names, e-mail addresses, and passwords of all FCC employees and contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

1. Executive Orders 10450 and 12065;

2. 44 U.S.C. 3101, which authorizes agencies to create and preserve records documenting agency organizations, functions, procedures, and transactions;

3. 47 U.S.C. 154(i), which authorizes the FCC to take actions necessary to execute its functions;

4. 5 CFR 2635.704a., which prohibits use of Government property for other than authorized purposes; and

5. 41 CFR 201–21.601 and 201–21.602, which require that the Government Radio systems be used for official purposes only.

PURPOSE(S):

These records are maintained by the Information Technology Center staff to identify all users on the FCC's Inter-office and Internet E-mail systems, their locations, and their passwords. This information is necessary to insure that all users abide by the FCC's Intranet and Internet regulations and to identify possible abusers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records may be disclosed for the following reasons:

1. For disclosure to a Federal agency or the District of Columbia Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency.

2. For disclosure to the security officer of an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request for verification of security clearances, of FCC employees/contractors to have access to classified data or areas where their official duties require such access.

3. Where there is an indication or a violation or potential violation of a statute, regulation, rule, order may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

4. A record from this system may be disclosure to request information from a Federal, state, local or foreign agency maintaining civil, criminal, or other relevant enforcement information, or other pertinent information records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.

5. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to a Congressional office.

6. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained in an electronic database.

RETRIEVABILITY:

Records are retrieved by bureau or office name and the employee name and log-in name.

SAFEGUARDS:

Information in the database is secured through controlled access and passwords restricted to administrative office personnel. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records are until the employee or contract retires or leaves the FCC. The records are then disposed of in accordance with General Records Schedule 12, National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Operations Group, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–C734, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Ask for ''Records Access Procedures'' in making inquiries regarding this system. The inquiries should be addressed to the system manager, Office of Managing Director, Information Technology Center, Operations Group, Federal Communications Commission (FCC), 445 12th Street, SW., 1–C266, Washington, DC 20554.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Same as above.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-12

SYSTEM NAME:

Garnishment and Levy of Wages.

SYSTEM LOCATION:

Associate Managing Director, Human Resources Management, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B104, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission employee who is the subject of a garnishment or levy order issued by a court of competent jurisdiction or by another government entity authorized to issue such order.

CATEGORIES OF RECORDS IN THE SYSTEM:

Garnishment of levy orders served upon the agency for implementation, correspondence, memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Records are used by staff attorneys in the General Counsel's office in directing the agency's implementation of garnishment and levy orders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule regulation, or order.

2. A record on an individual in this system or records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

3. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

4. A record in this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders.

RETRIEVABILITY:

Records are maintained by the name of the individual subject to garnishment or levy order.

SAFEGUARDS:

Records are kept in file cabinets in offices that are secured at the end of each business day. Because only one or two office persons have need to routinely access this system, unauthorized examinations would be easily detected.

RETENTION AND DISPOSAL:

Records are normally retained as long as the Commission remains under the obligation to implement the particular garnishment or levy order.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director, Human Resources Management, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW Room 1–B104, Washington, DC. 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Bankruptcy courts, state domestic relations courts, state public health and welfare departments or agencies, Internal Revenue Service, and intra-agency memoranda.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/CIB–1

SYSTEM NAME:

Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services).

SYSTEM LOCATION:

Chief, Consumer Information Bureau, Room 5–C345, Federal Communications Commission (FCC), 445 12th Street, SW Washington, DC. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and groups who have made written complaints and/or general inquiries to, and/or are parties to informal complaints proceedings on matters under the Communications Act of 1996.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system include both computerized information contained in a database and paper copies of inquiries, informal complaints, and related supporting information, company replies to complaints, letters of inquiry, and Commission letters regarding such complaints made by individuals, groups, or other entities pertaining to the FCC's bureaus and offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 *et seq.*

PURPOSE(S):

The records in this system of records are used by Commission personnel to handle and process complaints and inquiries received from individuals, groups, and other entities pertaining to FCC related matters. Records in this system are available for public inspection after redaction of information which could identify the complainant or correspondent, *i.e.,* name, address and/or telephone number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system of records is used by Commission personnel to handle and process complaints received from individuals and companies.

1. When a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the

Commission and the complainant its failure to do so.

2. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

5. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

6. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

7. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copies of records in this system of records are maintained in file folders and electronic files are located in computer databases on the FCC network.

RETRIEVABILITY:

Records are retrieved by individual name, party name, licensee, applicant or unlicensed individual, call sign, or file number.

SAFEGUARDS:

Records are stored in unlocked files which are secured in the office at the close of the business day. Access to computer records is controlled by password. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The records are retained in the Commission and then destroyed five years after final action in accordance with the appropriate records retention schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Consumer Information Bureau, Federal Communications Commission, 445 12th Street, Room 5–C345, SW., Washington, DC. 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager. An individual requesting access must follow FCC Privacy Act regulations regarding verification of identity and amendment of records. See 47 CFR 0.556–0.557.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Complaints and subject carriers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/CIB–4

SYSTEM NAME:

Telephone and Electronic Contacts.

SYSTEM LOCATION:

Consumer Information Network Division, Consumer Information Bureau, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554 and 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records includes individuals or entities who have made complaints or inquiries.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records includes complaints and related information, company or business replies to complaints, letters of inquiry, and Commission letters regarding or responding to such complaints and inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 4(i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j).

PURPOSE(S):

These records are used by the FCC staff to handle, respond, and process inquiries and complaints received from individuals, companies, and other entities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of any statute, regulation, rule, or order, records from this system may be referred and disclosed to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the FCC is a party before a court or any other administrative body.

3. A record from this system of records may be referred and disclosed to the Department of Justice or in a proceeding before a court or any adjudicative body when:

(a) The United States, the FCC, a component of the FCC, or, when represented by the government, an employee of the FCC, is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) the FCC determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in computer databases on the FCC's internal network.

RETRIEVABILITY:

Records are retrieved by telephone number, name of caller, address, subject, or reason for call.

SAFEGUARDS:

The computer systems are stored within secured areas. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The records are retained in the FCC and then destroyed according to the appropriate records schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Consumer Information Network Division, Consumer Information Bureau, Federal Communications Commission (FCC), 1270 Fairfield Road, Gettysburg, Pennsylvania 17325, and 445 12th Street, SW., Room 5–C345, Washington, DC.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager. An individual requesting access must follow FCC Privacy Act regulations regarding verification of identity and amendment of records. See 47 CFR 0.556–0.557.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager. Individuals requesting access must also follow FCC Privacy Act regulations regarding verification of identity and access to records. See 47 CFR 0.554–0.555.

RECORD SOURCE CATEGORIES:

The individual to whom the information applies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/EB–1

SYSTEM NAME:

Violators File (records kept on individuals who have been subjects of FCC field enforcement actions).

SYSTEM LOCATION:

Primary: Enforcement Bureau, Room 7–C732, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

Secondary: Various field facilities (See FCC telephone directory for field office addresses, or locate local office in commercial telephone directory under ''U.S. Government.'').

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals who have been subjects of FCC field enforcement actions (monitoring, inspection, and/or investigation) for violations of radio law, FCC Rules and Regulations, or International Treaties.

2. Licensees, applicants, and unlicensed persons under parts 80, 87, 90, 94, 95, and 97 of the rules about whom there are questions of compliance with the Commission's rules or the Communications Act of 1934, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inspection reports, complaints, monitoring reports, investigative cases, referral memos, correspondence, discrepancy notifications, warning notices and forfeiture actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 101, 102, 104, 301, 303, 309(e), 312, 315, 318, 362, 364, 386, 401, 404, 501, 502, 503, 507, and 510.

PURPOSE(S):

1. For use in connection with the Commission's field enforcement programs to determine levels of compliance among radio users; to issue marine certificates of compliance; to document Commission monitoring inspections and investigations for enforcement purposes; to provide a basis for various administrative, civil, or criminal sanction actions taken against violators by the EB or other appropriate Commission bureaus or offices.

2. Limited information elements are transferred to the Commission's central computer facility and to EB field facilities to maintain a cross-reference, which prevents duplication of enforcement actions, and to track the progress of enforcement cases. Copies of Commission sanction actions are available for public inspection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. If the records indicate a possible violation of law, they may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing the applicable statutes or rules.

2. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

3. A record from this system may be disclosed to request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system may be disclosed to a Federal state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

5. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

6. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

7. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

8. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders, a computer database, and computer printout.

RETRIEVABILITY:

All records are retrievable by name or by FCC-issued call sign.

SAFEGUARDS:

Paper records are kept in file cabinets in offices that are secured at the end of each business day. Access to information in the computer database is restricted by use of passwords and location of terminals in rooms which are designated non-public areas. The rooms are secured outside of business hours. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The documentation portions of these records are retained for three years after the case is closed, and then destroyed. All violation notices are maintained for a period of four years, then destroyed. (Classified material is destroyed by burning or shredding.)

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Bureau, Room 7–C732, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

NOTIFICATION, RECORD ACCESS AND CONTESTING PROCEDURES:

This system is exempt from the requirement that the agency publish the procedures for notifying an individual, at his or her request, if the system contains a record pertaining to him/her, for gaining access to such record, and for contesting the contents of the record.

RECORD SOURCE CATEGORIES:

This system is exempt from the requirement that the agency publish the categories of sources of records in this system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of the Privacy Act and from §§ 0.544–0.567 of FCC rules. Those provisions concern the notification, access, and contesting procedures described above as well as the publication of record sources. The system is exempt from these provisions because it is maintained in connection with the provision of protective services to certain individuals as defined in section (k)(3) of the Privacy Act and for law enforcement purposes as defined in section (k)(2) of the Privacy Act.

FCC/EB–2

SYSTEM NAME:

State and Operational Areas Emergency Commission Committee Membership.

SYSTEM LOCATION:

Enforcement Bureau, Federal Communications Commission (FCC), 445 12th Street, SW., Room 7–C732, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Chairman and Vice Chairman of State and Operational Area Emergency Communications Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information showing individual name, business address, business telephone number, and title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Advisory Committee Act, 5 U.S.C. appendix 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records in this system are used to forward the appropriate information to State Committee members, each broadcast station in the State, and to Federal, State, and local government officials for Emergency Communications planning. All information in this system will be available for public inspection.

In each case, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed by state and by name of committee member within the state.

SAFEGUARDS:

Records are maintained in file cabinets which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained indefinitely while the individual is a member of the committee; when member resigns, individual file materials are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Bureau, Federal Communications Commission (FCC), 445 12th Street, SW., Room 7–C732, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager. Name of the state must be provided with any request for information.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Committee member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OET–1

SYSTEM NAME:

Experimental Radio Station License Files.

SYSTEM LOCATION:

Office of Engineering and Technology, Federal Communications Commission (FCC), 445 12th Street, SW., Room 7–A303, NW., Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those who have been granted a license to operate an experimental radio station under part 5 of the Commission's rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. This system includes the following FCC Forms, any supporting exhibits submitted by the applicant(s), and related documentation:

(a) FCC Form 422, Application for a New or Modified Station;

(b) FCC Form 405, Application for Renewal of Station License;

(c) FCC Form 702, Application for Consent to Assignment of Radio Station Construction Authorization or License;

(d) FCC Form 703, Application for Consent to Transfer Control of Corporation Holding Station License; and

(e) Any supporting exhibits submitted by the applicant(s).

2. This system of records may include experimental project reports submitted by the applicant as required by FCC rules, part 5.

3. The system also includes comments from other Commission bureaus on interference potential of operation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 308; 47 CFR part 5.

PURPOSE(S):

To make a determination of applicant's eligibility to operate a station in the experimental radio service; to determine interference potential to other radio services within the Commission, to determine if the project of experimentation is valid, as well as possible use in rulemakings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information from this system may be disclosed to other FCC bureaus, Federal agencies, or to the public, in response to a request, in connection with new experimentation being conducted and the impact that this experimentation may have on the public. The information may not be disclosed if it is not routinely available for public inspection under § 0.457 of the Commission's rules, 47 CFR 0.459, or a request that the information be given confidential treatment is granted under § 0.459 of the Commission's rules, 47 CFR 0.459.

In each case the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, electronically scanned images of paper records, electronic records of data elements of both paper-file and electronically filed applications, and electronic copies of licenses granted after November 16, 1998.

RETRIEVABILITY:

1. Paper files are retrieved by license name. If there are more than one station per licensee, then the files may also be retrieved by call sign.

2. Scanned images, electronic records of data elements and electronic copies of licenses may be retrieved from the OET Experimental Licensing Branch Reports World Wide Web site, accessed from the main FCC Web page: *http://www.fcc.gov*, by clicking the link labeled ''Electronic Filing,'' and then clicking the link labeled ''OET Experimental Licensing Branch Reports.''

SAFEGUARDS:

All files are available to the public except classified files and files that have been granted confidentiality under 47 CFR 0.457 of the Commission rules. Classified files are kept in locked cabinets in accordance with security regulations. Files which have been granted confidentiality under 47 CFR 0.457 are marked ''NOT FOR PUBLIC INSPECTION'' and may only be accessed by Commission employees who have a need to know the information. Files which have been granted confidentiality under 47 CFR 0.457 are not accessible over the Internet. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records are maintained in the office. They are destroyed two years after expiration of the license.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Experimental Licensing Branch, Office of Engineering and Technology, Federal Communications Commission, 445 12th Street, SW., Room 7–A267, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORDS ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

The majority of information in these records comes from the individual. Other information comes from coordination with other FCC bureaus and from that which is generated with the Spectrum Coordination Branch during the normal processing of the application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OGC–2

SYSTEM NAME:

Attorney Misconduct Files.

SYSTEM LOCATION:

Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any attorney who appears in a representative capacity before the FCC and who is charged with attorney misconduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system of records include correspondence, briefs, related FCC agenda items, bar association recommendations, investigative findings, complaints of attorney misconduct, memoranda, and pleadings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 500(d).

PURPOSE(S):

Record information is used by staff attorneys to prosecute a case for attorney misconduct before FCC administrative law judges or before the Commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system of records may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

In each case the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is stored in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the attorney charged with misconduct.

SAFEGUARDS:

Records are kept in file cabinets in offices that are secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Destroyed five years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

NOTIFICATION, RECORD ACCESS AND CONTESTING RECORD PROCEDURES:

This system is exempt from the requirement that the agency publish the procedures for notifying an individual, at his or her request, if the system contains a record pertaining to him/her, for gaining access to such record, and for contesting the contents of the record.

RECORD SOURCE CATEGORIES:

This system is exempt from the requirement that the agency publish the categories of sources of records in this system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is exempt from Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Privacy Act of 1974, 5 U.S.C. 552a, and from §§ 0.554–0.557 and 0.559 of the Commission's rules. These provisions concern notification, record access, and contesting procedures, as well as publication of record sources. The system is exempt from these provisions because it is maintained for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC–3

SYSTEM NAME:

Employee Complaint Adjudication.

SYSTEM LOCATION:

Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission employee who is the subject of a complaint investigation involving internal personnel actions or activities, *i.e.*, discrimination, grievance, political activity, separation, or adverse action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records involve internal personnel disputes that have reached the hearing stage, and may include correspondence, memoranda, transcripts of hearings, briefs, pleadings, investigative reports, decisions of hearing examiners, and Commissioners.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

1. These records are used by staff attorneys in the General Counsel's office in settlement negotiations with opposing parties; records are also used in preparation for hearings before an administrative body or a court of appropriate jurisdiction.

2. A record on an individual in a system of records may be disclosed where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court of adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or when represented by the government, an employee of the FCC is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

2. A record from this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is stored in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the subject individual in the investigation.

SAFEGUARDS:

Records are maintained in file cabinets in an office that is secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Destroyed five years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, Federal Communications Commission, 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

NOTIFICATION PROCESS:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Co-workers of subject individual, other supervisors, classification experts, other persons involved in the case.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OGC–5

SYSTEM NAME:

Parties with Pending Civil Cases that Affect the Commission before any District Court; before any Court of Appeals; and before the Supreme Court.

SYSTEM LOCATION:

Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has a miscellaneous case involving the Commission before any District Court; before any Court of Appeals; and before the Supreme Court.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, pleadings, briefs, and bankruptcy papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 402.

PURPOSE(S):

Information in this system of records is used by Commission attorneys to update information or furnish additional data for the Government agency handling the case. The records contained in this system are available for public inspection to the extent that they do not contain information usually exempt from mandatory disclosure under Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

2. A record from this system of records may be disclosed to the Department of Justice or in a proceeding

before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

3. A record in this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are stored in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the individual filing the claim.

SAFEGUARDS:

Records are maintained in file cabinets in an office that is secured at the end of each business day.

RETENTION AND DISPOSAL:

The records are destroyed when no longer needed or after five years, whichever occurs first.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Justice Department: U.S. Attorneys; other Federal agencies: U.S. District Courts; and parties to the proceedings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OGC–6

SYSTEM NAME:

Private or Civil Injury Claimants.

SYSTEM LOCATION:

Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who files a damage claim against the Commission or commits a tort against a Commission employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system of records includes accident reports, tort claim vouchers, correspondence, memoranda, medical and payment receipts, repair and payment receipts, and pictures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 2672.

PURPOSE(S):

Record information is used by attorneys in the Office of General Counsel to determine whether a damage claim filed against the Commission should be paid and for reference purposes when similar cases arise. If it is determined that the claim should not be paid or if the Commission cannot make the final determination whether or not to pay a claim, the record is routinely transferred to the appropriate agency charged with the responsibility of disposition. The records contained in this system are available for public inspection to the extent that they do not contain information usually exempt from mandatory disclosure under Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

2. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, or, when an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether the disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by the name of the individual who filed the claim.

SAFEGUARDS:

Records are kept in a file cabinet in an office that is locked at the end of each business day. Since only one or two office persons routinely access this system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Records are destroyed five years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, Federal Communications Commission, 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Witnesses: Office of General Counsel; Office of Managing Director: claimants; and employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The records contained in this system are available for public inspection to the extent that they do not contain information usually exempt from mandatory disclosure under Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

FCC/OIG–1

SYSTEM NAME:

Criminal Investigative Files.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Office of Inspector General (OIG), Federal Communications Commission (FCC), 445 12th Street, SW., Room 2–C762, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

This system of records is limited to records on individuals, including present and former FCC employees, who are or have been the subjects of investigations conducted by the OIG in accordance with the Inspector General's (IG) authority derived from the Inspector General Act of 1978, as amended, 5 U.S.C. appendix 3. These investigations arise within the context of alleged violations of criminal laws which proscribe fraud, waste, and abuse in the execution of the Commission's programs and operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Case files developed during investigations of known or alleged fraud, waste, and abuse, or other irregularities or violations of criminal laws and regulations;
2. Case files related to programs and operations administered or financed by the FCC, including contractors and others doing business with the FCC;
3. Investigative files relating to FCC employees' hotline complaints and other miscellaneous complaint files; and
4. Investigative reports and related documents, such as correspondence, notes, attachments, and working papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended by Pub. L. 100–504, October 18, 1988.

PURPOSE(S):

This action is required in order to reflect the creation of the OIG in March 1989, and its statutory authorization to perform investigations, see 54 FR 15194, April 17, 1989. This system consists of the OIG's Investigative Files compiled for criminal investigation purposes:

1. For the purpose of preventing or detecting fraud, waste, or abuse;
2. Conducting and supervising audits and investigations relating to programs and operations in the Commission; and
3. Informing the Chairman about problems and deficiencies in the Commission's programs and operations or suggesting corrective action in reference to identified irregularities, problems, or deficiencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained by the OIG to carry out its functions may be disclosed, as routine use, as follows:

1. Where there is an indication of violation or potential violation of statute, regulation, rule or order, records from this system may be referred to the appropriate Federal, foreign, state or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.
2. To any source, either private or government, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or audit to be conducted by the OIG.
3. To private contractors for the purpose of collating, analyzing, aggregating, or otherwise refining records pertaining to an OIG investigation or audit. Disclosure will also be made to independent auditors who by contract carry out audits on behalf of the OIG. Such contractors will be required to maintain Privacy Act safeguards with respect to such records.
4. To the U.S. Department of Justice in order to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act within the context of investigations and audits conducted by the OIG.
5. To the Office of Management and Budget in order to obtain that office's advice regarding obligations under the Privacy Act within the context of investigations and audits conducted by the OIG.
6. To the Department of Justice or the Office of General Counsel of the Commission or independent counsel retained by OIG when the defendant in litigation is:

(a) Any component of the Commission or any employee of the Commission in his or her official capacity;

(b) The United States where the Commission determines that the claim, if successful, is likely to directly affect the operations of the Commission;

(c) Any Commission employee in his or her individual capacity where the Department of Justice and/or the Office of the General Counsel of the Commission agree to represent such employee.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records are collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The OIG Investigative Files consist either of paper records maintained in file folders or an automated database maintained on computer diskettes or on a computer network. All records are stored under secure conditions.

RETRIEVABILITY:

Records are filed alphabetically by name of the subject of the investigation or by a unique file number assigned to each investigation.

SAFEGUARDS:

Paper and diskette records are kept in locked file cabinets in offices that are further secured at the end of each business day. Limited access of these records is permitted by those persons whose official duties require such access, thus unauthorized examination during business hours would be easily detected. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The Investigative Files are kept by the specified periods of five to ten years from the date the files are closed, in accordance with the National Archives and Records Schedule 22. Disposition of records shall be in accordance with FCC Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, Federal Communications Commission (FCC), 445 12th Street, SW., Room 2–C762, Washington, DC 20554.

NOTIFICATION, RECORD ACCESS AND CONTESTING PROCEDURES:

Pursuant to section (j)(2) of the Privacy Act, the publication of notification, access and contesting procedures for records contained in this system is not necessary. Under certain circumstances, however, a determination as to the availability of these procedures shall be made at the time a request for notification, access, or contesting is received. Such inquiries should be addressed to the System Manager at the above address. Written requests should be clearly marked, ''Privacy Act Request'' on the envelope and letter, and include the full name of the individual, some type of appropriate personal identification, and the current address.

RECORD ACCESS PROCEDURES:

See statement in the notification procedures section above.

CONTESTING RECORD PROCEDURES:

See statement in the notification procedures section above.

RECORD SOURCE CATEGORIES:

Pursuant to section (j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), the

Commission is not required to publish the categories of the sources from which records contained in this system are obtained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to section (j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), this system is exempt from all of the provisions of the Privacy Act except subsections (b), (c)(1) and (c)(2), (e)(4)(A) through (F), (e)(6), (e)(7), (e)(9), (e)(10) (e)(11) and (i). The Commission's rules implementing the Privacy Act will state that this system of records is exempt from the Privacy Act provisions referred to in this paragraph. See 47 CFR 0.561.

FCC/OIG–2

SYSTEM NAME:

General Investigative Files.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Office of Inspector General (OIG), Federal Communications Commission (FCC), 445 12th Street, SW., Room 2–C762, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

This system of records contains records on individuals, including present and former FCC employees, who are or have been the subjects of general investigations conducted by the OIG relating to allegations raised pertaining to fraud, waste, and abuse with respect to programs and operations of the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files developed during investigations of known or alleged fraud, waste, and abuse, or other irregularities or violations of laws and regulations. Case files related to programs and operations administered or financed by the FCC, including contractors and others doing business with the FCC. Investigative files relating to FCC employee's hotline complaints, and other miscellaneous complaint files. Investigative reports and related documents, such as correspondence, notes, attachments, and working papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended by Pub. L. 100–504, October 18, 1988.

PURPOSE(S):

For the purpose of preventing or detecting waste, fraud, or abuse, conducting and supervising audits and investigations relating to programs and operations, informing the Chairman about problems and deficiencies in the Commission's programs and operations or suggesting corrective action in reference to identified irregularities, problems or deficiencies, the Commission's Inspector General is establishing this system of records. This action is required in order to reflect the creation of the OIG in March 1989, and its statutory authorization to perform investigations, see 54 FR 15194, April 17, 1989. This system consists of the OIG's Investigative Files compiled for law enforcement purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained by the OIG to carry out its functions may be disclosed, as routine uses, as follows:

1. Where there is an indication of violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, foreign, state or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

2. To any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or audit to be conducted by the OIG.

3. To private contractors for the purpose of collating, analyzing, aggregating, or otherwise refining records pertaining to an OIG investigation or audit. Disclosure will also be made to independent auditors who by contract carry out audits on behalf of the OIG. Such contractors will be required to maintain Privacy Act safeguards with respect to such records.

4. To the Department of Justice in order to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act within the context of investigations and audits conducted by the OIG.

5. To the Office of Management and Budget in order to obtain that office's advice regarding obligations under the Privacy Act within the context of investigations and audits conducted by the OIG.

6. To the Department of Justice or the Office of General Counsel of the Commission or independent counsel retained by OIG when the defendant in litigation is:

(a) Any component of the Commission or any employee of the Commission in his or her official capacity;

(b) The United States where the Commission determines that the claim, if successful, is likely to directly affect the operations of the Commission;

(c) Any Commission employee in his or her individual capacity where the Department of Justice and/or the Office of the General Counsel of the Commission agree to represent such employee.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were recorded.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The OIG Investigative Files consist either of paper records maintained in file folders or an automated database maintained on computer diskettes or on a computer network. All records are stored under secure conditions.

RETRIEVABILITY:

Records are filed alphabetically by name of subject of the investigation or by a unique file number assigned to each investigation.

SAFEGUARDS:

Paper and diskette records are kept in locked file cabinets in offices that are further secured at the end of each business day. Limited access of these records is permitted by those persons whose official duties require such access, thus unauthorized examination during business hours would be easily detected. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The Investigative Files are kept by the specified periods of 5 to 10 years from the date the files are closed, in accordance with the National Archives and Records Schedule 22. Disposition of records shall be in accordance with FCC Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, Federal Communications Commission, 445 12th Street, SW., Room 2–C762, Washington, DC.

NOTIFICATION, RECORD ACCESS AND CONTESTING RECORD PROCEDURES:

Pursuant to section (k)(2) of the Privacy Act the publication of

notification, access and contesting procedures for records contained in this system is not necessary. Under certain circumstances, however, a determination as to the availability of these procedures shall be made at the time a request for notification, access, or contesting is received. Such inquiries should be addressed to the System Manager at the above address. Written requests should be clearly marked, ''Privacy Act Request'' on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

RECORD SOURCE CATEGORIES:

Pursuant to section (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), the Commission is not required to publish the categories of the sources from which records contained in this system are obtained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to section (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), this system is exempt from all of the provisions of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f). The Commission's rules implementing the Privacy Act will state that this system of records is exempt from the Privacy Act provisions referred to in this paragraph. See 47 CFR 0.561.

FCC/OMD–2

SYSTEM NAME:

Labor and Employee Relations Case Files.

SYSTEM LOCATION:

Labor Relations and Workforce Effectiveness Service Center, Office of Associate Managing Director-Human Resources Management, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B104, Washington, DC. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FCC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. This system contains a variety of records relating to formal and informal actions based on conduct or performance and also includes the files dealing with: Grievances filed under the negotiated or administrative grievance procedures, Requests for reconsideration, Arbitrations, Appeals, and Miscellaneous inquiries and complaints.

2. The records may include information such as case number, employee name, Social Security Number, grade, job title, and employment history.

3. The records may also include copies of notices of proposed actions; materials relied on by the agency to support the proposed action; statements of witnesses; employee responses or appeals; transcripts; and agency decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 33, 35, 43, 61, 63, 71, 73, 75, and 77; 5 CFR parts 315, 359, 432, 531, 532, 610, 630, 715, 733, 735, 752, and 771.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. A record from this system of records may be disclosed to FCC officials when such officials have a ''need to know'' in carrying out their officials duties.

2. A record from this system may be disclosed to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

3. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

4. A record from this system may be disclosed to those sources from which additional information is requested in order to process personnel actions, to the extent necessary to identify the individual, inform the source or the purpose(s) of the request, and to identify the type of information requested.

5. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, or the classifying of jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the hiring or retention of an employee or the issuance of a security clearance.

6. A record from this system may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

7. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

8. A record from this system may be disclosed in response to a request for discovery or for appearance of a witness or when the information is relevant to a subject matter involved in a pending judicial or administrative proceeding.

9. A record from this system may be disclosed to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions; *e.g.,* as promulgated in 5 U.S.C. 1205–1206, or as may be authorized by law.

10. A record from this system may be disclosed to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with applicable laws and regulations, or other functions vested in the Commission by applicable law.

11. A record from this system may be disclosed to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

12. A record from this system may be disclosed to other Federal agencies needed for the performance of their official duties related to reconciling or reconstructing data files, in relating to personnel actions.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved preliminarily by case number. An examination of case logs will disclose the name of an employee associated with a case number.

SAFEGUARDS:

These records are maintained in secured metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

1. Records pertaining to the following matters are disposed of at the end of the first fiscal year following completion of the fiscal year in which the action was taken: Informal actions based on conduct or performance; Oral admonishments confirmed in writing; and Written reprimands.

2. Records pertaining to the following matters are disposed of at the end of the third fiscal year following completing of the fiscal year in which the action was taken: Grievances processed under the negotiated or administrative grievance procedures; Appeals; Request for restoration of annual leave; and Requests for admission to the agency's leave transfer program.

3. Records pertaining to the following matters are disposed of at the end of the fourth fiscal year following completion of the fiscal year in which the action was taken: Within-grade increase denials/postponements; Suspensions, removals, and furloughs taken under authority of 5 U.S.C. chapters 35 and 75; and Requests for reconsideration/review.

4. Records pertaining to the following matters are disposed of at the end of the fifth fiscal year following completion of the fiscal year in which the action was taken: Removals, demotions, and reassignments based on unacceptable performance; Arbitrations; and Unfair labor practices.

Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B104, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Individuals subject to an action governed by this system of records will be provided access to the record upon request, subject to applicable law and regulation. Individuals should contact the System Manager for access. They must furnish the following information in writing for their records to be located and identified: Name, Date of birth, Approximate opening and closing dates of the case and the kind of action involved, and Organizational component involved.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records to correct factual errors should contact the System Manager in writing. The following information must be provided: Name, Date of birth, Approximate opening and closing date of the case and the kind of action involved, and Organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

Individual on whom the record is maintained, Testimony of witnesses, Supervisors and managers, Union officials, and Arbitrators and other third-parties, such as the Department of Labor, Federal Labor Relations Authority, and Merit System Protection Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–3

SYSTEM NAME:

Federal Advisory Committee Membership File (FACA).

SYSTEM LOCATION:

Associate Managing Director-PERM, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A836, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

Members of Federal advisory committees sponsored or co-sponsored by the FCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Current information regarding individual advisory committee members' names, business addresses, business telephone numbers, and occupations or titles is kept with the members' respective advisory committee.

2. Copies or original financial disclosure forms, whenever they are necessary to be filed by committee members, are kept by the members' respective advisory committees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92–463, Federal Advisory Committee Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record in this system may be used to distribute information to members of each committee for purposes of conducting meetings and general committee business.

2. A record in this system may be used to provide information to the public upon request, in both hardcopy and in electronic form.

3. A record in this system may be disclosed to furnish information to the General Services Administration (GSA), and if necessary, to the Office of Management and Budget (OMB), for use in compiling an annual report.

4. A record in this system may be disclosed to furnish information to Congress in response to periodic Congressional inquiries.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on 8½ x 11 and 8½ x 5 papers in file folders; on computer diskettes, or in the computer database system. Storage is in the Office of the Managing Director at the FCC. Specific information on Advisory Committees is generally stored with the individual Advisory Committee Official, while more general information about the committees is stored in the Office of the Managing Director.

RETRIEVABILITY:

Records are grouped by name of committee and filed and retrieved thereunder by name of committee member.

SAFEGUARDS:

Paper records are maintained in file cabinets in offices that are locked at the end of each business day, on computer diskettes, or on the computer hard drive.

RETENTION AND DISPOSAL:

Records are generally retained until the Committee is terminated, and then transferred to the Federal Records Center. In certain instances, when space is not available, records may be transferred to the Federal Records Center prior to when the Committee is terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–C144, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager. The name of advisory committee should be included in the inquiry.

RECORD ACCESS PROCEDURES:

Same as in notification procedures.

CONTESTING RECORD PROCEDURES:

Same as in notification procedure.

RECORD SOURCE CATEGORIES:

Committee members.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–4

SYSTEM NAME:

Security Office Control Files.

SYSTEM LOCATION:

Security Operations Center, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FCC employees and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system contain the following information: Individual's last, first, and middle names (filed alphabetically by last name), Social Security Number, Date of birth, Place of birth, Classification as to position sensitivity, Types and dates of investigations, Investigative reports, and Dates and levels of clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450 and 12968.

PURPOSE(S):

These records are used by FCC Security Officer and the Personnel Security Specialist of the Security Office for reference in connection with the control of position sensitivity and security clearances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. For disclosure to a Federal agency or the District of Columbia Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the firing or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

2. For disclosure to the security officer of an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request for verification of security clearances, of FCC employees to have access to classified data or areas where their official duties require such access.

3. Where there is an indication or a violation or potential violation of a statute, regulation, rule, order may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

4. A record from this system may be disclosure to request information from a Federal, state, local or agency maintaining civil, criminal, or other relevant enforcement information, or other pertinent information records, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.

5. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to a Congressional office.

6. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in the stand alone computer database.

RETRIEVABILITY:

Records are retrieved by the name and Social Security Number of the individuals on whom they are maintained.

SAFEGUARDS:

The stand alone computer is stored within a secured area. A back up copy of these records is made weekly using 3.5 diskettes.

RETENTION AND DISPOSAL:

When an employee/contractor leaves the agency, the file in the database is deleted. If there is an investigative file on an employee/contractor, the file is kept for five years after the employee/contractor leaves the agency.

SYSTEM MANAGER(S) AND ADDRESS:

Security Operations Center, Office of Managing Director, Federal Communications Commission, 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above. Individuals must furnish the following information for their records to be located and identified: Full name, Date of birth, and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the system manager indicated above. Individuals must furnish the following information for their record to be located and identified: Full name and Social Security Number. An individual requesting access must also follow FCC Privacy Act regulations regarding verification of identity and access to records. See 47 CFR 0.554–0.555.

CONTESTING RECORD PROCEDURES:

1. Individuals wishing to request amendment of their records should contact the system manager indicated above.

2. Individuals must furnish the following information for their record to be located and identified: Full name and Social Security Number.

3. An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records, 47 CFR 0.556–0.557.

RECORD SOURCE CATEGORIES:

Records in this system include the individual to whom the information applies; investigative files maintained by the OPM Division of Personnel Investigations Processing Center; and employment information maintained by the Personnel officer of the FCC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OMD–6

SYSTEM NAME:

Records of Money Owed, Received, Refunded, and Returned.

SYSTEM LOCATION:

Financial Operations Center, Associate Managing Director-Financial Operations, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A625, Washington, DC 20554, and

Licensing Division, Wireless Telecommunications Bureau, Federal Communications Commission (FCC), 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system include the following information:

1. Individuals making payments to cover forfeitures assessed, fees collected, services rendered, and direct loans; refunds for incorrect payments or overpayments (including application processing fees, travel advances, advanced sick leave and advanced annual leave);

2. Billing and collection of bad checks; and

3. Miscellaneous monies received by the Commission (including reimbursement authorized under the Travel Reimbursement Program).

CATEGORIES OF RECORDS IN THE SYSTEM:

Record categories for this system include: Names, Social Security Numbers (SSN), Taxpayer Information Numbers (TIN), FCC Registration Numbers (FRN), Telephone numbers, Addresses of individuals, Records of services rendered, Loan payment information, Forfeitures assessed and collected, Amounts, Dates, Check numbers, Locations, Bank deposit information, Transaction type information, United States Treasury deposit numbers, Ship name and call sign, and Information substantiating fees collected, refunds issued, and interest, penalties, and administrative charges assessed to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921; Budget and Accounting Procedures Act of 1950; Federal Communications Authorization Act of 1989; and 31 U.S.C. 525.

PURPOSE(S):

The primary uses of the records are: (a) To account for all monies received by the FCC from the public and refunded to the public; (b) To compute vouchers to determine amounts claimed and reimbursed; and (c) To account for all advances given to employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, State, or local agency responsible for investigating or prosecuting a violation, or for enforcing or implementing the statute, rule, regulation or order.

2. A record from this system may be disclosed to request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement such as licenses, if necessary, to obtain information relevant to a FCC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the Government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) the Commission determines that the disclosure is relevant or necessary to the litigation.

8. A record from this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

9. Records from this system may be disclosed to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, computer printout, microfilm, microfiche, magnetic disc, and magnetic tape.

RETRIEVABILITY:

By name and/or type of transaction; call sign; processing number, Social Security number, Taxpayer Information Number, FCC Registration Number (FRN), employer identification number, soundex number, fee control number, payment ID number, or sequential number.

SAFEGUARDS:

Records are located in secured metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties required access. Electronic record files are secured by passwords which are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Retained for two years following the end of the current fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A663, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Subject individual; Federal Reserve Bank; agent of subject; Attorney-at-Law of the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–7

SYSTEM NAME:

FCC Employee Transit Benefit and Parking Permit Programs.

SYSTEM LOCATION:

Associate Managing Director—Administrative Operations, ASC, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room TW–C201, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

FCC employees who apply for and participate in the FCC Transit Benefit and Parking Permit Programs, such as: holders of parking permits and members of carpools and vanpools; recipients with handicap status for parking assignments; and applicants and recipients of fare subsidies issued by FCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains various records required to administer the Transit Benefit and Parking Permit Programs and serves to determine the applicant's qualification based on handicap status, mode of transportation to and from work, and to certify their monthly commuting cost to and from work. These records include the following information:

1. Employee Transit Benefit Program applications, Transit Benefit certification forms, change of information on Employee Transit Benefit Program application of the transit benefit recipients, parking applications, vanpool and carpool verification, employee parking rosters, employee handicap verification, and executive staff information.

2. Data regarding the organizational location, telephone number, FCC badge number, home address, vehicle make/model, license plate number, handicap status documents, van/carpool information, executive status, mode of transportation and monthly cost of transportation of any applicant who has submitted an application for the Transit Benefit and/or Parking Permit Programs.

3. Records and reports of disbursements to transit benefit recipients, parking permit recipients, handicap status, and information on local public mass transit facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Statutory authority to provide public transportation, parking records, and handicap parking services is derived from:

1. The Federal Employees Clean Air Incentives Act, Sec. 2(a) of Pub. L. 103–172, at 5 U.S.C. 7905;

2. Sec. 629 of Pub. L. 101–509, ''State or Local Government Programs Encouraging Employee Use of Public Transportation, Federal Agency Participation,'' at 5 U.S.C. note prec. section 7901; and in 47 CFR 101–20.104–2; and

3. The Federal Property and Administrative Services Act of 1949, as amended, at 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record in this system may be disclosed to a member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained;

2. A record in this system may be disclosed to the Department of Justice when: (a) The agency or any component thereof; (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records;

3. A record in this system may be disclosed to the National Finance Center (the Commission's designated payroll office), the Department of Treasury Debt Management Services and/or a current employer to effect a salary, IRS tax refund or administrative offset to satisfy an indebtedness incurred for unofficial use of transit benefits; and to Federal agencies to identify and locate former employees for the purpose of collecting such indebtedness, including through administrative, salary or tax refund offsets. Identifying and locating former employees, and the subsequent referral to such agencies for offset purposes, may be accomplished through authorized computer matching programs. Disclosures will be made only when all procedural steps established by the Debt Collection Act of 1982, and the Debt Collection Improvement Act of 1996 or the Computer Matching and Privacy Protection Act of 1988 as appropriate, have been taken;

4. A record in this system may be disclosed to a FCC employee in his/her individual capacity when inquiring about his/her application that was submitted for the Transit Benefit and/or Parking Permit Programs. Employees may do so by supplying their full name and FCC ID Badge Number (Identification Number must match number in the system);

5. A record in this system may be disclosed where there is an indication of misrepresentation to obtain, or misuse of, a transit benefit; and/or parking permit, records from this system may be referred to the appropriate FCC official responsible for revoking the transit benefit and/or parking permit, and recovering the unauthorized amount of used transit benefit, suspending employee participation in the programs, and/or may result in disciplinary action;

6. A record in this system may be disclosed to GSA/GAO for the purposes of records management inspections conducted. Such disclosure shall not be used to make a determination about an individual;

7. A record in this system may be used for administrative purposes by authorized personnel for production of listings and reports. This system may be used for periodic review of re-certification, and to ensure eligibility for, and receipt of, transit benefit and parking privileges;

8. A record from this system may be disclosed to a request for information from a Federal, state, or local agency in connection with the approval/disapproval of an application for special parking assignment; and

9. A record in this system may be disclosed to agency contractors, who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the necessary activity. Recipients will be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 USC 552a(m).

In each cases the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on 8½ x 11 and 8½ x 5 papers in file folders and in the transit benefit and parking permit computer databases. Storage will be in the Office of Managing Director, AMD—Administrative Operations, ASC, Federal Communications Commission (FCC), 445 12th Street, SW., Room TW–C201, Washington, DC 20554.

RETRIEVABILITY:

Records are retrieved by the employee's name, or by the FCC Badge identification number, tag, and/or permit number

SAFEGUARDS:

Records are maintained in a secured area and are available only to authorized personnel responsible for implementing these programs and whose duties require access. Computer databases are setup with a secured password. File cabinets where the records are stored will be controlled by on-site personnel when unlocked and locked when not in use. All transit benefits and parking permits are kept in a locked cash box contained in a (cylinder lock) drawer. At close of business the cash box is to be secured in a government issued safe with a combination lock.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with appropriate General Records Schedule 6, National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director—Administrative Operations, ASC, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room TW–C201, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Anyone inquiring about an employee record under the Transit Benefit and Parking Permit Programs should contact the Transit Benefit and Parking Permit Programs Coordinator. Individuals must supply their full name and/or FCC Badge Number (Identification Number must match what is in the system) in order for records to be located and identified.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

Information in these systems of records is obtained from applications submitted by individuals for the Transit Benefit and Parking Permit Programs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–8

SYSTEM NAME:

Revenue Accounting Management Information System (''RAMIS'').

SYSTEM LOCATION: FINANCIAL OPERATIONS CENTER, ASSOCIATE MANAGING DIRECTOR—FINANCIAL

Operations (AMD–FO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A625, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system include: Entities (acting on their own behalf or on behalf of a corporate entity) making payments to cover forfeitures assessed, application and regulatory fees covered, services rendered, and direct loans; refunds for incorrect payments or overpayments (including application processing fees and travel advances); billing and the collection of bad debts; and miscellaneous monies received by the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include the following: Names; Social Security Numbers (SSN); Taxpayer Identification Numbers (TIN); FCC Registration Numbers (FRN); Telephone numbers; Addresses of individuals; Records of services rendered; Loan payment information; Forfeitures assessed and collected; Amounts; Dates; Check numbers; Locations; Bank deposit information; Transaction type information; United States Treasury deposit numbers; Ship name and call sign; and Information substantiating fees collected, refunds issued, and interest, penalties, and administrative charges assessed to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921; Budget and Accounting Procedures Act of 1950; Federal Communications Authorization Act of 1989; and 31 U.S.C. 525.

PURPOSE(S):

The primary uses of the records are to account for all monies received by the FCC from the public and refunded to the public.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, State, or local agency responsible for investigating or prosecuting a violation, or for enforcing or implementing the statute, rule, regulation or order.

2. A record from this system may be disclosed to request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement such as licenses, if necessary, to obtain information relevant to a FCC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the Government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

8. A record from this system of records which concerns information on past due debts to the Federal Government may be disclosed to the Department of the Treasure, Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund, or other payments to collect that debt.

9. Records from this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

10. Records from this system may be disclosed to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) of the Federal Claims Collection Act of 1996 (31 U.S.C. 3701(a)(3)).

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained in paper files, computer printout, microfiche, magnetic disc, and magnetic tape.

RETRIEVABILITY:

By name and/or type of transaction, call sign, processing number, Social Security Number, Taxpayer Identification Number (TNN), FCC Registration Number (FRN), employee identification number, fee control number, payment ID number, or sequential number.

SAFEGUARDS:

Records are located in secured metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties required access. Electronic record files are secured by passwords which are available only to authorized personnel whose duties require access. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Retained for two years following the end of the current fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW, Room 1–A625, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Subject individual; Federal Reserve Bank; FCC RAMIS forms files; Agent of subject; and Attorney-at-Law of the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–9

SYSTEM NAME:

Commission Registration System (''CORES'').

SYSTEM LOCATION:

Financial Operations Group, Associate Managing Director-Financial Operations (AMD–FO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street, SW, Room 1–A625, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system include information on individuals (acting on their own behalf or on behalf of a corporate entity) who are doing business with the Federal Communications Commission. The FCC Registration Number (FRN) will be assigned by the Commission Registration System (CORES). The Registration Number will be required for anyone doing business with the Commission (feeable) after December 31, 2000 to ensure that they receive any refunds due, to service public inquiries, and to comply with the Debt Collection Improvement Act of 1996.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include: Names; Address(es); Social Security Numbers (SSN); Taxpayer Identification Numbers (TIN); FCC Registration Numbers (FRN); Business entity type (person or company); Telephone number(s); Fax number(s); E-mail address(es); and Addresses of individuals or entities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Communications Act of 1934, as amended, sections 8 and 9 and the Debt Collection Improvement Act of 1996, Pub.L. 104–134.

PURPOSE(S):

The primary uses of the records contained on this form are to maintain required accounts receivable, and collect fines and debts due the Federal Communications Commission. This information also assures that the individuals, or the entities which they represent, receive any refunds due.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, State, or local agency responsible for investigating or prosecuting a violation, or for enforcing or implementing the statute, rule, regulation or order.

2. A record from this system may be disclosed to request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement such as licenses, if necessary, to obtain information relevant to a FCC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

6. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the Government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

7. A record from this system of records which concerns information on past due debts to the Federal Government may be disclosed to the Department of the Treasure, Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund, or other payments to collect that debt.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained in paper files, computer printout, and magnetic tape.

RETRIEVABILITY:

By name and/or type of transaction; Processing number; Social Security Number; Taxpayer Identification Number; FCC Registration Number (FRN); Employer Identification Number; or Sequential number.

SAFEGUARDS:

Records are located in secured metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties required access. Electronic record files are secured by passwords which are available only to authorized personnel whose duties require access. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Retained for two years following the end of the current fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

Financial Management Division, Associate Managing Director-Financial Operations (AMD–FO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A625, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Subject individual; Federal Reserve Bank; FCC CORES forms files; and Attorney-at-Law of the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/WTB–1

SYSTEM NAME:

Wireless Services Licensing Records.

SYSTEM LOCATION:

Wireless Telecommunications Bureau, Room 3–C122, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Licensees and applicants (including persons or entities with attributable interests therein as described below);

2. Tower owners; and

3. Contact persons relating to radio systems licensed or processed by the Wireless Telecommunications Bureau under parts 13, 22, 24, 26, 27, 74, 80, 87, 90, 95, 97, and 101 of the Commission's Rules (Wireless Services).

CATEGORIES OF RECORDS IN THE SYSTEM:

The scope of records includes applications, licenses and pleadings relating to such applications, and correspondence relating to authorizations, and requests for authorizations in the Wireless Services. The current application forms will include the collection of Taxpayer Identification Numbers (TINs).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 301, 303, 309, 312, 362, 364, 386, 507, and 510. The use of the Taxpayer Identification Numbers (TINs) is defined by 26 U.S.C. 6109. Authority to collect TINs under the Debt Collection Improvement Act of 1996 is found at 31 U.S.C. 7701. Licensing disclosure requirements, etc. are found under 47 CFR 1.2112 and the Biennial Regulatory Review—Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, Report and Order, WT Docket No. 98–20, FCC 98–234, 13 FCC Rcd 21027 ¶¶ 132–42.

PURPOSE(S):

Records are kept to administer the FCC's regulatory responsibilities including licensing, enforcement, rulemaking, and other actions necessary to perform spectrum management duties. The system will also be maintained to provide public access to pending requests for authorizations and information regarding current licensees.

1. License records are routinely used to determine the availability of spectrum for licensing.

2. The records are also used to determine when compliance filings, renewal applications and fees are due from licensees.

3. FCC licensee records are used to resolve disputes between radio operators regarding who has certain rights to use particular frequency bands in particular geographic areas. The records may also be used to resolve cross border disputes *e.g.,* disputes with entities operating in Canada and Mexico.

4. Records will be used to allow licensees to transfer or assign their interests in particular licenses or portions of licenses as the rules permit (after agency approval).

5. Records will be used to evaluate the completeness and sufficiency of requests for new or modified authorizations.

6. Public access to license data (except TIN numbers) will promote the economically efficient allocation of spectrum and the resolution of radio interference problems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The licensee records will be publicly available and routinely used in accordance with subsection b. of the Privacy Act. TIN Numbers and material which is afforded confidential treatment pursuant to a request made under 47 CFR § 0.459 will not be available for Public inspection. However, these and all other records may also be disclosed for the following purposes:

1. A Record from this system may be disclosed where there is an indication of a violation or potential violation of a statute, regulation or order, records from this system may be used to conduct enforcement proceedings within the agency, or may be referred to Federal, state, or local law enforcement personnel responsible for investigating, prosecuting or for enforcing or implementing the statute, regulation or order.

2. Records may be utilized to report to the President, NTIA and other federal agencies regarding the current uses and utilization of the spectrum that the FCC manages.

3. A record on an individual may be used where pertinent in any legal proceeding to which the Commission is a party before a court or administrative body.

4. A record from this system may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when arising from his employment, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation; and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

5. A Record from this system may be disclosed to debt collection contractors (31 U.S.C. 3718) or to other Federal agencies such as the Department of the Treasury (Treasury) for the purpose of collecting and reporting on delinquent debts as authorized by the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996;

6. A Record from this system may be disclosed to Treasury; the Defense Manpower Data Center, Department of Defense; the United States Postal Service; government corporations; or any other Federal, State, or local agency to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to identify and locate individuals, including Federal employees, who are delinquent in their repayment of certain debts owed to the U.S. Government, including those incurred under certain programs or services administered by the FCC, in order to collect debts under common law or under the provisions of the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996 which include by voluntary repayment, administrative or salary offset, and referral to debt collection contractors.

7. A Record from this system may be disclosed to the Department of Justice, United States Attorney, Treasury, or other Federal agencies for further collection action on any delinquent account when circumstances warrant.

8. A Record from this system may be disclosed to credit reporting agencies/credit bureaus for the purpose of either adding to a credit history file or obtaining a credit history file or comparable credit information for use in the administration of debt collection. As authorized by the DCIA, the FCC may report current (not delinquent) as well as delinquent consumer and commercial debt to these entities in order to aid in the collection of debts, typically by providing an incentive to the person to repay the debt timely. Proposed revisions to the Federal Claims Collection Standards (FCCS) published in the **Federal Register** on December 31, 1997, direct agencies to report information on delinquent debts to the Department of Housing and Urban Development's Credit Alert Interactive Voice Response System (CAIVRS). The FCC will report this information to CAIVRS if the proposed requirement is contained in the final rule amending the FCCS.

9. A Record from this system may be disclosed to any Federal agency where the debtor is employed or receiving some form of remuneration for the purpose of enabling that agency to collect a debt owed the Federal government on the FCC's behalf. The FCC may counsel the debtor for voluntary repayment or may initiate administrative or salary offset procedures, or other authorized debt collection methods under the provisions of the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996. Pursuant to the DCIA, the FCC may garnish non-Federal wages of certain delinquent debtors so long as required due process procedures are followed. In these instances, the FCC's notice to the employer will disclose only the information that may be necessary for the employer to comply with the withholding order.

10. A Record from this system may be disclosed to the Internal Revenue Service (IRS) by computer matching to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by the FCC against the taxpayer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3717, and 3718 or common law. Disclosure of a mailing address obtained from the IRS may be made only for debt collection purposes, including to a debt collection agent to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996, except that disclosure of a mailing address to a reporting agency is for the limited purpose of obtaining a credit report on the particular taxpayer. Any mailing address information obtained from the IRS will not be used or shared for any other FCC purpose or disclosed by the FCC to another Federal, State, or local agency which seeks to locate the same taxpayer for its own debt collection purposes.

11. A Record from this system may be disclosed to refer legally enforceable debts to the IRS or to Treasury's Debt Management Services to be offset against the debtor's tax refunds under the Federal Tax Refund Offset Program.

12. A Record from this system may be disclosed to prepare W–2, 1099, or other forms or electronic submittals, to forward to the IRS and applicable State and local governments for tax reporting purposes. Under the provisions of the DCIA, the FCC is permitted to provide Treasury with Form 1099–C information on discharged debts so that Treasury may file the form on the FCC's behalf with the IRS. W–2 and 1099 Forms contain information on items to be considered as income to an individual, including payments made to persons not treated as employees (*e.g.,* fees to consultants and experts), and amounts written-off as legally or administratively uncollectible, in whole or in part.

13. A Record from this system may be disclosed to banks enrolled in the Treasury Credit Card Network to collect a payment or debt when the individual has given his or her credit card number for this purpose.

14. A Record from this system may be disclosed to another Federal agency that has asked the FCC to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to name, address, TIN, and other information necessary to identify the individual; information about the money payable to or held for the individual; and other information concerning the administrative offset.

15. A Record from this system may be disclosed to Treasury or other Federal agencies with whom the FCC has entered into an agreement establishing the terms and conditions for debt collection cross-servicing operations on behalf of the FCC to satisfy, in whole or in part, debts owed to the U.S. government. Cross-servicing includes the possible use of all debt collection tools such as administrative offset, tax refund offset, referral to debt collection contractors, and referral to the Department of Justice. The DCIA requires agencies to transfer to Treasury or Treasury-designated Debt Collection Centers for cross-servicing certain nontax debt over 180 days delinquent. Treasury has the authority to act in the Federal government's best interest to service, collect, compromise, suspend, or terminate collection action in accordance with existing laws under which the debts arise.

16. Information on past due, legally enforceable nontax debts more than 180 days delinquent will be referred to Treasury for the purpose of locating the debtor and/or effecting administrative offset against monies payable by the government to the debtor, or held by the government for the debtor under the DCIA's mandatory, government-wide Treasury Offset Program (TOP). Under TOP, Treasury maintains a database of all qualified delinquent nontax debts, and works with agencies to match by computer their payments against the

delinquent debtor database in order to divert payments to pay the delinquent debt. Treasury has the authority to waive the computer matching requirement for the FCC and other agencies upon written certification that administrative due process notice requirements have been complied with.

17. For debt collection purposes, the FCC may publish or otherwise publicly disseminate information regarding the identity of delinquent nontax debtors and the existence of the nontax debts under the provisions of the Debt Collection Improvement Act of 1996.

18. A Record from this system may be disclosed to the Department of Labor (DOL) and the Department of Health and Human Services (HHS) to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to match the FCC's debtor records with the records of DOL and HHS to obtain names, name controls, names of employers, addresses, dates of birth, and TINs. The DCIA requires all Federal agencies to obtain taxpayer identification numbers from each individual or entity doing business with the agency, including applicants and recipients of licenses, grants, or benefit payments; contractors; and entities and individuals owing fines, fees, or penalties to the agency. The FCC will use TINs in collecting and reporting any delinquent amounts resulting from doing business with applicants and licensees.

19. If the FCC decides or is required to sell a delinquent nontax debt pursuant to 31 U.S.C. 3711(i), information in this system of records may be disclosed to purchasers, potential purchasers, and contractors engaged to assist in the sale or to obtain information necessary for potential purchasers to formulate bids and information necessary for purchasers to pursue collection remedies.

20. If the FCC has current and delinquent collateralized nontax debts pursuant to 31 U.S.C. 3711(i)(4)a., certain information in this system of records on its portfolio of loans, notes and guarantees, and other collateralized debts will be reported to Congress based on standards developed by the Office of Management and Budget, in consultation with Treasury.

21. A Record from this system may be disclosed to Treasury in order to request a payment to individuals owed money by the FCC.

22. A Record from this system may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

In each of these cases the FCC will determine whether such use of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records will be stored and accessed electronically. Records that are submitted to the FCC on paper will be scanned or keyed into the computer system as appropriate. Paper records submitted to the FCC will be archived after being entered into ULS. Tape backups of records will be periodically created. Records of prior licensees will be archived.

RETRIEVABILITY:

A primary purpose of the system is to provide easy access to the information. Records may be retrieved by searching electronically using a variety of parameters including name, a licensee's unique identifier, call sign, file number, etc. However, paper records which contain TINs will not be available for Public Inspection.

SAFEGUARDS:

1. Records (other than TINs and materials which are afforded confidential treatment under 47 CFR 0.459) are accessible to the public.

2. Access to certain records may be available on the Internet. Access to other records will be available using a web browser on the Commission wide area network.

3. The ability to enter and change individual records will be protected by passwords issued to applicants and licensees. Records will be protected from unauthorized changes by passwords and other computer security measures within the agency.

4. TINs reported to the agency as requested on appropriate forms will not be available to the public. (The agency cannot be responsible for the disclosure of TINs by applicants in attachments to applications or pleadings in situations where confidentiality is not requested.)

5. Each applicant or licensee will be given a unique identifier generated by the ULS after such applicant or licensee provides its TIN to the agency. These identifiers will be used within the agency and by the public to obtain information on the licenses held by particular individuals or entities. These identifiers will be used in lieu of tracking by TINs so that the agency can avoid unnecessary disclosure of TINs. Within the agency, access to TINs will be available only to those persons whose jobs require such access (*e.g.,* FCC staff who report debt information to the U.S. Department of Treasury).

6. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records will be actively maintained as long as an individual remains a licensee. Paper records will be archived after being keyed or scanned into the system. Electronic records will be backed up on tape. Electronic and paper records will be maintained for at least eleven years.

SYSTEMS MANAGER(S) AND ADDRESS:

Chief, Wireless Telecommunications Bureau (WTB), Room 3–C122, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager. In order to identify a specific record please indicate name, address, type of record as well as file number or call sign where applicable.

RECORD ACCESS PROCEDURES:

Information regarding procedures for accessing records can be found at the FCC Web site at *www.fcc.gov* or by calling 888–CALL–FCC.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the system manager indicated above. An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records. See 47 CFR 0.556–0.557.

RECORD SOURCE CATEGORIES:

The individual to whom the information applies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/WTB–5

SYSTEM NAME:

Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly.

SYSTEM LOCATION:

Wireless Telecommunications Bureau (WTB), Room 3–C122, Federal

Communications Commission (FCC), 445 12th Street, SW., Room 3–C122, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals who are or have been licensed under parts 13, 80, 87, 95, or 97 of the Rules who have operated in violation of the Commission's rules or the Communications Act of 1934, as amended.

2. Unlicensed persons who have operated radio transmitting equipment.

3. Persons who have had a license revoked or have had an application dismissed or denied, and are prohibited from filing another application within one year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include: Name; Address; Date of birth (if known) of individual; Authorization code of staff member who placed name in the file; and Date the name was placed in the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 301, 303, 309(e), and 312.

PURPOSE(S):

This system of records is used by selected staff and field employees to determine whether the application of these individuals should be granted, dismissed or set for hearing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulations or order.

2. A record from this system may be disclosed to request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the issuance of a license, grant or other benefit or enforcement proceedings.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when arising from his employment, an employee of the Commission is a party to litigation or anticipated litigated or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On magnetic tape and computer printout.

RETRIEVABILITY:

Information is filed alphabetically by name of individual in a computer and is retrieved periodically through computer printout.

SAFEGUARDS:

Access to computer is controlled by password in a secured office and the printouts are available only to selected staff personnel.

RETENTION AND DISPOSAL:

The printouts are destroyed by machine shredding or by tearing into pieces when a new list is distributed. The computer tapes are retained for four back-up cycles, and on the fifth update, the oldest tape is destroyed. Individual names are removed from the file when retention is no longer appropriate. The entire list of names is reviewed quarterly.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Wireless Telecommunications Bureau, Room 3–C122, SW., Federal Communications Commission, 445 12th Street, SW., Washington, DC. 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Applicants and FCC Field Engineers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/WTB–6

SYSTEM NAME:

Radio Operator Records.

SYSTEM LOCATION:

Wireless Telecommunications Bureau (WTB), Federal Communications Commission (FCC), 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied and/or received radio operator licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for commercial radio operator licenses, records of documents issued, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Geneva Radio Regulations; 47 U.S.C. 303(l), 303(m), and 318.

PURPOSE(S):

1. For use in connection with the administration of the Commission's radio operator program including applications, and determinations of license applicant qualifications. Limited file materials concerning licensed radio operators is maintained in the agency's computer database. The information in the license database will be available for public inspection.

2. If the records indicate a possible violation of law, they may be referred to the FCC's Enforcement Bureau, Office of General Counsel, and to the appropriate agency charged with the responsibility of investigating or prosecuting such violation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a

statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record from this system may be disclosed to request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 4 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) the Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on microfilm and a computer database.

RETRIEVABILITY:

All records are retrievable by applicant name.

SAFEGUARDS:

The microfilm is stored in file cabinets in offices that are secured at the close of the business day. Access to the database is secured by passwords. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Commercial applications are destroyed when 11 years old. Both General and Restricted Permit applications are retained for 75 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Database Management Division, Wireless Telecommunications Bureau, Federal Communications Commission (FCC), 1270 Fairfield Road, Gettysburg, PA 17325

NOTIFICATION, RECORD ACCESS AND CONTESTING RECORD PROCEDURES:

This system is exempt from the requirement that the agency publish the procedures for notifying an individual, at his or her request, if the system contains a record pertaining to him/her, for gaining access to such record, and for contesting the contents of the record.

RECORD SOURCE CATEGORIES:

This system is exempt from the requirement that the agency publish the categories of sources of records in this system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Privacy Act. These provisions concern the notification, record access, and contesting procedures described above and also the publication of record sources. The system is exempt from these provisions because it contains investigative material compiled for law enforcement purposes as defined in section (k)(2) of the Privacy Act.

[FR Doc. 00–27037 Filed 10–20–00; 8:45 am]

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Federal Register

Monday,
October 23, 2000

Part IV

Federal Communications Commission

Privacy Act of 1974, As Amended; System of Records; Notice

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act of 1974, As Amended; System of Records

AGENCY: Federal Communications Commission (FCC or Commission)

ACTION: Notice; one proposed new system of records, 24 proposed new routine uses, 30 altered systems of records, and elimination of three systems of records.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), as amended, this document sets forth notice of the existence of all systems of records maintained by the FCC. This notice also proposes to establish one new system of records, to alter 30 existing systems, and to eliminate three systems of records that are no longer used by the Commission. For the convenience of the reader, the agency eliminated using ''Blanket Routine Uses'' and listed the routine uses in the body of the notice itself. This notice provides and makes readily available in one issue of the **Federal Register** an accurate and complete text, with administrative and editorial changes, of the FCC's systems of records for use by individuals and by agency Privacy Act officials.

DATES: Any interested person may submit written comments concerning the routine uses of this system on or before November 22, 2000. The Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act to review the system, may submit comments on or before December 4, 2000. This proposed system will be effective on December 4, 2000 unless the FCC receives comments that require a contrary determination. The Commission will publish a document in the **Federal Register** notifying the public if any changes are necessary.

ADDRESSES: Address comments to Les Smith, Performance Evaluation and Record Management (PERM), Room 1–A804, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, or via the Internet at *lesmith@fcc.gov,* or to Edward Springer, FCC Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10236, NEOB, 725 17th Street, NW., Washington, DC 20503, or via the Internet at *Edward C. Springer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Les Smith, Performance Evaluation and Record Management (PERM), Room 1–A804, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554, or via the Internet at *lesmith@fcc.gov* or Laurence Schecker, Attorney Advisor, Office of General Counsel, at (202) 418–1720 or via the Internet at *lschecker@fcc.gov.*

SUPPLEMENTARY INFORMATION: The FCC previously gave complete notice of all of its systems of records by publication in the **Federal Register**, May 18, 1992, 57 FR 21091. Since that publication, the Commission has added and deleted systems of records, and has made non-substantive changes to many existing systems of records. Therefore, a complete copy of the Commission's systems of records presently can be obtained only by referring to several **Federal Register** notices. The Commission is publishing the complete text of all of its systems notices to provide a current, easily accessible compilation.

The proposed changes in this notice result from editorial changes to the existing systems of records; notices to update, simplify, or clarify, as necessary, these systems of records; the application of new technology; and the transfer of duties and responsibilities between bureaus, including the creation of the Wireless Telecommunication Bureau (WTB) in 1994, and the most recent Commission reorganization, the creation of the Enforcement Bureau (EB) and the Consumer Information Bureau (CIB), and the elimination of the Compliance and Information Bureau (CIB) in 1999.

The transfer, updating, or renaming of seven systems of records between bureaus:

1. FCC/CCB–1 to new FCC/CIB–1, ''Informal Complaints and Inquiries Files (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services);''
2. Old FCC/CIB–4 to new FCC/CIB–4, ''Telephone and Electronic Contacts;''
3. Old FCC/FOB–2 to new FCC/EB–1, ''Violators File;''
4. Old FCC/FOB–3 to new FCC/EB–2, ''State and Operational Areas Emergency Commissions Committee Membership;''
5. FCC/OGC–7 to FCC/Central-12, ''Garnishment and Levy of Wages;''
6. Old FCC/PRB–5 to FCC/WTB–5, ''Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly;'' and
7. Old FCC/FOB–1 to FCC/WTB–6, ''Radio Operator Records.''

The addition of one new system of records:

FCC/Central-11, ''Interoffice (GroupWise) and Internet E-mail Systems;'' and

The purging of three systems of records:

1. FCC/Central-3, ''Employee Assistance Program Case Files;''
2. FCC/OGC–1, ''Alleged Violators File (Ex Parte Rules);'' and
3. FCC/OGC–4, ''Parties Involved in Current Litigation before Federal Courts.''

The alteration of nine systems of records to make various editorial changes to the existing systems notices: FCC/Central-5, ''Alcoholism and Drug Case Files; FCC/Central-6, ''Personnel Investigative Records;'' FCC/Central-7, ''Freedom of Information Act Case Files;'' FCC/OGC–2, ''Attorney Misconduct Files; FCC/OGC–2, ''Employee Complaint Adjudication;'' FCC/OGC–6, ''Private or Civil Injury Claimants;'' FCC/OIG–1, ''Criminal Investigative Files;'' FCC/OIG–2, ''General Investigative Files;'' and FCC/OMB–4, ''Security Office Control Files.''

The expansion of 15 systems of records to include additional components and updates:

FCC/Central-1, ''Pay and Leave,'' was modified to remove the travel component, which was transferred to FCC/OMD–6, and to add the ''leave transfer'' program. The records in this system of records were also expanded to include Social Security Numbers, which are required to administer the Commission's pay and leave requirements.

FCC/Central-2, ''Employee Locator Card Files,'' the purpose of this system of records was modified to address its use for administrative offices only. The system of records was also as expanded to add five routine uses, as follows:

- Routine use (1) allows disclosure where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order;
- Routine use (2) allows disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit;
- Routine use (3) allows a record on an individual in this system of records to be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office;

• Routine use (4) allows a record from this system of records to be disclosed to an FCC officer in the case where an emergency of a medical or other nature involving the employee may occur while on the job; and

• Routine use (5) permits a record in this system of records to be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

FCC/Central-8, ''Telephone Call Detail and Equipment Loan Records,'' the categories of individuals and the categories of records covered by this system were expanded to include those individuals who are loaned electronic equipment to use when their work requires them to work outside the office or to maintain close contact with the Commission staff, *i.e.,* laptop computers, pagers/beepers, and cellular telephone equipment, etc. These records include the individual's name, FCC I.D. badge number, bureau/office, loaned equipment's barcode number, serial number, model number, and modem number.

FCC/Central-9, ''Denial of Federal Benefits (Drug Debarment List),'' the categories of records in this system were expanded to include the person's Taxpayer Identification Number (TIN).

FCC/Central-10, ''Access Control System,'' the categories of records in the system were modified to limit the data elements in the ''visitors database'' to just the person's first and last names and their numerical identifier. (The person's telephone number, destination, agency or firm name, and the photographic identification elements were removed as required fields.)

FCC/CIB–1, ''Informal Complaints and Inquiries Files (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services),'' was expanded to include other telecommunications service complaints and inquiries as noted in the title change. The Commission now redacts information which could identify the complainant or correspondent, *i.e.,* name, address, and/or telephone number, before it allows the public to inspect the records. Several routine uses were added as follows:

• Routine use (1) permits a record from this system to be disclosed when a complaint against a common carrier is involved, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so;

• Routine use (3) permits a record from this system to be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit;

• Routine use (6) permits a record on an individual in this system of records to be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; and

• Routine use (7) permits a record from this system of records to be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

FCC/EB–1, ''Violators File,'' the categories of individuals covered by this system were expanded to include licensees, applicants, and unlicensed persons under parts 80, 87, 90, 94, 95, and 97 of the rules about whom there were questions of compliance with the Commission's rules or the Communications Act of 1934, as amended. One routine use was also added as follows:

• Routine use (4) was modified so that a record from this system of records may be disclosed in response to a request for information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

FCC/OET–1, ''Experimental Radio Station License Files,'' the categories of records in this system have been expanded to include the applicant's FCC Registration Number (FRN), FCC Form 702, Application for Consent to Assignment of Radio Station Construction Authorization or License; and FCC Form 703, Application for Consent to Transfer Control of Corporation Holding Station License. A routine use was added as follows:

• Routine use (1) in this system was modified to restrict disclosure of information if it is not routinely available for public inspection under § 0.457 of the Commission's rules, 47 CFR 0.459, or a request that the information be given confidential treatment is granted under § 0.459 of the Commission's rules, 47 CFR 0.459.

FCC/OGC–5, ''Parties with Pending Civil Cases that Affect the Commission before any District Court; before any Court of Appeals; and before the Supreme Court,'' the name of this system was modified to include additional courts.

FCC/OMD–2, ''Labor and Employee Relations Case Files,'' has been modified to add a routine use as follows:

• Routine use (1) permits disclosure to FCC officials when such officials have a ''need to know'' in carrying out their official duties.

FCC/OMD–3, ''Federal Advisory Committee Membership File (FACA),'' the categories of records in this system have been expanded to include copies or originals of financial disclosure forms, whenever they must be filed by the committee members, may be kept by the members' respective advisory committees. Specific information on Advisory Committees is generally stored with each Advisory Committee Official while the more general information about the committees is the Office of the Managing Director. In addition the routine uses were also modified or expanded as follows:

• Routine use (2) which allows for disclosure of information to the public, upon request, has been modified to make these records available in both hardcopy and electronic;

• Routine use (3) which permits disclosure to the General Services Administration (GSA) has been expanded to permit disclosure, if necessary, to the Office of Management and Budget (OMB), for use in compiling an annual report; and

• Routine use (4) has been added which may permit a record in this system to be disclosed to furnish information to Congress in response to periodic Congressional inquiries.

FCC/OMB–6, ''Records of Money Owed, Received, Refunded, and Returned,'' was modified to add ''Owed'' to the title of this system of records. A travel component was transferred from FCC/Central-1 to this system of records. The categories of records in this system were also expanded to include the Taxpayer Information Number (TIN), the FCC Registration Number (FRN), and loan payment information;

FCC/OMD–7, ''FCC Employee Transit Benefit and Parking Permit Programs,'' has added a mass transit component and handicap provisions which has expanded the number of routine uses applicable to this system of records. These are as follows:

• Routine use (4) which allows a record in this system to be disclosed to

a FCC employee in his/her individual capacity when inquiring about his/her application that was submitted for the Transit Benefit and/or Parking Permit Programs. Employees may do so by supplying their full name and FCC ID Badge Number (Identification Number must match number in the system);

• Routine use (5) which allows record in this system to be disclosed where there is an indication of misrepresentation to obtain, or misuse of, a transit benefit; and/or parking permit, records from this system may be referred to the appropriate FCC official responsible for revoking the transit benefit and/or parking permit, and recovering the unauthorized amount of used transit benefit, suspending employee participation in the programs, and/or may result in disciplinary action;

• Routine use (6) which allows record in this system to be disclosed to GSA/GAO for the purposes of records management inspections conducted. Such disclosure shall not be used to make a determination about an individual;

• Routine use (7) which allows a record in this system to be used for administrative purposes by authorized personnel for production of listings and reports. This system may be used for periodic review of re-certification, and to ensure eligibility for, and receipt of, transit benefit and parking privileges;

• Routine use (8) which allows a record from this system to be disclosed for a request for information from a Federal, state, or local agency in connection with the approval/disapproval of an application for special parking assignment; and

• Routine use (9) which allows a record in this system to be disclosed to agency contractors, who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the necessary activity. Recipients will be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

FCC/WTB–1, ''Wireless Services Licensing Records,'' the categories of records has been expanded to include the Taxpayer Identification Number (TIN) which appears on all FCC forms listed under this system of records.

FCC/WTB–5, ''Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly,'' was expanded to include seven routine uses. These are as follows:

• Routine use (1) allows a record from this system of records to be disclosed where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulations or order;

• Routine use (2) allows record from this system to be disclosed to request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the issuance of a license, grant or other benefit or enforcement proceedings;

• Routine use (3) allows a record from this system to be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit;

• Routine use (4) allows a record on an individual in this system of records to be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

• Routine use (5) allows a record from this system of records to be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals;

• Routine use (6) allows a record on an individual in this system of records to be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body;

• Routine use (7) allows a record from this system of records to be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when arising from his employment, an employee of the Commission is a party to litigation or anticipated litigated or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

A complete list of all FCC systems of records is published below. The complete text of the notices follows:

Table of Contents

1. FCC/Central-1, Pay and Leave Records.
2. FCC/Central-2, Employee Locator Card Files.
3. FCC/Central-5, Drug-Free Federal Workplace Program.
4. FCC/Central-6, Personnel Investigation Records.
5. FCC/Central-7, Freedom of Information Act (FOIA) Case File.
6. FCC/Central-8, Telephone Call Detail and Equipment Loan Records.
7. FCC/Central-9, Denial of Federal Benefits (Drug Debarment List).
8. FCC/Central-10, Access Control System.
9. FCC/Central-11, Interoffice (GroupWise) and Internet E-mail Systems.
10. FCC/Central-12, Garnishment and Levy of Wages.
11. FCC/CIB–1, Informal Complaints and Inquiries Files (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services).
12. FCC/CIB–4, Telephone and Electronic Contacts.
13. FCC/EB–1, Violators File.
14. FCC/EB–2, State and Operational Areas Emergency Commissions Committee Membership.
15. FCC/OET–1, Experimental Radio Station License Files.
16. FCC/OGC–2, Attorney Misconduct Files.
17. FCC/OGC–3, Employee Complaint Adjudication.
18. FCC/OGC–5, Parties with Pending Civil Cases that affect the Commission before any District Court; before any Court of Appeals; and before the Supreme Court.
19. FCC/OGC–6, Private or Civil Injury Claimants.
20. FCC/OIG–1, Criminal Investigative Files.
21. FCC/OIG–2, General Investigative Files.
22. FCC/OMD–2, Labor and Employee Relations Case Files.
23. FCC/OMD–3, Federal Advisory Committee Membership Files (FACA).
24. FCC/OMD–4, Security Office Control Files.
25. FCC/OMD–6, Records of Money Owed, Received, Refunded, and Returned.
26. FCC/OMD–7, FCC Employee Transit Benefit and Parking Permit Program.
27. FCC/OMD–8, Revenue Accounting Management Information System (''RAMIS'').
28. FCC/OMD–9, Commission Registration System (''CORES'').
29. FCC/WTB–1, Wireless Services Licensing Records.
30. FCC/WTB–5, Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly.
31. FCC/WTB–6, Radio Operator Records.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

FCC/Central-1

SYSTEM NAME:

Pay and Leave Records.

SYSTEM LOCATION:

Associate Managing Director, Human Resources Management, Office of

Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW, Room 1–B104, Washington, DC 20554. See FCC telephone directory for field office addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Communications Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains various records, including Social Security Numbers, which are required to administer the pay and leave requirements of the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3102, and 3309; 5 U.S.C. 6331–6340; Pub. L. 100–566, Leave Transfer Program; Executive Order 9397 (November 22, 1943), which authorizes the use of the Social Security Number; and Pub. L. 104–193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

PURPOSE(S):

1. To authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits, and life insurance; collect indebtedness for overpayment of salary and unpaid Internal Revenue taxes; pay income tax obligations to Internal Revenue Service; authorize issuing of salary checks by Treasury Department; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; provide for a periodic summary of employee payroll data and retirement contributions; and determine eligibility for and/or authorize donations for the leave transfer program.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record from this system may be disclosed to request information from a federal, state, or local agency maintaining civil, criminal, or other relevant information enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GAO and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

8. A record in this system of records may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

9. The names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L 104–193).

In each of these cases, the FCC will determine whether disclosure of the record is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in an automated personnel and payroll system and in files in folders, cards, magnetic tapes, and loose leaf binders.

RETRIEVABILITY:

Records are indexed by name and social security number.

SAFEGUARDS:

Records are maintained in filing cabinets in an office that is locked when not occupied by staff. Automated and manual records are available only to authorized personnel whose duties require access. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records are maintained for varying periods of time from one year to permanently in accordance with General Records Schedules issued by the National Archives and Records Administration. Disposal is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director, Human Resources Management, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B104, Washington, DC 20554, or the appropriate administrative office in which the individual is employed.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: Full name; Date of Birth; Social Security Number; and Mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager. Requesters should reasonably specify the record contents being contested.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager. Requesters should reasonably specify the record contents being contested.

RECORD SOURCE CATEGORIES:

Information is provided by management officials and by the individuals on whom the record is maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-2

SYSTEM NAME:

Employee Locator Card Files.

SYSTEM LOCATION:

Mailroom and administrative offices of the Federal Communications Commission (FCC), 445 12th Street, SW, Room TW–C201, Washington, DC 20554, and FCC field offices. See FCC telephone directory for field office addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Federal Communications Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. This system contains information regarding the employee's office, organizational location, telephone number, home telephone number and address.

2. This system also contains the home address and telephone number of the employee, and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Information in this system of records is collected for use of the administrative offices. The records in this system serve to identify an individual for office officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system of records may be used:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system of records may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, or regulation, or order.

2. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

4. A record from this system of records may be disclosed to an FCC officer in the case where an emergency of a medical or other nature involving the employee may occur while on the job.

5. A record in this system of records may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

In each of these cases, the FCC will determine whether disclosure of the record is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on cards or 3″ x 5″ paper.

RETRIEVABILITY:

Records are retrieved by the employee's name.

SAFEGUARDS:

Records are maintained in secured areas and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records are maintained as long as the individual is an employee of the Federal Communications Commission. Expired records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate personnel or administrative office in which the employee is employed.

NOTIFICATION PROCEDURE:

FCC employees wishing to inquire whether this system contains information about them should contact the appropriate FCC administrative officer where employed. Individuals must supply their full name in order for records to be located and identified.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-5

SYSTEM NAME:

Drug-Free Federal Workplace Program.

SYSTEM LOCATION:

Associate Managing Director—Administrative Operations, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FCC employees who seek guidance and counseling through the agency Drug-Free Federal Workplace Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes information on an employee's personal history as it relates to his/her problem. The system also contains records on employees referred for counseling.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C.

PURPOSE(S):

Reference material for the use of the Program Administrator and Counselors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system of records contain reference material(s) for the use of the Program Administrator and Counselors. In each case, the FCC will determine whether disclosure of the

records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in locked metal cabinets in the Program Administrator's Office.

RETRIEVABILITY:

Records are filed and retrieved by name of the employee.

SAFEGUARDS:

Records are maintained in an office that is locked when not occupied by the Program Administrator. They are maintained in strict confidence and are accorded the same security and accessibility restrictions provided for medical records.

RETENTION AND DISPOSAL:

Records are kept indefinitely or until the employee leaves the FCC, at which time they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director—Administrative Operations, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Employee, employee's supervisor, and counselors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-6

SYSTEM NAME:

Personal Investigation Records.

SECURITY CLASSIFICATION:

None for the system; however, items or records within the system may have national defense/foreign policy classifications up through secret.

SYSTEM LOCATION:

Security Operations Center, Assistant Managing Director—Administrative Offices (AMD–AO), Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Current and former FCC employees or applicants for employment in the Federal service.

2. Individuals considered for access to classified information or restricted areas and/or security determinations such as contractors, experts, instructors, and consultants to Federal programs.

3. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under a co-operative agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for violations against the law; reports of interviews with present and former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, employers, educational institutions attended; reports of action after OPM or FBI Section 8(d) Full Field Investigation; Notices of Security Investigation and other information developed from the above described Certificates of Clearance; and in some instances a photograph of the subject.

2. Also contained are investigative data concerning allegations of misconduct by an FCC employee; miscellaneous complaints not covered by the FCC's formal or informal grievance procedure; and inquiries conducted under the President's Program to eliminate waste and fraud in Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR part 5; 5 U.S.C. 1303, 1304, and 3301; Executive Orders 10450 and 11222; and 47 CFR 19.735–107.

PURPOSE(S):

The records in this system are used to provide investigative information for determinations concerning compliance with Federal regulations and for individual personal determinations including suitability and fitness for Federal employment, access to classified information or restricted areas, security clearances, evaluations of qualifications, loyalty to the U.S., and evaluations of qualifications and suitability for performance of contractual services for the U.S. Government; to document such determinations; to take action on or respond to a complaint or inquiry concerning an FCC employee or to counsel the employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

3. A record for this system of records maybe disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C.2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

4. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

5. Information from this system may be disclosed to designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office, or establishment conducts an investigation of the individual of the purpose of granting a security clearance, making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

6. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudication body when:

(a) The United States, the Commission, a component of the Commission, or when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the

records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name of the individual subject.

SAFEGUARDS:

Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Officer personnel and to Commission officials on a ''need to know'' basis when required.

RETENTION AND DISPOSAL:

Records are retained during employment or while individual is actively involved in federal programs. As appropriate, records are returned to investigating agencies after employment terminates. Records are retained for five years from the date that the employee departs from the Commission. Records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Security Operations Center, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW, Room 1–B458, Washington, DC 20554.

NOTIFICATION, RECORD ACCESS AND CONTESTING RECORD PROCEDURES:

This system is exempt from the requirement that the agency publish the procedures for notifying an individual, at his or her request, if the system contains a record pertaining to him/her, for gaining access to such record, and for contesting the contents of the record.

RECORD SOURCE CATEGORIES:

This system is exempt from the requirement that the agency publish the categories of sources of records in this system.

EXEMPTION FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt from subsections (c)(3), (d), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from 47 CFR 0.554–0.557 of the Commission's rules. These provisions concern the notification, record access, and contesting procedures described above, and also the publication of record sources. The system is exempt from these provisions because it contains the following types of information:

1. Investigative material compiled for law enforcement purposes as defined in section (k)(2) of the Privacy Act.

2. Properly classified information, obtained from another Federal agency during the course of a personnel investigation, which pertains to national defense and foreign policy, as stated in section (k)(1) of the Privacy Act.

3. Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, as described in section (k)(5) of the Privacy Act, as amended.

FCC/Central-7

SYSTEM NAME:

Freedom of Information Act (FOIA) Case Files.

SYSTEM LOCATION:

FOIA Office, Federal Communications Commission (FCC), 445 12th Street, SW, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations requesting access to inspect and/or copy records of the Commission under provisions of the FOIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other information about the requester and the records sought.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act (1994 and Supp. II 1996), 5 U.S.C. 552.

PURPOSE(S):

Records are available to FOIA staff involved in correspondence and investigative processes, including appeals officials and members of the FCC General Counsel staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. In the event the Commission deems it desirable or necessary, in determining whether particular records are required to be disclosed under the FOIA, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

2. Where the appropriate official of the Commission, pursuant to the Commission's FOIA Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from the system of records.

3. The Commission contracts with a private firm for the purpose of searching, duplicating, and distributing to the public the documents maintained by the Commission and available for inspection under the Act. The contractor is required to maintain Privacy Act safeguards on such records.

4. A record on an individual in this system may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. In the event of litigation where the defendant is:

(a) The Commission, or any employee of the Commission in his or her official capacity;

(b) The United States where the Commission determines that the claim, if successful, is likely to directly the Commission's operations; or

(c) Any Commission employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Commission may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Paper records maintained in case files (original or copy of incoming request and written response). Electronic records are maintained in an electronic database.

RETRIEVABILITY:

Records are indexed by FOIA control number of individual requester.

SAFEGUARDS:

Paper records are maintained in locked file cabinets in the office of FOIA officer, with limited access. Electronic records are secured through controlled access and passwords to restricted office personnel. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Individual case files are maintained for two years after the date of reply. Denied requests and appeals of denials may be retained for longer periods (up to six years after final action) in

accordance with FOIA and FCC records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

FOIA Officer, Federal Communications Commission (FCC), 445 12th Street, SW, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the FOIA Officer.

RECORD ACCESS PROCEDURES:

Address inquiries to the FOIA Officer.

CONTESTING RECORD PROCEDURES:

Address inquiries to the FOIA Officer.

RECORD SOURCE CATEGORIES:

Individuals and organizations making requests under FOIA or from bureaus or offices of the Commission reporting on the handling of such requests for inclusion in the annual report to Congress.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-8

SYSTEM NAME:

Telephone Call Detail and Equipment Loan Records.

SYSTEM LOCATION:

Office of the Managing Director, Information Technology Center, Operations Group, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–C361, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. This system of records contains information concerning the following actions:

(a) Individuals originating calls from FCC telephones and individuals receiving such calls;

(b) Individuals placing calls to or charging calls to FCC telephones (including cellular telephones);

(c) Individuals receiving such calls, or accepting the charges; and

(d) Individuals who are loaned electronic equipment to use when their work requires them to work outside the office or to maintain close contact with the Commission staff, *i.e.,* laptops, pagers and cellular telephones.

2. The primary record subjects are current and former FCC employees, as well as individuals employed under any employment arrangement such as a contract or cooperative agreement; grantees; or other persons performing on behalf of the FCC.

3. Incidental to the coverage of the primary record subjects are non-employees who may be identified by telephone number during an inquiry or investigation relating to a potential improper or unofficial use of Government telephones or other illegal or improper activity by the primary record subject.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records in the system of records related to telephone calls placed to and from FCC phones, and the assignment of telephone numbers to employees and the location of the telephone in the FCC. Since this system includes cellular telephones, any local call to or from a cellular telephone would be included.

2. The records may include such information as the number called from, the number called, time and date of the call, duration, disposition, and the cost of the call and/or charges accepted, and the FCC component to which the relevant telephone numbers are assigned.

3. The system may also include copies of related records, *e.g.,* any periodic summaries which may have been compiled to reflect the total number of long distance calls.

4. The database(s) from which telephone numbers are retrieved contains the names of employees and their office locations, but no other personal identifiers such as social security numbers.

5. The CD–ROM files contain the agency telephone bills which provide details on all calls to and from the FCC telephones.

6. The paper files consist of a combination of the database and CD–ROM files.

7. Records in this system also include records of electronic equipment loaned to staff to use when their work requires them to work outside the office or to maintain close contact with the Commission staff, *i.e.,* laptops, cellular telephones, and pagers.

8. These records would contain the following information:

(a) Individual's name, FCC I.D. badge number, and Bureau/Office;

(b) Loaned equipment's barcode number; serial number; model number; and modem number.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

1. 44 U.S.C. 3101, which authorizes agencies to create and preserve records documenting agency organizations, functions, procedures, and transactions;

2. 31 U.S.C. 1348b., which authorizes the use of appropriated funds to pay for long distance calls only if required for official business or necessary in the interests of the Government;

3. 47 U.S.C. 154(I), which authorizes the FCC to take actions necessary to execute its functions;

4. 5 CFR 2635.704a., which prohibits use of Government property for other than authorized purposes; and

5. 41 CFR 201–21.601 and 201–21.602, which require that the Government telecommunications systems be used for official purposes only, and authorizing agencies to collect for unauthorized calls.

PURPOSE(S):

1. This system of records is used to keep track of local and long-distance telephone calls placed to and from FCC phones, including cellular telephones and the records of the equipment loaned out and those who have borrowed it.

2. The telephone records may include such information as the number called from, the number called, time and date of the call, duration, disposition, the cost of the call and/or charges accepted, and the FCC component to which the relevant telephone numbers are assigned. By maintaining these records, the FCC can monitor the charges for long distance or cellular calls and also determine if such calls are being made for other than Commission-related purposes.

3. When wireless instruments are loaned, the individual staff must sign the FCC Wireless Telecommunications Statement of Understanding and fill out FCC Form A–476, Custodial Receipt for Sensitive FCC Property when the equipment loan is made.

4. The equipment loan records include the type of equipment borrowed, the borrower, and the duration of the loan.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The FCC does not normally disclose records from this system of records. However, in the event it is appropriate, disclosure of relevant information may be made in accordance with the provisions of 5 U.S.C. 552(a)(b). Records and data may be disclosed as necessary pursuant to 5 U.S.C. 552(a)(b):

1. A record in this system of records may be disclosed to a member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained;

2. A record in this system of records may be disclosed to representatives of the General Services Administration or

the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906;

3. A record in this system of records may be disclosed to the Department of Justice (DOJ) when:

(a) The agency or any component thereof; or any employee of the agency in his or her official capacity where the DOJ has agreed to represent the employee; or

(b) The United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the DOJ is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

4. A record in this system of records may be disclosed to a court or adjudicative body in a proceeding when:

(a) The agency or any component thereof; any employee of the agency in his or her official capacity; or any employee of the agency in his or her official capacity where the agency has agreed to represent the employee; or

(b) The United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

5. A record in this system of records may be disclosed to law enforcement agencies when a record on its fact, or in conjunction with other records, indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, state, local, or tribal, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prospective responsibility of the receiving entity;

6. A record in this system of records may be disclosed to agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a (m);

7. A record in this system of records may be disclosed to the National Finance Center (the FCC's designated payroll office), the Department of the Treasury Debt Management Services and/or a current employer to effect a salary, IRS tax refund, or administrative offset to satisfy an indebtedness incurred for unofficial telephone and cellular calls; and to Federal agencies to identify and locate former employees for the purposes of collecting such indebtedness, including through administrative, salary, or tax refund offsets. Identifying and locating former employees, and the subsequent referral to such agencies for offset purposes, may be accomplished through authorized computer matching programs. Disclosures will be made only when all procedural steps established by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996 or the Computer Matching and Privacy Protection Act of 1988 as appropriate, have been taken;

8. A record in this system of records may be disclosed to a Federal, State, local, or foreign agency maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit; and

9. A record in this system of records may be disclosed to a Federal, State, local, foreign, or tribal or other information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically in one of three databases (PCS, cellular telephones, and pagers), on paper, and on CD–ROM. The databases are password protected and updated daily. Authorized individuals can check the current databases during sign out when individuals leave the FCC to ensure that the departing staff has returned any loaned equipment.

RETRIEVABILITY:

Telephone call records are retrieved by bureau or office name, the employee name, name of recipient of telephone call, telephone number. Equipment loan records are retrieved by the employee name, equipment barcode number, serial number, and model or modem numbers.

SAFEGUARDS:

Paper and CD–ROM records are maintained in file cabinets in offices which are locked at the end of the business day. Information in the database is secured through controlled access and passwords restricted to administrative office personnel. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with General Records Schedule 12, National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate bureau or office chief and first line supervisors in the Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See FCC telephone directory for a list of field office telephone numbers or the commercial telephone directory under ''U.S. Government.''

NOTIFICATION PROCEDURE:

Ask for ''Records Access Procedures'' in making inquiries regarding this system. The inquiries should be addressed to the system manager, Office of Managing Director, Information Technology Center, Operations Group,

Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Telephone assignment records; call detail listings; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance calls.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-9

SYSTEM NAME:

Denial of Federal Benefits (Drug Debarment List).

SYSTEM LOCATION:

Financial Operations Center, Associate Managing Director—Financial Operations (AMD–FO), Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A663, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals convicted of offenses concerning the distribution or possession of controlled substances, who have been denied all Federal benefits or FCC benefits as part of their sentence pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, and who have also filed applications for any FCC professional or commercial license.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records within this system will consist of a database provided to the FCC from the Department of Justice (DOJ) regarding individuals who have been denied all Federal benefits or FCC benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

1. The data elements to be used by the FCC are: DOJ identification number (ID) for the person denied Federal benefits, Person's name, Taxpayer Identification Number (TIN), and Starting and ending date of the denial of Federal benefits.

2. All other data elements in the database will be immediately discarded.

3. When there is a match of name and TIN from the database with the name and address of an application on file with the FCC, the FCC will then obtain from DOJ additional data elements: Person's name, address, and zip code. If also required by the FCC application, the person's date of birth.

4. If manual comparison of the application information with the information obtained from DOJ confirms a match, the FCC will prepare a confirmation report to be attached to the application. The confirmation report will reflect the identifying information obtained from the DOJ debarment entry, but it will not include the DOJ ID number for that debarment entry. Upon such a match, the FCC will initiate correspondence with the applicant, which will also be associated with the application. The confirmation report and any correspondence with the applicant will be among the records found in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 5301 of the Anti-Drug Abuse Act of 1988, Pub. L. 100–690, as amended by section 1002(d) of the Crime Control Act of 1990, Pub. L. 101–647 (21 U.S.C. 862), and sections 4(i) and 4(j) of the Communications Act of 1934 (47 U.S.C. 154(i) and 154(j)).

PURPOSE(S):

The records within the system will be used for the exchange of information between DOJ and the FCC in connection with the implementation of section 5301 of the Anti-Drug Abuse Act of 1988. This exchange of information permits the FCC to perform the General Services Administration (GSA) Debarment List check as provided for in the Office of National Drug Control Policy plan for implementation of section 5301 through use of information generated by DOJ. The automated records obtained from DOJ will only be used by the FCC to make an initial determination of whether an individual applicant is subject to a denial of all Federal benefits or FCC benefits imposed under section 5301 of the Anti-Drug Abuse Act of 1988.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system contains the following information: Department of Justice database provided to the FCC; the database retained by the FCC for use in the automated system; and the match reports; and any copies of the confirmation report that include the Department of Justice ID number will be routinely available for use or inspection by appropriate FCC officials.

The confirmation report (not including the DOJ ID Number) and any correspondence with the applicant will be associated with the applicant's application and will thus be made routinely available for public inspection.

In each case the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically on a computer database.

RETRIEVABILITY:

Records are retrieved by supplying the following information: Name of applicant, TIN, address (in some instances) and zip code, date of birth (in some instances), and FCC fee control number for the application.

SAFEGUARDS:

The data are provided to the FCC by the U.S. Department of Justice (DOJ) and will be protected from tampering, unauthorized disclosure, and will follow these procedures:

1. The database will be processed to extract the information to be used in the automated system, and the data elements not being used in the automated system will be electronically erased. The remaining data will be maintained at the main FCC building with a low risk of unauthorized access.

2. Access points are photo-monitored by security personnel; all employees are required to display photo ID badges; and all visitors must register and wear a visitor's badge. Access to the computer system on which the extracted database is stored requires use of a unique user ID with personal identifier, which is controlled through application and operating system security.

3. The extracted database is stored in a separate file in that system, and a separate password is required for entry to that file. The password is available to a limited number of persons based strictly on a ''need to know'' basis.

4. The reports of any automated matches containing the DOJ ID number will be made available only to the appropriate FCC officials.

RETENTION AND DISPOSAL:

1. The match reports will be retained by the FCC for only as long as it is necessary to obtain the debarment entry information and corresponding application for manual confirmation of the match. Thereafter, they will be destroyed. However, periodically, a match report will be randomly retained for a period of an additional 90 to 120 days to provide a quality check of the verification process.

2. Where the verification process establish that a match does not indicate that the applicant has been denied Federal benefits under section 5301, the debarment entry information used in that determination will be retained by the FCC for 30 days after the application has cleared the debarment check. However, as noted above, debarment entry information relating to match reports that are retained for quality control purposes will be retained until that quality check is completed.

3. Where a match is confirmed by the manual verification process, the debarment entry information will be retained for a period of at least 90 days after the date of the letter referred to above. If the application contests the determination that a section 5301 denial of Federal benefits bars a grant of the application, the debarment entry information will be retained until such time as the FCC's action on the application is no longer subject to review in any court.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director–Financial Operations (AMD–FO), Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the AMD–FO.

RECORD ACCESS PROCEDURES:

Address inquiries to the AMD–FO.

CONTESTING RECORD PROCEDURES:

Address inquiries to the AMD–FO.

RECORD SOURCE CATEGORIES:

Individuals making applications who have been convicted of certain drug offenses and who have been denied all Federal benefits or FCC benefits as part of their sentence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-10

SYSTEM NAME:

Access Control System.

SYSTEM LOCATION:

Office of the Managing Director, Security Operations Center, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current FCC employees, current contractors, frequent visitors, visitors, temporary hires, special parking access and day contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of computer databases, with all records containing the last and first name, filed alphabetically by last name, with a corresponding Badge Number.

1. The FCC employee/temporary hire database will include: First and last name, Telephone number, Bureau/Office, (Supervisor—delete), Room number, Date of issuance, and Parking (permit—delete) privilege (number—delete), if applicable, and property pass privilege if applicable.

2. The contractor database will include: First and last name, Contractor company name, Telephone number, FCC point of contact, Telephone number, and Date of issuance.

3. The Frequent Visitor's database will include: First and last name, Employer's name, Address, Telephone number, Point of contact at the employer, and Date of issuance.

4. The Visitor/day contractor database will include: First and last name along with numerical identifier.

5. The Special Parking Access database will include: First and last name, Telephone number, Employer, and Date of issuance.

Note: Proof of identity required through photographic identification is necessary prior to issuance of the contractor badge and the frequent visitor's badge and visitor's badge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Directive based on Department of Justice report entitled ''Vulnerability Assessment of Federal Facilities.''

PURPOSE(S):

This system provides a method by which the FCC can control and account for all persons entering the Commission's facilities and by which the FCC may ascertain the times persons were in these facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record from this system may be disclosed to a request for information from a Federal, state, or local agency maintaining civil, criminal, or other relevant information or other pertinent information if necessary to obtain information relevant to an investigation.

3. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

4. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

5. Records from this system may be disclosed to FCC supervisors or management representatives to ascertain (either confirm or refute) the times employees were in the facility.

In each of these cases the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained in a password protected computer database.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained by a limited number of authorized individuals.

SAFEGUARDS:

The computer terminals are stored within a secured area. The Security Office staff performs a backup operation on these files on a weekly—monthly basis on ¼″ data cartridge, which are stored/safeguarded in the Security Office.

RETENTION AND DISPOSAL:

1. When an employee/contractor/temporary hire/special parking access leaves the FCC, the file in the database is deleted.

2. Frequent visitor badges are given a two-year valid period, after which the card will automatically deactivate.

3. All returned visitor/day contractor cards will be reused on a daily basis.

4. Transaction data for all cards will be placed on backup discs and stored for one year in the FCC Security Office which is locked and alarmed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Operations Center, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains

information about them should contact the system manager indicated above. Individuals must furnish their ''Full Name'' for their records to be located and identified.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the system manager indicated above. Individuals must furnish their ''Full Name'' for their record to be located and identified. An individual requesting access must also follow FCC Privacy Act regulations regarding verification of identify and access to records. See 47 CFR 0.554–0.555.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the system manager indicated above. Individuals must furnish their ''Full Name'' for their record to be located and identified. An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records. See 47 CFR 0.556–0.557.

RECORD SOURCE CATEGORIES:

The individual to whom the information applies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-11

SYSTEM NAME:

Inter-office (GroupWise) and Internet E-mail Systems.

SYSTEM LOCATION:

Information Technology Center, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–C266, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and contractors of the Federal Communications Commission in Washington, DC and the field offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records include the names, e-mail addresses, and passwords of all FCC employees and contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

1. Executive Orders 10450 and 12065;

2. 44 U.S.C. 3101, which authorizes agencies to create and preserve records documenting agency organizations, functions, procedures, and transactions;

3. 47 U.S.C. 154(i), which authorizes the FCC to take actions necessary to execute its functions;

4. 5 CFR 2635.704a., which prohibits use of Government property for other than authorized purposes; and

5. 41 CFR 201–21.601 and 201–21.602, which require that the Government Radio systems be used for official purposes only.

PURPOSE(S):

These records are maintained by the Information Technology Center staff to identify all users on the FCC's Inter-office and Internet E-mail systems, their locations, and their passwords. This information is necessary to insure that all users abide by the FCC's Intranet and Internet regulations and to identify possible abusers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records may be disclosed for the following reasons:

1. For disclosure to a Federal agency or the District of Columbia Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency.

2. For disclosure to the security officer of an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request for verification of security clearances, of FCC employees/contractors to have access to classified data or areas where their official duties require such access.

3. Where there is an indication or a violation or potential violation of a statute, regulation, rule, order may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

4. A record from this system may be disclosure to request information from a Federal, state, local or foreign agency maintaining civil, criminal, or other relevant enforcement information, or other pertinent information records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.

5. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to a Congressional office.

6. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained in an electronic database.

RETRIEVABILITY:

Records are retrieved by bureau or office name and the employee name and log-in name.

SAFEGUARDS:

Information in the database is secured through controlled access and passwords restricted to administrative office personnel. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records are until the employee or contract retires or leaves the FCC. The records are then disposed of in accordance with General Records Schedule 12, National Archives and Records Administration (NARA).

SYSTEM MANAGER(S) AND ADDRESS:

Operations Group, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–C734, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Ask for ''Records Access Procedures'' in making inquiries regarding this system. The inquiries should be addressed to the system manager, Office of Managing Director, Information Technology Center, Operations Group, Federal Communications Commission (FCC), 445 12th Street, SW., 1–C266, Washington, DC 20554.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Same as above.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/Central-12

SYSTEM NAME:

Garnishment and Levy of Wages.

SYSTEM LOCATION:

Associate Managing Director, Human Resources Management, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B104, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission employee who is the subject of a garnishment or levy order issued by a court of competent jurisdiction or by another government entity authorized to issue such order.

CATEGORIES OF RECORDS IN THE SYSTEM:

Garnishment of levy orders served upon the agency for implementation, correspondence, memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Records are used by staff attorneys in the General Counsel's office in directing the agency's implementation of garnishment and levy orders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule regulation, or order.

2. A record on an individual in this system or records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

3. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

4. A record in this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders.

RETRIEVABILITY:

Records are maintained by the name of the individual subject to garnishment or levy order.

SAFEGUARDS:

Records are kept in file cabinets in offices that are secured at the end of each business day. Because only one or two office persons have need to routinely access this system, unauthorized examinations would be easily detected.

RETENTION AND DISPOSAL:

Records are normally retained as long as the Commission remains under the obligation to implement the particular garnishment or levy order.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director, Human Resources Management, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW Room 1–B104, Washington, DC. 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Bankruptcy courts, state domestic relations courts, state public health and welfare departments or agencies, Internal Revenue Service, and intra-agency memoranda.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/CIB–1

SYSTEM NAME:

Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services).

SYSTEM LOCATION:

Chief, Consumer Information Bureau, Room 5–C345, Federal Communications Commission (FCC), 445 12th Street, SW Washington, DC. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and groups who have made written complaints and/or general inquiries to, and/or are parties to informal complaints proceedings on matters under the Communications Act of 1996.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system include both computerized information contained in a database and paper copies of inquiries, informal complaints, and related supporting information, company replies to complaints, letters of inquiry, and Commission letters regarding such complaints made by individuals, groups, or other entities pertaining to the FCC's bureaus and offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 *et seq.*

PURPOSE(S):

The records in this system of records are used by Commission personnel to handle and process complaints and inquiries received from individuals, groups, and other entities pertaining to FCC related matters. Records in this system are available for public inspection after redaction of information which could identify the complainant or correspondent, *i.e.,* name, address and/or telephone number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system of records is used by Commission personnel to handle and process complaints received from individuals and companies.

1. When a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the

Commission and the complainant its failure to do so.

2. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

5. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

6. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

7. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copies of records in this system of records are maintained in file folders and electronic files are located in computer databases on the FCC network.

RETRIEVABILITY:

Records are retrieved by individual name, party name, licensee, applicant or unlicensed individual, call sign, or file number.

SAFEGUARDS:

Records are stored in unlocked files which are secured in the office at the close of the business day. Access to computer records is controlled by password. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The records are retained in the Commission and then destroyed five years after final action in accordance with the appropriate records retention schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Consumer Information Bureau, Federal Communications Commission, 445 12th Street, Room 5–C345, SW., Washington, DC. 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager. An individual requesting access must follow FCC Privacy Act regulations regarding verification of identity and amendment of records. See 47 CFR 0.556–0.557.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Complaints and subject carriers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/CIB–4

SYSTEM NAME:

Telephone and Electronic Contacts.

SYSTEM LOCATION:

Consumer Information Network Division, Consumer Information Bureau, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554 and 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records includes individuals or entities who have made complaints or inquiries.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records includes complaints and related information, company or business replies to complaints, letters of inquiry, and Commission letters regarding or responding to such complaints and inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 4(i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j).

PURPOSE(S):

These records are used by the FCC staff to handle, respond, and process inquiries and complaints received from individuals, companies, and other entities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of any statute, regulation, rule, or order, records from this system may be referred and disclosed to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the FCC is a party before a court or any other administrative body.

3. A record from this system of records may be referred and disclosed to the Department of Justice or in a proceeding before a court or any adjudicative body when:

(a) The United States, the FCC, a component of the FCC, or, when represented by the government, an employee of the FCC, is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) the FCC determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in computer databases on the FCC's internal network.

RETRIEVABILITY:

Records are retrieved by telephone number, name of caller, address, subject, or reason for call.

SAFEGUARDS:

The computer systems are stored within secured areas. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The records are retained in the FCC and then destroyed according to the appropriate records schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Consumer Information Network Division, Consumer Information Bureau, Federal Communications Commission (FCC), 1270 Fairfield Road, Gettysburg, Pennsylvania 17325, and 445 12th Street, SW., Room 5–C345, Washington, DC.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager. An individual requesting access must follow FCC Privacy Act regulations regarding verification of identity and amendment of records. See 47 CFR 0.556–0.557.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager. Individuals requesting access must also follow FCC Privacy Act regulations regarding verification of identity and access to records. See 47 CFR 0.554–0.555.

RECORD SOURCE CATEGORIES:

The individual to whom the information applies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/EB–1

SYSTEM NAME:

Violators File (records kept on individuals who have been subjects of FCC field enforcement actions).

SYSTEM LOCATION:

Primary: Enforcement Bureau, Room 7–C732, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

Secondary: Various field facilities (See FCC telephone directory for field office addresses, or locate local office in commercial telephone directory under ''U.S. Government.'').

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals who have been subjects of FCC field enforcement actions (monitoring, inspection, and/or investigation) for violations of radio law, FCC Rules and Regulations, or International Treaties.

2. Licensees, applicants, and unlicensed persons under parts 80, 87, 90, 94, 95, and 97 of the rules about whom there are questions of compliance with the Commission's rules or the Communications Act of 1934, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inspection reports, complaints, monitoring reports, investigative cases, referral memos, correspondence, discrepancy notifications, warning notices and forfeiture actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 101, 102, 104, 301, 303, 309(e), 312, 315, 318, 362, 364, 386, 401, 404, 501, 502, 503, 507, and 510.

PURPOSE(S):

1. For use in connection with the Commission's field enforcement programs to determine levels of compliance among radio users; to issue marine certificates of compliance; to document Commission monitoring inspections and investigations for enforcement purposes; to provide a basis for various administrative, civil, or criminal sanction actions taken against violators by the EB or other appropriate Commission bureaus or offices.

2. Limited information elements are transferred to the Commission's central computer facility and to EB field facilities to maintain a cross-reference, which prevents duplication of enforcement actions, and to track the progress of enforcement cases. Copies of Commission sanction actions are available for public inspection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. If the records indicate a possible violation of law, they may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing the applicable statutes or rules.

2. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

3. A record from this system may be disclosed to request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system may be disclosed to a Federal state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

5. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

6. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

7. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

8. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders, a computer database, and computer printout.

RETRIEVABILITY:

All records are retrievable by name or by FCC-issued call sign.

SAFEGUARDS:

Paper records are kept in file cabinets in offices that are secured at the end of each business day. Access to information in the computer database is restricted by use of passwords and location of terminals in rooms which are designated non-public areas. The rooms are secured outside of business hours. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The documentation portions of these records are retained for three years after the case is closed, and then destroyed. All violation notices are maintained for a period of four years, then destroyed. (Classified material is destroyed by burning or shredding.)

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Bureau, Room 7–C732, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

NOTIFICATION, RECORD ACCESS AND CONTESTING PROCEDURES:

This system is exempt from the requirement that the agency publish the procedures for notifying an individual, at his or her request, if the system contains a record pertaining to him/her, for gaining access to such record, and for contesting the contents of the record.

RECORD SOURCE CATEGORIES:

This system is exempt from the requirement that the agency publish the categories of sources of records in this system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of the Privacy Act and from §§ 0.544–0.567 of FCC rules. Those provisions concern the notification, access, and contesting procedures described above as well as the publication of record sources. The system is exempt from these provisions because it is maintained in connection with the provision of protective services to certain individuals as defined in section (k)(3) of the Privacy Act and for law enforcement purposes as defined in section (k)(2) of the Privacy Act.

FCC/EB–2

SYSTEM NAME:

State and Operational Areas Emergency Commission Committee Membership.

SYSTEM LOCATION:

Enforcement Bureau, Federal Communications Commission (FCC), 445 12th Street, SW., Room 7–C732, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Chairman and Vice Chairman of State and Operational Area Emergency Communications Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information showing individual name, business address, business telephone number, and title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Advisory Committee Act, 5 U.S.C. appendix 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records in this system are used to forward the appropriate information to State Committee members, each broadcast station in the State, and to Federal, State, and local government officials for Emergency Communications planning. All information in this system will be available for public inspection.

In each case, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed by state and by name of committee member within the state.

SAFEGUARDS:

Records are maintained in file cabinets which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained indefinitely while the individual is a member of the committee; when member resigns, individual file materials are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Bureau, Federal Communications Commission (FCC), 445 12th Street, SW., Room 7–C732, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager. Name of the state must be provided with any request for information.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Committee member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OET–1

SYSTEM NAME:

Experimental Radio Station License Files.

SYSTEM LOCATION:

Office of Engineering and Technology, Federal Communications Commission (FCC), 445 12th Street, SW., Room 7–A303, NW., Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those who have been granted a license to operate an experimental radio station under part 5 of the Commission's rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. This system includes the following FCC Forms, any supporting exhibits submitted by the applicant(s), and related documentation:

(a) FCC Form 422, Application for a New or Modified Station;

(b) FCC Form 405, Application for Renewal of Station License;

(c) FCC Form 702, Application for Consent to Assignment of Radio Station Construction Authorization or License;

(d) FCC Form 703, Application for Consent to Transfer Control of Corporation Holding Station License; and

(e) Any supporting exhibits submitted by the applicant(s).

2. This system of records may include experimental project reports submitted by the applicant as required by FCC rules, part 5.

3. The system also includes comments from other Commission bureaus on interference potential of operation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 308; 47 CFR part 5.

PURPOSE(S):

To make a determination of applicant's eligibility to operate a station in the experimental radio service; to determine interference potential to other radio services within the Commission, to determine if the project of experimentation is valid, as well as possible use in rulemakings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information from this system may be disclosed to other FCC bureaus, Federal agencies, or to the public, in response to a request, in connection with new experimentation being conducted and the impact that this experimentation may have on the public. The information may not be disclosed if it is not routinely available for public inspection under § 0.457 of the Commission's rules, 47 CFR 0.459, or a request that the information be given confidential treatment is granted under § 0.459 of the Commission's rules, 47 CFR 0.459.

In each case the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, electronically scanned images of paper records, electronic records of data elements of both paper-file and electronically filed applications, and electronic copies of licenses granted after November 16, 1998.

RETRIEVABILITY:

1. Paper files are retrieved by license name. If there are more than one station per licensee, then the files may also be retrieved by call sign.

2. Scanned images, electronic records of data elements and electronic copies of licenses may be retrieved from the OET Experimental Licensing Branch Reports World Wide Web site, accessed from the main FCC Web page: *http://www.fcc.gov*, by clicking the link labeled ''Electronic Filing,'' and then clicking the link labeled ''OET Experimental Licensing Branch Reports.''

SAFEGUARDS:

All files are available to the public except classified files and files that have been granted confidentiality under 47 CFR 0.457 of the Commission rules. Classified files are kept in locked cabinets in accordance with security regulations. Files which have been granted confidentiality under 47 CFR 0.457 are marked ''NOT FOR PUBLIC INSPECTION'' and may only be accessed by Commission employees who have a need to know the information. Files which have been granted confidentiality under 47 CFR 0.457 are not accessible over the Internet. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records are maintained in the office. They are destroyed two years after expiration of the license.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Experimental Licensing Branch, Office of Engineering and Technology, Federal Communications Commission, 445 12th Street, SW., Room 7–A267, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORDS ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

The majority of information in these records comes from the individual. Other information comes from coordination with other FCC bureaus and from that which is generated with the Spectrum Coordination Branch during the normal processing of the application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OGC–2

SYSTEM NAME:

Attorney Misconduct Files.

SYSTEM LOCATION:

Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any attorney who appears in a representative capacity before the FCC and who is charged with attorney misconduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system of records include correspondence, briefs, related FCC agenda items, bar association recommendations, investigative findings, complaints of attorney misconduct, memoranda, and pleadings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 500(d).

PURPOSE(S):

Record information is used by staff attorneys to prosecute a case for attorney misconduct before FCC administrative law judges or before the Commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system of records may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

In each case the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is stored in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the attorney charged with misconduct.

SAFEGUARDS:

Records are kept in file cabinets in offices that are secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Destroyed five years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

NOTIFICATION, RECORD ACCESS AND CONTESTING RECORD PROCEDURES:

This system is exempt from the requirement that the agency publish the procedures for notifying an individual, at his or her request, if the system contains a record pertaining to him/her, for gaining access to such record, and for contesting the contents of the record.

RECORD SOURCE CATEGORIES:

This system is exempt from the requirement that the agency publish the categories of sources of records in this system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is exempt from Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Privacy Act of 1974, 5 U.S.C. 552a, and from §§ 0.554–0.557 and 0.559 of the Commission's rules. These provisions concern notification, record access, and contesting procedures, as well as publication of record sources. The system is exempt from these provisions because it is maintained for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC–3

SYSTEM NAME:

Employee Complaint Adjudication.

SYSTEM LOCATION:

Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission employee who is the subject of a complaint investigation involving internal personnel actions or activities, *i.e.*, discrimination, grievance, political activity, separation, or adverse action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records involve internal personnel disputes that have reached the hearing stage, and may include correspondence, memoranda, transcripts of hearings, briefs, pleadings, investigative reports, decisions of hearing examiners, and Commissioners.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

1. These records are used by staff attorneys in the General Counsel's office in settlement negotiations with opposing parties; records are also used in preparation for hearings before an administrative body or a court of appropriate jurisdiction.

2. A record on an individual in a system of records may be disclosed where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court of adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or when represented by the government, an employee of the FCC is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

2. A record from this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is stored in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the subject individual in the investigation.

SAFEGUARDS:

Records are maintained in file cabinets in an office that is secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Destroyed five years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, Federal Communications Commission, 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

NOTIFICATION PROCESS:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Co-workers of subject individual, other supervisors, classification experts, other persons involved in the case.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OGC–5

SYSTEM NAME:

Parties with Pending Civil Cases that Affect the Commission before any District Court; before any Court of Appeals; and before the Supreme Court.

SYSTEM LOCATION:

Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has a miscellaneous case involving the Commission before any District Court; before any Court of Appeals; and before the Supreme Court.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, pleadings, briefs, and bankruptcy papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 402.

PURPOSE(S):

Information in this system of records is used by Commission attorneys to update information or furnish additional data for the Government agency handling the case. The records contained in this system are available for public inspection to the extent that they do not contain information usually exempt from mandatory disclosure under Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

2. A record from this system of records may be disclosed to the Department of Justice or in a proceeding

before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

3. A record in this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are stored in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the individual filing the claim.

SAFEGUARDS:

Records are maintained in file cabinets in an office that is secured at the end of each business day.

RETENTION AND DISPOSAL:

The records are destroyed when no longer needed or after five years, whichever occurs first.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Justice Department: U.S. Attorneys; other Federal agencies: U.S. District Courts; and parties to the proceedings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OGC–6

SYSTEM NAME:

Private or Civil Injury Claimants.

SYSTEM LOCATION:

Office of General Counsel, Federal Communications Commission (FCC), 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who files a damage claim against the Commission or commits a tort against a Commission employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system of records includes accident reports, tort claim vouchers, correspondence, memoranda, medical and payment receipts, repair and payment receipts, and pictures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 2672.

PURPOSE(S):

Record information is used by attorneys in the Office of General Counsel to determine whether a damage claim filed against the Commission should be paid and for reference purposes when similar cases arise. If it is determined that the claim should not be paid or if the Commission cannot make the final determination whether or not to pay a claim, the record is routinely transferred to the appropriate agency charged with the responsibility of disposition. The records contained in this system are available for public inspection to the extent that they do not contain information usually exempt from mandatory disclosure under Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

2. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, or, when an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether the disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by the name of the individual who filed the claim.

SAFEGUARDS:

Records are kept in a file cabinet in an office that is locked at the end of each business day. Since only one or two office persons routinely access this system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Records are destroyed five years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of General Counsel, Federal Communications Commission, 445 12th Street, SW., Room 8–C743, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Witnesses: Office of General Counsel; Office of Managing Director: claimants; and employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The records contained in this system are available for public inspection to the extent that they do not contain information usually exempt from mandatory disclosure under Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

FCC/OIG–1

SYSTEM NAME:

Criminal Investigative Files.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Office of Inspector General (OIG), Federal Communications Commission (FCC), 445 12th Street, SW., Room 2–C762, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

This system of records is limited to records on individuals, including present and former FCC employees, who are or have been the subjects of investigations conducted by the OIG in accordance with the Inspector General's (IG) authority derived from the Inspector General Act of 1978, as amended, 5 U.S.C. appendix 3. These investigations arise within the context of alleged violations of criminal laws which proscribe fraud, waste, and abuse in the execution of the Commission's programs and operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Case files developed during investigations of known or alleged fraud, waste, and abuse, or other irregularities or violations of criminal laws and regulations;
2. Case files related to programs and operations administered or financed by the FCC, including contractors and others doing business with the FCC;
3. Investigative files relating to FCC employees' hotline complaints and other miscellaneous complaint files; and
4. Investigative reports and related documents, such as correspondence, notes, attachments, and working papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended by Pub. L. 100–504, October 18, 1988.

PURPOSE(S):

This action is required in order to reflect the creation of the OIG in March 1989, and its statutory authorization to perform investigations, see 54 FR 15194, April 17, 1989. This system consists of the OIG's Investigative Files compiled for criminal investigation purposes:

1. For the purpose of preventing or detecting fraud, waste, or abuse;
2. Conducting and supervising audits and investigations relating to programs and operations in the Commission; and
3. Informing the Chairman about problems and deficiencies in the Commission's programs and operations or suggesting corrective action in reference to identified irregularities, problems, or deficiencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained by the OIG to carry out its functions may be disclosed, as routine use, as follows:

1. Where there is an indication of violation or potential violation of statute, regulation, rule or order, records from this system may be referred to the appropriate Federal, foreign, state or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.
2. To any source, either private or government, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or audit to be conducted by the OIG.
3. To private contractors for the purpose of collating, analyzing, aggregating, or otherwise refining records pertaining to an OIG investigation or audit. Disclosure will also be made to independent auditors who by contract carry out audits on behalf of the OIG. Such contractors will be required to maintain Privacy Act safeguards with respect to such records.
4. To the U.S. Department of Justice in order to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act within the context of investigations and audits conducted by the OIG.
5. To the Office of Management and Budget in order to obtain that office's advice regarding obligations under the Privacy Act within the context of investigations and audits conducted by the OIG.
6. To the Department of Justice or the Office of General Counsel of the Commission or independent counsel retained by OIG when the defendant in litigation is:

(a) Any component of the Commission or any employee of the Commission in his or her official capacity;

(b) The United States where the Commission determines that the claim, if successful, is likely to directly affect the operations of the Commission;

(c) Any Commission employee in his or her individual capacity where the Department of Justice and/or the Office of the General Counsel of the Commission agree to represent such employee.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records are collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The OIG Investigative Files consist either of paper records maintained in file folders or an automated database maintained on computer diskettes or on a computer network. All records are stored under secure conditions.

RETRIEVABILITY:

Records are filed alphabetically by name of the subject of the investigation or by a unique file number assigned to each investigation.

SAFEGUARDS:

Paper and diskette records are kept in locked file cabinets in offices that are further secured at the end of each business day. Limited access of these records is permitted by those persons whose official duties require such access, thus unauthorized examination during business hours would be easily detected. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The Investigative Files are kept by the specified periods of five to ten years from the date the files are closed, in accordance with the National Archives and Records Schedule 22. Disposition of records shall be in accordance with FCC Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, Federal Communications Commission (FCC), 445 12th Street, SW., Room 2–C762, Washington, DC 20554.

NOTIFICATION, RECORD ACCESS AND CONTESTING PROCEDURES:

Pursuant to section (j)(2) of the Privacy Act, the publication of notification, access and contesting procedures for records contained in this system is not necessary. Under certain circumstances, however, a determination as to the availability of these procedures shall be made at the time a request for notification, access, or contesting is received. Such inquiries should be addressed to the System Manager at the above address. Written requests should be clearly marked, ''Privacy Act Request'' on the envelope and letter, and include the full name of the individual, some type of appropriate personal identification, and the current address.

RECORD ACCESS PROCEDURES:

See statement in the notification procedures section above.

CONTESTING RECORD PROCEDURES:

See statement in the notification procedures section above.

RECORD SOURCE CATEGORIES:

Pursuant to section (j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), the

Commission is not required to publish the categories of the sources from which records contained in this system are obtained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to section (j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), this system is exempt from all of the provisions of the Privacy Act except subsections (b), (c)(1) and (c)(2), (e)(4)(A) through (F), (e)(6), (e)(7), (e)(9), (e)(10) (e)(11) and (i). The Commission's rules implementing the Privacy Act will state that this system of records is exempt from the Privacy Act provisions referred to in this paragraph. See 47 CFR 0.561.

FCC/OIG–2

SYSTEM NAME:

General Investigative Files.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Office of Inspector General (OIG), Federal Communications Commission (FCC), 445 12th Street, SW., Room 2–C762, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

This system of records contains records on individuals, including present and former FCC employees, who are or have been the subjects of general investigations conducted by the OIG relating to allegations raised pertaining to fraud, waste, and abuse with respect to programs and operations of the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files developed during investigations of known or alleged fraud, waste, and abuse, or other irregularities or violations of laws and regulations. Case files related to programs and operations administered or financed by the FCC, including contractors and others doing business with the FCC. Investigative files relating to FCC employee's hotline complaints, and other miscellaneous complaint files. Investigative reports and related documents, such as correspondence, notes, attachments, and working papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended by Pub. L. 100–504, October 18, 1988.

PURPOSE(S):

For the purpose of preventing or detecting waste, fraud, or abuse, conducting and supervising audits and investigations relating to programs and operations, informing the Chairman about problems and deficiencies in the Commission's programs and operations or suggesting corrective action in reference to identified irregularities, problems or deficiencies, the Commission's Inspector General is establishing this system of records. This action is required in order to reflect the creation of the OIG in March 1989, and its statutory authorization to perform investigations, see 54 FR 15194, April 17, 1989. This system consists of the OIG's Investigative Files compiled for law enforcement purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained by the OIG to carry out its functions may be disclosed, as routine uses, as follows:

1. Where there is an indication of violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, foreign, state or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

2. To any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation or audit to be conducted by the OIG.

3. To private contractors for the purpose of collating, analyzing, aggregating, or otherwise refining records pertaining to an OIG investigation or audit. Disclosure will also be made to independent auditors who by contract carry out audits on behalf of the OIG. Such contractors will be required to maintain Privacy Act safeguards with respect to such records.

4. To the Department of Justice in order to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act within the context of investigations and audits conducted by the OIG.

5. To the Office of Management and Budget in order to obtain that office's advice regarding obligations under the Privacy Act within the context of investigations and audits conducted by the OIG.

6. To the Department of Justice or the Office of General Counsel of the Commission or independent counsel retained by OIG when the defendant in litigation is:

(a) Any component of the Commission or any employee of the Commission in his or her official capacity;

(b) The United States where the Commission determines that the claim, if successful, is likely to directly affect the operations of the Commission;

(c) Any Commission employee in his or her individual capacity where the Department of Justice and/or the Office of the General Counsel of the Commission agree to represent such employee.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were recorded.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The OIG Investigative Files consist either of paper records maintained in file folders or an automated database maintained on computer diskettes or on a computer network. All records are stored under secure conditions.

RETRIEVABILITY:

Records are filed alphabetically by name of subject of the investigation or by a unique file number assigned to each investigation.

SAFEGUARDS:

Paper and diskette records are kept in locked file cabinets in offices that are further secured at the end of each business day. Limited access of these records is permitted by those persons whose official duties require such access, thus unauthorized examination during business hours would be easily detected. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

The Investigative Files are kept by the specified periods of 5 to 10 years from the date the files are closed, in accordance with the National Archives and Records Schedule 22. Disposition of records shall be in accordance with FCC Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, Federal Communications Commission, 445 12th Street, SW., Room 2–C762, Washington, DC.

NOTIFICATION, RECORD ACCESS AND CONTESTING RECORD PROCEDURES:

Pursuant to section (k)(2) of the Privacy Act the publication of

notification, access and contesting procedures for records contained in this system is not necessary. Under certain circumstances, however, a determination as to the availability of these procedures shall be made at the time a request for notification, access, or contesting is received. Such inquiries should be addressed to the System Manager at the above address. Written requests should be clearly marked, ''Privacy Act Request'' on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

RECORD SOURCE CATEGORIES:

Pursuant to section (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), the Commission is not required to publish the categories of the sources from which records contained in this system are obtained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to section (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), this system is exempt from all of the provisions of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f). The Commission's rules implementing the Privacy Act will state that this system of records is exempt from the Privacy Act provisions referred to in this paragraph. See 47 CFR 0.561.

FCC/OMD–2

SYSTEM NAME:

Labor and Employee Relations Case Files.

SYSTEM LOCATION:

Labor Relations and Workforce Effectiveness Service Center, Office of Associate Managing Director-Human Resources Management, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B104, Washington, DC. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FCC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. This system contains a variety of records relating to formal and informal actions based on conduct or performance and also includes the files dealing with: Grievances filed under the negotiated or administrative grievance procedures, Requests for reconsideration, Arbitrations, Appeals, and Miscellaneous inquiries and complaints.

2. The records may include information such as case number, employee name, Social Security Number, grade, job title, and employment history.

3. The records may also include copies of notices of proposed actions; materials relied on by the agency to support the proposed action; statements of witnesses; employee responses or appeals; transcripts; and agency decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 33, 35, 43, 61, 63, 71, 73, 75, and 77; 5 CFR parts 315, 359, 432, 531, 532, 610, 630, 715, 733, 735, 752, and 771.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. A record from this system of records may be disclosed to FCC officials when such officials have a ''need to know'' in carrying out their officials duties.

2. A record from this system may be disclosed to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

3. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

4. A record from this system may be disclosed to those sources from which additional information is requested in order to process personnel actions, to the extent necessary to identify the individual, inform the source or the purpose(s) of the request, and to identify the type of information requested.

5. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, or the classifying of jobs, to the extent that the information is relevant and necessary to the requesting agency's decision on the hiring or retention of an employee or the issuance of a security clearance.

6. A record from this system may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

7. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

8. A record from this system may be disclosed in response to a request for discovery or for appearance of a witness or when the information is relevant to a subject matter involved in a pending judicial or administrative proceeding.

9. A record from this system may be disclosed to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions; *e.g.,* as promulgated in 5 U.S.C. 1205–1206, or as may be authorized by law.

10. A record from this system may be disclosed to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with applicable laws and regulations, or other functions vested in the Commission by applicable law.

11. A record from this system may be disclosed to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

12. A record from this system may be disclosed to other Federal agencies needed for the performance of their official duties related to reconciling or reconstructing data files, in relating to personnel actions.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved preliminarily by case number. An examination of case logs will disclose the name of an employee associated with a case number.

SAFEGUARDS:

These records are maintained in secured metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

1. Records pertaining to the following matters are disposed of at the end of the first fiscal year following completion of the fiscal year in which the action was taken: Informal actions based on conduct or performance; Oral admonishments confirmed in writing; and Written reprimands.

2. Records pertaining to the following matters are disposed of at the end of the third fiscal year following completing of the fiscal year in which the action was taken: Grievances processed under the negotiated or administrative grievance procedures; Appeals; Request for restoration of annual leave; and Requests for admission to the agency's leave transfer program.

3. Records pertaining to the following matters are disposed of at the end of the fourth fiscal year following completion of the fiscal year in which the action was taken: Within-grade increase denials/postponements; Suspensions, removals, and furloughs taken under authority of 5 U.S.C. chapters 35 and 75; and Requests for reconsideration/review.

4. Records pertaining to the following matters are disposed of at the end of the fifth fiscal year following completion of the fiscal year in which the action was taken: Removals, demotions, and reassignments based on unacceptable performance; Arbitrations; and Unfair labor practices.

Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B104, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Individuals subject to an action governed by this system of records will be provided access to the record upon request, subject to applicable law and regulation. Individuals should contact the System Manager for access. They must furnish the following information in writing for their records to be located and identified: Name, Date of birth, Approximate opening and closing dates of the case and the kind of action involved, and Organizational component involved.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records to correct factual errors should contact the System Manager in writing. The following information must be provided: Name, Date of birth, Approximate opening and closing date of the case and the kind of action involved, and Organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

Individual on whom the record is maintained, Testimony of witnesses, Supervisors and managers, Union officials, and Arbitrators and other third-parties, such as the Department of Labor, Federal Labor Relations Authority, and Merit System Protection Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–3

SYSTEM NAME:

Federal Advisory Committee Membership File (FACA).

SYSTEM LOCATION:

Associate Managing Director-PERM, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A836, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

Members of Federal advisory committees sponsored or co-sponsored by the FCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Current information regarding individual advisory committee members' names, business addresses, business telephone numbers, and occupations or titles is kept with the members' respective advisory committee.

2. Copies or original financial disclosure forms, whenever they are necessary to be filed by committee members, are kept by the members' respective advisory committees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92–463, Federal Advisory Committee Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record in this system may be used to distribute information to members of each committee for purposes of conducting meetings and general committee business.

2. A record in this system may be used to provide information to the public upon request, in both hardcopy and in electronic form.

3. A record in this system may be disclosed to furnish information to the General Services Administration (GSA), and if necessary, to the Office of Management and Budget (OMB), for use in compiling an annual report.

4. A record in this system may be disclosed to furnish information to Congress in response to periodic Congressional inquiries.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on 8½ x 11 and 8½ x 5 papers in file folders; on computer diskettes, or in the computer database system. Storage is in the Office of the Managing Director at the FCC. Specific information on Advisory Committees is generally stored with the individual Advisory Committee Official, while more general information about the committees is stored in the Office of the Managing Director.

RETRIEVABILITY:

Records are grouped by name of committee and filed and retrieved thereunder by name of committee member.

SAFEGUARDS:

Paper records are maintained in file cabinets in offices that are locked at the end of each business day, on computer diskettes, or on the computer hard drive.

RETENTION AND DISPOSAL:

Records are generally retained until the Committee is terminated, and then transferred to the Federal Records Center. In certain instances, when space is not available, records may be transferred to the Federal Records Center prior to when the Committee is terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–C144, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager. The name of advisory committee should be included in the inquiry.

RECORD ACCESS PROCEDURES:

Same as in notification procedures.

CONTESTING RECORD PROCEDURES:

Same as in notification procedure.

RECORD SOURCE CATEGORIES:

Committee members.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–4

SYSTEM NAME:

Security Office Control Files.

SYSTEM LOCATION:

Security Operations Center, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FCC employees and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system contain the following information: Individual's last, first, and middle names (filed alphabetically by last name), Social Security Number, Date of birth, Place of birth, Classification as to position sensitivity, Types and dates of investigations, Investigative reports, and Dates and levels of clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450 and 12968.

PURPOSE(S):

These records are used by FCC Security Officer and the Personnel Security Specialist of the Security Office for reference in connection with the control of position sensitivity and security clearances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. For disclosure to a Federal agency or the District of Columbia Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the firing or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

2. For disclosure to the security officer of an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request for verification of security clearances, of FCC employees to have access to classified data or areas where their official duties require such access.

3. Where there is an indication or a violation or potential violation of a statute, regulation, rule, order may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

4. A record from this system may be disclosure to request information from a Federal, state, local or agency maintaining civil, criminal, or other relevant enforcement information, or other pertinent information records, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.

5. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to a Congressional office.

6. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in the stand alone computer database.

RETRIEVABILITY:

Records are retrieved by the name and Social Security Number of the individuals on whom they are maintained.

SAFEGUARDS:

The stand alone computer is stored within a secured area. A back up copy of these records is made weekly using 3.5 diskettes.

RETENTION AND DISPOSAL:

When an employee/contractor leaves the agency, the file in the database is deleted. If there is an investigative file on an employee/contractor, the file is kept for five years after the employee/contractor leaves the agency.

SYSTEM MANAGER(S) AND ADDRESS:

Security Operations Center, Office of Managing Director, Federal Communications Commission, 445 12th Street, SW., Room 1–B458, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above. Individuals must furnish the following information for their records to be located and identified: Full name, Date of birth, and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the system manager indicated above. Individuals must furnish the following information for their record to be located and identified: Full name and Social Security Number. An individual requesting access must also follow FCC Privacy Act regulations regarding verification of identity and access to records. See 47 CFR 0.554–0.555.

CONTESTING RECORD PROCEDURES:

1. Individuals wishing to request amendment of their records should contact the system manager indicated above.

2. Individuals must furnish the following information for their record to be located and identified: Full name and Social Security Number.

3. An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records, 47 CFR 0.556–0.557.

RECORD SOURCE CATEGORIES:

Records in this system include the individual to whom the information applies; investigative files maintained by the OPM Division of Personnel Investigations Processing Center; and employment information maintained by the Personnel officer of the FCC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

OMD–6

SYSTEM NAME:

Records of Money Owed, Received, Refunded, and Returned.

SYSTEM LOCATION:

Financial Operations Center, Associate Managing Director-Financial Operations, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A625, Washington, DC 20554, and

Licensing Division, Wireless Telecommunications Bureau, Federal Communications Commission (FCC), 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system include the following information:

1. Individuals making payments to cover forfeitures assessed, fees collected, services rendered, and direct loans; refunds for incorrect payments or overpayments (including application processing fees, travel advances, advanced sick leave and advanced annual leave);

2. Billing and collection of bad checks; and

3. Miscellaneous monies received by the Commission (including reimbursement authorized under the Travel Reimbursement Program).

CATEGORIES OF RECORDS IN THE SYSTEM:

Record categories for this system include: Names, Social Security Numbers (SSN), Taxpayer Information Numbers (TIN), FCC Registration Numbers (FRN), Telephone numbers, Addresses of individuals, Records of services rendered, Loan payment information, Forfeitures assessed and collected, Amounts, Dates, Check numbers, Locations, Bank deposit information, Transaction type information, United States Treasury deposit numbers, Ship name and call sign, and Information substantiating fees collected, refunds issued, and interest, penalties, and administrative charges assessed to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921; Budget and Accounting Procedures Act of 1950; Federal Communications Authorization Act of 1989; and 31 U.S.C. 525.

PURPOSE(S):

The primary uses of the records are: (a) To account for all monies received by the FCC from the public and refunded to the public; (b) To compute vouchers to determine amounts claimed and reimbursed; and (c) To account for all advances given to employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, State, or local agency responsible for investigating or prosecuting a violation, or for enforcing or implementing the statute, rule, regulation or order.

2. A record from this system may be disclosed to request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement such as licenses, if necessary, to obtain information relevant to a FCC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the Government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) the Commission determines that the disclosure is relevant or necessary to the litigation.

8. A record from this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

9. Records from this system may be disclosed to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, computer printout, microfilm, microfiche, magnetic disc, and magnetic tape.

RETRIEVABILITY:

By name and/or type of transaction; call sign; processing number, Social Security number, Taxpayer Information Number, FCC Registration Number (FRN), employer identification number, soundex number, fee control number, payment ID number, or sequential number.

SAFEGUARDS:

Records are located in secured metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties required access. Electronic record files are secured by passwords which are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Retained for two years following the end of the current fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A663, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Subject individual; Federal Reserve Bank; agent of subject; Attorney-at-Law of the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–7

SYSTEM NAME:

FCC Employee Transit Benefit and Parking Permit Programs.

SYSTEM LOCATION:

Associate Managing Director—Administrative Operations, ASC, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room TW–C201, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

FCC employees who apply for and participate in the FCC Transit Benefit and Parking Permit Programs, such as: holders of parking permits and members of carpools and vanpools; recipients with handicap status for parking assignments; and applicants and recipients of fare subsidies issued by FCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains various records required to administer the Transit Benefit and Parking Permit Programs and serves to determine the applicant's qualification based on handicap status, mode of transportation to and from work, and to certify their monthly commuting cost to and from work. These records include the following information:

1. Employee Transit Benefit Program applications, Transit Benefit certification forms, change of information on Employee Transit Benefit Program application of the transit benefit recipients, parking applications, vanpool and carpool verification, employee parking rosters, employee handicap verification, and executive staff information.

2. Data regarding the organizational location, telephone number, FCC badge number, home address, vehicle make/model, license plate number, handicap status documents, van/carpool information, executive status, mode of transportation and monthly cost of transportation of any applicant who has submitted an application for the Transit Benefit and/or Parking Permit Programs.

3. Records and reports of disbursements to transit benefit recipients, parking permit recipients, handicap status, and information on local public mass transit facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Statutory authority to provide public transportation, parking records, and handicap parking services is derived from:

1. The Federal Employees Clean Air Incentives Act, Sec. 2(a) of Pub. L. 103–172, at 5 U.S.C. 7905;

2. Sec. 629 of Pub. L. 101–509, ''State or Local Government Programs Encouraging Employee Use of Public Transportation, Federal Agency Participation,'' at 5 U.S.C. note prec. section 7901; and in 47 CFR 101–20.104–2; and

3. The Federal Property and Administrative Services Act of 1949, as amended, at 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record in this system may be disclosed to a member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained;

2. A record in this system may be disclosed to the Department of Justice when: (a) The agency or any component thereof; (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records;

3. A record in this system may be disclosed to the National Finance Center (the Commission's designated payroll office), the Department of Treasury Debt Management Services and/or a current employer to effect a salary, IRS tax refund or administrative offset to satisfy an indebtedness incurred for unofficial use of transit benefits; and to Federal agencies to identify and locate former employees for the purpose of collecting such indebtedness, including through administrative, salary or tax refund offsets. Identifying and locating former employees, and the subsequent referral to such agencies for offset purposes, may be accomplished through authorized computer matching programs. Disclosures will be made only when all procedural steps established by the Debt Collection Act of 1982, and the Debt Collection Improvement Act of 1996 or the Computer Matching and Privacy Protection Act of 1988 as appropriate, have been taken;

4. A record in this system may be disclosed to a FCC employee in his/her individual capacity when inquiring about his/her application that was submitted for the Transit Benefit and/or Parking Permit Programs. Employees may do so by supplying their full name and FCC ID Badge Number (Identification Number must match number in the system);

5. A record in this system may be disclosed where there is an indication of misrepresentation to obtain, or misuse of, a transit benefit; and/or parking permit, records from this system may be referred to the appropriate FCC official responsible for revoking the transit benefit and/or parking permit, and recovering the unauthorized amount of used transit benefit, suspending employee participation in the programs, and/or may result in disciplinary action;

6. A record in this system may be disclosed to GSA/GAO for the purposes of records management inspections conducted. Such disclosure shall not be used to make a determination about an individual;

7. A record in this system may be used for administrative purposes by authorized personnel for production of listings and reports. This system may be used for periodic review of re-certification, and to ensure eligibility for, and receipt of, transit benefit and parking privileges;

8. A record from this system may be disclosed to a request for information from a Federal, state, or local agency in connection with the approval/disapproval of an application for special parking assignment; and

9. A record in this system may be disclosed to agency contractors, who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the necessary activity. Recipients will be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 USC 552a(m).

In each cases the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on 8½ x 11 and 8½ x 5 papers in file folders and in the transit benefit and parking permit computer databases. Storage will be in the Office of Managing Director, AMD—Administrative Operations, ASC, Federal Communications Commission (FCC), 445 12th Street, SW., Room TW–C201, Washington, DC 20554.

RETRIEVABILITY:

Records are retrieved by the employee's name, or by the FCC Badge identification number, tag, and/or permit number

SAFEGUARDS:

Records are maintained in a secured area and are available only to authorized personnel responsible for implementing these programs and whose duties require access. Computer databases are setup with a secured password. File cabinets where the records are stored will be controlled by on-site personnel when unlocked and locked when not in use. All transit benefits and parking permits are kept in a locked cash box contained in a (cylinder lock) drawer. At close of business the cash box is to be secured in a government issued safe with a combination lock.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with appropriate General Records Schedule 6, National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Managing Director—Administrative Operations, ASC, Office of the Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW., Room TW–C201, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Anyone inquiring about an employee record under the Transit Benefit and Parking Permit Programs should contact the Transit Benefit and Parking Permit Programs Coordinator. Individuals must supply their full name and/or FCC Badge Number (Identification Number must match what is in the system) in order for records to be located and identified.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

Information in these systems of records is obtained from applications submitted by individuals for the Transit Benefit and Parking Permit Programs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–8

SYSTEM NAME:

Revenue Accounting Management Information System (''RAMIS'').

SYSTEM LOCATION: FINANCIAL OPERATIONS CENTER, ASSOCIATE MANAGING DIRECTOR—FINANCIAL

Operations (AMD–FO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A625, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system include: Entities (acting on their own behalf or on behalf of a corporate entity) making payments to cover forfeitures assessed, application and regulatory fees covered, services rendered, and direct loans; refunds for incorrect payments or overpayments (including application processing fees and travel advances); billing and the collection of bad debts; and miscellaneous monies received by the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include the following: Names; Social Security Numbers (SSN); Taxpayer Identification Numbers (TIN); FCC Registration Numbers (FRN); Telephone numbers; Addresses of individuals; Records of services rendered; Loan payment information; Forfeitures assessed and collected; Amounts; Dates; Check numbers; Locations; Bank deposit information; Transaction type information; United States Treasury deposit numbers; Ship name and call sign; and Information substantiating fees collected, refunds issued, and interest, penalties, and administrative charges assessed to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921; Budget and Accounting Procedures Act of 1950; Federal Communications Authorization Act of 1989; and 31 U.S.C. 525.

PURPOSE(S):

The primary uses of the records are to account for all monies received by the FCC from the public and refunded to the public.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, State, or local agency responsible for investigating or prosecuting a violation, or for enforcing or implementing the statute, rule, regulation or order.

2. A record from this system may be disclosed to request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement such as licenses, if necessary, to obtain information relevant to a FCC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the Government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

8. A record from this system of records which concerns information on past due debts to the Federal Government may be disclosed to the Department of the Treasure, Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund, or other payments to collect that debt.

9. Records from this system of records which concerns information on pay and leave, benefits, retirement deductions, and any other pertinent information may be disclosed to the Office of Personnel Management in order for it to carry out its legally authorized Government-wide functions and duties.

10. Records from this system may be disclosed to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) of the Federal Claims Collection Act of 1996 (31 U.S.C. 3701(a)(3)).

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained in paper files, computer printout, microfiche, magnetic disc, and magnetic tape.

RETRIEVABILITY:

By name and/or type of transaction, call sign, processing number, Social Security Number, Taxpayer Identification Number (TNN), FCC Registration Number (FRN), employee identification number, fee control number, payment ID number, or sequential number.

SAFEGUARDS:

Records are located in secured metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties required access. Electronic record files are secured by passwords which are available only to authorized personnel whose duties require access. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Retained for two years following the end of the current fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, Federal Communications Commission (FCC), 445 12th Street, SW, Room 1–A625, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Subject individual; Federal Reserve Bank; FCC RAMIS forms files; Agent of subject; and Attorney-at-Law of the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/OMD–9

SYSTEM NAME:

Commission Registration System (''CORES'').

SYSTEM LOCATION:

Financial Operations Group, Associate Managing Director-Financial Operations (AMD–FO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street, SW, Room 1–A625, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system include information on individuals (acting on their own behalf or on behalf of a corporate entity) who are doing business with the Federal Communications Commission. The FCC Registration Number (FRN) will be assigned by the Commission Registration System (CORES). The Registration Number will be required for anyone doing business with the Commission (feeable) after December 31, 2000 to ensure that they receive any refunds due, to service public inquiries, and to comply with the Debt Collection Improvement Act of 1996.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include: Names; Address(es); Social Security Numbers (SSN); Taxpayer Identification Numbers (TIN); FCC Registration Numbers (FRN); Business entity type (person or company); Telephone number(s); Fax number(s); E-mail address(es); and Addresses of individuals or entities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Communications Act of 1934, as amended, sections 8 and 9 and the Debt Collection Improvement Act of 1996, Pub.L. 104–134.

PURPOSE(S):

The primary uses of the records contained on this form are to maintain required accounts receivable, and collect fines and debts due the Federal Communications Commission. This information also assures that the individuals, or the entities which they represent, receive any refunds due.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, State, or local agency responsible for investigating or prosecuting a violation, or for enforcing or implementing the statute, rule, regulation or order.

2. A record from this system may be disclosed to request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement such as licenses, if necessary, to obtain information relevant to a FCC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

6. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the Government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

7. A record from this system of records which concerns information on past due debts to the Federal Government may be disclosed to the Department of the Treasure, Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund, or other payments to collect that debt.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained in paper files, computer printout, and magnetic tape.

RETRIEVABILITY:

By name and/or type of transaction; Processing number; Social Security Number; Taxpayer Identification Number; FCC Registration Number (FRN); Employer Identification Number; or Sequential number.

SAFEGUARDS:

Records are located in secured metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties required access. Electronic record files are secured by passwords which are available only to authorized personnel whose duties require access. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Retained for two years following the end of the current fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

Financial Management Division, Associate Managing Director-Financial Operations (AMD–FO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street, SW., Room 1–A625, Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Subject individual; Federal Reserve Bank; FCC CORES forms files; and Attorney-at-Law of the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/WTB–1

SYSTEM NAME:

Wireless Services Licensing Records.

SYSTEM LOCATION:

Wireless Telecommunications Bureau, Room 3–C122, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Licensees and applicants (including persons or entities with attributable interests therein as described below);

2. Tower owners; and

3. Contact persons relating to radio systems licensed or processed by the Wireless Telecommunications Bureau under parts 13, 22, 24, 26, 27, 74, 80, 87, 90, 95, 97, and 101 of the Commission's Rules (Wireless Services).

CATEGORIES OF RECORDS IN THE SYSTEM:

The scope of records includes applications, licenses and pleadings relating to such applications, and correspondence relating to authorizations, and requests for authorizations in the Wireless Services. The current application forms will include the collection of Taxpayer Identification Numbers (TINs).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 301, 303, 309, 312, 362, 364, 386, 507, and 510. The use of the Taxpayer Identification Numbers (TINs) is defined by 26 U.S.C. 6109. Authority to collect TINs under the Debt Collection Improvement Act of 1996 is found at 31 U.S.C. 7701. Licensing disclosure requirements, etc. are found under 47 CFR 1.2112 and the Biennial Regulatory Review—Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, Report and Order, WT Docket No. 98–20, FCC 98–234, 13 FCC Rcd 21027 ¶¶ 132–42.

PURPOSE(S):

Records are kept to administer the FCC's regulatory responsibilities including licensing, enforcement, rulemaking, and other actions necessary to perform spectrum management duties. The system will also be maintained to provide public access to pending requests for authorizations and information regarding current licensees.

1. License records are routinely used to determine the availability of spectrum for licensing.

2. The records are also used to determine when compliance filings, renewal applications and fees are due from licensees.

3. FCC licensee records are used to resolve disputes between radio operators regarding who has certain rights to use particular frequency bands in particular geographic areas. The records may also be used to resolve cross border disputes *e.g.,* disputes with entities operating in Canada and Mexico.

4. Records will be used to allow licensees to transfer or assign their interests in particular licenses or portions of licenses as the rules permit (after agency approval).

5. Records will be used to evaluate the completeness and sufficiency of requests for new or modified authorizations.

6. Public access to license data (except TIN numbers) will promote the economically efficient allocation of spectrum and the resolution of radio interference problems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The licensee records will be publicly available and routinely used in accordance with subsection b. of the Privacy Act. TIN Numbers and material which is afforded confidential treatment pursuant to a request made under 47 CFR § 0.459 will not be available for Public inspection. However, these and all other records may also be disclosed for the following purposes:

1. A Record from this system may be disclosed where there is an indication of a violation or potential violation of a statute, regulation or order, records from this system may be used to conduct enforcement proceedings within the agency, or may be referred to Federal, state, or local law enforcement personnel responsible for investigating, prosecuting or for enforcing or implementing the statute, regulation or order.

2. Records may be utilized to report to the President, NTIA and other federal agencies regarding the current uses and utilization of the spectrum that the FCC manages.

3. A record on an individual may be used where pertinent in any legal proceeding to which the Commission is a party before a court or administrative body.

4. A record from this system may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when arising from his employment, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation; and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

5. A Record from this system may be disclosed to debt collection contractors (31 U.S.C. 3718) or to other Federal agencies such as the Department of the Treasury (Treasury) for the purpose of collecting and reporting on delinquent debts as authorized by the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996;

6. A Record from this system may be disclosed to Treasury; the Defense Manpower Data Center, Department of Defense; the United States Postal Service; government corporations; or any other Federal, State, or local agency to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to identify and locate individuals, including Federal employees, who are delinquent in their repayment of certain debts owed to the U.S. Government, including those incurred under certain programs or services administered by the FCC, in order to collect debts under common law or under the provisions of the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996 which include by voluntary repayment, administrative or salary offset, and referral to debt collection contractors.

7. A Record from this system may be disclosed to the Department of Justice, United States Attorney, Treasury, or other Federal agencies for further collection action on any delinquent account when circumstances warrant.

8. A Record from this system may be disclosed to credit reporting agencies/credit bureaus for the purpose of either adding to a credit history file or obtaining a credit history file or comparable credit information for use in the administration of debt collection. As authorized by the DCIA, the FCC may report current (not delinquent) as well as delinquent consumer and commercial debt to these entities in order to aid in the collection of debts, typically by providing an incentive to the person to repay the debt timely. Proposed revisions to the Federal Claims Collection Standards (FCCS) published in the **Federal Register** on December 31, 1997, direct agencies to report information on delinquent debts to the Department of Housing and Urban Development's Credit Alert Interactive Voice Response System (CAIVRS). The FCC will report this information to CAIVRS if the proposed requirement is contained in the final rule amending the FCCS.

9. A Record from this system may be disclosed to any Federal agency where the debtor is employed or receiving some form of remuneration for the purpose of enabling that agency to collect a debt owed the Federal government on the FCC's behalf. The FCC may counsel the debtor for voluntary repayment or may initiate administrative or salary offset procedures, or other authorized debt collection methods under the provisions of the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996. Pursuant to the DCIA, the FCC may garnish non-Federal wages of certain delinquent debtors so long as required due process procedures are followed. In these instances, the FCC's notice to the employer will disclose only the information that may be necessary for the employer to comply with the withholding order.

10. A Record from this system may be disclosed to the Internal Revenue Service (IRS) by computer matching to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by the FCC against the taxpayer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3717, and 3718 or common law. Disclosure of a mailing address obtained from the IRS may be made only for debt collection purposes, including to a debt collection agent to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996, except that disclosure of a mailing address to a reporting agency is for the limited purpose of obtaining a credit report on the particular taxpayer. Any mailing address information obtained from the IRS will not be used or shared for any other FCC purpose or disclosed by the FCC to another Federal, State, or local agency which seeks to locate the same taxpayer for its own debt collection purposes.

11. A Record from this system may be disclosed to refer legally enforceable debts to the IRS or to Treasury's Debt Management Services to be offset against the debtor's tax refunds under the Federal Tax Refund Offset Program.

12. A Record from this system may be disclosed to prepare W–2, 1099, or other forms or electronic submittals, to forward to the IRS and applicable State and local governments for tax reporting purposes. Under the provisions of the DCIA, the FCC is permitted to provide Treasury with Form 1099–C information on discharged debts so that Treasury may file the form on the FCC's behalf with the IRS. W–2 and 1099 Forms contain information on items to be considered as income to an individual, including payments made to persons not treated as employees (*e.g.,* fees to consultants and experts), and amounts written-off as legally or administratively uncollectible, in whole or in part.

13. A Record from this system may be disclosed to banks enrolled in the Treasury Credit Card Network to collect a payment or debt when the individual has given his or her credit card number for this purpose.

14. A Record from this system may be disclosed to another Federal agency that has asked the FCC to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to name, address, TIN, and other information necessary to identify the individual; information about the money payable to or held for the individual; and other information concerning the administrative offset.

15. A Record from this system may be disclosed to Treasury or other Federal agencies with whom the FCC has entered into an agreement establishing the terms and conditions for debt collection cross-servicing operations on behalf of the FCC to satisfy, in whole or in part, debts owed to the U.S. government. Cross-servicing includes the possible use of all debt collection tools such as administrative offset, tax refund offset, referral to debt collection contractors, and referral to the Department of Justice. The DCIA requires agencies to transfer to Treasury or Treasury-designated Debt Collection Centers for cross-servicing certain nontax debt over 180 days delinquent. Treasury has the authority to act in the Federal government's best interest to service, collect, compromise, suspend, or terminate collection action in accordance with existing laws under which the debts arise.

16. Information on past due, legally enforceable nontax debts more than 180 days delinquent will be referred to Treasury for the purpose of locating the debtor and/or effecting administrative offset against monies payable by the government to the debtor, or held by the government for the debtor under the DCIA's mandatory, government-wide Treasury Offset Program (TOP). Under TOP, Treasury maintains a database of all qualified delinquent nontax debts, and works with agencies to match by computer their payments against the

delinquent debtor database in order to divert payments to pay the delinquent debt. Treasury has the authority to waive the computer matching requirement for the FCC and other agencies upon written certification that administrative due process notice requirements have been complied with.

17. For debt collection purposes, the FCC may publish or otherwise publicly disseminate information regarding the identity of delinquent nontax debtors and the existence of the nontax debts under the provisions of the Debt Collection Improvement Act of 1996.

18. A Record from this system may be disclosed to the Department of Labor (DOL) and the Department of Health and Human Services (HHS) to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to match the FCC's debtor records with the records of DOL and HHS to obtain names, name controls, names of employers, addresses, dates of birth, and TINs. The DCIA requires all Federal agencies to obtain taxpayer identification numbers from each individual or entity doing business with the agency, including applicants and recipients of licenses, grants, or benefit payments; contractors; and entities and individuals owing fines, fees, or penalties to the agency. The FCC will use TINs in collecting and reporting any delinquent amounts resulting from doing business with applicants and licensees.

19. If the FCC decides or is required to sell a delinquent nontax debt pursuant to 31 U.S.C. 3711(i), information in this system of records may be disclosed to purchasers, potential purchasers, and contractors engaged to assist in the sale or to obtain information necessary for potential purchasers to formulate bids and information necessary for purchasers to pursue collection remedies.

20. If the FCC has current and delinquent collateralized nontax debts pursuant to 31 U.S.C. 3711(i)(4)a., certain information in this system of records on its portfolio of loans, notes and guarantees, and other collateralized debts will be reported to Congress based on standards developed by the Office of Management and Budget, in consultation with Treasury.

21. A Record from this system may be disclosed to Treasury in order to request a payment to individuals owed money by the FCC.

22. A Record from this system may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

In each of these cases the FCC will determine whether such use of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records will be stored and accessed electronically. Records that are submitted to the FCC on paper will be scanned or keyed into the computer system as appropriate. Paper records submitted to the FCC will be archived after being entered into ULS. Tape backups of records will be periodically created. Records of prior licensees will be archived.

RETRIEVABILITY:

A primary purpose of the system is to provide easy access to the information. Records may be retrieved by searching electronically using a variety of parameters including name, a licensee's unique identifier, call sign, file number, etc. However, paper records which contain TINs will not be available for Public Inspection.

SAFEGUARDS:

1. Records (other than TINs and materials which are afforded confidential treatment under 47 CFR 0.459) are accessible to the public.

2. Access to certain records may be available on the Internet. Access to other records will be available using a web browser on the Commission wide area network.

3. The ability to enter and change individual records will be protected by passwords issued to applicants and licensees. Records will be protected from unauthorized changes by passwords and other computer security measures within the agency.

4. TINs reported to the agency as requested on appropriate forms will not be available to the public. (The agency cannot be responsible for the disclosure of TINs by applicants in attachments to applications or pleadings in situations where confidentiality is not requested.)

5. Each applicant or licensee will be given a unique identifier generated by the ULS after such applicant or licensee provides its TIN to the agency. These identifiers will be used within the agency and by the public to obtain information on the licenses held by particular individuals or entities. These identifiers will be used in lieu of tracking by TINs so that the agency can avoid unnecessary disclosure of TINs. Within the agency, access to TINs will be available only to those persons whose jobs require such access (*e.g.,* FCC staff who report debt information to the U.S. Department of Treasury).

6. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof saves. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Records will be actively maintained as long as an individual remains a licensee. Paper records will be archived after being keyed or scanned into the system. Electronic records will be backed up on tape. Electronic and paper records will be maintained for at least eleven years.

SYSTEMS MANAGER(S) AND ADDRESS:

Chief, Wireless Telecommunications Bureau (WTB), Room 3–C122, Federal Communications Commission (FCC), 445 12th Street, SW., Washington, DC 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager. In order to identify a specific record please indicate name, address, type of record as well as file number or call sign where applicable.

RECORD ACCESS PROCEDURES:

Information regarding procedures for accessing records can be found at the FCC Web site at *www.fcc.gov* or by calling 888–CALL–FCC.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the system manager indicated above. An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records. See 47 CFR 0.556–0.557.

RECORD SOURCE CATEGORIES:

The individual to whom the information applies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/WTB–5

SYSTEM NAME:

Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly.

SYSTEM LOCATION:

Wireless Telecommunications Bureau (WTB), Room 3–C122, Federal

Communications Commission (FCC), 445 12th Street, SW., Room 3–C122, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals who are or have been licensed under parts 13, 80, 87, 95, or 97 of the Rules who have operated in violation of the Commission's rules or the Communications Act of 1934, as amended.

2. Unlicensed persons who have operated radio transmitting equipment.

3. Persons who have had a license revoked or have had an application dismissed or denied, and are prohibited from filing another application within one year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include: Name; Address; Date of birth (if known) of individual; Authorization code of staff member who placed name in the file; and Date the name was placed in the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 301, 303, 309(e), and 312.

PURPOSE(S):

This system of records is used by selected staff and field employees to determine whether the application of these individuals should be granted, dismissed or set for hearing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulations or order.

2. A record from this system may be disclosed to request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the issuance of a license, grant or other benefit or enforcement proceedings.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when arising from his employment, an employee of the Commission is a party to litigation or anticipated litigated or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On magnetic tape and computer printout.

RETRIEVABILITY:

Information is filed alphabetically by name of individual in a computer and is retrieved periodically through computer printout.

SAFEGUARDS:

Access to computer is controlled by password in a secured office and the printouts are available only to selected staff personnel.

RETENTION AND DISPOSAL:

The printouts are destroyed by machine shredding or by tearing into pieces when a new list is distributed. The computer tapes are retained for four back-up cycles, and on the fifth update, the oldest tape is destroyed. Individual names are removed from the file when retention is no longer appropriate. The entire list of names is reviewed quarterly.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Wireless Telecommunications Bureau, Room 3–C122, SW., Federal Communications Commission, 445 12th Street, SW., Washington, DC. 20554.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Applicants and FCC Field Engineers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

FCC/WTB–6

SYSTEM NAME:

Radio Operator Records.

SYSTEM LOCATION:

Wireless Telecommunications Bureau (WTB), Federal Communications Commission (FCC), 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied and/or received radio operator licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for commercial radio operator licenses, records of documents issued, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Geneva Radio Regulations; 47 U.S.C. 303(l), 303(m), and 318.

PURPOSE(S):

1. For use in connection with the administration of the Commission's radio operator program including applications, and determinations of license applicant qualifications. Limited file materials concerning licensed radio operators is maintained in the agency's computer database. The information in the license database will be available for public inspection.

2. If the records indicate a possible violation of law, they may be referred to the FCC's Enforcement Bureau, Office of General Counsel, and to the appropriate agency charged with the responsibility of investigating or prosecuting such violation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of a

statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order.

2. A record from this system may be disclosed to request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

4. A record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office.

5. A record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 4 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

6. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body.

7. A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) the Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on microfilm and a computer database.

RETRIEVABILITY:

All records are retrievable by applicant name.

SAFEGUARDS:

The microfilm is stored in file cabinets in offices that are secured at the close of the business day. Access to the database is secured by passwords. Data resident on network servers are backed-up daily to magnetic media. One week's worth of back-up tapes is stored on-site in fireproof safes. Each week, the previous week's backup tapes are sent to an off-site storage location. A maximum of ten week's tapes are kept and cycled in this fashion.

RETENTION AND DISPOSAL:

Commercial applications are destroyed when 11 years old. Both General and Restricted Permit applications are retained for 75 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Database Management Division, Wireless Telecommunications Bureau, Federal Communications Commission (FCC), 1270 Fairfield Road, Gettysburg, PA 17325

NOTIFICATION, RECORD ACCESS AND CONTESTING RECORD PROCEDURES:

This system is exempt from the requirement that the agency publish the procedures for notifying an individual, at his or her request, if the system contains a record pertaining to him/her, for gaining access to such record, and for contesting the contents of the record.

RECORD SOURCE CATEGORIES:

This system is exempt from the requirement that the agency publish the categories of sources of records in this system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Privacy Act. These provisions concern the notification, record access, and contesting procedures described above and also the publication of record sources. The system is exempt from these provisions because it contains investigative material compiled for law enforcement purposes as defined in section (k)(2) of the Privacy Act.

[FR Doc. 00–27037 Filed 10–20–00; 8:45 am]

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Federal Register

Monday,
October 23, 2000

Part V

Department of Agriculture

Animal and Plant Inspection Service

9 CFR Part 77

Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations; Final Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 99–038–5]

Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the bovine tuberculosis regulations to establish several new levels of tuberculosis risk classifications to be applied to States and zones within States. Additionally, we are providing for the classification of States and zones according to their tuberculosis risk with regard to captive cervids. We are also amending the regulations to increase the amount of testing that must be done before certain cattle and bison may be moved interstate. These changes are necessary to help prevent the spread of tuberculosis and to further the progress of the domestic tuberculosis eradication program.

EFFECTIVE DATE: November 22, 2000.

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

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is a contagious, infectious, and communicable disease caused by *Mycobacterium bovis.* It affects cattle, bison, deer, elk, goats, and other species, including humans. Bovine tuberculosis in infected animals and humans manifests itself in lesions of the lung, bone, and other body parts, causes weight loss and general debilitation, and can be fatal. Federal regulations implementing the National Cooperative State/Federal Bovine Tuberculosis Eradication Program are contained in 9 CFR part 77, ''Tuberculosis'' (referred to below as the regulations), and in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (UMR), January 22, 1999, edition, which is incorporated by reference into the regulations.

Interim Rules

On November 1, 1999, we published in the **Federal Register** (64 FR 58769–58780, Docket No. 99–008–1) an interim rule that was effective October 20, 1999, and that amended the regulations to do the following: (1) Allow a State to be divided into two zones for tuberculosis risk classification; (2) clarify the conditions for assigning a particular risk classification for tuberculosis; and (3) increase the amount of testing that must be done before certain cattle and bison may be moved interstate. The interim rule also recognized two different zones in Michigan, one classified as accredited-free and the other as nonmodified accredited. The interim rule did not change the tuberculosis risk classification categories in use at that time (accredited-free, accredited-free (suspended), modified accredited, and nonmodified accredited.)

We solicited comments concerning our interim rule for 60 days ending January 3, 2000. We received 64 comments by that date. They were from livestock owners, representatives of State and local governments, a farm bureau, universities, veterinary associations, and other members of the public.

Three of the comments supported the interim rule as written. The issues raised by the remainder of the comments were related to our recognition of the two zones in Michigan and the fact that one of the zones was classified as nonmodified accredited. However, on June 28, 2000, we published another interim rule in the **Federal Register** (65 FR 39780–39782, Docket No. 00–055–1), effective as of June 22, 2000, in which we removed the split-State status of Michigan and classified the entire State as nonmodified accredited. We solicited comments on our interim rule for 60 days ending August 28, 2000, and received no comments by that date.

Proposed Rule

On March 7, 2000, we published in the **Federal Register** (65 FR 11912–11940, Docket No. 99–038–1) a proposal to amend the regulations to do the following: (1) Establish several new levels of tuberculosis risk classifications to be applied to States and zones within States; (2) classify States and zones according to their tuberculosis risk with regard to captive cervids; (3) specify that the regulations apply to goats as well as to cattle, bison, and captive cervids; and (4) increase the amount of testing that must be done before certain cattle, bison, and goats may be moved interstate.

We solicited comments concerning our proposal for 45 days ending April 21, 2000. On March 24, 2000, we published in the **Federal Register** (65 FR 15877–15878, Docket No. 99–038–2) a correction to our proposed rule. We reopened and extended the deadline for comments on the proposed rule until May 8, 2000, in a document published in the **Federal Register** on May 1, 2000 (65 FR 25292, Docket No. 99–038–3). In a document published in the **Federal Register** on May 31, 2000 (65 FR 34598–34599, Docket No. 99–038–4), we reopened and extended the deadline for comments until June 16, 2000, and advised the public we would host two public hearings on the proposed rule. We held a public hearing in Albuquerque, NM, on June 14, 2000, and another in Lansing, MI, on June 15, 2000.

We received 114 comments on our proposed rule by June 16, 2000. They were from livestock owners; agricultural product manufacturers; representatives of State, local, and foreign governments; farm bureaus; livestock industry associations; universities; a veterinary association; a fish and wildlife association; and other members of the public. Several commenters supported the proposed rule as written. Others supported the rule with changes or simply suggested changes. We discuss the comments below by topic.

Goats

We proposed to make the tuberculosis provisions that apply to cattle and bison also apply to goats, and to group cattle, bison, and goats in proposed subpart B of part 77.

One commenter specifically supported the addition of goats to the regulations as proposed. A number of commenters stated that the regulations should not apply to goats. The commenters stated that no case of bovine tuberculosis has been found in goats used as livestock in the United States and that it would be less costly and burdensome to address tuberculosis in goats according to individual herd status. Other commenters stated that the regulations should apply only to goats that produce milk for human consumption.

A number of other commenters recommended that goats be included in a separate subpart of the regulations and not be grouped with cattle and bison. Some commenters who supported including goats in a separate subpart stated that including goats with other livestock in determining tuberculosis prevalence in a State or zone could ''dilute'' the numbers of infected cattle or bison herds, allowing an unwarranted upgrade in a State's or zone's status without a decrease in actual disease prevalence. Others expressed concern that an incidence of tuberculosis in a herd of goats could adversely affect the

tuberculosis status of a State with regard to cattle and bison.

Based on the comments we received, we are not applying the provisions of this final rule to goats. Although we are not aware of any reported incidence of tuberculosis in goats used as livestock, it has been demonstrated among goats held for exhibition that goats can harbor and transmit the disease. However, we consider it necessary to review further the type and amount of surveillance for tuberculosis that is being carried out with regard to goats used for livestock. Currently, it appears that insufficient surveillance is being conducted in goat herds to apply a State/zone tuberculosis classification system to goats. Once we have completed our review, we will determine how best to address the issue of goats and, if necessary, will propose rulemaking at that time.

References to Goats in the Remainder of This Supplementary Information

As noted, we proposed to apply the same regulations to goats as to cattle and bison, and to consider goat herds along with cattle and bison herds when determining the tuberculosis prevalence among herds in a State or zone. However, as discussed above, we are not including goats in this final rule. Therefore, to simplify our discussion of the comments we received regarding the proposed rule, and to avoid any confusion as to whether goats are covered by this final rule, when we refer in this document to the provisions in the proposed rule that applied to cattle, bison, and goats, and when we refer to comments received on those provisions, we will discuss them only as they apply to cattle and bison.

Consistency of Terms

One commenter noted that, in some cases in the proposed regulations, we used the term ''sexually intact'' to describe certain animals covered by the regulations, and, in other cases, we used the term ''breeding'' to describe similar animals. The commenter stated that, if the two terms are interchangeable, we should use just one for consistency.

It was our intent when referring to ''breeding animals'' to mean ''sexually intact'' animals. For consistency, therefore, wherever we referred to breeding animals in the proposed rule, we refer to sexually intact animals in this final rule.

One commenter noted that, in some cases in the proposed regulations, we use the term ''State animal health official,'' and in other places in the regulations we use the term ''livestock sanitary official.'' The commenter recommended that the term ''livestock sanitary official'' be replaced with the term ''State animal health official.'' In the regulations, we use the two terms cited by the commenter to mean the same State official. Therefore, to eliminate confusion, in this final rule we are using the term ''State animal health official'' throughout, instead of ''livestock sanitary official.''

Grouping of Types of Animals

One commenter stated that, instead of grouping cattle and bison when considering the tuberculosis status of a State or zone, each type of animal should be considered separately in the regulations.

We will continue to consider cattle and bison together in determining the tuberculosis status of a State or zone. Because they are similar physically and in their uses, we have considered cattle and bison together with regard to tuberculosis for a number of years. Grouping the two types of animals has proven effective in the tuberculosis eradication program and has been supported by the industries affected by the regulations.

One commenter stated that, for purposes of regulation, bison, captive cervids, beef cattle, and dairy cattle should be considered separately. A number of other commenters, limiting their comments to the distinction between beef cattle and dairy cattle, stated that the two usages of cattle should be keep separate for purposes of establishing the tuberculosis status of a State or zone. The commenters stated that the risk of animals in confinement (primarily dairy) operations exposing other animals to tuberculosis is greater than the risk posed by nonconfinement (primarily beef) operations. Another commenter stated that, because it is unlikely that large dairy herds affected with tuberculosis would be depopulated, the existence of affected dairy herds would unfairly cause a State or zone, including nonconfinement herds, to be classified at a higher risk than would otherwise be warranted. One commenter stated that the status of a State should be based on the prevalence of tuberculosis among beef herds and tuberculosis eradication efforts in dairy herds, coupled with in-State movement controls.

We are making no changes based on these comments. Although cattle in a dairy herd are generally retained in that herd throughout their lifetime, such is not always the case, and the presence of tuberculosis within a dairy herd can pose a tuberculosis threat to cattle outside the herd. Dairy herds may include bulls that are ultimately sold for beef. Additionally, some owners maintain both dairy herds and beef herds on the same premises.

In our proposed rule, we stated that, although we were proposing to keep State and zone classifications for cattle and bison independent of classifications for captive cervids, our goal is to have, by the year 2010, each State or zone with one tuberculosis classification that would apply to all regulated animals in the State or zone. One commenter stated that captive cervid classifications should not be combined in the future with cattle and bison classifications. In our proposed rule, we stated that our rationale for keeping classifications for captive cervids separate from those for cattle and bison at this time was that, in general, programs for surveillance for tuberculosis in captive cervids are not as advanced as those for cattle and bison. However, in order to promote the eradication of tuberculosis in livestock in the United States, we consider it essential that surveillance for tuberculosis among captive cervids be expanded and become more reliable. We expect that our establishing tuberculosis risk classifications for captive cervids in this final rule will promote improved surveillance, reporting, and removal of infected captive cervids, and that it is reasonable to project that, by 2010, captive cervids can be considered together with cattle and bison in determining a State's or zone's tuberculosis risk classification. However, we will continue to evaluate this issue and will make no final decisions until such a change in the regulations has been proposed in the **Federal Register** and the public has had the opportunity to comment on it.

Wording Change

In §§ 77.10, 77.12, and 77.14, respectively, we address the interstate movement of cattle and bison from modified accredited advanced, modified accredited, and accreditation preparatory States and zones. In each of these sections, paragraph (b) provides movement requirements for steers and spayed heifers, and for officially identified sexually intact heifers moved to an approved feedlot. Several commenters stated that the way those provisions were worded, it was not clear if the only steers and spayed heifers being referred to were those moved to an approved feedlot. It was not our intent to limit the provisions in question, as they apply to steers and spayed heifers, to steers and spayed heifers that are moved to an approved feedlot. Our intent was to refer to all steers and spayed heifers, which by standard industry practice are moved to either a feedlot, though not necessarily

to an approved feedlot, or to slaughter. We are rearranging the wording in this final rule to make it clear the stipulation that the animals be moved to an approved feedlot applies only to sexually intact heifers.

Identification Requirements

In §§ 77.10(b), 77.12(b), and 77.14(b) of our proposed rule, regarding movement of cattle and bison from modified accredited advanced, modified accredited, and accreditation preparatory States and zones, respectively, we provided that sexually intact heifers moved interstate to an approved feedlot must be officially identified, and that steers and spayed heifers moved interstate from such States or zones must be either individually identified by a registration name and number or officially identified. In § 77.2 of the proposal, we defined *officially identified* to mean ''identified by means of an official eartag or by means of an individual tattoo or hot brand that provides unique identification for each animal.''

One commenter specifically supported the requirement for the identification of sexually intact heifers moved to an approved feedlot, steers, and spayed heifers when those animals are moved from a modified accredited advanced State or zone. A number of commenters opposed the requirement for the individual identification of the cattle and bison described above for movement from modified accredited advanced States and zones. Those in opposition to the requirement expressed concern that gathering and processing the animals in order to identify them would be extremely difficult, would generate significant labor costs, would cause the animals to lose weight, and would increase the incidence of injury and death among the animals.

Several commenters recommended that the regulations allow the use of means of identification other than unique individual identification, including premises identification such as identification of lot, identification applied by the owner, and identification by brand. One commenter recommended that a New Mexico brand be allowed as official identification from that State until an animal is moved to a feedlot, at which point an official ear tag should be required. One commenter recommended that States be allowed to submit to the Animal and Plant Health Inspection Service (APHIS) a proposal for the use of identification that would provide adequate traceback capabilities and work for that individual State.

The purpose of requiring a unique individual identification of cattle and bison is to allow for traceback in the event an animal is determined to be infected with or exposed to tuberculosis. If an animal is found to be infected with or exposed to tuberculosis in slaughter channels, it is necessary for control and eradication purposes to be able to identify the premises from which the animal originated. We have determined from our experience enforcing the regulations that, historically, individual identification unique to the animal is the identification that has provided the most effective traceback capability. However, we agree there are other types of identification that, properly implemented, could allow for the necessary traceback.

We are, therefore, providing in §§ 77.10, 77.12, and 77.14 of this final rule that sexually intact heifers moved to an approved feedlot, steers, and spayed heifers must be either officially identified or, alternatively, be identified by means of premises of origin identification. In order to meet the identification requirement, premises of origin identification must meet the definition we are adding to § 77.2. In that section, we define *premises of origin identification* to mean either a brand registered with an official brand registry, or an APHIS-approved eartag or tattoo that bears the premises of origin identification code. The premises of origin identification code must consist of the State postal abbreviation followed by a unique number or name that is assigned by a State or Federal animal health official to the premises on which the animals originated and that, in the judgment of the State animal health official or area veterinarian in charge, is epidemiologically distinct from other premises. We are not allowing the option for premises of origin identification for cattle other than officially identified sexually intact heifers moved to an approved feedlot, steers, and spayed heifers. Because cattle used for breeding are customarily moved from a herd to a number of other premises, we consider it necessary to require individual unique identification for such animals.

In this final rule, we are making a change to multiple sections to clarify the identification requirements for interstate movement. In §§ 77.10(b) and (d), 77.12(b) and (d), 77.14(b), (c), and (d), 77.25(b), 77.27(c), and 77.29(b) and (c), the regulations we proposed required identification of certain animals by means of either official identification or individual identification by a registration name and number. However, individual identification by a registration name and number is not something different from official identification, but rather, is simply one method of official identification. To avoid confusion, we are removing the references to ''individual identification by a registration name and number'' in each of the sections listed.

Definition of Officially Identified

Several commenters requested that the definition of *officially identified* in proposed § 77.2 be expanded to include other means of identification. The additional means of identification recommended by commenters included electronic identification such as radio frequency identification devices, as well as transponders placed under the skin or in the rumen. Another commenter stated that APHIS should recognize as ''an individual tattoo'' a breed registration tattoo or another tattoo with third party verification.

We are making no changes to the definition of *officially identified* in this rule. However, we are in the process of developing a national animal identification program for which we would propose to recognize electronic identification and for which we will consider the commenter's recommendations regarding what is acceptable as an individual tattoo.

Definition of Whole Herd Test

In proposed § 77.14 for cattle and bison, and in proposed § 77.29 for captive cervids, we provided that, for movement from an accreditation preparatory State or zone, animals that are sexually intact animals and are not from an accredited herd must, among other things, be accompanied by a certificate stating that they originated in a herd that has undergone a tuberculosis herd test with negative results conducted within 1 year prior to the date of movement. One commenter stated that our requirement for an entire herd test in those provisions could be confused with the testing required by the existing regulations to achieve accredited herd status. The commenter recommended eliminating such confusion by referring to the test of an entire herd as a ''whole herd test'' when it is used to qualify animals in the herd for interstate movement. The commenter recommended that we clarify the distinction further by adding a definition of *whole herd* to mean ''any isolated group of cattle or bison 12 months of age or older maintained on common ground for any purpose, or two or more groups of cattle or bison under common ownership or supervision, geographically separated but that have an interchange or movement of cattle or

bison without regard to health status.'' The commenter further recommended that we include a comparable definition of whole herd for captive cervids.

We agree that it would be useful to make clear the distinction between the herd test required for movement from an accreditation preparatory State or zone and the testing required for accredited herd status. We are, therefore, adopting some of the commenter's recommendations. However, we believe that adding a definition of *whole herd* to the regulations might cause confusion with the definition of *herd* that is already in the regulations, which is the same as the definition of *whole herd* recommended by the commenter, except for the reference to a minimum age for testing. Therefore, we are adding, instead, a definition of *whole herd test* to § 77.5 for cattle and bison to read ''an official tuberculin test of all cattle and bison that are 12 months of age or older in a herd, or that are less than 12 months of age and were not born into the herd, except those cattle and bison that are less than 12 months of age and were born in and originated from an accredited herd.''

We are adding a comparable definition of *whole herd test* to § 77.20 for captive cervids. However, to do so, we must revise the definition of *whole herd* test that already exists in the definitions regarding captive cervids. In that existing definition, *whole herd test* is defined as ''an official tuberculosis test of all test eligible captive cervids in a herd.'' The definition was included in the regulations to refer to the testing under the existing regulations that is required for a herd to achieve a particular risk status. Because ''test eligible captive cervids'' in the existing regulations refers to captive cervids 12 months of age or older in a herd, and all captive cervids in the herd less than 12 months of age that were not born into the herd, except those captive cervids less than 12 months of age that originated from an accredited herd, we are using that description in the revised definition rather than the term ''test eligible captive cervids.'' This will make the definition of *whole herd test* with regard to captive cervids consistent with the definition we are adding with regard to cattle and bison.

We are not requiring that most animals younger than 12 months of age be tested as part of a whole herd test. The reduced likelihood that such young animals have developed tuberculosis does not justify the time and expense of testing them as part of a whole herd test. If a herd contains tuberculosis-infected animals, the infection will likely be diagnosed by testing all animals 12 months of age or older. However, if the cattle or bison less than 12 months of age were not born into the herd and did not originate from an accredited herd, they must be tested as part of the whole herd test due to the possibility they may have been exposed to tuberculosis before entering the herd.

Whole Herd Test

We proposed in § 77.12(d) that cattle and bison that are sexually intact animals and that are not from an accredited herd could not be moved interstate from a modified accredited State or zone unless accompanied by a certificate stating that they were negative to two official tuberculin tests conducted at least 60 days apart and no more than 6 months apart, with the second test conducted within 60 days prior to the date of movement. Several commenters recommended that we instead require that the animals have originated in a herd that has undergone a tuberculosis herd test with negative results within 1 year prior to the date of movement, and that the individual animals to be moved have been negative to one additional official tuberculin test conducted within 60 days prior to the date of movement.

We agree with the commenters that requiring a whole herd test and one individual test will better ensure that the animals to be moved are not originating from a herd affected with tuberculosis and have changed § 77.12(d) accordingly. An equivalent provision in § 77.27(c) will apply to captive cervids, except that the additional test must be conducted within 90 days prior to movement. However, because of the efficacy of a whole herd test in determining whether tuberculosis exists in a herd, we are providing that if the animals are moved within 6 months following the whole herd test, there is no need for an individual test.

A number of commenters stated that States and zones that would receive steers and spayed heifers from accreditation preparatory States and zones have serious reservations with the provisions in proposed § 77.14(b) that provide that such animals may be moved interstate if accompanied by a certificate stating that they have been classified negative to two tuberculin tests conducted at least 60 days apart and no more than 6 months apart. According to the commenters, because of ''the known pitfalls with regard to detecting exposure, incubation, or infection in this usually very young class of animals with the available test technology,'' it would be advisable that such animals be allowed to move interstate only after the herd tests negative to one whole herd test and one individual animal test.

For the same reasons discussed above regarding §§ 77.12(d) and 77.27(c), we are making the change to § 77.14(b) recommended by the commenters. However, again, because of the efficacy of a whole herd test in determining whether tuberculosis exists in a herd, we are providing that if the animals are moved within 6 months following the whole herd test, there is no need for an individual test.

Additionally, we are making a change to both §§ 77.14(d) and 77.29(c), which provide testing requirements for cattle and bison, and captive cervids, respectively, that are sexually intact animals not from an accredited herd that are to be moved from an accreditation preparatory State or zone. Both of those paragraphs require that such animals to be moved interstate must have originated in a herd that has undergone a whole herd test with negative results within 1 year prior to the date of movement and have also been classified negative to two additional official tests for tuberculosis. For cattle and bison, the tests must have been conducted at least 60 days apart and no more than 6 months apart, with the second test conducted at least 60 days prior to movement. For captive cervids, the tests must have been conducted at least 90 days apart and no more than 6 months apart, with the second test conducted at least 90 days prior to movement. For the same reason noted above, we are providing in this final rule that if the animals are moved interstate within 6 months following the whole herd test, they need test negative to only one additional official test for tuberculosis.

One commenter recommended that the proposed interstate movement requirements for cattle and bison be changed so that, in each case where we proposed to require an individual animal official tuberculin test, a whole herd test be required instead. The commenter stated that the caudal-fold test (one of the tests listed in the UMR as an official tuberculin test for cattle and bison) is a whole herd screening test and is meant to be used on the whole herd. The commenter stated that testing individual animals does not give an overall assessment of the entire herd and that individual nonresponders to the caudal-fold test can be easily found in infected herds.

We consider each of the official tuberculin tests listed in the UMR reliable in determining the tuberculosis status of an individual animal. However, as discussed above, we are

increasing the number of situations under which a whole herd test is required.

Movement From Nonaccredited States and Zones

In § 77.16 of our proposed rule, we proposed to limit interstate movement from nonaccredited States and zones to: (1) Cattle and bison being moved directly to slaughter at an approved slaughtering establishment; and (2) cattle and bison that are from an accredited herd that completed the testing necessary for accredited status within 1 year prior to the date of movement and that test negative to an official tuberculin test conducted within 60 days prior to the date of movement. In § 77.31 of our proposed rule, we provided that the only captive cervids that would be allowed to be moved interstate from a nonaccredited State or zone were those being moved directly to slaughter at an approved slaughtering establishment; those from qualified or monitored herds that meet the requirements in §§ 77.36 or 77.37 for interstate movement from those herds; and those that are moved in an officially sealed means of conveyance, accompanied by a certificate showing that they are from an accredited herd that completed the testing required for accredited herd status with negative results within 1 year prior to the date of movement and that they were negative to an official tuberculin test conducted within 90 days prior to the date of movement.

One commenter stated that no movement of regulated animals should be allowed from nonaccredited States and zones, except for movement directly to slaughter. The commenter said that no testing in nonaccredited States and zones is reliable, including that performed to obtain accredited herd status.

Upon consideration of the issue raised by the commenter, we are making a change to §§ 77.16 and 77.32. In this final rule, we are limiting interstate movement from a nonaccredited State or zone to those animals being moved to slaughter at an approved slaughtering establishment. A nonaccredited State or zone will, by definition, be one that does not meet the standards of the UMR or in which tuberculosis is prevalent in 0.5 percent or more of the total number of herds of the animals covered by the regulations. Therefore, a nonaccredited State or zone could be one in which the tuberculosis prevalence rate is significantly high or unknown. To maintain accredited herd status, a herd of cattle or bison must be retested annually, and a herd of captive cervids must be tested biennially. In a State or zone of high or unknown risk, the length of time between herd testing could create an unacceptable risk that a herd will become affected with tuberculosis between the most recent testing and the date animals from the herd are moved interstate. Therefore, we are providing in §§ 77.16 and 77.31 that animals covered by the regulations may be moved interstate from a nonaccredited State or zone only if they are accompanied by VS Form 1–27 and are moved interstate for slaughter in an officially sealed means of conveyance directly to an approved slaughtering establishment.

Testing of Animals From a Modified Accredited Advanced State or Zone

We proposed to require in § 77.10(d) that if cattle and bison to be moved interstate from a modified accredited advanced State or zone are sexually intact animals that are not from an accredited herd, the animals must be accompanied by a certificate stating that they have been classified negative to an official tuberculin test conducted within 60 days prior to the date of movement.

Several commenters opposed the requirement for the testing of such animals from modified accredited advanced States and zones. One of the commenters said we were being inconsistent in requiring such testing because we proposed to allow sexually intact heifers that are moved to an approved feedlot, steers, and spayed heifers to be moved interstate from modified accredited advanced States and zones without being tested. Another commenter said that requiring testing of breeding animals moved interstate from modified accredited advanced States and zones would be unnecessary in those States that already restrict movement from premises containing cattle affected with tuberculosis.

We are making no changes based on these comments. Because a modified accredited advanced State or zone is one in which tuberculosis exists, cattle and bison moved interstate from such a State or zone pose an unacceptable risk of being infected with tuberculosis and transmitting the disease to other cattle and bison unless conditions exist or measures are taken to reduce such a risk to a negligible level. Sexually intact heifers moved to an approved feedlot, steers, and spayed heifers present a negligible risk of spreading tuberculosis because they are moved either directly to slaughter or to feedlots where they come in contact only with other animals that are being moved to slaughter. However, because sexually intact cattle and bison from modified accredited advanced States and zones that could potentially be used for breeding present a greater risk of being commingled with animals not being moved to slaughter, we consider it necessary that such animals be tested for tuberculosis with negative results before being moved. Such testing can either be the testing that is necessary for accredited herd status or testing that is done within 60 days prior to interstate movement.

Concern Regarding Surveillance Requirements in Texas

One commenter expressed concern that requiring a tuberculosis test for cattle moved from Texas after being imported from Mexico would unnecessarily devalue animals that would otherwise be held in Texas for a short time after importation for sorting, classifying, sizing, and processing.

We proposed to list Texas as a modified accredited advanced State with regard to cattle and bison. Based on this classification, steers and spayed heifers, as well as sexually intact heifers moved to an approved feedlot, would not have to be tested to qualify for interstate movement from Texas. However, such animals would either have to be officially identified or identified by premises of origin identification to be moved interstate.

Movement From Accreditation Preparatory States and Zones

One commenter disagreed with our proposed requirement in § 77.14(c) that animals from an accredited herd to be moved interstate from an accreditation preparatory State or zone test negative for tuberculosis within 60 days prior to movement. The commenter stated that, because tuberculosis has never been found in an animal from an accredited herd, this test is unnecessary.

We are making no changes based on this comment. An accreditation preparatory State or zone is one in which tuberculosis can be prevalent in up to almost 0.5 percent of the total number of herds in the State or zone. This prevalence level presents a high enough risk that it is necessary to test animals from an accredited herd once before they are moved interstate from such a State or zone. As noted, to maintain accredited herd status, a herd of cattle or bison must be retested annually and a herd of captive cervids must be tested biennially. In an accredited preparatory State or zone, the length of time between herd testing could create an unacceptable risk that a herd will become affected with tuberculosis between the most recent testing and the date animals from the herd are moved interstate. With few

exceptions, all regulated animals not from an accredited herd in an accreditation preparatory State or zone must be tested with negative results at least twice before being moved interstate.

One commenter addressed our proposed requirement in § 77.14(d) that sexually intact animals to be moved interstate from an accreditation preparatory State or zone from other than an accredited herd originate in a herd that tests negative within 1 year prior to movement and be negative to two individual animal tuberculin tests. The commenter expressed concern that the requirement for the whole herd test would cause problems for cattle buyers who assemble steers and heifers from several different herds, place the animals in lots, and sell them. The commenter stated that compliance with the requirement for a whole herd test within 1 year prior to movement would require testing of all cattle in the State or zone.

We are making no changes based on this comment. As noted above, an accreditation preparatory State or zone constitutes a high risk area and safeguards are necessary to ensure that tuberculosis is not spread from such a State or zone. A whole herd test is the best means of diagnosing the tuberculosis status of animals from a high risk area.

Recommendation To Reduce Testing Requirements

One commenter stated that what the commenter termed ''unnecessary testing'' could be eliminated by establishing boundaries of ''clean areas'' and only requiring testing of cattle being moved into those areas.

We assume that, by ''clean areas,'' the commenter is referring to accredited-free States and zones. We do not consider it advisable to require testing only for movement into accredited-free areas. The goal of the Tuberculosis Eradication Program is the elimination of tuberculosis in livestock in the United States, not just its confinement to areas where it already exists. By requiring negative testing for movement out of States and zones where tuberculosis exists, except where such movement poses negligible risk without testing, we will continue to make expeditious progress toward eradication of the disease in livestock in this country.

Testing of Calves

One commenter questioned what the testing requirements would be for very young calves intended for movement from a nonmodified accredited State or area. The commenter recommended that once the Department has determined the minimum age at which tuberculosis tests are efficacious, it should be required that all livestock above that age be tested negative prior to movement and that all livestock below that age be from a herd that has tested negative for tuberculosis.

Although we are not certain which of the proposed tuberculosis risk categories the commenter means by referring to ''nonmodified accredited,'' we can address the commenter's question regarding test requirements for very young calves. For the purposes of interstate movement, calves will be subject to the same test requirements as older cattle and bison, except that if a calf is moved interstate within 6 months after a whole herd test, it need not be individually tested, due to our confidence in the ability of a whole herd test to determine whether a herd is affected and the low risk that a calf moved within 6 months after that test would have been exposed to tuberculosis.

Several commenters stated that they saw no reason to require that baby calves be tested for tuberculosis because, according to the commenters, with proper identification and movement records, the calves could be traced back to their premises of origin should any problems occur.

We are making no changes based on the comments. We do not agree that young, sexually intact calves necessarily pose a negligible risk of transmitting tuberculosis to other livestock. Our goal is to prevent the transmission of the disease, not just to be able to trace back the movement of affected animals.

It should be noted that the requirement that cattle and bison of any age be tested for the purposes of interstate movement differs from the requirements in the UMR for achieving or retaining accredited herd status. In order to achieve or retain accredited herd status, the UMR requires the testing of all cattle and bison 24 months of age and older and any animals under 24 months of age that are not natural additions to the herd. Herds must be tested on an annual basis to retain accredited herd status.

One commenter asked whether calves would have to be tested prior to movement from a modified accredited State or zone if they were previously moved from an accredited free State or zone and were kept in the modified accredited State or zone for less than 60 days.

In the situation described by the commenter, the calves moved from a modified accredited State or zone would be subject to the testing requirements for movement from that State or zone.

Movement Through Slaughter Auctions

Proposed § 77.12(a) provided that cattle and bison moved interstate from a modified accredited State or zone may be moved without testing if moved directly to slaughter at an approved slaughtering establishment. One commenter asked whether the ''no-testing'' provision also applied to animals sold through an auction market for slaughter within 7 days of the interstate movement.

If the animals were sold through an auction market, they would be subject to the testing requirements for movement from a modified accredited State or zone. There is no requirement for the testing of animals to be moved directly to slaughter because the very direct movement and subsequent slaughter of the animals minimizes the risk that they could transmit tuberculosis to any animals other than those also being moved directly to slaughter. Each additional stop and assembly of cattle and bison on the way to slaughter increases the risk of the spread of tuberculosis beyond those cattle and bison.

Certificates

Several commenters stated that those provisions of the proposed rule that required that animals be accompanied by a certificate when moved interstate would suppress the buying and selling of cattle from different zones or States.

We acknowledge that being required to secure a certificate from an APHIS representative, a State representative, or an accredited veterinarian could add some time to the process of purchasing livestock for movement to another State or zone. However, such certificates will be required only for movement from States or zones with a higher tuberculosis risk than an accredited-free State or zone. Under this rule, virtually all States and zones are classified as accredited-free for cattle and bison. By requiring measures such as certification for certain cattle and bison from States and zones other than accredited-free, the regulations will guard against the transmission of tuberculosis from those States and zones.

Request for Additional Certification

One commenter stated that we should require a certificate, such as a certificate of veterinary inspection, for movement from an accredited-free State, rather than allowing movement with no restrictions as proposed.

We are making no changes based on this comment. Unless the regulations

required official or premises of origin identification of animals moved from an accredited-free State or zone, we might not be able to match the information on a certificate with the animal for which the certificate was issued. We do not consider it necessary to require certification and identification for each animal moved from an accredited-free State or zone, in light of the minimal risk that a tuberculosis-infected animal would be moved from such a State or zone.

Definition of Captive Cervid

Several commenters addressed our proposed definitions of *captive cervid* and livestock. In § 77.20, we proposed to change the existing definition of *captive cervid* to include any cervid, either wild or maintained in captivity, that is moved interstate. In § 77.2, we proposed to revise the definition of *livestock* to include previously free-ranging cervids that are captured, identified, and moved interstate. One commenter recommended that the reference to free-ranging cervids be removed from the definition of *livestock*. The commenter expressed concern that including free-ranging cervids as livestock if they are captured for later release into the wild implies that State or Federal agriculture agencies will claim authority over the management and disposition of such cervids, which the commenter said would usurp the historical and legal authority of State wildlife management agencies. Other commenters recommended that the definition of *captive cervid* specify that free-ranging cervids involved in State-sponsored restoration attempts are ''captive'' only during the transport stage.

It was not our intent in our proposed rule to include free-ranging cervids under the definition of *captive cervids*, except for the period of time that the cervids are being held for movement. Therefore, we are providing in the definition of *captive cervids* in this rule that free-ranging cervids moved interstate shall be considered captive cervids during the period of time from capture until release into the wild.

Wild Cervids

One commenter requested clarification of what constitutes a ''herd'' with regard to wild cervids, and whether the wild cervid population in an entire State could be considered one herd for the purposes of herd status. The commenter also requested that we set forth the requirements a State would have to meet to obtain permission to move wild cervids interstate.

Except for free-ranging cervids held for interstate movement for relocation, as discussed above, our regulations do not apply to wild cervids. Therefore, we would not designate wild cervids as having a tuberculosis herd status under the regulations. A State would be allowed to move wild cervids interstate, as long as it complied with the tuberculosis testing and identification requirements for interstate movement.

State and Zone Classifications for Captive Cervids

A number of commenters addressed the provisions in our proposed rule that would allow captive cervids to be moved interstate according to either the applicable State or zone movement requirements or the applicable individual herd requirements (as set forth in the existing regulations), whichever are less restrictive. Under the existing regulations, individual herd status is based on the tuberculosis test results for that particular herd. One commenter recommended that States and zones not be given a tuberculosis risk classification for captive cervids until all captive cervid herds in the State or zone have been tested. The commenter expressed concern that surveillance for tuberculosis in captive cervids in the United States is not as advanced as it has been for cattle and bison. For the same reason, other commenters stated that it was premature to establish State and zone statuses for cervids. Some commenters stated that if a State were designated as accredited-free for captive cervids at present, individual herd owners would have no incentive to conduct surveillance to achieve individual accredited herd status, because captive cervids from all herds in the State could move interstate without restriction. Several commenters recommended that, at present, all States be designated as modified accredited at best. In contrast, one commenter was opposed to classifying all States as modified accredited. One commenter recommended that no State or zone be classified as any less of a risk than accreditation preparatory until it has demonstrated that surveillance requirements for a particular designation have been met. A number of commenters questioned the classifications with regard to tuberculosis in captive cervids that we proposed to give various States. Some commenters said they could not determine how we arrived at our proposed classifications.

We proposed to classify each of the States for captive cervids based on preliminary information made available to us by State officials. However, as we noted in the proposed rule, in general, we had not received from States the information necessary to document that a sufficient number of herds of captive cervids in the States or zones had been tested to ensure that tuberculosis infection at a prevalence level of 2 percent or more will be detected with a confidence level of 95 percent, which is the level necessary to validly assess the tuberculosis prevalence in a State. We stated that we would need such information before we could make final each proposed designation. To give States an opportunity to provide such information, we proposed to allow a 90-day ''grace period'' following publication of a final rule for submission of the information.

Upon review of the comments received regarding this issue, we agree with commenters that, currently, the amount of cervid-specific tuberculosis surveillance data reported to APHIS by most States is still insufficient to validly assess the tuberculosis prevalence in captive cervid herds in those States. We do not consider it advisable to establish final State and zone classifications for captive cervids until we have had the opportunity to closely review any surveillance information submitted to us by States. Therefore, in this final rule, we are designating all States and zones as modified accredited for captive cervids. The interstate movement requirements for captive cervids under modified accredited State and zone status will be the same as those in the existing regulations for the interstate movement of captive cervids from unclassified herds, which is the classification of greatest risk for individual herds. However, as noted above, animals from herds of lesser risk than unclassified (*i.e.,* accredited, qualified, or monitored) may continue to be moved interstate according to the requirements for that herd status, despite the modified accredited status of the entire State.

We are providing in § 77.26(a) that each State has 1 year from the publication date of this final rule to supply us with the data necessary to demonstrate that the State complies with the UMR, incorporated by reference into the regulations, which includes the requirement that a sufficient number of herds of captive cervids in the State or zone be tested to ensure that tuberculosis infection at a prevalence level of 2 percent or more will be detected with a confidence level of 95 percent. Once a State has demonstrated compliance with the UMR, we will reassess its risk classification with regard to captive cervids and, if appropriate, propose to

change its status from modified accredited to another classification. However, if, within 1 year of the date of publication of this final rule, a State has not demonstrated that it complies with the UMR with regard to captive cervids, we will reclassify the State and any zones within the State as nonaccredited, which is the classification of highest risk for tuberculosis.

Movement Options for Captive Cervids

One commenter stated that allowing captive cervids to be moved interstate according to requirements for their individual herd status or the status of their State or zone, whichever are less restrictive, was confusing. Another commenter stated that the proposed requirements for the interstate movement of captive cervids from modified accredited and accreditation preparatory States and zones are more restrictive than the interstate movement requirements for cervids from qualified or monitored herds. The commenter said this does not seem compatible with the premise that animals should be permitted to move according to herd status or State status, whichever is less restrictive.

As we stated in our proposed rule, a State or zone classification system for captive cervids is expected to encourage States to aggressively conduct surveillance among all captive cervids in that State, whether or not any cervids from a particular herd are intended for interstate movement. However, if herd owners have invested the resources to conduct the monitoring and surveillance required to achieve a particular herd status, we consider it warranted and appropriate to allow such owners to continue to move their cervids under the existing regulations governing movement from such a herd, if those movement requirements are less restrictive than the requirements based on the risk classification of the State or zone in which the herd is located. We agree with the commenter, however, that there would be less potential for confusion in the regulations if requirements for movement of captive cervids were based solely on either State or zone status or herd status. Our intent is to move toward making movement solely dependent on State or zone status. However, in recognition of the time and expense taken by many herd owners to achieve a certain herd status, we intend to operate for several years in a transition period of allowing interstate movement of captive cervids according to the less restrictive of herd status or State or zone status.

One commenter questioned whether interstate movement of captive cervids from qualified or monitored herds from a modified accredited State or zone would be governed by the movement requirements for the State or zone or for the movement requirements for a qualified or monitored herd.

As discussed, we will allow captive cervids to be moved interstate according to the requirements for their herd status or according to the requirements for their State or zone, whichever are less restrictive. (However, captive cervids from a nonaccredited State or zone will not have the option of moving under the provisions for herd status, as discussed above in this ''Supplementary Information'' under the heading ''Movement from Nonaccredited States and Zones.'') In the case of captive cervids from a qualified or monitored herd in a modified accredited State or zone, it would be less restrictive to move them according to their herd status, which we indicate in the introductory text to § 77.27.

One commenter said that it is unclear from the proposed rule how many deer herds need to be part of surveillance program. Several commenters stated that captive cervids in a herd that is not part of a surveillance program should not be allowed to be moved interstate. One commenter recommended that captive cervids from an unclassified herd in an accredited-free State not be allowed to move interstate without testing negative for tuberculosis once before movement.

Because a State or zone cannot achieve accredited-free status, or any status above nonaccredited, without demonstrating that a sufficient number of herds of captive cervids in the State or zone have been tested to ensure that tuberculosis infection at a prevalence level of 2 percent or more will be detected with a confidence level of 95 percent, we consider it appropriate to allow all captive cervids to move interstate from an accredited-free State or zone without restriction, even if the animals come from an unclassified herd. Allowing such movement is consistent with the practice we have been following for years of allowing all cattle and bison from an accredited-free State to move interstate without restriction.

One commenter questioned whether we were going to establish an ''accredited-free (suspended)'' status for captive cervids. We do not intend to establish such a classification. In our proposed rule, we proposed to eliminate the accredited-free (suspended) status for cattle and bison. Accredited-free (suspended) was the status given to States that had been previously designated accredited-free but in which tuberculosis had been diagnosed in cattle or bison in the State. The accredited-free (suspended) status was intended to allow the State the time necessary to eradicate the disease before being designated modified accredited. We proposed to replace the accredited-free (suspended) status with specific requirements and deadlines for the elimination of a tuberculosis outbreak in an accredited-free State. In this final rule, in lieu of establishing an accredited-free (suspended) status for captive cervids, we are establishing requirements in § 77.22 for eliminating an outbreak in captive cervids that are comparable to those for cattle and bison in § 77.7.

One commenter said that the proposed rule seemed to provide that wild cervids in all tuberculosis-free States would be designated as modified accredited. The commenter said that, if that interpretation were correct, requiring free-ranging cervids to be held 90 days for consecutive tests could result in unacceptable mortality rates. It is not clear to us why the commenter interpreted the proposed rule as he did. If a State or zone is classified as accredited free for captive cervids, that classification would apply to all captive cervids in the State or zone, including free-ranging cervids that are temporarily held for interstate transport.

Accredited Herd Test for Captive Cervids

We proposed in §§ 77.25 and 77.27 that captive cervids from an accredited herd may be moved interstate from modified accredited advanced States and zones and modified accredited States and zones if they are accompanied by a certificate stating that the accredited herd completed the tuberculosis testing necessary for accredited status with negative results within 1 year prior to the date of movement. The proposed requirements in §§ 77.29 and 77.31 for interstate movement of captive cervids from accredited herds in accreditation preparatory States and zones and nonaccredited States and zones also required such herd testing within 1 year prior to interstate movement.

Several commenters recommended that we remove the requirement that the herd test for accredited status be completed within 1 year prior to interstate movement of the captive cervids because, under the existing regulations, accredited herd status is valid for 24 months from the date of the testing for accredited herd status. We agree with the commenters that our proposed requirement was inconsistent with the existing regulations and are requiring in §§ 77.25(b), 77.27(b), and

77.29(b) of this final rule that the requirements for accredited herd status must be completed within 24 months prior to the interstate movement of the captive cervids.

Movement of Captive Cervids From Qualified and Monitored Herds

One commenter stated that, for the purposes of interstate movement of captive cervids from modified accredited States and zones, an animal that originates from a ''qualified herd'' should be considered as one that has obtained an individual animal test for movement. The commenter stated that the requirements in the existing regulations for obtaining qualified herd status are more effective than requiring a negative individual test of an animal to be moved.

As discussed above under the heading ''Whole Herd Test,'' in this final rule we are requiring that captive cervids that are to be moved from a modified accredited State or zone, and that are sexually intact animals not from an accredited herd, must test negative to one whole herd test and also to one individual test. Because of the level of risk of tuberculosis in a modified accredited State or zone, we consider it necessary to require such conditions, even for captive cervids originating from a qualified herd. However, due to the lower level of tuberculosis risk in a modified accredited advanced State or zone, we agree that a captive cervid herd that has achieved qualified or monitored status has already met surveillance and herd history standards equivalent to the biosecurity afforded by an individual test. Therefore, we are providing in § 77.25(b) that captive cervids to be moved from a modified accredited advanced State or zone that are from an accredited herd, qualified herd, or monitored herd may be moved interstate if they are accompanied by a certificate stating that the herd has completed the requirements for accredited herd, qualified herd, or monitored herd status within 24 months prior to the date of movement.

Cervids Moved for Exhibition

Under the existing regulations, to be eligible for qualified herd status, all captive cervids in the herd eligible for testing must have tested negative to an official tuberculosis test. Additionally, under the existing regulations, a captive cervid moved interstate from a qualified herd must be accompanied by a certificate that states that the cervid has tested negative to an official tuberculosis test conducted within 90 days prior to the date of movement. In our proposed rule, we provided that captive cervids from a qualified herd could be moved interstate without testing if moved for the purpose of exhibition, provided they are returned to the premises of origin no more than 90 days after leaving the premises, have no contact with other livestock during movement and exhibition, and are accompanied by a certificate that includes a statement that the captive cervid is from a qualified herd. One commenter opposed this provision for captive cervids moved to exhibition. The commenter stated that moving cervids for exhibition purposes without requiring testing leaves open the possibility of transmission of tuberculosis at exhibition and dissemination of the disease upon return to the farm of origin.

We are making no changes based on this comment. We consider the conditions we are requiring for such movement to be sufficient to ensure that a captive cervid from a qualified herd does not pose a risk of transmitting tuberculosis to other livestock or being infected by other livestock. The definition of *livestock* in § 77.2 includes animals held for exhibition. Therefore, the stipulation that captive cervids moved for exhibition not come into contact with other livestock while moved or held for such exhibition will preclude any exposure of the captive cervids to affected animals.

Accredited Captive Cervid Herds

In some cases in our proposed rule, the interstate movement requirements for cattle and bison and for captive cervids were dependent on whether the animals were moved from an accredited herd. In proposed § 77.5, regarding cattle and bison, we defined *accredited herd* as follows: ''To establish or maintain accredited herd status, the herd owner must comply with all of the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' regarding accredited herds. All cattle and bison in a herd must be free from tuberculosis.''

Among the requirements for accredited herd status for cattle and bison as set forth in the UMR is the requirement that testing shall include all cattle and bison 24 months of age and older. One commenter recommended that the definition of an accredited herd of cattle or bison provide instead that testing shall include all cattle and bison 12 months of age and older. Although we are making no changes based on the comment, we consider it an issue worthy of further review and will consider it when undertaking future revisions of the UMR.

Surveillance Necessary for Accredited-Free Status

In our proposed definition of *accredited-free State or zone* in §§ 77.5 and 77.20, among the conditions for achieving such status we included the provision that there have been no findings of tuberculosis in the animals in question for the previous 5 years, except that the waiting period would be less than 5 years if certain other conditions were met. One of the exceptions we proposed was that the waiting period would be 3 years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

Several commenters stated that the methods and criteria of such an assessment should be included in the regulations. One of the commenters stated that, as worded, the proposed provision did not make clear what surveillance methodology would be required. The commenter expressed concern that surveillance requirements could be unrealistic, prohibitively expensive, and not supported by independent, objective risk assessment. The commenter recommended that we allow analysis of surveillance data by experts in risk assessment other than APHIS.

In determining surveillance requirements, it is necessary to assess the situation in each given State or zone. For instance, in some States and zones, infected wildlife may pose a significant risk to livestock, while in other States, wildlife may be a negligible factor. In some States and zones, beef cattle may be spread over wide areas, whereas in other States and zones they may be more concentrated. Some States have significant numbers of large, densely populated dairy herds; others have few very large herds. Therefore, it would not be in the best interests of each State or zone to establish uniform surveillance criteria for all States and zones. We do not consider it advisable to include in the regulations the methodology that will be used in each case, because risk assessment methodology is subject to ongoing refinement. The methodology that APHIS will use to conduct risk assessments will be open to inspection by the public, and we will work closely with each State in determining the surveillance necessary to achieve accredited-free status 3 years after the last diagnosis of tuberculosis in the State or its zones.

One commenter said that the option of achieving accredited-free status after 3 years based on the surveillance described above should be eliminated. The commenter recommended instead that the surveillance described above be added as a condition for achieving accredited-free status after a 5-year wait when affected herds have not been depopulated. We are making no changes based on the comment. The option of achieving accredited-free status after 3 years was included as an incentive for States to conduct surveillance over and above the baseline surveillance required by the UMR, just as the option of achieving accredited-free status 3 years after depopulation of all affected herds is included as an incentive to States to depopulate affected herds. In those States in which depopulation of affected herds is not a viable option, due to, for instance, insufficient State funding for indemnity payments, we consider it necessary to the continued progress of the tuberculosis eradication program to encourage the States to take measures over and above the minimum standards set forth in the UMR.

Animals at Feedlots

The definitions of *accredited-free State or zone* in §§ 77.5 and 77.20 of the proposed rule included, as one of the methods of achieving that status, that a State or zone have had no findings of tuberculosis in any cattle or bison for the previous 5 years. One commenter stated that such a determination of no finding of tuberculosis should not include cattle at feedlots.

Historically, we have determined a State's tuberculosis status by the incidence, or lack thereof, of the disease in herds of cattle and bison. In enforcing the tuberculosis regulations, we have historically not considered the assembly of cattle at feedlots to be a herd. Rather, we have looked at the disease status of a herd prior to the movement of animals from that herd to a feedlot. Because the animals assembled at a feedlot generally consist of animals from a number of different herds assembled for a limited period of time, we have not found it useful for the purposes of the tuberculosis eradication program to consider such an assembly of animals a herd. Therefore, we are amending the definition of *herd* in § 77.5 regarding cattle and bison to specify that animals assembled at a feedlot are not considered a herd. Additionally, we are adding a definition of *feedlot* to mean a facility for congregating finished fed cattle prior to their being shipped to slaughter. We are adding a definition of *finished fed cattle* to mean cattle fattened on a ration of feed concentrates to reach a slaughter condition equivalent to that which would be attained on full feed with a high concentrate grain ration for 90 days.

We believe that the commenter's concern regarding how the disease status of animals at a feedlot would affect the status of a State or zone may have been caused by certain wording in our proposed rule that might be misleading. In §§ 77.5 and 77.20 of the proposed rule, in the definitions of *accredited-free State or zone* for cattle and bison and for captive cervids, respectively, we included as one of the conditions for being considered an accredited-free State or zone that the State or zone, with certain exceptions, have had no findings of tuberculosis in the State or zone for the previous 5 years. However, consistent with the other provisions of the proposed rule and with our historical practice in enforcing the regulations, our intent regarding the 5-year ''waiting period'' was that a State or zone have no findings of tuberculosis in a *herd* during that time. We are wording this final rule to make clear our intent that the 5-year waiting period will apply to freedom from tuberculosis in herds other than at feedlots.

Deadline for Epidemiologic Investigation

In § 77.7(c) of our proposed rule, we provided, with regard to cattle and bison, that if an affected herd is detected in a State or zone classified as accredited free, and the herd is depopulated and an epidemiologic investigation is completed within 90 days of the detection of the affected herd with no evidence of tuberculosis, the State or zone may retain its accredited-free status. We included a similar provision for captive cervids in § 77.22(c), except that the proposed time to complete the investigation was 120 days, due to the longer waiting period necessary between tests of cervids than those of cattle and bison.

Several commenters said that 90 days is not enough time for an accredited-free State or zone to complete an epidemiologic investigation in the event of a tuberculosis outbreak in cattle or bison. One commenter recommended that the maximum time allowed be 120 days, as we proposed for captive cervids. Another commenter recommended that the maximum time allowed be 180 days for cattle and bison, as well as for captive cervids.

We are making no changes based on the comments. We consider 90 days a sufficient amount of time to complete an epidemiologic investigation in cattle and bison and, because of the emergency nature of an outbreak in an accredited-free State or zone, do not consider it advisable to allow any more time than is necessary to complete an investigation. The amount of time allowed to complete an investigation regarding captive cervids will remain 120 days as proposed for reasons explained above.

Tuberculosis in an Accredited-Free State or Zone

Several commenters, addressing the scenario of an outbreak occurring in an accredited-free State or zone, stated that the proposed rule did not require testing for tuberculosis in such a State or zone during the time between discovery of the affected herd and completion of an epidemiologic investigation, even though, according to the commenters, the risk of tuberculosis being spread from that State or zone must be greater than that from other accredited-free States or zones.

We do not agree that it is necessary to require testing of animals from an accredited-free State or zone while an epidemiologic investigation is being conducted following an outbreak of tuberculosis in the State or zone. To achieve accredited-free status, a State or zone must have no findings of tuberculosis in herds of regulated animals for 2 to 5 years. Additionally, a sufficient number of herds of regulated animals must be tested in the State or zone to ensure that tuberculosis infection at a prevalence level of 2 percent or more is detected with a confidence level of 95 percent.

With these safeguards in place, it is likely that any herd diagnosed with tuberculosis in an accredited-free State or zone represents an isolated incidence of the disease. Additionally, in order for a State or zone to retain its accredited-free status, a cattle or bison herd in which tuberculosis is detected must be depopulated and an epidemiologic investigation must be completed within 90 days of the detection of the affected herd (120 days for captive cervids). It is, therefore, unlikely that the disease will have an opportunity to spread beyond the affected herd. We do not consider it warranted to require testing of other herds within the State or zone while the epidemiologic investigation is being conducted.

One commenter stated that, because a tuberculosis-affected herd in an accredited-free State or zone must be depopulated for the State or zone to retain its accredited-free status, APHIS should establish a fund for the payment of indemnity for such depopulations.

We are aware that payment of compensation is an important incentive

in encouraging a herd owner to agree to depopulation of an affected herd and are seeking funds to supplement the funds already available to us to provide such compensation.

Number of Zones Per State

We proposed in § 77.4 to remove the provision in § 77.8 of the current regulations that limits the number of zones in a State to no more than two. One commenter opposed allowing an unlimited number of zones per State, questioning whether the necessary restrictions on movement between zones could be maintained over time. The commenter recommended that the number of zones per State be capped at three, with provision for the Administrator to authorize additional zones up to five. Other commenters stated that the maximum number of zones per State should be kept at two. Several of these commenters expressed concern that allowing more than two zones per State might encourage certain areas of the State not to pursue eradication aggressively.

We are making no changes based on these comments. According to the regulations, APHIS will recognize multiple zones within a State only if the State demonstrates that it meets the requirements specified in the regulations regarding its tuberculosis eradication program, veterinary infrastructure, and epidemiologic surveillance for tuberculosis in the State. Additionally, the State must enter into a memorandum of understanding with APHIS in which the State agrees to adhere to any conditions for zone recognition particular to that request. Once APHIS recognizes multiple zones within a State, such recognition is subject to annual review by the Administrator, who will determine whether the State continues to meet the conditions for zone recognition. Based on these criteria for zone recognition, we do not consider it necessary to set a predetermined maximum on the number of zones per State.

With regard to the commenters' concern that establishing more than two zones in a State might encourage certain areas within that State not to pursue eradication aggressively, our intent in allowing more than two zones is to achieve just the opposite effect. If the number of zones within a State is limited to two, and one or both of the zones contain within themselves varying levels of risk for tuberculosis, the impossibility of creating additional zones could act as a disincentive for the zones to restrict movement within the existing zones to otherwise contain the disease and move toward eradication. In those cases where it appears advisable to explicitly encourage progress toward eradication in zones, APHIS can do so in the memorandum of understanding with the State, making such progress, for example, a condition for retaining zone recognition in the State.

Retention of Zone Recognition

In proposed § 77.4, regarding application for and retention of zone status for tuberculosis within a State, we provided that retention of APHIS recognition of a zone is subject to annual review by the Administrator, and that, to retain recognition of a zone, a State must retain for 2 years all applicable movement certificates and continue to comply with the conditions that had to be met to achieve initial recognition of the zone. These conditions include requirements regarding the State's legal and financial resources to implement and enforce a tuberculosis eradication program, the State's infrastructure for notifying State and Federal animal health authorities of tuberculosis in the State, surveillance for tuberculosis and review of testing within the intended zones, and a memorandum of understanding between the State and APHIS.

One commenter recommended that the requirements for retention of zone recognition also include annual review by APHIS of the tuberculosis management plan required in the proposed rule to achieve State and zone risk classification (except for ''nonaccredited'') in those cases where tuberculosis is diagnosed in an animal not specifically regulated under the tuberculosis regulations and where a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone.

We agree with the commenter that it would be advisable to make clear that retention of APHIS recognition of a zone is dependent on whether the State in question meets the conditions necessary to maintain or improve the status of each zone in the State, and we are adding such a requirement to § 77.4(b). If a State fails on an extended basis to meet the conditions necessary to maintain or improve the status of its zones, we will conclude that it is not meeting the conditions for its original zone recognition (*i.e.*, that it implement and enforce a tuberculosis eradication program and have in place adequate animal health laws, regulations, and infrastructure).

Retention of Certificates

The provisions in proposed § 77.4(b) for retention of recognition of zones within a State require that, to continue such recognition, a State must retain for 2 years all certificates required by the regulations for the movement of cattle, bison, and captive cervids. One commenter stated that a 2-year retention requirement is inadequate for movement records for tuberculosis and recommended that the retention time be at least 5 years. We do not agree that certificates should be required to be retained for more than 2 years. Requiring retention of movement records for 2 years enables us to trace back the movement of animals affected by tuberculosis for a period of time when traceback is feasible enough to justify retention of the records. The likelihood of tracing an animal back to its premises of origin declines with the amount of time that has passed since its original movement. This is often due to intrastate movements that do not require records retention under the regulations. We have found through our experience enforcing the regulations that the likelihood of tracing animals back has declined after 2 years to the extent that requiring retention of movement records is not justified. However, in this final rule, we are clarifying the provision in § 77.4(b) regarding retention of records to state that the certificates must be retained for at least 2 years.

Tuberculosis Management Plan and Wildlife

Several commenters expressed concern regarding the proposed provision that if tuberculosis is diagnosed in a State or zone in an animal not specifically included in the regulations, and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, then the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the APHIS Administrator (Administrator), within 6 months of the diagnosis. The commenters stated that the requirement that the plan be approved jointly by the State animal health official and the Administrator would usurp the authority of State wildlife management agencies. Several commenters recommended that if tuberculosis is diagnosed in wildlife, State wildlife agencies assist in and be the lead agencies for implementation of a disease management plan. One commenter questioned what the current situation was regarding surveillance in wildlife and stated that APHIS needs to seek authority to deal with tuberculosis in wildlife.

APHIS does have authority to address tuberculosis in wildlife to the extent it poses a risk to the health of livestock. Therefore, we consider it necessary for APHIS, along with the State animal health official, to determine whether a disease management plan involving tuberculosis in wildlife will be adequate to protect the livestock in a State or zone. However, the regulations require joint approval of a disease management plan by APHIS and the State at a minimum. We recognize the integral role of State wildlife agencies in developing and implementing a disease management plan that involves wildlife, and we expect to work closely with such agencies should the need for a plan arise.

In the proposed provisions regarding the maintenance of accredited-free, modified accredited advanced, modified accredited, and accreditation preparatory classifications, there is a requirement that if tuberculosis is diagnosed in an animal not specifically regulated under part 77, and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. According to the proposed provisions, the management plan must include provisions for, among other things, immediate investigation of tuberculosis in livestock, wildlife, and animals held for exhibition. One commenter asked whether it should be assumed that ''wildlife, and animals held for exhibition'' refers to wildlife only when they are held for exhibition and not to free-ranging wildlife.

It was our intent regarding the language cited by the commenter that, in the case of a tuberculosis risk to livestock, all wildlife would be subject to investigation, not just wildlife held for exhibition, and we are making a change to the text of the regulations to clarify this. However, as stated, wildlife would be subject to investigation only when wildlife in the State or zone poses a tuberculosis risk to livestock. If an outbreak among wildlife is determined to present no risk to livestock, the investigation described above would not be required.

Preemption

In accordance with Executive Order 12988, we included a statement in our proposed rule giving notice that any State and local laws and regulations in conflict with the proposed provisions would be preempted. A number of commenters stated that including such a statement in the rulemaking was harmful to State-Federal cooperative efforts. Other commenters expressed concern that the statement meant that a State could not require any conditions for movement of animals into the State over and above the Federal requirements.

Under Executive Order 12988, a Federal agency that formulates proposed legislation and regulations is required, among other things, to specify in clear language the preemptive effect it intends to be given to its legislation or regulations. The executive order does not specify what that preemptive effect shall be. Historically, domestic animal health regulations of a State have not been challenged when they require conditions more stringent than those included in the APHIS regulations. However, State regulations that conflict with or subvert Federal regulations concerning the interstate movement of animals and products that are promulgated for the purpose of the control of diseases of livestock and poultry will probably be held unconstitutional if challenged.

Research Regarding Tuberculosis

One commenter stated that the existing scientific data regarding tuberculosis in the animals addressed by the regulations is insufficient to allow for decisions based on risk analysis or similar statistical methods.

We do not agree that insufficient scientific data exist regarding tuberculosis in animals addressed by the regulations. The USDA's Agricultural Research Service has been conducting research on tuberculosis in animals for a number of years. Additionally, research has been done outside the United States regarding cross-species transmission of tuberculosis. Information regarding these studies can be obtained by contacting the person listed in this final rule under **FOR FURTHER INFORMATION CONTACT**.

One commenter stated that the case for transmission of tuberculosis from bison and captive cervids under natural production conditions is very weak and lacks the conclusive scientific data that should be required for the proposed rule.

We do not agree that scientific evidence regarding cross-transmission of tuberculosis is lacking. Multiple epidemiologic investigations of tuberculosis outbreaks have demonstrated the movement of the tuberculosis disease agent from one species to another.[1]

Implementation of Regulations

One commenter requested that States be allowed time to phase in the regulatory changes and noted that State rule changes in the commenter's State become effective no sooner than 74 days after the rule is filed.

We are aware that it takes time for a State to revise its own regulations when such a change is made necessary by one of our regulatory changes. With regard to changes concerning cattle and bison in this final rule, we are not aware of any State regulatory changes that will be necessary. With regard to changes concerning captive cervids in this final rule, we are providing each State with 1 year to submit data to us demonstrating the State or zone status for which the State will qualify. In the meantime, we are classifying each State as modified accredited with regard to captive cervids, which means that no owner of captive cervids will need to meet conditions any more stringent than currently in place for interstate movement of the animals. With regard to any future rulemaking that would require a State to change its regulations, we will not finalize a regulation with regard to a State until the State has implemented its regulations.

M. Bovis

One commenter stated that it was not clear that the proposed rule would apply only to *M. bovis.* The commenter said there are many other types and strains of mycobacteria that are usually referred to as soil borne or unclassified mycobacteria.

We disagree with the commenter that it is not clear which disease agent we are talking about in the proposed regulations. Section 77.2, ''Definitions,'' defines *tuberculosis* as ''the contagious, infectious, and communicable disease caused by *Mycobacterium bovis*.''

Role of States and Other Cooperators

One commenter stated that the proposed rule did not include an explanation of why the role of States and other cooperators is reduced in the proposed rule. We do not agree that the

[1] See, for example, Crews K.B., Collins D.M., deLisle G.W., MacKenzie R.W., Walker R., Yates G.F., ''Epidemiology and Transmission of Bovine Tuberculosis. A study of bovine tuberculosis in domestic animals and wildlife in the MacKenzie Basin and surrounding areas using DNA fingerprinting,'' New Zealand Veterinary Journal 43, 1995, pp. 266–271, and Dolan, L.A., ''An Analysis of Epidemiology Reports that Attributed the Cause of Herd Breakdowns to Wildlife,'' Tuberculosis Investigation Unit, University College Dublin, Selected Papers 1992, pp. 33–36.

role of States and other cooperators will be reduced by this final rule. Those provisions in the existing regulations for which joint State-Federal action is required were retained in the proposed rule and in this final rule. Additionally, both the proposed rule and final rule provide that to achieve any risk classification higher than nonaccredited, a State or zone must comply with the provisions of the UMR.

Limiting Interstate Movement of Specific Species or Type

A number of commenters recommended that the regulations state that the Administrator has authority to limit interstate movement of species, or classes of animals within species, that pose a high risk of being a reservoir of tuberculosis.

It is not necessary for us to include in the regulations that the Administrator has the authority described by the commenters. The Administrator has such authority with regard to any disease. If it occurs that a particular species or type of animal presents an unacceptable risk of harboring tuberculosis and transmitting it to livestock, we will take action to restrict the interstate movement of that species or type of animal.

Approved Feedlots

One commenter stated that if APHIS is going to allow sexually intact heifers to be moved interstate to an approved feedlot from a modified accredited advanced State or zone, APHIS must be prepared to perform all the functions required to carry out this provision. The commenter stated that requiring States to oversee this would place an undue burden on State resources.

Although the regulations in this rule allow for the movement of sexually intact heifers from a modified accredited advanced State or zone to an approved feedlot, they do not require that a State agree to approve feedlots. In § 77.5 of this rule, an *approved feedlot* is defined as ''a confined area approved jointly by the State animal health official and the Administrator for feeding cattle and bison for slaughter, with no provisions for pasturing or grazing.'' Any intrastate movement to or from an approved feedlot would come under State authority. A State that determines it does not have the resources to handle movement to or from an approved feedlot has the option of not approving such feedlots.

One commenter stated that cattle from accreditation preparatory States and zones, including those from accredited herds, should be allowed to be moved only to approved feedlots.

We do not consider it necessary to restrict the movement of cattle from accredited herds in an accreditation preparatory State to approved feedlots. The risk of tuberculosis transmission by animals from an accreditation preparatory State or zone, although greater than that for animals from an accredited-free, modified accredited advanced, or modified accredited State or zone, is, according to the definition of *accreditation preparatory State or zone,* limited. To qualify for accreditation preparatory, a State or zone must comply with the UMR and have a tuberculosis prevalence of less than 0.5 percent. Because animals in an accredited herd undergo constant monitoring for tuberculosis, we consider whatever risk is present from animals from an accredited herd in an accreditation preparatory State or zone to be mitigated to a negligible level by the testing required for the interstate movement of cattle and bison.

One commenter stated that no interstate movement of captive cervids should be allowed from States and zones classified as accreditation preparatory or less. We are making no changes regarding movement from accreditation preparatory States and zones based on this comment, for the same reasons as those noted in the preceding paragraph.

Postmovement Testing

One commenter recommended that, in addition to two negative premovement tests, officially identified, sexually intact cattle from a modified accredited State or zone that are not being moved to an approved feedlot should be required to have a postmovement test. The commenter stated that this is necessary because of the possibility that premovement testing of cattle from modified accredited States and zones may be questionable. The same commenter stated that testing of all cattle from accreditation preparatory States is suspect, and that a postentry test should be required for all cattle from these States and zones, including those from an accredited herd.

We are making no changes based on this comment. We consider the conditions we are setting forth in this rule for interstate movement to be adequate to mitigate the disease risk that might otherwise exist from interstate movement of animals from States and zones of different risk classifications.

Direct Movement

Proposed § 77.2 defined *moved directly* for cattle, bison, and captive cervids to mean ''moved without stopping or unloading at livestock assembly points of any type. Livestock being moved directly may be unloaded from the means of conveyance while en route only if the animals are isolated so that they cannot mingle with any livestock.'' One commenter stated that the definition of *moved directly* should include a statement that the State animal health official must give permission to unload cattle or bison that are being moved directly. When we included in the definition of *moved directly* the provision for livestock to be unloaded en route provided they are isolated from other livestock, we intended that such unloading en route would be carried out only in very limited circumstances, such as in the case of a mechanical breakdown or the need to provide food and water to the animals. In order to ensure that such unloading is carried out only in limited circumstances and when necessary, and to ensure that the livestock unloaded en route are kept isolated from other livestock, we are including in the definition of *moved directly* in § 77.2, as recommended by the commenter, that livestock being moved directly may be unloaded from the means of conveyance while en route only with the permission of the State animal health official, and only if the animals are isolated so that they cannot mingle with any livestock other than those with which they are being shipped.

Concern Regarding States' Inability To Take Action

Several commenters stated that the Department has not adequately addressed the issue of the sovereign immunity of Native American reservations in the West. The commenters asked how a State's classification would be affected if tuberculosis were discovered but not dealt with on a reservation.

The situation described by the commenters has not arisen to date. If tuberculosis were diagnosed on a reservation, APHIS would work closely with the reservation to eliminate the source of the infection. The State or zone in which the reservation is located could establish a quarantine to prohibit or restrict movement of livestock from the reservation. If we determined that a State or zone had taken all measures possible to address an outbreak on a reservation, it is unlikely we would immediately take action to downgrade the status of the State or zone.

One commenter stated that a situation could arise where tuberculosis is diagnosed in animals not specifically covered by the regulations and the State or zone will not be able to implement a tuberculosis management plan that

includes investigation of tuberculosis in wildlife because the wildlife are under Federal jurisdiction, such as in a national park. The commenter expressed concern that, in such a situation, a State or zone's classification could be downgraded.

If a situation should arise where a State is making every possible effort to comply with the regulations but cannot fully comply because of the involvement of another Federal agency, we would take that into account when determining whether a State's or zone's risk classification should be downgraded.

Definitions

In our proposed rule, we used the term ''designated tuberculosis epidemiologist'' and defined that term in § 77.2 to mean a State or Federal epidemiologist designated by the Administrator to make decisions concerning the use and interpretation of diagnostic tests for tuberculosis and the management of tuberculosis-affected herds. One commenter stated that the duties of a designated tuberculosis epidemiologist must be much broader than as defined and should include, but not be limited to, tracing movements of animals into and out of an affected herd, identifying potentially exposed herds, identifying areas for area testing, and identifying potential nonlivestock sources of disease.

Although the definition of *designated tuberculosis epidemiologist* we used in our proposed rule was not incorrect, we agree that it does not encompass all of the duties of a designated tuberculosis epidemiologist. To make clear the scope of the designated tuberculosis epidemiologist's responsibilities, we are revising the definition of that term to state, in addition to what is included in the existing definition, that a designated tuberculosis epidemiologist has the responsibility to determine the scope of epidemiologic investigations, determine the status of animals and herds, assist in the development of individual herd plans, and coordinate disease surveillance and eradication programs within the geographic area of his or her responsibility.

In our proposed rule, we used the term ''epidemiologic investigation'' and defined that term in § 77.2 to mean an investigation that is conducted by a State in conjunction with APHIS representatives, in which an official test for tuberculosis is conducted on all livestock in any tuberculosis-affected herd in a State or zone, as well as on all livestock in any herd into which livestock from the affected herd have been moved. One commenter stated that, according to the definition as written, herds across a fence or road from an affected herd would not be included in the epidemiologic investigation unless animals from the affected herd were moved into the herd across the fence or road. The commenter recommended that the definition of *epidemiologic investigation* be expanded to also include investigation of all potential source herds and investigation of all herds and animals that have had a likelihood of being exposed to the affected herd.

We agree that an effective epidemiologic investigation should include investigation of the herds and animals described by the commenter and are revising the definition of *epidemiologic investigation* in § 77.2 accordingly.

As discussed above under the heading ''Identification Requirements,'' we are adding to § 77.2 a definition of *premises of origin identification.* In that definition, we use the term ''area veterinarian in charge.'' We are defining *area veterinarian in charge* in § 77.2 to mean ''the veterinary official of APHIS who is assigned by the Administrator to supervise and perform the official animal health work of APHIS in the State concerned.''

In this final rule, we use the term ''approved feedlot,'' which we define in § 77.5 as a confined area approved jointly by the State animal health official and the Administrator for feeding cattle and bison for slaughter, with no provisions for pasturing and grazing. In the existing regulations regarding exposed cattle (§ 77.17(b) of this rule), there is a reference to a ''quarantined feedlot'' as used in § 50.16. A quarantined feedlot as referred to in § 50.16, and as defined in § 50.1, differs from an approved feedlot as defined in § 77.5 of this rule in that a quarantined feedlot is under the direct supervision and control of a State livestock official, with restrictions on the movement of all livestock entering or leaving the feedlot. As defined in § 50.1, a quarantined feedlot is ''a confined area under the direct supervision and control of a State livestock official who shall establish procedures for the accounting of all livestock entering or leaving the area. The quarantined feedlot shall be maintained for finish feeding of livestock in drylot with no provision for pasturing and grazing. All livestock leaving such feedlot must only move directly to slaughter in accordance with established procedures for handling quarantined livestock.'' To make clear the distinction between the two types of feedlots, we are adding to § 77.5 the definition of *quarantined feedlot* set forth above.

Additionally, we are clarifying in the definition of *State* in § 77.2 that the word ''territories'' refers to U.S. territories.

Comments Outside the Scope of the Proposed Rule

In our proposed rule, we reformatted all of 9 CFR part 77, even though we were proposing changes to only a selected number of provisions in the regulations. In order to make it easier to follow our proposed formatting changes, we set out all of part 77 in the proposal, including those provisions of the existing regulations to which we were proposing no amendments, except to change section number designations. We stated in our proposed rule that we were not soliciting comments on the unchanged provisions, and we listed those sections or parts of sections on which we were not soliciting comments.

Several commenters, however, submitted comments that addressed certain of the provisions to which we were proposing no changes. Virtually all of the issues raised by these commenters concerned standards in the current regulations for testing of captive cervids. Although we are making no changes at this time based on these comments, we will consider each one and determine whether future changes based on the recommendations appear warranted.

Change to Authority Citation

We are making a change to the authority citation for part 77 to reflect a reformatting of the provisions in 7 CFR 371 regarding the delegation of authority to Veterinary Services, APHIS. Consistent with this reformatting, we are changing the reference to 7 CFR 371.2(d) to read 7 CFR 371.4.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting as a final rule the interim rules of November 1, 1999, and June 28, 2000, and the proposed rule of March 7, 2000, with the changes discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

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

Bovine tuberculosis is a communicable disease of cattle, bison, cervids and other species, including humans, and results in losses in meat and milk production and sterility among infected animals. The Cooperative State/

Federal Tuberculosis Eradication program has virtually eliminated bovine tuberculosis from the Nation's livestock population. However, changes to the tuberculosis regulations are needed to further the efforts toward complete eradication.

Currently, the tuberculosis regulations define State risk classification levels for cattle and bison. However, until the effective date of this rule, the classification levels provide only for three broadly drawn classifications of risk, and two of the classifications carry no restrictions on the interstate movement of cattle and bison not known to be infected with tuberculosis. The current regulations do not provide classification levels for captive cervids. This rule will increase the number of risk classifications and establish risk classifications for States and zones with regard to captive cervids. The classification of a State or zone with regard to cattle and bison will not necessarily be the same as its classification with regard to captive cervids. Under this rule, the five possible risk classifications will be accredited-free, modified accredited advanced, modified accredited, accreditation preparatory, and nonaccredited.

Cattle and Bison

In 1999, the total number of cattle in the United States was approximately 99.115 million, valued at approximately $58.833 billion. There were 1,095,960 U.S. operations with cattle. Over 99.1 percent of these operations were small businesses with a gross cash value of less than $500,000. There were about 112,700 bison held as livestock in the United States, valued at about $169 million, on 1,150 premises.

The U.S. cattle industry plays a very significant role in international trade. In 1999, the total earnings from exports of live cattle, beef, and veal were approximately $2.8 billion. The U.S. competitiveness in international markets depends to a great degree upon its reputation for producing high-quality animals, a reputation that would be enhanced if bovine tuberculosis were eradicated in this country. The product, as well as purchasers' perceptions of quality, contributes to continued world market acceptance. Thus, efforts to maintain an effective tuberculosis program, to clarify the regulations, and to secure the health of the cattle industry will continue to serve the best economic interests of the Nation.

Currently, with regard to tuberculosis State or zone classifications for cattle and bison, there are 47 accredited-free States, plus Puerto Rico and the U.S. Virgin Islands. As a result of this rule, one modified accredited State (New Mexico) will become accredited-free, bringing the total to 48 States that are accredited free. A currently modified accredited State (Texas) will be classified as modified accredited advanced. Michigan, which we classified as nonmodified accredited in our June 22, 2000, interim rule, will be classified as modified accredited in this final rule. According to the testing requirements in this final rule, only Texas will be likely to be affected by this rule. However, Michigan was affected by the June 22, 2000, interim rule, and we discuss that effect as part of this analysis.

The primary difference among the restrictions on interstate movement from the different proposed classifications is how many, if any, tuberculin tests with negative results the animal must have to be moved interstate. The same test is used for cattle and bison (and cervids, as discussed below). For movement from a modified accredited advanced State (Texas), sexually intact cattle and bison not from an accredited herd will be required to have one negative test before they can be moved interstate and will be required to be officially identified. For movement from a modified accredited State (Michigan), sexually intact animals not from an accredited herd will be required to have one negative whole herd test and one negative individual test and be officially identified, while sexually intact heifers moved to an approved feedlot, steers, and spayed heifers will need just one test and will be required to be either officially identified or identified by premises of origin identification.

In Texas, as of January 1999, there were about 153,000 cattle herds with 14.9 million cattle, valued at $7.1 billion. (In addition, there were, in Texas, 40 operations with bison, with a total of 1,370 animals.) Of the cattle, close to 77 percent (11,439,800) would require testing for tuberculosis under this rule if they were moved interstate. This number includes sexually intact cattle, other than sexually intact heifers moved to approved feedlots (which may move interstate without testing). However, of the total number of cattle that would require testing if moved interstate, only about 10 percent are likely to be moved interstate. Thus, the total number of cattle from Texas likely to require testing annually is 1,143,980.

In Michigan, as of January 1999, there were about 15,500 cattle herds with 1,050,000 cattle, valued at $809 million. (In addition, there were, in Michigan, 50 operations with bison, with a total of 2,984 animals.) Of the cattle, those that would require testing if they were moved interstate include all animals, except for those moved directly to slaughter and those from an accredited herd, which constitute a negligible percentage of the total number of cattle in the State. Of the animals that would require testing if moved interstate, only about 10 percent (105,000) are likely to be moved interstate. To be moved interstate, each of those animals will require an individual tuberculosis test with negative results. Additionally, of the animals to be moved interstate, an estimated 79,900 will be sexually intact animals that are not from an accredited herd and are not sexually intact heifers moved to an approved feedlot. Under this rule, in addition to requiring an individual test, these animals may not be moved interstate unless they originate in a herd that was classified negative to a whole herd test within 1 year prior to the date of interstate movement. Based on an average herd size in Michigan of approximately 89 animals per herd, approximately 1,180 herds would need to undergo a whole herd test under this final rule.

The cost of tuberculin testing for an average-sized herd of 89 animals is $380. The approximate per-animal testing cost is $4.30, compared to an average sale value of approximately $600 for a head of cattle and $1,500 for a bison. Additionally, the cost of official identification by applying an eartag is about $0.50 per head. The final cost of testing and identification will vary depending on the size of the herd. The total cost will then be dependent on the number of animals that will be moved interstate and thus be required to be tested and identified.

Applying the unit testing and identification costs to the number of animals that are likely to be moved interstate and that require testing and identification yields the approximate economic effect of this rule. In Texas, the testing and identification cost is projected to be approximately $4,919,000 annually [(1,143,980 animals × $4.30) + (1,143,980 × $0.50)]. In Michigan, the testing cost is projected to be approximately $899,900 annually (the total of 105,000 individual animal tests × $4.30 and 1,180 whole herd tests × $380). The identification cost is projected to be approximately $52,500 (105,000 animals × $0.50), for a total testing and identification cost in Michigan of $952,400. These costs are relatively small when compared to the total size and significance of the cattle and bison industry in each of the two States and in the United States overall.

Captive Cervids

This rule also establishes five risk classifications for States and zones with regard to captive cervids. The classifications are the same as those established for cattle and bison, but a State's or zone's classification for captive cervids will not necessarily be the same as its classification for cattle and bison. According to this classification system, all States (and Puerto Rico and the U.S. Virgin Islands) will be modified accredited. Fewer than 10 percent of captive cervids are moved interstate. Those not moved interstate will not be subject to this rule. Under this rule, owners of captive cervids to be moved interstate will be able to move their animals according to the less restrictive of either the animals' herd status under the current regulations or the State or zone status in this final rule. Because of this option, this rule is not expected to have a direct economic effect on owners of captive cervids, with one possible exception. Under the current regulations, captive cervids from an ''unclassified'' herd may be moved interstate after testing negative to two individual tuberculosis tests. Under this rule, the option of moving captive cervids interstate from an unclassified herd after two negative tests will no longer exist, and such cervids moved interstate will be required to meet the movement conditions for the status of the State or zone from which they originate. In Michigan, those captive cervids, in addition to testing negative to one individual tuberculosis test, would need to originate from herds that have tested negative to a whole herd test conducted within 1 year prior to the date of interstate movement of the cervids.

In Michigan, there are about 18,800 captive cervids on 720 premises. An estimated 11,280 of these animals are in unclassified herds. Of these, approximately 10 percent, or 1,128, are likely to be moved interstate. Thus, the cost of individually testing each of the captive cervids is projected to be about $4,850 (1,128 × $4.30). The cost of testing the herds from which the animals originate is projected to be about $5,060 (44 herds × $115 average cost for herd testing). The cost of identifying the captive cervids is projected to be about $564 (1,128 × $0.50). Therefore, the projected total cost this rule will impose on the interstate movement of captive cervids from Michigan is $10,474, compared to an approximate value of the cervid industry in Michigan of $31.8 million.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0146.

List of Subjects in 9 CFR Part 77

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

Accordingly, we are revising 9 CFR part 77 to read as follows:

PART 77—TUBERCULOSIS

Subpart A—General Provisions

Sec.
77.1 Material incorporated by reference.
77.2 Definitions.
77.3 Tuberculosis classifications of States and zones.
77.4 Application for and retention of zones.

Subpart B—Cattle and Bison

77.5 Definitions.
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77.7 Accredited-free States or zones.
77.8 Interstate movement from accredited-free States and zones.
77.9 Modified accredited advanced States or zones.
77.10 Interstate movement from modified accredited advanced States and zones.
77.11 Modified accredited States or zones.
77.12 Interstate movement from modified accredited States and zones.
77.13 Accreditation preparatory States or zones.
77.14 Interstate movement from accreditation preparatory States and zones.
77.15 Nonaccredited States or zones.
77.16 Interstate movement from nonaccredited States and zones.
77.17 Interstate movement of cattle and bison that are exposed, reactors, or suspects, or from herds containing suspects.
77.18 Other movements.
77.19 Cleaning and disinfection of premises, conveyances, and materials.

Subpart C—Captive Cervids

77.20 Definitions.
77.21 Applicability of this subpart.
77.22 Accredited-free States or zones.
77.23 Interstate movement from accredited-free States and zones.
77.24 Modified accredited advanced States or zones.
77.25 Interstate movement from modified accredited advanced States and zones.
77.26 Modified accredited States or zones.
77.27 Interstate movement from modified accredited States and zones.
77.28 Accreditation preparatory States or zones.
77.29 Interstate movement from accreditation preparatory States and zones.
77.30 Nonaccredited States or zones.
77.31 Interstate movement from nonaccredited States and zones.
77.32 General restrictions.
77.33 Testing procedures for tuberculosis in captive cervids.
77.34 Official tuberculosis tests.
77.35 Interstate movement from accredited herds.
77.36 Interstate movement from qualified herds.
77.37 Interstate movement from monitored herds.
77.38 Interstate movement from herds that are not accredited, qualified, or monitored.
77.39 Other interstate movements.
77.40 Procedures for and interstate movement to necropsy and slaughter.
77.41 Cleaning and disinfection of premises, conveyances, and materials.

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

Subpart A—General Provisions

§ 77.1 Material incorporated by reference.

Uniform Methods and Rules—Bovine Tuberculosis Eradication. The Uniform Methods and Rules—Bovine Tuberculosis Eradication (January 22, 1999, edition) has been approved for incorporation by reference into the Code of Federal Regulations by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(a) The procedures specified in the Uniform Methods and Rules—Bovine Tuberculosis Eradication (January 22, 1999, edition) must be followed for the interstate movement of certain animals regulated under this part.

(b) *Availability.* Copies of the Uniform Methods and Rules—Bovine Tuberculosis Eradication:

(1) Are available for inspection at the Office of the Federal Register Library, 800 North Capitol Street NW., Suite 700, Washington, DC;

(2) Are available for inspection at the APHIS reading room, room 1141, USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC; or

(3) May be obtained from the National Animal Health Programs, Veterinary Services, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231.

§ 77.2 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise specified.

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of subchapter J to perform functions specified in subchapters B, C, and D of this chapter.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal. All species of animals except man, birds, or reptiles.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

APHIS representative. An individual employed by APHIS who is authorized to perform the function involved.

Area veterinarian in charge. The veterinary official of APHIS who is assigned by the Administrator to supervise and perform the official animal health work of APHIS in the State concerned.

Certificate. An official document issued by an APHIS representative, a State representative, or an accredited veterinarian at the point of origin of a shipment of livestock to be moved under this part, which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved; the number, breed, sex, and approximate age of the animals covered by the document; the purpose for which the animals are to be moved; the date and place of issuance; the points of origin and destination; the consignor and the consignee; and which states that the animal or animals identified on the certificate meet the requirements of this part.

Cooperating State and Federal animal health officials. The State and Federal animal health officials responsible for overseeing and implementing the National Cooperative State/Federal Bovine Tuberculosis Eradication Program.

Depopulate. To destroy all livestock in a herd by slaughter or by death otherwise.

Designated tuberculosis epidemiologist (DTE). A State or Federal epidemiologist designated by the Administrator to make decisions concerning the use and interpretation of diagnostic tests for tuberculosis and the management of tuberculosis affected herds. A DTE has the responsibility to determine the scope of epidemiologic investigations, determine the status of animals and herds, assist in the development of individual herd plans, and coordinate disease surveillance and eradication programs within the geographic area of the DTE's responsibility.

Epidemiologic investigation. An investigation that is conducted by a State in conjunction with APHIS representatives, in which an official test for tuberculosis is conducted on all livestock in any tuberculosis-affected herd in a State or zone, all livestock in any herd into which livestock from the affected herd have been moved, all potential tuberculosis source herds, and all livestock herds and animals that are likely to have been exposed to the affected herd.

Herd. Except for livestock assembled at feedlots, any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated but that have an interchange or movement of livestock without regard to health status, as determined by the Administrator. (A group means one or more animals.)

Interstate. From one State into or through any other State.

Livestock. Cattle, bison, cervids, swine, dairy goats, and other hoofed animals (such as llamas, alpacas, and antelope) raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition, as well as previously free-ranging cervids that are captured, identified, and moved interstate.

Moved. Shipped, transported, or otherwise moved, or delivered or received for movement.

Moved directly. Moved without stopping or unloading at livestock assembly points of any type. Livestock being moved directly may be unloaded from the means of conveyance while en route only with permission of the State animal health official and only if the animals are isolated so that they cannot mingle with any livestock other than those with which they are being shipped.

Official eartag. An eartag approved by the Administrator as providing unique identification for each individual animal by conforming to the alpha-numeric National Uniform Eartagging System.

Official seal. A seal issued by a State or APHIS representative, consisting of a serially numbered, metal or plastic strip, with a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged and that cannot be reused if opened, or a serially numbered, self-locking button that can be used for this purpose.

Officially identified. Identified by means of an official eartag or by means of an individual tattoo or hot brand that provides unique identification for each animal.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

Premises of origin identification. Either an APHIS-approved eartag or tattoo bearing the premises of origin identification code that consists of the State postal abbreviation followed by a unique number or name assigned by a State or Federal animal health official to the premises on which the animals originated that, in the judgment of the State animal health official or area veterinarian in charge, is epidemiologically distinct from other premises; or a brand registered with an official brand registry.

State. Any State, the District of Columbia, Puerto Rico, or any territory of the United States.

State animal health official. The State official responsible for livestock and poultry disease control and eradication programs.

State representative. A veterinarian or other person employed in livestock sanitary work of a State or a political subdivision of a State and who is authorized by such State or political subdivision of a State to perform the function involved under a memorandum of understanding with APHIS.

Transportation document. Any document accompanying the interstate movement of livestock, such as an owner's statement, manifest, switch order, or vehicle record, on which is stated the point from which the animals are moved interstate, the destination of the animals, the number of animals covered by the document, and the name and address of the owner or shipper.

Tuberculosis. The contagious, infectious, and communicable disease caused by *Mycobacterium bovis.* (Also referred to as bovine tuberculosis.)

Zone. A defined geographic land area identifiable by geological, political, manmade, or surveyed boundaries, with mechanisms of disease spread, epidemiological characteristics, and the ability to control the movement of animals across the boundaries of the zone taken into account.

§ 77.3 Tuberculosis classifications of States and zones.

The Administrator shall classify each State for tuberculosis in accordance with this part. A zone comprising less than an entire State will be given a particular classification upon request of the State only if the Administrator determines that:

(a) The State meets the requirements of this part for establishment of zones;

(b) The State has adopted and is enforcing regulations that impose restrictions on the intrastate movement of cattle, bison, and captive cervids that are substantially the same as those in place under this part for the interstate movement of cattle, bison, and captive cervids; and

(c) The designation of part of a State as a zone will otherwise be adequate to prevent the interstate spread of tuberculosis.

§ 77.4 Application for and retention of zones.

(a) A State animal health official may request at any time that the Administrator designate part of a State as having a different tuberculosis classification under this part than the rest of the State. The requested zones must be delineated by the State animal health authorities, subject to approval by the Administrator. The request from the State must demonstrate that the State complies with the following requirements:

(1) The State must have the legal and financial resources to implement and enforce a tuberculosis eradication program and must have in place an infrastructure, laws, and regulations that require and ensure that State and Federal animal health authorities are notified of tuberculosis cases in domestic livestock or outbreaks in wildlife;

(2) The State in which the intended zones are located must maintain, in each intended zone, clinical and epidemiologic surveillance of animal species at risk of tuberculosis at a rate that allows detection of tuberculosis in the overall population of livestock at a 2 percent prevalence rate with 95 percent confidence. The designated tuberculosis epidemiologist must review reports of all testing for each zone within the State within 30 days of the testing; and

(3) The State must enter into a memorandum of understanding with APHIS in which the State agrees to adhere to any conditions for zone recognition particular to that request.

(b) Retention of APHIS recognition of a zone is subject to annual review by the Administrator. To retain recognition of a zone, a State must continue to comply with the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this section, as well as the requirements for maintaining or improving the tuberculosis risk classification of each zone in the State, and must retain for at least 2 years all certificates required under this part for the movement of cattle, bison, and captive cervids.

(Approved by the Office of Management and Budget under control number 0579–0146)

Subpart B—Cattle and Bison

§ 77.5 Definitions.

As used in subpart B, the following terms shall have the meanings set forth in this section except as otherwise specified.

Accreditation preparatory State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis is prevalent in less than 0.5 percent of the total number of herds of cattle and bison in the State or zone.

Accredited-free State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' has zero percent prevalence of affected cattle and bison herds, and has had no findings of tuberculosis in any cattle or bison herds in the State or zone for the previous 5 years. *Except that:* The requirement of freedom from tuberculosis in herds is 2 years from the depopulation of the last affected herd in States or zones that were previously accredited free and in which all herds affected with tuberculosis were depopulated, 3 years in all other States or zones that have depopulated all affected herds, and 3 years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

Accredited herd. To establish or maintain accredited herd status, the herd owner must comply with all of the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' regarding accredited herds. All cattle and bison in a herd must be free from tuberculosis.

Affected herd. A herd in which tuberculosis has been disclosed in any cattle or bison by an official tuberculin test or by post mortem examination.

Approved feedlot. A confined area approved jointly by the State animal health official and the Administrator for feeding cattle and bison for slaughter, with no provisions for pasturing or grazing.

Approved slaughtering establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State-inspected slaughtering establishment that has inspection by a State inspector at the time of slaughter.

Cattle and bison not known to be affected. All cattle and bison except those originating from tuberculosis affected herds or from herds containing tuberculosis suspect cattle or bison.

Department. The U.S. Department of Agriculture (USDA).

Exposed cattle and bison. Cattle and bison, except reactor cattle and bison, that are part of an affected herd.

Feedlot. A facility for congregating finished fed cattle prior to their being shipped to slaughter.

Finished fed cattle. Cattle fattened on a ration of feed concentrates to reach a slaughter condition equivalent to that which would be attained on full feed with a high concentrate grain ration for 90 days.

Modified accredited advanced State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis has been prevalent in less than 0.01 percent of the total number of herds of cattle and bison in the State or zone for each of the most recent 2 years. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

Modified accredited State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis has been prevalent in less

than 0.1 percent of the total number of herds of cattle and bison in the State or zone for the most recent year. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 10,000 herds to have up to 10 affected herds for the most recent year, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

Negative cattle and bison. Cattle and bison that are classified negative for tuberculosis in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' based on the results of an official tuberculin test.

Nonaccredited State or zone. A State or zone that is or is part of a State that does not meet the standards of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' or in which tuberculosis is prevalent in 0.5 percent or more of the total number of herds of cattle and bison in the State or zone.

Official tuberculin test. Any test for tuberculosis conducted on cattle or bison in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.''

Permit. An official document issued for movement of cattle or bison under this part by an APHIS representative, State representative, or an accredited veterinarian at the point of origin of a shipment of cattle or bison to be moved directly to slaughter, that shows the tuberculosis status of each animal (reactor, suspect, or exposed), the eartag number of each animal and the name of the owner of such animal, the establishment to which the animals are to be moved, the purpose for which the animals are to be moved, and that they are eligible for such movement under the applicable provisions of §§ 77.17 and 77.18.

Quarantined feedlot. A confined area under the direct supervision and control of a State livestock official who shall establish procedures for the accounting of all livestock entering or leaving the area. The quarantined feedlot shall be maintained for finish feeding of livestock in drylot with no provision for pasturing and grazing. All livestock leaving such feedlot must only move directly to slaughter in accordance with established procedures for handling quarantined livestock.

Reactor cattle and bison. Cattle and bison that are classified as reactors for tuberculosis in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.''

Suspect cattle and bison. Cattle and bison that are classified as suspects for tuberculosis in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.''

Uniform Methods and Rules—Bovine Tuberculosis Eradication. Uniform methods and rules for eradicating bovine tuberculosis in the United States, approved by APHIS on January 22, 1999, which is incorporated by reference at § 77.1.

Whole herd test. An official tuberculin test of all cattle and bison in a herd that are 12 months of age or older, and of all cattle and bison in the herd that are less than 12 months of age and were not born into the herd, except those cattle and bison that are less than 12 months of age and were born in and originated from an accredited herd.

Zero percent prevalence. No finding of tuberculosis in any cattle, bison, or goat herd in a State or zone.

§ 77.6 Applicability of this subpart.

All references in this subpart to the tuberculosis status of States and zones pertain to such status for cattle and bison only.

§ 77.7 Accredited-free States or zones.

(a) The following are accredited-free States: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, the Virgin Islands of the United States, Washington, West Virginia, Wisconsin, and Wyoming.

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

(c) If an affected herd is detected in a State or zone classified as accredited-free, and the herd is depopulated and an epidemiologic investigation is completed within 90 days of the detection of the affected herd with no evidence of the spread of tuberculosis, the State or zone may retain its accredited-free status. If two or more affected herds are detected in an accredited-free State or zone within a 48-month period, the State or zone will be removed from the list of accredited-free States or zones and will be reclassified as modified accredited advanced.

(d) If any livestock other than cattle or bison are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999, edition), which is incorporated by reference at § 77.1, to those other livestock in the same manner as to cattle and bison. Failure to do so will result in reclassification of the State or zone as modified accredited advanced.

(e) If tuberculosis is diagnosed within an accredited-free State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will lose its accredited-free status and will be reclassified as modified accredited advanced.

(f) Accredited-free State or zone status must be renewed annually. To qualify for renewal of accredited-free State or zone status, a State must submit an annual report to APHIS certifying that the State or zone within the State complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.8 Interstate movement from accredited-free States and zones.

Cattle or bison that originate in an accredited-free State or zone may be moved interstate without restriction.

§ 77.9 Modified accredited advanced States or zones.

(a) The following are modified accredited advanced States: Texas.

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

(c) If any livestock other than cattle or bison are included in a newly

assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to cattle and bison. Failure to do so will result in the removal of the State or zone from the list of modified accredited advanced States or zones and its being reclassified as modified accredited.

(d) If tuberculosis is diagnosed within a modified accredited advanced State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as modified accredited.

(e) Modified accredited advanced State or zone status must be renewed annually. To qualify for renewal of a modified accredited advanced State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for accredited-free status, a modified accredited advanced State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' has zero percent prevalence of affected cattle and bison herds, and has had no findings of tuberculosis in any cattle or bison in the State or zone for the previous 5 years. *Except that:* The requirement of freedom from tuberculosis is 2 years from the depopulation of the last affected herd in States or zones that were previously accredited free and in which all herds affected with tuberculosis were depopulated, 3 years in all other States or zones that have depopulated all affected herds, and 3 years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.10 Interstate movement from modified accredited advanced States and zones.

Cattle or bison that originate in a modified accredited advanced State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The cattle or bison are moved directly to slaughter at an approved slaughtering establishment.

(b) The cattle or bison are sexually intact heifers moved to an approved feedlot, or are steers or spayed heifers; and are either officially identified or identified by premises of origin identification.

(c) The cattle or bison are from an accredited herd and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 1 year prior to the date of movement.

(d) The cattle or bison are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that they were negative to an official tuberculin test conducted within 60 days prior to the date of movement.

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§ 77.11 Modified accredited States or zones.

(a) The following are modified accredited States: None.

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

(c) If any livestock other than cattle or bison are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999, edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to cattle and bison. Failure to do so will result in the removal of the State or zone from the list of modified accredited States or zones and its being reclassified as accreditation preparatory.

(d) If tuberculosis is diagnosed within a modified accredited State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as accreditation preparatory.

(e) Modified accredited State or zone status must be renewed annually. To qualify for renewal of a modified accredited State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for modified accredited advanced status, a modified accredited State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis has been prevalent in less than 0.01 percent of the total number of herds of cattle and bison in the State or zone for the most recent 2 years. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control

and eradication measures in the State or zone.

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§ 77.12 Interstate movement from modified accredited States and zones.

Cattle or bison that originate in a modified accredited State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The cattle or bison are moved directly to slaughter at an approved slaughtering establishment.

(b) The cattle or bison are sexually intact heifers moved to an approved feedlot, or are steers or spayed heifers; are either officially identified or identified by premises of origin identification; and are accompanied by a certificate stating that they were classified negative to an official tuberculin test conducted within 60 days prior to the date of movement.

(c) The cattle or bison are from an accredited herd and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 1 year prior to the date of movement.

(d) The cattle or bison are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to an additional official tuberculin test conducted within 60 days prior to the date of movement, except that the additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

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§ 77.13 Accreditation preparatory States or zones.

(a) The following are accreditation preparatory States: None.

(b) The following are accreditation preparatory zones: None.

(c) If any livestock other than cattle or bison are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999 edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to cattle and bison. Failure to do so will result in the removal of the State or zone from the list of accreditation preparatory States or zones and its being reclassified as nonaccredited.

(d) If tuberculosis is diagnosed within an accreditation preparatory State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as nonaccredited.

(e) Accreditation preparatory State or zone status must be renewed annually. To qualify for renewal of accreditation preparatory State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for modified accredited status, an accreditation preparatory State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis has been prevalent in less than 0.1 percent of the total number of herds of cattle and bison in the State or zone for the most recent year. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 10,000 herds to have up to 10 affected herds for the most recent year, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

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§ 77.14 Interstate movement from accreditation preparatory States and zones.

Cattle or bison that originate in an accreditation preparatory State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The cattle or bison are moved directly to slaughter at an approved slaughtering establishment.

(b) The cattle or bison are sexually intact heifers moved to an approved feedlot, or are steers or spayed heifers; are officially identified or identified by a premises of origin identification; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to an additional official tuberculin test conducted within 60 days prior to the date of movement, except that the additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

(c) The cattle or bison are from an accredited herd; are officially identified; and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 1 year prior to the date of movement and that the animals to be moved were negative to an official tuberculin test conducted within 60 days prior to the date of movement.

(d) The cattle or bison are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to two additional official tuberculin tests conducted at least 60 days apart and no more than 6 months apart, with the second test conducted within 60 days prior to the date of movement, except that the second additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

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§ 77.15 Nonaccredited States or zones.

(a) The following are nonaccredited States: None.

(b) The following are nonaccredited zones: None.

(c) To qualify for accreditation preparatory status, a nonaccredited State or zone must demonstrate to the

Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis is prevalent in less than 0.5 percent of the total number of herds of cattle and bison in the State or zone.

§ 77.16 Interstate movement from nonaccredited States and zones.

Cattle or bison that originate in a nonaccredited State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only if the cattle or bison are accompanied by VS Form 1–27 and are moved interstate for slaughter in an officially sealed means of conveyance directly to an approved slaughtering establishment.

§ 77.17 Interstate movement of cattle and bison that are exposed, reactors, or suspects, or from herds containing suspects.

(a) *Reactor cattle and bison.* Cattle or bison that have been classified as reactor cattle or bison may be moved interstate only if they are moved directly to slaughter at an approved slaughtering establishment and only in accordance with the following conditions:

(1) Reactor cattle and bison must be individually identified by attaching to the left ear an approved metal eartag bearing a serial number and the inscription ''U.S. Reactor,'' or a similar State reactor tag, and must be:

(i) Branded with the letter ''T,'' at least 5 by 5 centimeters (2 by 2 inches) in size, high on the left hip near the tailhead; or

(ii) Permanently identified with the letters ''TB'' tattooed legibly in the left ear and sprayed with yellow paint on the left ear and either accompanied directly to slaughter by an APHIS or State representative or moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(2) The reactor cattle or bison must be accompanied by a permit; and

(3) The reactor cattle or bison may not be moved interstate in a means of conveyance containing any animals susceptible to tuberculosis unless all of the animals are being moved directly to slaughter; and

(4) Any person who moves reactor cattle or bison interstate under this paragraph must plainly write or stamp upon the face of the transportation document the words ''Tuberculin Reactor'' and the following statement: ''This conveyance must be cleaned and disinfected in accordance with 9 CFR 77.17(a)(5).''; and

(5) Each means of conveyance in which reactor cattle or bison have been transported interstate under this paragraph must be cleaned and disinfected by the carrier, in accordance with the provisions of §§ 71.6, 71.7, and 71.10 of this subchapter, under the supervision of an APHIS representative or State representative or an accredited veterinarian or other person designated by the Administrator. If, at the point where the cattle or bison are unloaded, such supervision or proper cleaning and disinfecting facilities are not available, and permission is obtained from an APHIS representative or State representative, the empty means of conveyance may be moved to a location where such supervision and facilities are available for cleaning and disinfecting. Permission will be granted if such movement does not present a risk of disseminating tuberculosis.

(b) *Exposed cattle and bison.* Except for the movement of exposed cattle to a quarantined feedlot in accordance with § 50.16 of this chapter, exposed cattle or bison may be moved interstate only if they are moved directly to slaughter to an approved slaughtering establishment and only in accordance with the following conditions:

(1) Exposed cattle and bison must be individually identified by attaching to either ear an approved metal eartag bearing a serial number and must be:

(i) Branded with the letter ''S,'' at least 5 by 5 centimeters (2 by 2 inches) in size, high on the left hip near the tailhead; or

(ii) Accompanied directly to slaughter by an APHIS or State representative; or

(iii) Moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(2) The exposed cattle and bison must be moved in accordance with paragraphs (a)(2), (a)(3), and (a)(5) of this section.

(c) *Suspect cattle and bison.* Suspect cattle or bison from herds in which no reactor cattle or bison have been disclosed on an official tuberculin test, as well as negative cattle or bison from such herds, may be moved interstate only if they are moved directly to slaughter to an approved slaughtering establishment.

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§ 77.18 Other movements.

The Administrator may, with the concurrence of the State animal health official of the State of destination, upon request in specific cases, allow the interstate movement of cattle or bison not otherwise provided for in this part that have not been classified as reactor cattle or bison and are not otherwise known to be affected with tuberculosis, under such conditions as the Administrator may prescribe in each specific case to prevent the spread of tuberculosis. The Administrator shall promptly notify the appropriate State animal health official of the State of destination of any such action.

§ 77.19 Cleaning and disinfection of premises, conveyances, and materials.

All conveyances and associated equipment, premises, and structures that are used for receiving, holding, shipping, loading, unloading, and delivering cattle or bison in connection with their interstate movement and that are determined by cooperating State and Federal animal health officials to be contaminated because of occupation or use by tuberculous or reactor livestock must be cleaned and disinfected under the supervision of the cooperating State or Federal animal health officials. Such cleaning and disinfecting must be done in accordance with procedures approved by the cooperating State or Federal animal health officials. Cleaning and disinfection must be completed before the premises, conveyances, or materials may again be used to convey, hold, or in any way come in contact with any livestock.

Subpart C—Captive Cervids

§ 77.20 Definitions.

As used in subpart C, the following terms shall have the meanings set forth in this section except as otherwise specified.

Accreditation preparatory State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis is prevalent in less than 0.5 percent of the total number of herds of captive cervids in the State or zone.

Accredited herd. A herd of captive cervids that has tested negative to at least three consecutive official tuberculosis tests of all eligible captive cervids in accordance with § 77.33(f) and that meets the standards set forth in § 77.35. The tests must be conducted at 9–15 month intervals.

Accredited-free State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' has zero percent prevalence of affected captive cervid herds, and has had no findings of tuberculosis in any captive cervid herds in the State or zone for the previous 5 years. *Except that:* The requirement of freedom from tuberculosis in herds is 2 years from the depopulation of the last affected herd in States or zones that were previously accredited free and in which all herds affected with tuberculosis were depopulated, 3 years in all other States or zones that have depopulated all affected herds, and 3 years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

Affected herd. A herd of captive cervids that contains or that has contained one or more captive cervids infected with *Mycobacterium bovis* (determined by bacterial isolation of *M. bovis*) and that has not tested negative to the three whole herd tests as prescribed in § 77.39(d) of this part.

Blood tuberculosis (BTB) test. A supplemental test for tuberculosis in cervids.

Captive cervid. All species of deer, elk, moose, and all other members of the family Cervidae raised or maintained in captivity for the production of meat and other agricultural products, for sport, or for exhibition, including time such animals are moved interstate; or any wild cervid that is moved interstate, during the period of time from capture until release into the wild. A captive cervid that escapes will continue to be considered a captive cervid as long as it bears an official eartag or other identification approved by the Administrator as unique and traceable with which to trace the animal back to its herd of origin.

Comparative cervical tuberculin (CCT) test. The intradermal injection of biologically balanced USDA bovine PPD tuberculin and avian PPD tuberculin at separate sites in the mid-cervical area to determine the probable presence of bovine tuberculosis (*M. bovis*) by comparing the response of the two tuberculins at 72 hours (plus or minus 6 hours) following injection.

Designated accredited veterinarian. An accredited veterinarian who is trained and approved by cooperating State and Federal animal health officials to conduct the single cervical tuberculin (SCT) test on captive cervids.

Exposed captive cervid. Any captive cervid that has been exposed to tuberculosis by reason of associating with captive cervids, cattle, bison, or other livestock from which *M. bovis* has been isolated.

Modified accredited State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis has been prevalent in less than 0.1 percent of the total number of herds of captive cervids in the State or zone for the most recent year. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 10,000 herds to have up to 10 affected herds for the most recent year, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

Modified accredited advanced State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis has been prevalent in less than 0.01 percent of the total number of herds of captive cervids in the State or zone for the most recent 2 years. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

Monitored herd. A herd on which identification records are maintained on captive cervids inspected for tuberculosis at an approved slaughtering establishment or an approved diagnostic laboratory and on captive cervids tested for tuberculosis in accordance with interstate movement requirements, and which meets the standards set forth in § 77.37.

Negative. Showing no response to the SCT test or the CCT test, classified by the testing laboratory as ''avian'' or ''negative'' on the BTB test, or classified negative for tuberculosis by the testing veterinarian based upon history, supplemental tests, examination of the carcass, and histopathology and culture of selected tissues.

No gross lesions (NGL). Having no visible lesions indicative of bovine tuberculosis detected upon necropsy or slaughter inspection.

Nonaccredited State or zone. A State or zone that is or is part of a State or zone that does not meet the standards of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' or in which tuberculosis is prevalent in 0.5 percent or more of the total number of herds of captive cervids in the State or zone.

Official tuberculosis test. Any of the following tests for bovine tuberculosis in captive cervids, applied and reported in accordance with this part:

(1) The single cervical tuberculin (SCT) test;

(2) The comparative cervical tuberculin (CCT) test; and

(3) The blood tuberculosis (BTB) test.

Permit. An official document issued by a representative of APHIS, a State representative, or an accredited veterinarian that must accompany any reactor, suspect, or exposed captive cervid moved interstate.

Purified protein derivative (PPD). Protein extract from an *M. bovis* culture that is resuspended in solution at a standard concentration of 1 mg protein per 1 mL of solution.

Qualified herd. A herd of captive cervids that has tested negative to at least one official tuberculosis test of all eligible captive cervids (see § 77.33(f)) within the past 12 months and that is not classified as an accredited herd.

Quarantine. Prohibition from interstate movement, except for slaughter or necropsy.

Reactor. Any captive cervid that shows a response to the SCT test or the CCT test, or is classified by the testing laboratory as ''*M. bovis* positive'' on the BTB test, and is classified a reactor by the testing veterinarian; or any suspect captive cervid that is classified a reactor upon slaughter inspection or necropsy after histopathology and/or culture of selected tissues by the USDA or State veterinarian performing or supervising the slaughter inspection or necropsy.

Regular-kill slaughter animal. An animal that is slaughtered for food or any reason other than because of a disease regulated under 9 CFR chapter I (such as tuberculosis, brucellosis, or any other livestock disease for which movement of animals is restricted under 9 CFR chapter I).

Single cervical tuberculin (SCT) test. The intradermal injection of 0.1 mL (5,000 tuberculin units) of USDA PPD bovis tuberculin in the mid-cervical area with a reading by visual observation and palpation at 72 hours (plus or minus 6 hours) following injection.

Suspect. Any captive cervid that is not negative to the SCT test or the CCT test, or that is classified by the testing laboratory as equivocal on the BTB test,

and that is not classified as a reactor by the testing veterinarian.

Tuberculin. A product that is approved by and produced under USDA license for injection into cervids and other animals for the purpose of detecting bovine tuberculosis.

Tuberculous. Having lesions indicative of tuberculosis, infected with tuberculosis based on isolation of *M. bovis*, or being from a herd in which *M. bovis* has been isolated.

USDA. The United States Department of Agriculture.

Whole herd test. An official tuberculosis test of all captive cervids in a herd that are 12 months of age or older, and of all captive cervids in the herd that are less than 12 months of age and were not born into the herd, except those captive cervids that are less than 12 months of age and were born in and originated from an accredited herd.

Zero percent prevalence. No finding of tuberculosis in any herd of captive cervids in a State or zone.

§ 77.21 Applicability of this subpart.

All references in this subpart to the tuberculosis status of States and zones pertain to such status for captive cervids.

§ 77.22 Accredited-free States or zones.

(a) The following are accredited-free States: None.

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

(c) If an affected herd is detected in a State or zone classified as accredited-free, and the herd is depopulated and a complete epidemiologic investigation is completed within 120 days of the detection of the affected herd with no evidence of the spread of tuberculosis, the State or zone may retain its accredited-free status. If two or more affected herds are detected in an accredited-free State or zone within a 48-month period, the State or zone will be removed from the list of accredited-free States or zones and will be reclassified as modified accredited advanced.

(d) If any livestock other than captive cervids are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999 edition), which is incorporated by reference at § 77.1, to those other livestock in the same manner as to captive cervids. Failure to do so will result in reclassification of the State or zone as modified accredited advanced.

(e) If tuberculosis is diagnosed within an accredited-free State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will lose its accredited-free status and will be reclassified as modified accredited advanced.

(f) Accredited-free State or zone status must be renewed annually. To qualify for renewal of accredited-free State or zone status, a State must submit an annual report to APHIS certifying that the State or zone within the State complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

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§ 77.23 Interstate movement from accredited-free States and zones.

Notwithstanding any other provisions of this part, captive cervids that originate in an accredited-free State or zone may be moved interstate without restriction.

§ 77.24 Modified accredited advanced States or zones.

(a) The following are modified accredited advanced States: None.

(b) The following are modified accredited advanced zones: None.

(c) If any livestock other than captive cervids are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999 edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to captive cervids. Failure to do so will result in the removal of the State or zone from the list of modified accredited advanced States or zones and its being reclassified as modified accredited.

(d) If tuberculosis is diagnosed within a modified accredited advanced State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as modified accredited.

(e) Modified accredited advanced State or zone status must be renewed annually. To qualify for renewal of a modified accredited advanced State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with all the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' regarding modified accredited advanced States. The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for accredited-free status, a modified accredited advanced State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' has zero percent prevalence of affected captive cervid herds, and has had no findings of tuberculosis in any captive cervids in the State or zone for the previous 5 years. *Except that:* The requirement of freedom from tuberculosis is 2 years from the depopulation of the last affected herd in States or zones that were previously accredited-free and in which all herds affected with tuberculosis were depopulated, 3 years in all other States or zones that have depopulated all affected herds, and 3

years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

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§ 77.25 Interstate movement from modified accredited advanced States and zones.

Captive cervids that originate in a modified accredited advanced State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The captive cervids are moved directly to slaughter at an approved slaughtering establishment.

(b) The captive cervids are from an accredited herd, qualified herd, or monitored herd; are officially identified; and are accompanied by a certificate stating that the herd completed the requirements for accredited herd, qualified herd, or monitored herd status within 24 months prior to the date of movement.

(c) The captive cervids are officially identified and are accompanied by a certificate stating that they were negative to an official tuberculin test conducted within 90 days prior to the date of movement.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.26 Modified accredited States or zones.

(a) States listed in paragraph (b) of this section must submit to APHIS [1] by October 23, 2001 data demonstrating that the State complies with the UMR or the State will be redesignated as nonaccredited. If a State does submit surveillance data by October 23, 2001 that meets the UMR standards, and that APHIS believes qualifies the State for a classification other than modified accredited, APHIS will initiate rulemaking to change the State's classification.

(b) The following are modified accredited States: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, the Virgin Islands of the United States, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

(c) The following are modified accredited zones: None.

(d) If any livestock other than captive cervids are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999, edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to captive cervids. Failure to do so will result in the removal of the State or zone from the list of modified accredited States or zones and its being reclassified as accreditation preparatory.

(e) If tuberculosis is diagnosed within a modified accredited State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as accreditation preparatory.

(f) Modified accredited State or zone status must be renewed annually. To qualify for renewal of a modified accredited State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(g) To qualify for modified accredited advanced status, a modified accredited State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis has been prevalent in less than 0.01 percent of the total number of captive cervids in the State or zone for the most recent 2 years. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.27 Interstate movement from modified accredited States and zones.

Except for captive cervids from a qualified herd or monitored herd, as provided in §§ 77.36 and 77.37, respectively, captive cervids that originate in a modified accredited State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The captive cervids are moved directly to slaughter at an approved slaughtering establishment.

(b) The captive cervids are from an accredited herd and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 24 months prior to the date of movement.

(c) The captive cervids are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to an additional official tuberculin test conducted within 90 days prior to the date of movement, except that the additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.28 Accreditation preparatory States or zones.

(a) The following are accreditation preparatory States: None.

[1] Send the information to National Animal Health Programs, Veterinary Services, APHIS, 4700 River Road, Unit 42, Riverdale, Maryland 20737–1231.

(b) The following are accreditation preparatory zones: None.

(c) If any livestock other than captive cervids are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999, edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to captive cervids. Failure to do so will result in the removal of the State or zone from the list of accreditation preparatory States or zones and its being reclassified as nonaccredited.

(d) If tuberculosis is diagnosed within an accreditation preparatory State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as nonaccredited.

(e) Accreditation preparatory State or zone status must be renewed annually. To qualify for renewal of accreditation preparatory State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for modified accredited status, an accreditation preparatory State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis has been prevalent in less than 0.1 percent of the total number of herds of captive cervids in the State or zone for the most recent year. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 10,000 herds to have up to 10 affected herds for the most recent year, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

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§ 77.29 Interstate movement from accreditation preparatory States and zones.

Except for captive cervids from a qualified herd or monitored herd, as provided in §§ 77.36 and 77.37, respectively, captive cervids that originate in an accreditation preparatory State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The captive cervids are moved directly to slaughter at an approved slaughtering establishment.

(b) The captive cervids are from an accredited herd; are officially identified; and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 24 months prior to the date of movement and that the individual animals to be moved were negative to an official tuberculin test conducted within 90 days prior to the date of movement.

(c) The captive cervids are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to two additional official tuberculin tests conducted at least 90 days apart and no more than 6 months apart, with the second test conducted within 90 days prior to the date of movement, except that the second additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.30 Nonaccredited States or zones.

(a) The following are nonaccredited States: None.

(b) The following are nonaccredited zones: None.

(c) To qualify for accreditation preparatory status, a nonaccredited State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis is prevalent in less than 0.5 percent of the total number of herds of captive cervids in the State or zone.

§ 77.31 Interstate movement from nonaccredited States and zones.

Captive cervids that originate in a nonaccredited State or zone and that are not known to be infected with or exposed to tuberculosis may not be moved interstate only if they are accompanied by VS Form 1–27 and are moved interstate in an officially sealed means of conveyance directly to slaughter at an approved slaughtering establishment.

§ 77.32 General restrictions.

(a) Except for movement from accredited-free States and zones in accordance with § 77.23, movement from accredited herds in accordance with § 77.35, and movement to slaughter in accordance with §§ 77.25(a), 77.27(a), 77.29(a), and 77.31(d), no captive cervid may be moved interstate unless it has been tested using an official tuberculosis test, and it is moved in compliance with this part.

(b) No captive cervid with a response to any official tuberculosis test is eligible for interstate movement unless the captive cervid subsequently tests negative to a supplemental official tuberculosis test or is moved interstate directly to slaughter or necropsy in accordance with § 7.40.

(c) Except for captive cervids moving interstate under permit directly to slaughter or necropsy under § 77.40, each captive cervid or shipment of captive cervids to be moved interstate must be accompanied by a certificate issued within 30 days of the movement by a State or Federal animal health official or an accredited veterinarian.

(d) Captive cervids in zoological parks that have been accredited by the American Zoo and Aquarium Association (AZA) are exempt from the regulations in this part when the captive cervids are moved directly interstate between AZA member facilities. Any captive cervids moved interstate that are not moved directly from an AZA member facility to another AZA member facility must be moved in accordance with the regulations in this subpart.

§ 77.33 Testing procedures for tuberculosis in captive cervids.

(a) *Approved testers.* Except as explained in paragraphs (a)(1) and (a)(2) of this section, official tuberculosis tests may only be given by a veterinarian employed by the State in which the test

is administered or by a veterinarian employed by USDA.

(1) A designated accredited veterinarian may conduct the SCT test, except as provided in § 77.34(a)(2) and § 77.39(e) and (f).

(2) Any accredited veterinarian may conduct the BTB test.

(b) *Approved diagnostic laboratories.*

(1) With one exception, histopathology and culture results for all tuberculosis diagnoses will be accepted only from the National Veterinary Services Laboratories (NVSL) in Ames, IA. The exception is that results will be accepted from a laboratory of the Food Safety and Inspection Service, USDA, for tissue examination of regular-kill slaughter animals in those cases where no submission is made to NVSL.

(2) The following laboratory is approved to perform the BTB test: Texas Veterinary Medical Center laboratory at Texas A&M University in College Station, TX.

(c) *Identification.* Any captive cervid tested with an official tuberculosis test must bear official identification in the form of an official eartag, or another identification device or method approved by the Administrator as unique and traceable, at the time of the official tuberculosis test. Use of any identification device or method other than an official eartag must first be approved by the Administrator as unique and traceable. Written requests for approval must be sent to National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231.

(d) *Reporting of tests.*

(1) *SCT and CCT tests.* For the SCT and CCT tests, the testing veterinarian must submit a report to cooperating State and Federal animal health officials of the State in which the captive cervid is tested. The report must include the following information for all SCT and CCT tests administered: The number of the individual eartag or other identification approved by the Administrator; the age, sex, and breed of each captive cervid tested; a record of all responses; the size of each response for the CCT test; and the test interpretation.

(2) *BTB test.* Copies of the BTB test results must be submitted by the testing laboratory to the person, firm, or corporation responsible for the management of the herd, cooperating State and Federal animal health officials of the State in which the captive cervid is tested, and the testing veterinarian. The report must include the following information for all BTB tests administered: The number of the individual eartag or other identification approved by the Administrator; the age, sex, and breed of each captive cervid tested; the test interpretation, and a summary of supporting data. Full supporting data must be submitted by the testing laboratory on a case-by-case basis at the request of cooperating State and Federal animal health officials.

(e) *Test interpretation.*

(1) Interpretation of an SCT test will be based upon the judgment of the testing veterinarian after observation and palpation of the injection site, in accordance with the classification requirements described in § 77.34(a).

(2) Interpretation of a CCT test will be in accordance with the classification requirements described in § 77.34(b).

(3) Interpretation of a BTB test will be in accordance with the patented standards for the BTB test [2] and the classification requirements described in § 77.34(c).

(f) *Captive cervids eligible for testing.* Except as provided in § 77.35(a)(1) and § 77.36(a)(1), testing of herds for individual herd classification must include all captive cervids 1 year of age or over and any captive cervids other than natural additions (captive cervids born into the herd) under 1 year of age.

§ 77.34 Official tuberculosis tests.

(a) *Single cervical tuberculin (SCT) test.*

(1) The SCT test is the primary test to be used in individual captive cervids and in herds of unknown tuberculous status. Each captive cervid that responds to the SCT test must be classified as a suspect until it is retested with either the CCT test or the BTB test and is either found negative for tuberculosis or is classified as a reactor, unless, with the exception of a designated accredited veterinarian, the testing veterinarian determines that the captive cervid should be classified as a reactor based on its response to the SCT test. A designated accredited veterinarian must classify a responding captive cervid as a suspect, unless the DTE determines, based on epidemiological evidence, that the captive cervid should be classified as a reactor.

(2) The SCT test is the primary test to be used in affected herds and in herds that have received captive cervids from an affected herd. When used with affected herds or in herds that have received captive cervids from an affected herd, the SCT test may only be administered by a veterinarian employed by the State in which the test is administered or employed by USDA. In affected herds or herds that have received captive cervids from an affected herd, each captive cervid that responds to the SCT test must be classified as a reactor, unless the DTE determines that the captive cervid should be classified as a suspect because of possible exposure to a tuberculous animal.

(b) *Comparative cervical tuberculin (CCT) test.*

(1) The CCT test is a supplemental test that may only be used for retesting captive cervids classified as suspects. The CCT test may be used in affected herds only after the herd has tested negative to at least two whole herd SCT tests and only with the prior written consent of the DTE. The CCT test may not be used as a primary test for herds of unknown tuberculous status.

(2) A captive cervid tested with the CCT test must be classified as negative if it has a response to the bovine PPD tuberculin that is less than 1 mm.

(3) Unless the testing veterinarian determines that the captive cervid should be classified as a reactor because of possible exposure to a tuberculous animal, a captive cervid tested with the CCT test must be classified as a suspect if:

(i) It has a response to the bovine PPD tuberculin that is greater than 2 mm and that is equal to the response to the avian PPD tuberculin; or

(ii) It has a response to the bovine PPD tuberculin that is equal to or greater than 1mm and equal to or less than 2mm and that is equal to or greater than the response to the avian PPD tuberculin.

(4) A captive cervid tested with the CCT test must be classified as a reactor if:

(i) It has a response to the bovine PPD tuberculin that is greater than 2 mm and that is at least 0.5 mm greater than the response to the avian PPD tuberculin; or

(ii) It has been classified as a suspect on two successive CCT tests.

(iii) Any exceptions to reactor classification under the conditions in paragraph (b)(4)(i) and (b)(4)(ii) of this section must be justified by the testing veterinarian in writing and have the concurrence of the DTE.

(c) *Blood tuberculosis (BTB) test.*

(1) The BTB test is a supplemental test that may be used in place of the CCT test for retesting captive cervids classified as suspects.

(2) Except as provided in § 77.39(e), any captive cervid classified by the

[2] The patented standards for the BTB test may be obtained from the Texas Veterinary Medial Center, College of Veterinary Medicine, Texas A&M University, College Station, TX, or from the Deer Research Laboratory, Department of Microbiology, University of Otago, P.O. Box 56, Dunedin, New Zealand.

testing laboratory as ''equivocal'' will be classified as a suspect.

(3) Any captive cervid classified by the testing laboratory as ''*M. bovis* positive'' will be classified as a reactor.

(4) Any captive cervid classified by the testing laboratory as ''avian'' or ''negative'' will be considered negative for tuberculosis.

(5) The owner of the captive cervid tested is responsible for the cost of the BTB test.

§ 77.35 Interstate movement from accredited herds.

(a) *Qualifications.* To be recognized as an accredited herd:

(1) All captive cervids in the herd eligible for testing in accordance with § 77.33(f) must have tested negative to at least three consecutive official tuberculosis tests, conducted at 9–15 month intervals. However, captive cervids under 1 year of age that are not natural additions to the herd do not have to be tested if they were born in and originate from an accredited herd.

(2) The owner of the herd must have a document issued by cooperating State or Federal animal health officials stating that the herd has met the requirements in paragraph (a)(1) of this section and is classified as an accredited herd.

(b) *Movement allowed.* Except as provided in § 77.23 with regard to captive cervids that originate in an accredited-free State or zone, and except as provided in § 77.31 with regard to captive cervids that originate in a nonaccredited State or zone, a captive cervid from an accredited herd may be moved interstate without further tuberculosis testing only if it is accompanied by a certificate, as provided in § 77.32(c), that includes a statement that the captive cervid is from an accredited herd. If a group of captive cervids from an accredited herd is being moved interstate together to the same destination, all captive cervids in the group may be moved under one certificate.

(c) *Herd additions allowed.* No captive cervid may be added to an accredited herd except in accordance with paragraphs (c)(4) and (c)(5), and either paragraph (c)(1), (c)(2), or (c)(3) of this section, as follows:

(1) The captive cervid to be added must be moved directly from an accredited herd;

(2) The captive cervid to be added must be moved directly from a qualified or monitored herd and must have tested negative to an official tuberculosis test conducted within 90 days prior to movement to the premises of the accredited herd. Any captive cervid moved from a qualified or monitored herd must also be isolated from all members of the accredited herd until it tests negative to an official tuberculosis test conducted at least 90 days following the date of arrival at the premises of the accredited herd. If a group of captive cervids is being moved together, the entire group must be isolated from all other livestock during the testing period, but captive cervids in the group need not be isolated from each other during that period. Such herd additions will not receive status as members of the accredited herd for purposes of interstate movement until they have tested negative to an official tuberculosis test and have been released from isolation; or

(3) If the captive cervid to be added is not being moved directly from a classified herd, the captive cervid must be isolated from all other members of the herd of origin and must test negative to two official tuberculosis tests. The isolation must begin at the time of the first official tuberculosis test. The tests must be conducted at least 90 days apart, and the second test must be conducted within 90 days prior to movement to the premises of the accredited herd. The captive cervid must also be isolated from all members of the accredited herd until it tests negative to an official tuberculosis test conducted at least 90 days following the date of arrival at the premises of the accredited herd. If a group of captive cervids is being moved together, the entire group must be isolated from all other animals during the testing period, but captive cervids in the group need not be isolated from each other during that period. Such herd additions will not receive status as members of the accredited herd for purposes of interstate movement until they have tested negative to an official tuberculosis test and have been released from isolation.

(4) A captive cervid to be added must not have been exposed during the 90 days prior to its movement to either:

(i) A captive cervid from a herd with a lower classification status than its own; or

(ii) Any tuberculous livestock.

(d) *Maintenance of accredited herd status.* To maintain status as an accredited herd, the herd must test negative to an official tuberculosis test within 21–27 months from the anniversary date of the third consecutive test with no evidence of tuberculosis disclosed (that is, the test on which the herd was recognized as accredited or the accrediting test). Each time the herd is tested for reaccreditation, it must be tested 21–27 months from the anniversary date of the accrediting test, not from the last date of reaccreditation (for example, if a herd is accredited on January 1 of a given year, the anniversary date will be January 1 of every second year). Accredited herd status is valid for 24 months (730 days) from the anniversary date of the accrediting test. If the herd is tested between 24 and 27 months after the anniversary date, its accredited herd status will be suspended for the interim between the anniversary date and the reaccreditation test. During the suspension period, the herd will be considered ''unclassified'' and captive cervids may be moved interstate from the herd only in accordance with the movement requirements for the State or zone in which the herd is located.

§ 77.36 Interstate movement from qualified herds.

(a) *Qualifications.* To be recognized as a qualified herd:

(1) All captive cervids in the herd eligible for testing in accordance with § 77.33(f) must have tested negative to one official tuberculosis test that was administered to the herd within a 7-month period. However, captive cervids under 1 year of age that are not natural additions do not have to be tested if they were born in and originate from an accredited, qualified, or monitored herd.

(2) The owner of the herd must have a document issued by cooperating State and Federal animal health officials stating that the herd has met the requirement in paragraph (a)(1) of this section and is classified as a qualified herd.

(b) *Movement allowed.* Except as provided in § 77.23 with regard to captive cervids that originate in an accredited-free State or zone, and except as provided in § 77.31 with regard to captive cervids that originate in a nonaccredited State or zone, a captive cervid from a qualified herd may be moved interstate only if:

(1) The captive cervid is not known to be infected with or exposed to tuberculosis; and

(2) The captive cervid is accompanied by a certificate, as provided in § 77.32(c), that includes a statement that the captive cervid is from a qualified herd. Except as provided in paragraphs (b)(3) and (b)(4) of this section, the certificate must also state that the captive cervid has tested negative to an official tuberculosis test conducted within 90 days prior to the date of movement. If a group of captive cervids from a qualified herd is being moved interstate together to the same destination, all captive cervids in the group may be moved under one certificate.

(3) Captive cervids under 1 year of age that are natural additions to the qualified herd or that were born in and originate from a classified herd may move without testing, provided that the certificate accompanying them states that the captive cervids are natural additions to the qualified herd or were born in and originated from a classified herd and have not been exposed to captive cervids from an unclassified herd.

(4) Captive cervids being moved interstate for the purpose of exhibition only may be moved without testing, provided they are returned to the premises of origin no more than 90 days after leaving the premises, have no contact with other livestock during movement and exhibition, and are accompanied by a certificate that includes a statement that the captive cervid is from a qualified herd and will otherwise meet the requirements of this paragraph.

(c) *Herd additions allowed.* No captive cervid may be added to a qualified herd except in accordance with paragraph (c)(4) and either paragraph (c)(1), (c)(2), or (c)(3) of this section, as follows:

(1) The captive cervid to be added must be moved directly from an accredited herd;

(2) The captive cervid to be added must be moved directly from a qualified or monitored herd and must have tested negative to an official tuberculosis test conducted within 90 days prior to movement to the premises of the accredited herd;

(3) If the captive cervid to be added is not being moved directly from a classified herd, the captive cervid must be isolated from all other animals in its herd of origin and must test negative to two official tuberculosis tests prior to movement. The isolation must begin at the time of the first official tuberculosis test. The tests must be conducted at least 90 days apart, and the second test must be conducted within 90 days prior to movement to the premises of the qualified herd. The captive cervid must then be kept in isolation from all animals until it tests negative to an official tuberculosis test conducted at least 90 days following the date of arrival at the premises of the qualified herd. If a group of captive cervids is being moved together, the entire group must be isolated from all other livestock during the testing period, but captive cervids in the group need not be isolated from each other during that period. Such herd additions will not receive status as members of the qualified herd for purposes of interstate movement until they have tested negative to an official tuberculosis test and been released from isolation.

(4) A captive cervid to be added must not have been exposed during the 90 days prior to its movement to either:

(i) A captive cervid from a herd with a lower classification status than its own; or

(ii) Any tuberculous livestock.

(d) *Maintenance of qualified herd status.* To maintain status as a qualified herd, the herd must test negative to an official tuberculosis test within 9–15 months from the anniversary date of the first test with no evidence of tuberculosis disclosed (this is the qualifying test). Each time the herd is retested for qualified status, it must be tested 9–15 months from the anniversary date of the qualifying test, not from the last date of requalification (for example, if a herd is qualified on January 1 of a given year, the anniversary date will be January 1 of each consecutive year). Qualified herd status remains in effect for 12 months (365 days) following the anniversary date of the qualifying test. Qualified herd status will be suspended between the anniversary date and the requalifying test, if the herd is not tested within 12 months. During the suspension period, the herd will be considered ''unclassified'' and captive cervids may be moved interstate from the herd only in accordance with the movement requirements for the State or zone in which the herd is located.

§ 77.37 Interstate movement from monitored herds.

(a) *Qualifications.* To be recognized as a monitored herd:

(1) Identification records must be maintained by the person, firm, or corporation responsible for the management of the herd for as long as status as a monitored herd is desired. Such records must be maintained on all captive cervids in the herd that are slaughtered, inspected, and found negative for tuberculosis at an approved slaughtering establishment or necropsied at an approved diagnostic laboratory. Identification records may also include captive cervids from the herd that tested negative for tuberculosis in accordance with requirements for interstate movement. No less than one-half of the captive cervids on which records are kept must be slaughter inspected; and

(2) A sufficient number of captive cervids in the herd must be slaughter inspected or tested for interstate movement to ensure that tuberculosis infection at a prevalence level of 2 percent or more will be detected with a confidence level of 95 percent.[3] A maximum number of 178 captive cervids must be slaughter inspected or tested for interstate movement over a 3-year period to meet this requirement.

(b) *Movement allowed.* Except as provided in § 77.23 with regard to captive cervids that originate in an accredited-free State or zone, and except as provided in § 77.31 with regard to captive cervids that originate in a nonaccredited State or zone, a captive cervid from a monitored herd may be moved interstate only if:

(1) The captive cervid is not known to be infected with or exposed to tuberculosis; and

(2) The captive cervid is accompanied by a certificate, as provided in § 77.32(c), that includes a statement that the captive cervid is from a monitored herd. Except as provided in paragraph (b)(3) of this section, the certificate must also state that the captive cervid has tested negative to an official tuberculosis test conducted within 90 days prior to the date of movement. If a group of captive cervids from a monitored herd is being moved interstate together to the same destination, all captive cervids in the group may be moved under one certificate.

(3) Captive cervids under 1 year of age that are natural additions to the monitored herd or that were born in and originate from a classified herd may move without testing, provided that the certificate accompanying them states that the captive cervids are natural additions to the monitored herd or were born in and originated from a classified herd and have not been exposed to captive cervids from an unclassified herd.

(c) *Herd additions allowed.* No captive cervid may be added to a monitored herd except in accordance with paragraph (c)(4) and either paragraph (c)(1), (c)(2), or (c)(3) of this section, as follows:

(1) The captive cervid to be added must be moved directly from an accredited herd;

(2) The captive cervid to be added must be moved directly from a qualified or monitored herd and must have tested negative to an official tuberculosis test conducted within 90 days prior to movement to the premises of the monitored herd; or

[3] A chart showing the number of captive cervids that must be slaughter inspected or tested for interstate movement, depending on the size of a herd, to meet this requirement may be obtained from the National Animal Health Programs staff, Veterinary Services, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231.

(3) If the captive cervid to be added is not being moved directly from a classified herd, the captive cervid must be isolated from all other animals and must test negative to two official tuberculosis tests. The isolation must begin at the time of the first official tuberculosis test. The tests must be conducted at least 90 days apart, and the second test must be conducted within 90 days prior to movement to the premises of the monitored herd. The captive cervid must then be kept in isolation from all animals until it tests negative to an official tuberculosis test conducted at least 90 days following the date it arrives at the premises of the monitored herd. If a group of captive cervids is being moved together, the entire group must be isolated from all other animals during the testing period, but captive cervids in the group need not be isolated from each other during that period. Such herd additions will not receive status as members of the monitored herd for purposes of interstate movement until they have tested negative to an official tuberculosis test and been released from isolation.

(4) A captive cervid to be added must not have been exposed during the 90 days prior to its movement to either:

(i) A captive cervid from a herd with a lower classification status than its own; or

(ii) Any tuberculous livestock.

(d) *Maintenance of monitored herd status.* The person, firm, or corporation responsible for the management of the herd must submit an annual report to cooperating State or Federal animal health officials prior to the anniversary date of classification. This report must give the number of captive cervids currently in the herd; the number of captive cervids from the herd 1 year of age and older identified, slaughtered, and inspected at an approved slaughtering establishment or necropsied at an approved diagnostic laboratory during the preceding year; and the number of captive cervids that have tested negative for tuberculosis in accordance with interstate movement requirements. The number of slaughter inspections or negative testing captive cervids reported in any given year must be at least 25 percent of the total number required over a 3-year period to qualify a herd for monitored herd status. During each consecutive 3-year period, 100 percent of the qualifying total must be reported.

§ 77.38 Interstate movement from herds that are not accredited, qualified, or monitored.

The Administrator may, with the concurrence of the cooperating State animal health officials of the State of destination, and upon request in specific cases, permit the movement of captive cervids not otherwise provided for in this part which have not been classified as reactors and are not otherwise known to be affected with tuberculosis, under such conditions as the Administrator may prescribe in each specific case to prevent the spread of tuberculosis. The Administrator shall promptly notify the appropriate cooperating State animal health officials of the State of destination of any such action.

§ 77.39 Other interstate movements.

(a) *Herds containing a suspect.*

(1) *The suspect.*

(i) A captive cervid classified as a suspect on the SCT test must be quarantined until it is slaughtered or retested by the CCT test or the BTB test and found negative for tuberculosis. Retesting must be as follows:

(A) The first CCT test must be administered within the first 10 days following the SCT test or, if not, must be administered at least 90 days after the SCT test. If the CCT test is administered within 10 days of the SCT test, the injection must be on the side of the neck opposite the injection for the SCT test.

(B) The sample for the first BTB test may not be taken until at least 12 days after the injection for the SCT test. It is recommended that the sample be taken within 30 days following the injection for the SCT test.

(ii) A captive cervid classified as a suspect on the first CCT test or the first BTB test must be quarantined until the following has occurred:

(A) A suspect on the first CCT test is tested with a second CCT test at least 90 days after the first CCT test and is found negative for tuberculosis; or

(B) A suspect on the first BTB test is tested with a second BTB test and is found negative for tuberculosis. It is recommended that the captive cervid be tested with the second BTB test within 60 days following the injection for the SCT test.

(2) *The remainder of the herd.* Any herd containing a suspect to an official tuberculosis test must be quarantined until the suspect is retested by the CCT test or the BTB test and found negative for tuberculosis, or the suspect is inspected at slaughter or necropsied and found negative for tuberculosis after histopathology and culture of selected tissues. If the suspect is found negative for tuberculosis upon testing, or after slaughter inspection or necropsy and histopathology and culture of selected tissues, the herd may be released from quarantine and will return to the herd classification status in effect before the herd was quarantined. If the suspect is classified as a reactor upon testing, or after slaughter inspection or necropsy and histopathology and/or culture of selected tissues, the herd may be released from quarantine only in accordance with paragraph (b) of this section for herds containing a reactor.

(b) *Herds containing a reactor.* The following requirements apply to herds containing a reactor, except for herds that have received captive cervids from an affected herd. Herds that have received captive cervids from an affected herd must be quarantined and tested in accordance with paragraph (e) of this section.

(1) *The reactor.* Captive cervids classified as reactors must be quarantined.

(2) *The remainder of the herd.* Any herd containing reactors must be quarantined until the reactors are slaughtered or necropsied in accordance with § 77.40 and:

(i) If, upon slaughter inspection or necropsy, any reactors exhibit lesions compatible with or suggestive of tuberculosis, found by histopathology, without the isolation of *M. bovis*, the remainder of the herd may be released from quarantine in accordance with the provisions of paragraph (c) of this section.

(ii) If *M. bovis* is isolated from any reactors, the remainder of the herd will be considered an affected herd, and will be subject to the provisions for affected herds in paragraph (d) of this section.

(iii) If upon slaughter inspection or necropsy all reactors exhibit no gross lesions (NGL) of tuberculosis and no evidence of tuberculosis infection is found by histopathology and culture of *M. bovis* on specimens taken from the NGL animals, the remainder of the herd may be released from quarantine, and captive cervids from the herd may be moved interstate in accordance with the herd classification status in effect before the herd was quarantined if one of the following conditions is met:

(A) The remainder of the herd is given a whole herd test and is found negative for tuberculosis.

(B) The remainder of the herd is given a whole herd test, and all reactors to the whole herd test exhibit no gross lesions (NGL) of tuberculosis upon slaughter inspection or necropsy and no evidence of tuberculosis infection is found by

histopathology or culture of *M. bovis* on specimens taken from the NGL animals.

(iv) If no evidence of tuberculosis is found in any reactor upon slaughter inspection or necropsy, but it is not possible to conduct a whole herd test on the remainder of the herd, the herd will be evaluated, based on criteria such as the testing history of the herd and the State history of tuberculosis infection, by the DTE to determine whether the herd may be released from quarantine.

(c) *Herds found to have only lesions of tuberculosis.* A herd in which captive cervids with lesions compatible with or suggestive of tuberculosis are found by histopathology without the isolation of *M. bovis* may be released from quarantine and return to the herd classification status in effect before the herd was quarantined, with the concurrence of the DTE, if the herd tests negative to tuberculosis on a whole herd test conducted 90 days following the removal of the lesioned captive cervid, provided the herd has not been exposed to *M. bovis* during the 90 days. To maintain its herd classification status, the herd must test negative to two annual whole herd tests beginning 10–12 months after the herd is released from quarantine. If any captive cervids in the herd respond to one of the tests, the herd will be subject to the provisions of paragraph (a) or (b) of this section. If the herd is not given the two annual whole herd tests, it will become an unclassified herd.

(d) *Affected herds.* A herd determined to be an affected herd must be quarantined until the herd has tested negative to three whole herd tests in succession, with the first test given 90 days or more after the last test yielding a reactor and the last two tests given at intervals of not less than 180 days. If the herd tests negative to the three whole herd tests, it will be released from quarantine, but will be considered an unclassified herd, and captive cervids may only be moved interstate from the herd in accordance with the movement requirements for the State or zone in which the herd is located. In addition, the herd must be given five consecutive annual whole herd tests after release from quarantine. (These five tests will count toward qualifying the herd for herd classification.) As an alternative to testing, the herd may be depopulated.

(e) *Herds that have received captive cervids from an affected herd.* If a herd has received captive cervids from an affected herd, the captive cervids from the affected herd of origin will be considered exposed to tuberculosis. The exposed captive cervids and the receiving herd must be quarantined. The exposed captive cervids must be slaughtered, necropsied, or tested with the SCT test by a veterinarian employed by the State in which the test is administered or employed by USDA. The BTB test may be used simultaneously with the SCT test as an additional diagnostic test. Any exposed captive cervid that responds to the SCT test or tests ''*M. bovis* positive'' or ''equivocal'' on the BTB test must be classified as a reactor and must be slaughter inspected or necropsied. Any exposed captive cervid that tests negative to the SCT test or tests ''avian'' or ''negative'' on the BTB test will be considered as part of the affected herd of origin for purposes of testing, quarantine, and the five annual whole herd tests required for affected herds in paragraph (d) of this section.

(1) If bovine tuberculosis is confirmed in any of the exposed captive cervids by bacterial isolation of *M. bovis*, the receiving herd will be classified as an affected herd and will be subject to the provisions for affected herds in paragraph (d) of this section.

(2) If any of the exposed captive cervids are found to exhibit lesions compatible with or suggestive of tuberculosis, found by histopathology, without the isolation of *M. bovis*, the receiving herd will be subject to appropriate testing as determined by the DTE.

(3) If all the exposed captive cervids test negative for tuberculosis, the receiving herd will be released from quarantine if it is given a whole herd test and is found negative for tuberculosis and will return to the herd classification in effect before the herd was quarantined. In addition, the receiving herd must be retested with the SCT test 1 year after release from quarantine in order for captive cervids from the herd to continue to be moved interstate. Supplemental diagnostic tests may be used if any captive cervids in the herd show a response to the SCT test.

(f) *Source herds.* A herd suspected of being the source of tuberculous captive cervids based on a slaughter traceback investigation must be quarantined upon notification (by the person conducting the investigation) to the USDA area veterinarian in charge for the State in which the herd resides, and a herd test must be scheduled. If the herd is suspected of being the source of slaughter captive cervids having lesions of tuberculosis, the herd test must be done by a veterinarian employed by the State in which the test is administered or employed by USDA.

(1) If the herd is identified as the source of captive cervids having lesions of tuberculosis and *M. bovis* has been confirmed by bacterial isolation from the slaughter animal, all captive cervids in the herd that respond to the SCT test must be classified as reactors. If none respond to the SCT test, the herd may be released from quarantine and will return to the herd classification status in effect before the herd was quarantined, unless the DTE judges that additional testing is appropriate to ensure the herd's freedom from tuberculosis.

(2) If the herd is identified as the source of captive cervids that exhibit lesions compatible with or suggestive of tuberculosis, found by histopathology, without the isolation of *M. bovis*, all captive cervids in the herd that respond to the SCT test must be classified as suspects, and supplemental tests must be applied.

(3) If the herd is not identified as the source herd, the herd will be released from quarantine if the herd is given a whole herd test and is found negative for tuberculosis. The herd will then return to the herd classification status in effect before the herd was quarantined.

(g) *Newly assembled herds.*

(1) A newly assembled herd will be classified as having the herd status of the herd from which the captive cervids originated. If the herd is assembled from captive cervids from more than one herd, it will be classified as having the herd status of the originating herd with the lowest status. A newly assembled herd will also assume the testing schedule of the herd status it is given. Captive cervids in the herd must have no exposure to captive cervids from a herd of lesser status than the herd of origin determining the status of the newly assembled herd or to any tuberculous livestock.

(2) A herd newly assembled on premises where a tuberculous herd has been depopulated must be given two consecutive annual whole herd tests. The first test must be administered at least 6 months after the assembly of the new herd. If the whole herd tests are not conducted within the indicated timeframe, the herd will be quarantined. If the herd tests negative to the two whole herd tests, there are no further requirements. If any captive cervid in the herd responds on one of the whole herd tests, the herd will be subject to the provisions of paragraph (a) or (b) of this section. If the premises has been vacant for more than 1 year preceding the assembly of the new herd on the premises, these requirements may be waived if the risk of tuberculosis transmission to the newly assembled herd is deemed negligible by cooperating State and Federal animal health officials.

§ 77.40 Procedures for and interstate movement to necropsy and slaughter.

(a) *Procedures for necropsy and slaughter.*

(1) A necropsy must be performed by or under the supervision of a veterinarian who is employed by USDA or employed by the State in which the captive cervid was classified, and who is trained in tuberculosis necropsy procedures.

(2) If, upon necropsy, a captive cervid is found without evidence of *M. bovis* infection by histopathology and culture, the captive cervid will be considered negative for tuberculosis.

(3) Reactors, suspects, and exposed captive cervids may be slaughtered only at an approved slaughtering establishment, as defined in § 77.20.

(b) *Interstate movement to necropsy or slaughter.*

(1) *Permit.* Any reactor, suspect, or exposed captive cervid to be moved interstate to necropsy or slaughter must be accompanied by a permit issued by a representative of APHIS, a State representative, or an accredited veterinarian. The captive cervid must remain on the premises where it was identified as a reactor, suspect, or exposed captive cervid until a permit for its movement is obtained. No stopover or diversion from the destination listed on the permit is allowed. If a change in destination becomes necessary, a new permit must be obtained from a cooperating State or Federal animal health official or an accredited veterinarian before the interstate movement begins. The permit must list:

(i) The classification of the captive cervid (reactor, suspect, or exposed);

(ii) The reactor eartag number or, for suspects and exposed captive cervids, the official eartag or other approved identification number;

(iii) The owner's name and address;

(iv) The origin and destination of the captive cervids;

(v) The number of captive cervids covered by the permit; and

(vi) The purpose of the movement.

(2) *Identification of reactors.* Reactors must be tagged with an official eartag attached to the left ear and bearing a serial number and the inscription ''U.S. Reactor,'' and either:

(i) Branded with the letter ''T'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size; or

(ii) Permanently identified by the letters ''TB'' tattooed legibly in the left ear, sprayed on the left ear with yellow paint, and either accompanied directly to necropsy or slaughter by an APHIS or State representative or moved directly to necropsy or slaughter in a vehicle closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(3) *Identification of exposed captive cervids.* Exposed captive cervids must be identified by an official eartag or other approved identification and either:

(i) Branded with the letter ''S'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size; or

(ii) Either accompanied directly to necropsy or slaughter by an APHIS or State representative or moved directly to necropsy or slaughter in a vehicle closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

§ 77.41 Cleaning and disinfection of premises, conveyances, and materials.

All conveyances and associated equipment, premises, and structures that are used for receiving, holding, shipping, loading, unloading, and delivering captive cervids in connection with their interstate movement and that are determined by cooperating State and Federal animal health officials to be contaminated because of occupation or use by tuberculous or reactor livestock must be cleaned and disinfected under the supervision of the cooperating State or Federal animal health officials. Such cleaning and disinfecting must be done in accordance with the procedures approved by the cooperating State or Federal animal health officials. Cleaning and disinfection must be completed before the premises, conveyances, or materials may again be used to convey, hold, or in any way come in contact with any livestock.

Done in Washington, DC, this 17th day of October 2000.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–27054 Filed 10–18–00; 11:25 am]

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Monday,
October 23, 2000

Part V

Department of Agriculture

Animal and Plant Inspection Service

9 CFR Part 77

Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations; Final Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 99–038–5]

Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the bovine tuberculosis regulations to establish several new levels of tuberculosis risk classifications to be applied to States and zones within States. Additionally, we are providing for the classification of States and zones according to their tuberculosis risk with regard to captive cervids. We are also amending the regulations to increase the amount of testing that must be done before certain cattle and bison may be moved interstate. These changes are necessary to help prevent the spread of tuberculosis and to further the progress of the domestic tuberculosis eradication program.

EFFECTIVE DATE: November 22, 2000.

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

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is a contagious, infectious, and communicable disease caused by *Mycobacterium bovis.* It affects cattle, bison, deer, elk, goats, and other species, including humans. Bovine tuberculosis in infected animals and humans manifests itself in lesions of the lung, bone, and other body parts, causes weight loss and general debilitation, and can be fatal. Federal regulations implementing the National Cooperative State/Federal Bovine Tuberculosis Eradication Program are contained in 9 CFR part 77, ''Tuberculosis'' (referred to below as the regulations), and in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (UMR), January 22, 1999, edition, which is incorporated by reference into the regulations.

Interim Rules

On November 1, 1999, we published in the **Federal Register** (64 FR 58769–58780, Docket No. 99–008–1) an interim rule that was effective October 20, 1999, and that amended the regulations to do the following: (1) Allow a State to be divided into two zones for tuberculosis risk classification; (2) clarify the conditions for assigning a particular risk classification for tuberculosis; and (3) increase the amount of testing that must be done before certain cattle and bison may be moved interstate. The interim rule also recognized two different zones in Michigan, one classified as accredited-free and the other as nonmodified accredited. The interim rule did not change the tuberculosis risk classification categories in use at that time (accredited-free, accredited-free (suspended), modified accredited, and nonmodified accredited.)

We solicited comments concerning our interim rule for 60 days ending January 3, 2000. We received 64 comments by that date. They were from livestock owners, representatives of State and local governments, a farm bureau, universities, veterinary associations, and other members of the public.

Three of the comments supported the interim rule as written. The issues raised by the remainder of the comments were related to our recognition of the two zones in Michigan and the fact that one of the zones was classified as nonmodified accredited. However, on June 28, 2000, we published another interim rule in the **Federal Register** (65 FR 39780–39782, Docket No. 00–055–1), effective as of June 22, 2000, in which we removed the split-State status of Michigan and classified the entire State as nonmodified accredited. We solicited comments on our interim rule for 60 days ending August 28, 2000, and received no comments by that date.

Proposed Rule

On March 7, 2000, we published in the **Federal Register** (65 FR 11912–11940, Docket No. 99–038–1) a proposal to amend the regulations to do the following: (1) Establish several new levels of tuberculosis risk classifications to be applied to States and zones within States; (2) classify States and zones according to their tuberculosis risk with regard to captive cervids; (3) specify that the regulations apply to goats as well as to cattle, bison, and captive cervids; and (4) increase the amount of testing that must be done before certain cattle, bison, and goats may be moved interstate.

We solicited comments concerning our proposal for 45 days ending April 21, 2000. On March 24, 2000, we published in the **Federal Register** (65 FR 15877–15878, Docket No. 99–038–2) a correction to our proposed rule. We reopened and extended the deadline for comments on the proposed rule until May 8, 2000, in a document published in the **Federal Register** on May 1, 2000 (65 FR 25292, Docket No. 99–038–3). In a document published in the **Federal Register** on May 31, 2000 (65 FR 34598–34599, Docket No. 99–038–4), we reopened and extended the deadline for comments until June 16, 2000, and advised the public we would host two public hearings on the proposed rule. We held a public hearing in Albuquerque, NM, on June 14, 2000, and another in Lansing, MI, on June 15, 2000.

We received 114 comments on our proposed rule by June 16, 2000. They were from livestock owners; agricultural product manufacturers; representatives of State, local, and foreign governments; farm bureaus; livestock industry associations; universities; a veterinary association; a fish and wildlife association; and other members of the public. Several commenters supported the proposed rule as written. Others supported the rule with changes or simply suggested changes. We discuss the comments below by topic.

Goats

We proposed to make the tuberculosis provisions that apply to cattle and bison also apply to goats, and to group cattle, bison, and goats in proposed subpart B of part 77.

One commenter specifically supported the addition of goats to the regulations as proposed. A number of commenters stated that the regulations should not apply to goats. The commenters stated that no case of bovine tuberculosis has been found in goats used as livestock in the United States and that it would be less costly and burdensome to address tuberculosis in goats according to individual herd status. Other commenters stated that the regulations should apply only to goats that produce milk for human consumption.

A number of other commenters recommended that goats be included in a separate subpart of the regulations and not be grouped with cattle and bison. Some commenters who supported including goats in a separate subpart stated that including goats with other livestock in determining tuberculosis prevalence in a State or zone could ''dilute'' the numbers of infected cattle or bison herds, allowing an unwarranted upgrade in a State's or zone's status without a decrease in actual disease prevalence. Others expressed concern that an incidence of tuberculosis in a herd of goats could adversely affect the

tuberculosis status of a State with regard to cattle and bison.

Based on the comments we received, we are not applying the provisions of this final rule to goats. Although we are not aware of any reported incidence of tuberculosis in goats used as livestock, it has been demonstrated among goats held for exhibition that goats can harbor and transmit the disease. However, we consider it necessary to review further the type and amount of surveillance for tuberculosis that is being carried out with regard to goats used for livestock. Currently, it appears that insufficient surveillance is being conducted in goat herds to apply a State/zone tuberculosis classification system to goats. Once we have completed our review, we will determine how best to address the issue of goats and, if necessary, will propose rulemaking at that time.

References to Goats in the Remainder of This Supplementary Information

As noted, we proposed to apply the same regulations to goats as to cattle and bison, and to consider goat herds along with cattle and bison herds when determining the tuberculosis prevalence among herds in a State or zone. However, as discussed above, we are not including goats in this final rule. Therefore, to simplify our discussion of the comments we received regarding the proposed rule, and to avoid any confusion as to whether goats are covered by this final rule, when we refer in this document to the provisions in the proposed rule that applied to cattle, bison, and goats, and when we refer to comments received on those provisions, we will discuss them only as they apply to cattle and bison.

Consistency of Terms

One commenter noted that, in some cases in the proposed regulations, we used the term ''sexually intact'' to describe certain animals covered by the regulations, and, in other cases, we used the term ''breeding'' to describe similar animals. The commenter stated that, if the two terms are interchangeable, we should use just one for consistency.

It was our intent when referring to ''breeding animals'' to mean ''sexually intact'' animals. For consistency, therefore, wherever we referred to breeding animals in the proposed rule, we refer to sexually intact animals in this final rule.

One commenter noted that, in some cases in the proposed regulations, we use the term ''State animal health official,'' and in other places in the regulations we use the term ''livestock sanitary official.'' The commenter recommended that the term ''livestock sanitary official'' be replaced with the term ''State animal health official.'' In the regulations, we use the two terms cited by the commenter to mean the same State official. Therefore, to eliminate confusion, in this final rule we are using the term ''State animal health official'' throughout, instead of ''livestock sanitary official.''

Grouping of Types of Animals

One commenter stated that, instead of grouping cattle and bison when considering the tuberculosis status of a State or zone, each type of animal should be considered separately in the regulations.

We will continue to consider cattle and bison together in determining the tuberculosis status of a State or zone. Because they are similar physically and in their uses, we have considered cattle and bison together with regard to tuberculosis for a number of years. Grouping the two types of animals has proven effective in the tuberculosis eradication program and has been supported by the industries affected by the regulations.

One commenter stated that, for purposes of regulation, bison, captive cervids, beef cattle, and dairy cattle should be considered separately. A number of other commenters, limiting their comments to the distinction between beef cattle and dairy cattle, stated that the two usages of cattle should be keep separate for purposes of establishing the tuberculosis status of a State or zone. The commenters stated that the risk of animals in confinement (primarily dairy) operations exposing other animals to tuberculosis is greater than the risk posed by nonconfinement (primarily beef) operations. Another commenter stated that, because it is unlikely that large dairy herds affected with tuberculosis would be depopulated, the existence of affected dairy herds would unfairly cause a State or zone, including nonconfinement herds, to be classified at a higher risk than would otherwise be warranted. One commenter stated that the status of a State should be based on the prevalence of tuberculosis among beef herds and tuberculosis eradication efforts in dairy herds, coupled with in-State movement controls.

We are making no changes based on these comments. Although cattle in a dairy herd are generally retained in that herd throughout their lifetime, such is not always the case, and the presence of tuberculosis within a dairy herd can pose a tuberculosis threat to cattle outside the herd. Dairy herds may include bulls that are ultimately sold for beef. Additionally, some owners maintain both dairy herds and beef herds on the same premises.

In our proposed rule, we stated that, although we were proposing to keep State and zone classifications for cattle and bison independent of classifications for captive cervids, our goal is to have, by the year 2010, each State or zone with one tuberculosis classification that would apply to all regulated animals in the State or zone. One commenter stated that captive cervid classifications should not be combined in the future with cattle and bison classifications. In our proposed rule, we stated that our rationale for keeping classifications for captive cervids separate from those for cattle and bison at this time was that, in general, programs for surveillance for tuberculosis in captive cervids are not as advanced as those for cattle and bison. However, in order to promote the eradication of tuberculosis in livestock in the United States, we consider it essential that surveillance for tuberculosis among captive cervids be expanded and become more reliable. We expect that our establishing tuberculosis risk classifications for captive cervids in this final rule will promote improved surveillance, reporting, and removal of infected captive cervids, and that it is reasonable to project that, by 2010, captive cervids can be considered together with cattle and bison in determining a State's or zone's tuberculosis risk classification. However, we will continue to evaluate this issue and will make no final decisions until such a change in the regulations has been proposed in the **Federal Register** and the public has had the opportunity to comment on it.

Wording Change

In §§ 77.10, 77.12, and 77.14, respectively, we address the interstate movement of cattle and bison from modified accredited advanced, modified accredited, and accreditation preparatory States and zones. In each of these sections, paragraph (b) provides movement requirements for steers and spayed heifers, and for officially identified sexually intact heifers moved to an approved feedlot. Several commenters stated that the way those provisions were worded, it was not clear if the only steers and spayed heifers being referred to were those moved to an approved feedlot. It was not our intent to limit the provisions in question, as they apply to steers and spayed heifers, to steers and spayed heifers that are moved to an approved feedlot. Our intent was to refer to all steers and spayed heifers, which by standard industry practice are moved to either a feedlot, though not necessarily

to an approved feedlot, or to slaughter. We are rearranging the wording in this final rule to make it clear the stipulation that the animals be moved to an approved feedlot applies only to sexually intact heifers.

Identification Requirements

In §§ 77.10(b), 77.12(b), and 77.14(b) of our proposed rule, regarding movement of cattle and bison from modified accredited advanced, modified accredited, and accreditation preparatory States and zones, respectively, we provided that sexually intact heifers moved interstate to an approved feedlot must be officially identified, and that steers and spayed heifers moved interstate from such States or zones must be either individually identified by a registration name and number or officially identified. In § 77.2 of the proposal, we defined *officially identified* to mean ''identified by means of an official eartag or by means of an individual tattoo or hot brand that provides unique identification for each animal.''

One commenter specifically supported the requirement for the identification of sexually intact heifers moved to an approved feedlot, steers, and spayed heifers when those animals are moved from a modified accredited advanced State or zone. A number of commenters opposed the requirement for the individual identification of the cattle and bison described above for movement from modified accredited advanced States and zones. Those in opposition to the requirement expressed concern that gathering and processing the animals in order to identify them would be extremely difficult, would generate significant labor costs, would cause the animals to lose weight, and would increase the incidence of injury and death among the animals.

Several commenters recommended that the regulations allow the use of means of identification other than unique individual identification, including premises identification such as identification of lot, identification applied by the owner, and identification by brand. One commenter recommended that a New Mexico brand be allowed as official identification from that State until an animal is moved to a feedlot, at which point an official ear tag should be required. One commenter recommended that States be allowed to submit to the Animal and Plant Health Inspection Service (APHIS) a proposal for the use of identification that would provide adequate traceback capabilities and work for that individual State.

The purpose of requiring a unique individual identification of cattle and bison is to allow for traceback in the event an animal is determined to be infected with or exposed to tuberculosis. If an animal is found to be infected with or exposed to tuberculosis in slaughter channels, it is necessary for control and eradication purposes to be able to identify the premises from which the animal originated. We have determined from our experience enforcing the regulations that, historically, individual identification unique to the animal is the identification that has provided the most effective traceback capability. However, we agree there are other types of identification that, properly implemented, could allow for the necessary traceback.

We are, therefore, providing in §§ 77.10, 77.12, and 77.14 of this final rule that sexually intact heifers moved to an approved feedlot, steers, and spayed heifers must be either officially identified or, alternatively, be identified by means of premises of origin identification. In order to meet the identification requirement, premises of origin identification must meet the definition we are adding to § 77.2. In that section, we define *premises of origin identification* to mean either a brand registered with an official brand registry, or an APHIS-approved eartag or tattoo that bears the premises of origin identification code. The premises of origin identification code must consist of the State postal abbreviation followed by a unique number or name that is assigned by a State or Federal animal health official to the premises on which the animals originated and that, in the judgment of the State animal health official or area veterinarian in charge, is epidemiologically distinct from other premises. We are not allowing the option for premises of origin identification for cattle other than officially identified sexually intact heifers moved to an approved feedlot, steers, and spayed heifers. Because cattle used for breeding are customarily moved from a herd to a number of other premises, we consider it necessary to require individual unique identification for such animals.

In this final rule, we are making a change to multiple sections to clarify the identification requirements for interstate movement. In §§ 77.10(b) and (d), 77.12(b) and (d), 77.14(b), (c), and (d), 77.25(b), 77.27(c), and 77.29(b) and (c), the regulations we proposed required identification of certain animals by means of either official identification or individual identification by a registration name and number. However, individual identification by a registration name and number is not something different from official identification, but rather, is simply one method of official identification. To avoid confusion, we are removing the references to ''individual identification by a registration name and number'' in each of the sections listed.

Definition of Officially Identified

Several commenters requested that the definition of *officially identified* in proposed § 77.2 be expanded to include other means of identification. The additional means of identification recommended by commenters included electronic identification such as radio frequency identification devices, as well as transponders placed under the skin or in the rumen. Another commenter stated that APHIS should recognize as ''an individual tattoo'' a breed registration tattoo or another tattoo with third party verification.

We are making no changes to the definition of *officially identified* in this rule. However, we are in the process of developing a national animal identification program for which we would propose to recognize electronic identification and for which we will consider the commenter's recommendations regarding what is acceptable as an individual tattoo.

Definition of Whole Herd Test

In proposed § 77.14 for cattle and bison, and in proposed § 77.29 for captive cervids, we provided that, for movement from an accreditation preparatory State or zone, animals that are sexually intact animals and are not from an accredited herd must, among other things, be accompanied by a certificate stating that they originated in a herd that has undergone a tuberculosis herd test with negative results conducted within 1 year prior to the date of movement. One commenter stated that our requirement for an entire herd test in those provisions could be confused with the testing required by the existing regulations to achieve accredited herd status. The commenter recommended eliminating such confusion by referring to the test of an entire herd as a ''whole herd test'' when it is used to qualify animals in the herd for interstate movement. The commenter recommended that we clarify the distinction further by adding a definition of *whole herd* to mean ''any isolated group of cattle or bison 12 months of age or older maintained on common ground for any purpose, or two or more groups of cattle or bison under common ownership or supervision, geographically separated but that have an interchange or movement of cattle or

bison without regard to health status.'' The commenter further recommended that we include a comparable definition of whole herd for captive cervids.

We agree that it would be useful to make clear the distinction between the herd test required for movement from an accreditation preparatory State or zone and the testing required for accredited herd status. We are, therefore, adopting some of the commenter's recommendations. However, we believe that adding a definition of *whole herd* to the regulations might cause confusion with the definition of *herd* that is already in the regulations, which is the same as the definition of *whole herd* recommended by the commenter, except for the reference to a minimum age for testing. Therefore, we are adding, instead, a definition of *whole herd test* to § 77.5 for cattle and bison to read ''an official tuberculin test of all cattle and bison that are 12 months of age or older in a herd, or that are less than 12 months of age and were not born into the herd, except those cattle and bison that are less than 12 months of age and were born in and originated from an accredited herd.''

We are adding a comparable definition of *whole herd test* to § 77.20 for captive cervids. However, to do so, we must revise the definition of *whole herd* test that already exists in the definitions regarding captive cervids. In that existing definition, *whole herd test* is defined as ''an official tuberculosis test of all test eligible captive cervids in a herd.'' The definition was included in the regulations to refer to the testing under the existing regulations that is required for a herd to achieve a particular risk status. Because ''test eligible captive cervids'' in the existing regulations refers to captive cervids 12 months of age or older in a herd, and all captive cervids in the herd less than 12 months of age that were not born into the herd, except those captive cervids less than 12 months of age that originated from an accredited herd, we are using that description in the revised definition rather than the term ''test eligible captive cervids.'' This will make the definition of *whole herd test* with regard to captive cervids consistent with the definition we are adding with regard to cattle and bison.

We are not requiring that most animals younger than 12 months of age be tested as part of a whole herd test. The reduced likelihood that such young animals have developed tuberculosis does not justify the time and expense of testing them as part of a whole herd test. If a herd contains tuberculosis-infected animals, the infection will likely be diagnosed by testing all animals 12 months of age or older. However, if the cattle or bison less than 12 months of age were not born into the herd and did not originate from an accredited herd, they must be tested as part of the whole herd test due to the possibility they may have been exposed to tuberculosis before entering the herd.

Whole Herd Test

We proposed in § 77.12(d) that cattle and bison that are sexually intact animals and that are not from an accredited herd could not be moved interstate from a modified accredited State or zone unless accompanied by a certificate stating that they were negative to two official tuberculin tests conducted at least 60 days apart and no more than 6 months apart, with the second test conducted within 60 days prior to the date of movement. Several commenters recommended that we instead require that the animals have originated in a herd that has undergone a tuberculosis herd test with negative results within 1 year prior to the date of movement, and that the individual animals to be moved have been negative to one additional official tuberculin test conducted within 60 days prior to the date of movement.

We agree with the commenters that requiring a whole herd test and one individual test will better ensure that the animals to be moved are not originating from a herd affected with tuberculosis and have changed § 77.12(d) accordingly. An equivalent provision in § 77.27(c) will apply to captive cervids, except that the additional test must be conducted within 90 days prior to movement. However, because of the efficacy of a whole herd test in determining whether tuberculosis exists in a herd, we are providing that if the animals are moved within 6 months following the whole herd test, there is no need for an individual test.

A number of commenters stated that States and zones that would receive steers and spayed heifers from accreditation preparatory States and zones have serious reservations with the provisions in proposed § 77.14(b) that provide that such animals may be moved interstate if accompanied by a certificate stating that they have been classified negative to two tuberculin tests conducted at least 60 days apart and no more than 6 months apart. According to the commenters, because of ''the known pitfalls with regard to detecting exposure, incubation, or infection in this usually very young class of animals with the available test technology,'' it would be advisable that such animals be allowed to move interstate only after the herd tests negative to one whole herd test and one individual animal test.

For the same reasons discussed above regarding §§ 77.12(d) and 77.27(c), we are making the change to § 77.14(b) recommended by the commenters. However, again, because of the efficacy of a whole herd test in determining whether tuberculosis exists in a herd, we are providing that if the animals are moved within 6 months following the whole herd test, there is no need for an individual test.

Additionally, we are making a change to both §§ 77.14(d) and 77.29(c), which provide testing requirements for cattle and bison, and captive cervids, respectively, that are sexually intact animals not from an accredited herd that are to be moved from an accreditation preparatory State or zone. Both of those paragraphs require that such animals to be moved interstate must have originated in a herd that has undergone a whole herd test with negative results within 1 year prior to the date of movement and have also been classified negative to two additional official tests for tuberculosis. For cattle and bison, the tests must have been conducted at least 60 days apart and no more than 6 months apart, with the second test conducted at least 60 days prior to movement. For captive cervids, the tests must have been conducted at least 90 days apart and no more than 6 months apart, with the second test conducted at least 90 days prior to movement. For the same reason noted above, we are providing in this final rule that if the animals are moved interstate within 6 months following the whole herd test, they need test negative to only one additional official test for tuberculosis.

One commenter recommended that the proposed interstate movement requirements for cattle and bison be changed so that, in each case where we proposed to require an individual animal official tuberculin test, a whole herd test be required instead. The commenter stated that the caudal-fold test (one of the tests listed in the UMR as an official tuberculin test for cattle and bison) is a whole herd screening test and is meant to be used on the whole herd. The commenter stated that testing individual animals does not give an overall assessment of the entire herd and that individual nonresponders to the caudal-fold test can be easily found in infected herds.

We consider each of the official tuberculin tests listed in the UMR reliable in determining the tuberculosis status of an individual animal. However, as discussed above, we are

increasing the number of situations under which a whole herd test is required.

Movement From Nonaccredited States and Zones

In § 77.16 of our proposed rule, we proposed to limit interstate movement from nonaccredited States and zones to: (1) Cattle and bison being moved directly to slaughter at an approved slaughtering establishment; and (2) cattle and bison that are from an accredited herd that completed the testing necessary for accredited status within 1 year prior to the date of movement and that test negative to an official tuberculin test conducted within 60 days prior to the date of movement. In § 77.31 of our proposed rule, we provided that the only captive cervids that would be allowed to be moved interstate from a nonaccredited State or zone were those being moved directly to slaughter at an approved slaughtering establishment; those from qualified or monitored herds that meet the requirements in §§ 77.36 or 77.37 for interstate movement from those herds; and those that are moved in an officially sealed means of conveyance, accompanied by a certificate showing that they are from an accredited herd that completed the testing required for accredited herd status with negative results within 1 year prior to the date of movement and that they were negative to an official tuberculin test conducted within 90 days prior to the date of movement.

One commenter stated that no movement of regulated animals should be allowed from nonaccredited States and zones, except for movement directly to slaughter. The commenter said that no testing in nonaccredited States and zones is reliable, including that performed to obtain accredited herd status.

Upon consideration of the issue raised by the commenter, we are making a change to §§ 77.16 and 77.32. In this final rule, we are limiting interstate movement from a nonaccredited State or zone to those animals being moved to slaughter at an approved slaughtering establishment. A nonaccredited State or zone will, by definition, be one that does not meet the standards of the UMR or in which tuberculosis is prevalent in 0.5 percent or more of the total number of herds of the animals covered by the regulations. Therefore, a nonaccredited State or zone could be one in which the tuberculosis prevalence rate is significantly high or unknown. To maintain accredited herd status, a herd of cattle or bison must be retested annually, and a herd of captive cervids must be tested biennially. In a State or zone of high or unknown risk, the length of time between herd testing could create an unacceptable risk that a herd will become affected with tuberculosis between the most recent testing and the date animals from the herd are moved interstate. Therefore, we are providing in §§ 77.16 and 77.31 that animals covered by the regulations may be moved interstate from a nonaccredited State or zone only if they are accompanied by VS Form 1–27 and are moved interstate for slaughter in an officially sealed means of conveyance directly to an approved slaughtering establishment.

Testing of Animals From a Modified Accredited Advanced State or Zone

We proposed to require in § 77.10(d) that if cattle and bison to be moved interstate from a modified accredited advanced State or zone are sexually intact animals that are not from an accredited herd, the animals must be accompanied by a certificate stating that they have been classified negative to an official tuberculin test conducted within 60 days prior to the date of movement.

Several commenters opposed the requirement for the testing of such animals from modified accredited advanced States and zones. One of the commenters said we were being inconsistent in requiring such testing because we proposed to allow sexually intact heifers that are moved to an approved feedlot, steers, and spayed heifers to be moved interstate from modified accredited advanced States and zones without being tested. Another commenter said that requiring testing of breeding animals moved interstate from modified accredited advanced States and zones would be unnecessary in those States that already restrict movement from premises containing cattle affected with tuberculosis.

We are making no changes based on these comments. Because a modified accredited advanced State or zone is one in which tuberculosis exists, cattle and bison moved interstate from such a State or zone pose an unacceptable risk of being infected with tuberculosis and transmitting the disease to other cattle and bison unless conditions exist or measures are taken to reduce such a risk to a negligible level. Sexually intact heifers moved to an approved feedlot, steers, and spayed heifers present a negligible risk of spreading tuberculosis because they are moved either directly to slaughter or to feedlots where they come in contact only with other animals that are being moved to slaughter. However, because sexually intact cattle and bison from modified accredited advanced States and zones that could potentially be used for breeding present a greater risk of being commingled with animals not being moved to slaughter, we consider it necessary that such animals be tested for tuberculosis with negative results before being moved. Such testing can either be the testing that is necessary for accredited herd status or testing that is done within 60 days prior to interstate movement.

Concern Regarding Surveillance Requirements in Texas

One commenter expressed concern that requiring a tuberculosis test for cattle moved from Texas after being imported from Mexico would unnecessarily devalue animals that would otherwise be held in Texas for a short time after importation for sorting, classifying, sizing, and processing.

We proposed to list Texas as a modified accredited advanced State with regard to cattle and bison. Based on this classification, steers and spayed heifers, as well as sexually intact heifers moved to an approved feedlot, would not have to be tested to qualify for interstate movement from Texas. However, such animals would either have to be officially identified or identified by premises of origin identification to be moved interstate.

Movement From Accreditation Preparatory States and Zones

One commenter disagreed with our proposed requirement in § 77.14(c) that animals from an accredited herd to be moved interstate from an accreditation preparatory State or zone test negative for tuberculosis within 60 days prior to movement. The commenter stated that, because tuberculosis has never been found in an animal from an accredited herd, this test is unnecessary.

We are making no changes based on this comment. An accreditation preparatory State or zone is one in which tuberculosis can be prevalent in up to almost 0.5 percent of the total number of herds in the State or zone. This prevalence level presents a high enough risk that it is necessary to test animals from an accredited herd once before they are moved interstate from such a State or zone. As noted, to maintain accredited herd status, a herd of cattle or bison must be retested annually and a herd of captive cervids must be tested biennially. In an accredited preparatory State or zone, the length of time between herd testing could create an unacceptable risk that a herd will become affected with tuberculosis between the most recent testing and the date animals from the herd are moved interstate. With few

exceptions, all regulated animals not from an accredited herd in an accreditation preparatory State or zone must be tested with negative results at least twice before being moved interstate.

One commenter addressed our proposed requirement in § 77.14(d) that sexually intact animals to be moved interstate from an accreditation preparatory State or zone from other than an accredited herd originate in a herd that tests negative within 1 year prior to movement and be negative to two individual animal tuberculin tests. The commenter expressed concern that the requirement for the whole herd test would cause problems for cattle buyers who assemble steers and heifers from several different herds, place the animals in lots, and sell them. The commenter stated that compliance with the requirement for a whole herd test within 1 year prior to movement would require testing of all cattle in the State or zone.

We are making no changes based on this comment. As noted above, an accreditation preparatory State or zone constitutes a high risk area and safeguards are necessary to ensure that tuberculosis is not spread from such a State or zone. A whole herd test is the best means of diagnosing the tuberculosis status of animals from a high risk area.

Recommendation To Reduce Testing Requirements

One commenter stated that what the commenter termed ''unnecessary testing'' could be eliminated by establishing boundaries of ''clean areas'' and only requiring testing of cattle being moved into those areas.

We assume that, by ''clean areas,'' the commenter is referring to accredited-free States and zones. We do not consider it advisable to require testing only for movement into accredited-free areas. The goal of the Tuberculosis Eradication Program is the elimination of tuberculosis in livestock in the United States, not just its confinement to areas where it already exists. By requiring negative testing for movement out of States and zones where tuberculosis exists, except where such movement poses negligible risk without testing, we will continue to make expeditious progress toward eradication of the disease in livestock in this country.

Testing of Calves

One commenter questioned what the testing requirements would be for very young calves intended for movement from a nonmodified accredited State or area. The commenter recommended that once the Department has determined the minimum age at which tuberculosis tests are efficacious, it should be required that all livestock above that age be tested negative prior to movement and that all livestock below that age be from a herd that has tested negative for tuberculosis.

Although we are not certain which of the proposed tuberculosis risk categories the commenter means by referring to ''nonmodified accredited,'' we can address the commenter's question regarding test requirements for very young calves. For the purposes of interstate movement, calves will be subject to the same test requirements as older cattle and bison, except that if a calf is moved interstate within 6 months after a whole herd test, it need not be individually tested, due to our confidence in the ability of a whole herd test to determine whether a herd is affected and the low risk that a calf moved within 6 months after that test would have been exposed to tuberculosis.

Several commenters stated that they saw no reason to require that baby calves be tested for tuberculosis because, according to the commenters, with proper identification and movement records, the calves could be traced back to their premises of origin should any problems occur.

We are making no changes based on the comments. We do not agree that young, sexually intact calves necessarily pose a negligible risk of transmitting tuberculosis to other livestock. Our goal is to prevent the transmission of the disease, not just to be able to trace back the movement of affected animals.

It should be noted that the requirement that cattle and bison of any age be tested for the purposes of interstate movement differs from the requirements in the UMR for achieving or retaining accredited herd status. In order to achieve or retain accredited herd status, the UMR requires the testing of all cattle and bison 24 months of age and older and any animals under 24 months of age that are not natural additions to the herd. Herds must be tested on an annual basis to retain accredited herd status.

One commenter asked whether calves would have to be tested prior to movement from a modified accredited State or zone if they were previously moved from an accredited free State or zone and were kept in the modified accredited State or zone for less than 60 days.

In the situation described by the commenter, the calves moved from a modified accredited State or zone would be subject to the testing requirements for movement from that State or zone.

Movement Through Slaughter Auctions

Proposed § 77.12(a) provided that cattle and bison moved interstate from a modified accredited State or zone may be moved without testing if moved directly to slaughter at an approved slaughtering establishment. One commenter asked whether the ''no-testing'' provision also applied to animals sold through an auction market for slaughter within 7 days of the interstate movement.

If the animals were sold through an auction market, they would be subject to the testing requirements for movement from a modified accredited State or zone. There is no requirement for the testing of animals to be moved directly to slaughter because the very direct movement and subsequent slaughter of the animals minimizes the risk that they could transmit tuberculosis to any animals other than those also being moved directly to slaughter. Each additional stop and assembly of cattle and bison on the way to slaughter increases the risk of the spread of tuberculosis beyond those cattle and bison.

Certificates

Several commenters stated that those provisions of the proposed rule that required that animals be accompanied by a certificate when moved interstate would suppress the buying and selling of cattle from different zones or States.

We acknowledge that being required to secure a certificate from an APHIS representative, a State representative, or an accredited veterinarian could add some time to the process of purchasing livestock for movement to another State or zone. However, such certificates will be required only for movement from States or zones with a higher tuberculosis risk than an accredited-free State or zone. Under this rule, virtually all States and zones are classified as accredited-free for cattle and bison. By requiring measures such as certification for certain cattle and bison from States and zones other than accredited-free, the regulations will guard against the transmission of tuberculosis from those States and zones.

Request for Additional Certification

One commenter stated that we should require a certificate, such as a certificate of veterinary inspection, for movement from an accredited-free State, rather than allowing movement with no restrictions as proposed.

We are making no changes based on this comment. Unless the regulations

required official or premises of origin identification of animals moved from an accredited-free State or zone, we might not be able to match the information on a certificate with the animal for which the certificate was issued. We do not consider it necessary to require certification and identification for each animal moved from an accredited-free State or zone, in light of the minimal risk that a tuberculosis-infected animal would be moved from such a State or zone.

Definition of Captive Cervid

Several commenters addressed our proposed definitions of *captive cervid* and livestock. In § 77.20, we proposed to change the existing definition of *captive cervid* to include any cervid, either wild or maintained in captivity, that is moved interstate. In § 77.2, we proposed to revise the definition of *livestock* to include previously free-ranging cervids that are captured, identified, and moved interstate. One commenter recommended that the reference to free-ranging cervids be removed from the definition of *livestock*. The commenter expressed concern that including free-ranging cervids as livestock if they are captured for later release into the wild implies that State or Federal agriculture agencies will claim authority over the management and disposition of such cervids, which the commenter said would usurp the historical and legal authority of State wildlife management agencies. Other commenters recommended that the definition of *captive cervid* specify that free-ranging cervids involved in State-sponsored restoration attempts are ''captive'' only during the transport stage.

It was not our intent in our proposed rule to include free-ranging cervids under the definition of *captive cervids*, except for the period of time that the cervids are being held for movement. Therefore, we are providing in the definition of *captive cervids* in this rule that free-ranging cervids moved interstate shall be considered captive cervids during the period of time from capture until release into the wild.

Wild Cervids

One commenter requested clarification of what constitutes a ''herd'' with regard to wild cervids, and whether the wild cervid population in an entire State could be considered one herd for the purposes of herd status. The commenter also requested that we set forth the requirements a State would have to meet to obtain permission to move wild cervids interstate.

Except for free-ranging cervids held for interstate movement for relocation, as discussed above, our regulations do not apply to wild cervids. Therefore, we would not designate wild cervids as having a tuberculosis herd status under the regulations. A State would be allowed to move wild cervids interstate, as long as it complied with the tuberculosis testing and identification requirements for interstate movement.

State and Zone Classifications for Captive Cervids

A number of commenters addressed the provisions in our proposed rule that would allow captive cervids to be moved interstate according to either the applicable State or zone movement requirements or the applicable individual herd requirements (as set forth in the existing regulations), whichever are less restrictive. Under the existing regulations, individual herd status is based on the tuberculosis test results for that particular herd. One commenter recommended that States and zones not be given a tuberculosis risk classification for captive cervids until all captive cervid herds in the State or zone have been tested. The commenter expressed concern that surveillance for tuberculosis in captive cervids in the United States is not as advanced as it has been for cattle and bison. For the same reason, other commenters stated that it was premature to establish State and zone statuses for cervids. Some commenters stated that if a State were designated as accredited-free for captive cervids at present, individual herd owners would have no incentive to conduct surveillance to achieve individual accredited herd status, because captive cervids from all herds in the State could move interstate without restriction. Several commenters recommended that, at present, all States be designated as modified accredited at best. In contrast, one commenter was opposed to classifying all States as modified accredited. One commenter recommended that no State or zone be classified as any less of a risk than accreditation preparatory until it has demonstrated that surveillance requirements for a particular designation have been met. A number of commenters questioned the classifications with regard to tuberculosis in captive cervids that we proposed to give various States. Some commenters said they could not determine how we arrived at our proposed classifications.

We proposed to classify each of the States for captive cervids based on preliminary information made available to us by State officials. However, as we noted in the proposed rule, in general, we had not received from States the information necessary to document that a sufficient number of herds of captive cervids in the States or zones had been tested to ensure that tuberculosis infection at a prevalence level of 2 percent or more will be detected with a confidence level of 95 percent, which is the level necessary to validly assess the tuberculosis prevalence in a State. We stated that we would need such information before we could make final each proposed designation. To give States an opportunity to provide such information, we proposed to allow a 90-day ''grace period'' following publication of a final rule for submission of the information.

Upon review of the comments received regarding this issue, we agree with commenters that, currently, the amount of cervid-specific tuberculosis surveillance data reported to APHIS by most States is still insufficient to validly assess the tuberculosis prevalence in captive cervid herds in those States. We do not consider it advisable to establish final State and zone classifications for captive cervids until we have had the opportunity to closely review any surveillance information submitted to us by States. Therefore, in this final rule, we are designating all States and zones as modified accredited for captive cervids. The interstate movement requirements for captive cervids under modified accredited State and zone status will be the same as those in the existing regulations for the interstate movement of captive cervids from unclassified herds, which is the classification of greatest risk for individual herds. However, as noted above, animals from herds of lesser risk than unclassified (*i.e.,* accredited, qualified, or monitored) may continue to be moved interstate according to the requirements for that herd status, despite the modified accredited status of the entire State.

We are providing in § 77.26(a) that each State has 1 year from the publication date of this final rule to supply us with the data necessary to demonstrate that the State complies with the UMR, incorporated by reference into the regulations, which includes the requirement that a sufficient number of herds of captive cervids in the State or zone be tested to ensure that tuberculosis infection at a prevalence level of 2 percent or more will be detected with a confidence level of 95 percent. Once a State has demonstrated compliance with the UMR, we will reassess its risk classification with regard to captive cervids and, if appropriate, propose to

change its status from modified accredited to another classification. However, if, within 1 year of the date of publication of this final rule, a State has not demonstrated that it complies with the UMR with regard to captive cervids, we will reclassify the State and any zones within the State as nonaccredited, which is the classification of highest risk for tuberculosis.

Movement Options for Captive Cervids

One commenter stated that allowing captive cervids to be moved interstate according to requirements for their individual herd status or the status of their State or zone, whichever are less restrictive, was confusing. Another commenter stated that the proposed requirements for the interstate movement of captive cervids from modified accredited and accreditation preparatory States and zones are more restrictive than the interstate movement requirements for cervids from qualified or monitored herds. The commenter said this does not seem compatible with the premise that animals should be permitted to move according to herd status or State status, whichever is less restrictive.

As we stated in our proposed rule, a State or zone classification system for captive cervids is expected to encourage States to aggressively conduct surveillance among all captive cervids in that State, whether or not any cervids from a particular herd are intended for interstate movement. However, if herd owners have invested the resources to conduct the monitoring and surveillance required to achieve a particular herd status, we consider it warranted and appropriate to allow such owners to continue to move their cervids under the existing regulations governing movement from such a herd, if those movement requirements are less restrictive than the requirements based on the risk classification of the State or zone in which the herd is located. We agree with the commenter, however, that there would be less potential for confusion in the regulations if requirements for movement of captive cervids were based solely on either State or zone status or herd status. Our intent is to move toward making movement solely dependent on State or zone status. However, in recognition of the time and expense taken by many herd owners to achieve a certain herd status, we intend to operate for several years in a transition period of allowing interstate movement of captive cervids according to the less restrictive of herd status or State or zone status.

One commenter questioned whether interstate movement of captive cervids from qualified or monitored herds from a modified accredited State or zone would be governed by the movement requirements for the State or zone or for the movement requirements for a qualified or monitored herd.

As discussed, we will allow captive cervids to be moved interstate according to the requirements for their herd status or according to the requirements for their State or zone, whichever are less restrictive. (However, captive cervids from a nonaccredited State or zone will not have the option of moving under the provisions for herd status, as discussed above in this ''Supplementary Information'' under the heading ''Movement from Nonaccredited States and Zones.'') In the case of captive cervids from a qualified or monitored herd in a modified accredited State or zone, it would be less restrictive to move them according to their herd status, which we indicate in the introductory text to § 77.27.

One commenter said that it is unclear from the proposed rule how many deer herds need to be part of surveillance program. Several commenters stated that captive cervids in a herd that is not part of a surveillance program should not be allowed to be moved interstate. One commenter recommended that captive cervids from an unclassified herd in an accredited-free State not be allowed to move interstate without testing negative for tuberculosis once before movement.

Because a State or zone cannot achieve accredited-free status, or any status above nonaccredited, without demonstrating that a sufficient number of herds of captive cervids in the State or zone have been tested to ensure that tuberculosis infection at a prevalence level of 2 percent or more will be detected with a confidence level of 95 percent, we consider it appropriate to allow all captive cervids to move interstate from an accredited-free State or zone without restriction, even if the animals come from an unclassified herd. Allowing such movement is consistent with the practice we have been following for years of allowing all cattle and bison from an accredited-free State to move interstate without restriction.

One commenter questioned whether we were going to establish an ''accredited-free (suspended)'' status for captive cervids. We do not intend to establish such a classification. In our proposed rule, we proposed to eliminate the accredited-free (suspended) status for cattle and bison. Accredited-free (suspended) was the status given to States that had been previously designated accredited-free but in which tuberculosis had been diagnosed in cattle or bison in the State. The accredited-free (suspended) status was intended to allow the State the time necessary to eradicate the disease before being designated modified accredited. We proposed to replace the accredited-free (suspended) status with specific requirements and deadlines for the elimination of a tuberculosis outbreak in an accredited-free State. In this final rule, in lieu of establishing an accredited-free (suspended) status for captive cervids, we are establishing requirements in § 77.22 for eliminating an outbreak in captive cervids that are comparable to those for cattle and bison in § 77.7.

One commenter said that the proposed rule seemed to provide that wild cervids in all tuberculosis-free States would be designated as modified accredited. The commenter said that, if that interpretation were correct, requiring free-ranging cervids to be held 90 days for consecutive tests could result in unacceptable mortality rates. It is not clear to us why the commenter interpreted the proposed rule as he did. If a State or zone is classified as accredited free for captive cervids, that classification would apply to all captive cervids in the State or zone, including free-ranging cervids that are temporarily held for interstate transport.

Accredited Herd Test for Captive Cervids

We proposed in §§ 77.25 and 77.27 that captive cervids from an accredited herd may be moved interstate from modified accredited advanced States and zones and modified accredited States and zones if they are accompanied by a certificate stating that the accredited herd completed the tuberculosis testing necessary for accredited status with negative results within 1 year prior to the date of movement. The proposed requirements in §§ 77.29 and 77.31 for interstate movement of captive cervids from accredited herds in accreditation preparatory States and zones and nonaccredited States and zones also required such herd testing within 1 year prior to interstate movement.

Several commenters recommended that we remove the requirement that the herd test for accredited status be completed within 1 year prior to interstate movement of the captive cervids because, under the existing regulations, accredited herd status is valid for 24 months from the date of the testing for accredited herd status. We agree with the commenters that our proposed requirement was inconsistent with the existing regulations and are requiring in §§ 77.25(b), 77.27(b), and

77.29(b) of this final rule that the requirements for accredited herd status must be completed within 24 months prior to the interstate movement of the captive cervids.

Movement of Captive Cervids From Qualified and Monitored Herds

One commenter stated that, for the purposes of interstate movement of captive cervids from modified accredited States and zones, an animal that originates from a ''qualified herd'' should be considered as one that has obtained an individual animal test for movement. The commenter stated that the requirements in the existing regulations for obtaining qualified herd status are more effective than requiring a negative individual test of an animal to be moved.

As discussed above under the heading ''Whole Herd Test,'' in this final rule we are requiring that captive cervids that are to be moved from a modified accredited State or zone, and that are sexually intact animals not from an accredited herd, must test negative to one whole herd test and also to one individual test. Because of the level of risk of tuberculosis in a modified accredited State or zone, we consider it necessary to require such conditions, even for captive cervids originating from a qualified herd. However, due to the lower level of tuberculosis risk in a modified accredited advanced State or zone, we agree that a captive cervid herd that has achieved qualified or monitored status has already met surveillance and herd history standards equivalent to the biosecurity afforded by an individual test. Therefore, we are providing in § 77.25(b) that captive cervids to be moved from a modified accredited advanced State or zone that are from an accredited herd, qualified herd, or monitored herd may be moved interstate if they are accompanied by a certificate stating that the herd has completed the requirements for accredited herd, qualified herd, or monitored herd status within 24 months prior to the date of movement.

Cervids Moved for Exhibition

Under the existing regulations, to be eligible for qualified herd status, all captive cervids in the herd eligible for testing must have tested negative to an official tuberculosis test. Additionally, under the existing regulations, a captive cervid moved interstate from a qualified herd must be accompanied by a certificate that states that the cervid has tested negative to an official tuberculosis test conducted within 90 days prior to the date of movement. In our proposed rule, we provided that captive cervids from a qualified herd could be moved interstate without testing if moved for the purpose of exhibition, provided they are returned to the premises of origin no more than 90 days after leaving the premises, have no contact with other livestock during movement and exhibition, and are accompanied by a certificate that includes a statement that the captive cervid is from a qualified herd. One commenter opposed this provision for captive cervids moved to exhibition. The commenter stated that moving cervids for exhibition purposes without requiring testing leaves open the possibility of transmission of tuberculosis at exhibition and dissemination of the disease upon return to the farm of origin.

We are making no changes based on this comment. We consider the conditions we are requiring for such movement to be sufficient to ensure that a captive cervid from a qualified herd does not pose a risk of transmitting tuberculosis to other livestock or being infected by other livestock. The definition of *livestock* in § 77.2 includes animals held for exhibition. Therefore, the stipulation that captive cervids moved for exhibition not come into contact with other livestock while moved or held for such exhibition will preclude any exposure of the captive cervids to affected animals.

Accredited Captive Cervid Herds

In some cases in our proposed rule, the interstate movement requirements for cattle and bison and for captive cervids were dependent on whether the animals were moved from an accredited herd. In proposed § 77.5, regarding cattle and bison, we defined *accredited herd* as follows: ''To establish or maintain accredited herd status, the herd owner must comply with all of the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' regarding accredited herds. All cattle and bison in a herd must be free from tuberculosis.''

Among the requirements for accredited herd status for cattle and bison as set forth in the UMR is the requirement that testing shall include all cattle and bison 24 months of age and older. One commenter recommended that the definition of an accredited herd of cattle or bison provide instead that testing shall include all cattle and bison 12 months of age and older. Although we are making no changes based on the comment, we consider it an issue worthy of further review and will consider it when undertaking future revisions of the UMR.

Surveillance Necessary for Accredited-Free Status

In our proposed definition of *accredited-free State or zone* in §§ 77.5 and 77.20, among the conditions for achieving such status we included the provision that there have been no findings of tuberculosis in the animals in question for the previous 5 years, except that the waiting period would be less than 5 years if certain other conditions were met. One of the exceptions we proposed was that the waiting period would be 3 years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

Several commenters stated that the methods and criteria of such an assessment should be included in the regulations. One of the commenters stated that, as worded, the proposed provision did not make clear what surveillance methodology would be required. The commenter expressed concern that surveillance requirements could be unrealistic, prohibitively expensive, and not supported by independent, objective risk assessment. The commenter recommended that we allow analysis of surveillance data by experts in risk assessment other than APHIS.

In determining surveillance requirements, it is necessary to assess the situation in each given State or zone. For instance, in some States and zones, infected wildlife may pose a significant risk to livestock, while in other States, wildlife may be a negligible factor. In some States and zones, beef cattle may be spread over wide areas, whereas in other States and zones they may be more concentrated. Some States have significant numbers of large, densely populated dairy herds; others have few very large herds. Therefore, it would not be in the best interests of each State or zone to establish uniform surveillance criteria for all States and zones. We do not consider it advisable to include in the regulations the methodology that will be used in each case, because risk assessment methodology is subject to ongoing refinement. The methodology that APHIS will use to conduct risk assessments will be open to inspection by the public, and we will work closely with each State in determining the surveillance necessary to achieve accredited-free status 3 years after the last diagnosis of tuberculosis in the State or its zones.

One commenter said that the option of achieving accredited-free status after 3 years based on the surveillance described above should be eliminated. The commenter recommended instead that the surveillance described above be added as a condition for achieving accredited-free status after a 5-year wait when affected herds have not been depopulated. We are making no changes based on the comment. The option of achieving accredited-free status after 3 years was included as an incentive for States to conduct surveillance over and above the baseline surveillance required by the UMR, just as the option of achieving accredited-free status 3 years after depopulation of all affected herds is included as an incentive to States to depopulate affected herds. In those States in which depopulation of affected herds is not a viable option, due to, for instance, insufficient State funding for indemnity payments, we consider it necessary to the continued progress of the tuberculosis eradication program to encourage the States to take measures over and above the minimum standards set forth in the UMR.

Animals at Feedlots

The definitions of *accredited-free State or zone* in §§ 77.5 and 77.20 of the proposed rule included, as one of the methods of achieving that status, that a State or zone have had no findings of tuberculosis in any cattle or bison for the previous 5 years. One commenter stated that such a determination of no finding of tuberculosis should not include cattle at feedlots.

Historically, we have determined a State's tuberculosis status by the incidence, or lack thereof, of the disease in herds of cattle and bison. In enforcing the tuberculosis regulations, we have historically not considered the assembly of cattle at feedlots to be a herd. Rather, we have looked at the disease status of a herd prior to the movement of animals from that herd to a feedlot. Because the animals assembled at a feedlot generally consist of animals from a number of different herds assembled for a limited period of time, we have not found it useful for the purposes of the tuberculosis eradication program to consider such an assembly of animals a herd. Therefore, we are amending the definition of *herd* in § 77.5 regarding cattle and bison to specify that animals assembled at a feedlot are not considered a herd. Additionally, we are adding a definition of *feedlot* to mean a facility for congregating finished fed cattle prior to their being shipped to slaughter. We are adding a definition of *finished fed cattle* to mean cattle fattened on a ration of feed concentrates to reach a slaughter condition equivalent to that which would be attained on full feed with a high concentrate grain ration for 90 days.

We believe that the commenter's concern regarding how the disease status of animals at a feedlot would affect the status of a State or zone may have been caused by certain wording in our proposed rule that might be misleading. In §§ 77.5 and 77.20 of the proposed rule, in the definitions of *accredited-free State or zone* for cattle and bison and for captive cervids, respectively, we included as one of the conditions for being considered an accredited-free State or zone that the State or zone, with certain exceptions, have had no findings of tuberculosis in the State or zone for the previous 5 years. However, consistent with the other provisions of the proposed rule and with our historical practice in enforcing the regulations, our intent regarding the 5-year ''waiting period'' was that a State or zone have no findings of tuberculosis in a *herd* during that time. We are wording this final rule to make clear our intent that the 5-year waiting period will apply to freedom from tuberculosis in herds other than at feedlots.

Deadline for Epidemiologic Investigation

In § 77.7(c) of our proposed rule, we provided, with regard to cattle and bison, that if an affected herd is detected in a State or zone classified as accredited free, and the herd is depopulated and an epidemiologic investigation is completed within 90 days of the detection of the affected herd with no evidence of tuberculosis, the State or zone may retain its accredited-free status. We included a similar provision for captive cervids in § 77.22(c), except that the proposed time to complete the investigation was 120 days, due to the longer waiting period necessary between tests of cervids than those of cattle and bison.

Several commenters said that 90 days is not enough time for an accredited-free State or zone to complete an epidemiologic investigation in the event of a tuberculosis outbreak in cattle or bison. One commenter recommended that the maximum time allowed be 120 days, as we proposed for captive cervids. Another commenter recommended that the maximum time allowed be 180 days for cattle and bison, as well as for captive cervids.

We are making no changes based on the comments. We consider 90 days a sufficient amount of time to complete an epidemiologic investigation in cattle and bison and, because of the emergency nature of an outbreak in an accredited-free State or zone, do not consider it advisable to allow any more time than is necessary to complete an investigation. The amount of time allowed to complete an investigation regarding captive cervids will remain 120 days as proposed for reasons explained above.

Tuberculosis in an Accredited-Free State or Zone

Several commenters, addressing the scenario of an outbreak occurring in an accredited-free State or zone, stated that the proposed rule did not require testing for tuberculosis in such a State or zone during the time between discovery of the affected herd and completion of an epidemiologic investigation, even though, according to the commenters, the risk of tuberculosis being spread from that State or zone must be greater than that from other accredited-free States or zones.

We do not agree that it is necessary to require testing of animals from an accredited-free State or zone while an epidemiologic investigation is being conducted following an outbreak of tuberculosis in the State or zone. To achieve accredited-free status, a State or zone must have no findings of tuberculosis in herds of regulated animals for 2 to 5 years. Additionally, a sufficient number of herds of regulated animals must be tested in the State or zone to ensure that tuberculosis infection at a prevalence level of 2 percent or more is detected with a confidence level of 95 percent.

With these safeguards in place, it is likely that any herd diagnosed with tuberculosis in an accredited-free State or zone represents an isolated incidence of the disease. Additionally, in order for a State or zone to retain its accredited-free status, a cattle or bison herd in which tuberculosis is detected must be depopulated and an epidemiologic investigation must be completed within 90 days of the detection of the affected herd (120 days for captive cervids). It is, therefore, unlikely that the disease will have an opportunity to spread beyond the affected herd. We do not consider it warranted to require testing of other herds within the State or zone while the epidemiologic investigation is being conducted.

One commenter stated that, because a tuberculosis-affected herd in an accredited-free State or zone must be depopulated for the State or zone to retain its accredited-free status, APHIS should establish a fund for the payment of indemnity for such depopulations.

We are aware that payment of compensation is an important incentive

in encouraging a herd owner to agree to depopulation of an affected herd and are seeking funds to supplement the funds already available to us to provide such compensation.

Number of Zones Per State

We proposed in § 77.4 to remove the provision in § 77.8 of the current regulations that limits the number of zones in a State to no more than two. One commenter opposed allowing an unlimited number of zones per State, questioning whether the necessary restrictions on movement between zones could be maintained over time. The commenter recommended that the number of zones per State be capped at three, with provision for the Administrator to authorize additional zones up to five. Other commenters stated that the maximum number of zones per State should be kept at two. Several of these commenters expressed concern that allowing more than two zones per State might encourage certain areas of the State not to pursue eradication aggressively.

We are making no changes based on these comments. According to the regulations, APHIS will recognize multiple zones within a State only if the State demonstrates that it meets the requirements specified in the regulations regarding its tuberculosis eradication program, veterinary infrastructure, and epidemiologic surveillance for tuberculosis in the State. Additionally, the State must enter into a memorandum of understanding with APHIS in which the State agrees to adhere to any conditions for zone recognition particular to that request. Once APHIS recognizes multiple zones within a State, such recognition is subject to annual review by the Administrator, who will determine whether the State continues to meet the conditions for zone recognition. Based on these criteria for zone recognition, we do not consider it necessary to set a predetermined maximum on the number of zones per State.

With regard to the commenters' concern that establishing more than two zones in a State might encourage certain areas within that State not to pursue eradication aggressively, our intent in allowing more than two zones is to achieve just the opposite effect. If the number of zones within a State is limited to two, and one or both of the zones contain within themselves varying levels of risk for tuberculosis, the impossibility of creating additional zones could act as a disincentive for the zones to restrict movement within the existing zones to otherwise contain the disease and move toward eradication. In those cases where it appears advisable to explicitly encourage progress toward eradication in zones, APHIS can do so in the memorandum of understanding with the State, making such progress, for example, a condition for retaining zone recognition in the State.

Retention of Zone Recognition

In proposed § 77.4, regarding application for and retention of zone status for tuberculosis within a State, we provided that retention of APHIS recognition of a zone is subject to annual review by the Administrator, and that, to retain recognition of a zone, a State must retain for 2 years all applicable movement certificates and continue to comply with the conditions that had to be met to achieve initial recognition of the zone. These conditions include requirements regarding the State's legal and financial resources to implement and enforce a tuberculosis eradication program, the State's infrastructure for notifying State and Federal animal health authorities of tuberculosis in the State, surveillance for tuberculosis and review of testing within the intended zones, and a memorandum of understanding between the State and APHIS.

One commenter recommended that the requirements for retention of zone recognition also include annual review by APHIS of the tuberculosis management plan required in the proposed rule to achieve State and zone risk classification (except for ''nonaccredited'') in those cases where tuberculosis is diagnosed in an animal not specifically regulated under the tuberculosis regulations and where a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone.

We agree with the commenter that it would be advisable to make clear that retention of APHIS recognition of a zone is dependent on whether the State in question meets the conditions necessary to maintain or improve the status of each zone in the State, and we are adding such a requirement to § 77.4(b). If a State fails on an extended basis to meet the conditions necessary to maintain or improve the status of its zones, we will conclude that it is not meeting the conditions for its original zone recognition (*i.e.*, that it implement and enforce a tuberculosis eradication program and have in place adequate animal health laws, regulations, and infrastructure).

Retention of Certificates

The provisions in proposed § 77.4(b) for retention of recognition of zones within a State require that, to continue such recognition, a State must retain for 2 years all certificates required by the regulations for the movement of cattle, bison, and captive cervids. One commenter stated that a 2-year retention requirement is inadequate for movement records for tuberculosis and recommended that the retention time be at least 5 years. We do not agree that certificates should be required to be retained for more than 2 years. Requiring retention of movement records for 2 years enables us to trace back the movement of animals affected by tuberculosis for a period of time when traceback is feasible enough to justify retention of the records. The likelihood of tracing an animal back to its premises of origin declines with the amount of time that has passed since its original movement. This is often due to intrastate movements that do not require records retention under the regulations. We have found through our experience enforcing the regulations that the likelihood of tracing animals back has declined after 2 years to the extent that requiring retention of movement records is not justified. However, in this final rule, we are clarifying the provision in § 77.4(b) regarding retention of records to state that the certificates must be retained for at least 2 years.

Tuberculosis Management Plan and Wildlife

Several commenters expressed concern regarding the proposed provision that if tuberculosis is diagnosed in a State or zone in an animal not specifically included in the regulations, and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, then the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the APHIS Administrator (Administrator), within 6 months of the diagnosis. The commenters stated that the requirement that the plan be approved jointly by the State animal health official and the Administrator would usurp the authority of State wildlife management agencies. Several commenters recommended that if tuberculosis is diagnosed in wildlife, State wildlife agencies assist in and be the lead agencies for implementation of a disease management plan. One commenter questioned what the current situation was regarding surveillance in wildlife and stated that APHIS needs to seek authority to deal with tuberculosis in wildlife.

APHIS does have authority to address tuberculosis in wildlife to the extent it poses a risk to the health of livestock. Therefore, we consider it necessary for APHIS, along with the State animal health official, to determine whether a disease management plan involving tuberculosis in wildlife will be adequate to protect the livestock in a State or zone. However, the regulations require joint approval of a disease management plan by APHIS and the State at a minimum. We recognize the integral role of State wildlife agencies in developing and implementing a disease management plan that involves wildlife, and we expect to work closely with such agencies should the need for a plan arise.

In the proposed provisions regarding the maintenance of accredited-free, modified accredited advanced, modified accredited, and accreditation preparatory classifications, there is a requirement that if tuberculosis is diagnosed in an animal not specifically regulated under part 77, and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. According to the proposed provisions, the management plan must include provisions for, among other things, immediate investigation of tuberculosis in livestock, wildlife, and animals held for exhibition. One commenter asked whether it should be assumed that ''wildlife, and animals held for exhibition'' refers to wildlife only when they are held for exhibition and not to free-ranging wildlife.

It was our intent regarding the language cited by the commenter that, in the case of a tuberculosis risk to livestock, all wildlife would be subject to investigation, not just wildlife held for exhibition, and we are making a change to the text of the regulations to clarify this. However, as stated, wildlife would be subject to investigation only when wildlife in the State or zone poses a tuberculosis risk to livestock. If an outbreak among wildlife is determined to present no risk to livestock, the investigation described above would not be required.

Preemption

In accordance with Executive Order 12988, we included a statement in our proposed rule giving notice that any State and local laws and regulations in conflict with the proposed provisions would be preempted. A number of commenters stated that including such a statement in the rulemaking was harmful to State-Federal cooperative efforts. Other commenters expressed concern that the statement meant that a State could not require any conditions for movement of animals into the State over and above the Federal requirements.

Under Executive Order 12988, a Federal agency that formulates proposed legislation and regulations is required, among other things, to specify in clear language the preemptive effect it intends to be given to its legislation or regulations. The executive order does not specify what that preemptive effect shall be. Historically, domestic animal health regulations of a State have not been challenged when they require conditions more stringent than those included in the APHIS regulations. However, State regulations that conflict with or subvert Federal regulations concerning the interstate movement of animals and products that are promulgated for the purpose of the control of diseases of livestock and poultry will probably be held unconstitutional if challenged.

Research Regarding Tuberculosis

One commenter stated that the existing scientific data regarding tuberculosis in the animals addressed by the regulations is insufficient to allow for decisions based on risk analysis or similar statistical methods.

We do not agree that insufficient scientific data exist regarding tuberculosis in animals addressed by the regulations. The USDA's Agricultural Research Service has been conducting research on tuberculosis in animals for a number of years. Additionally, research has been done outside the United States regarding cross-species transmission of tuberculosis. Information regarding these studies can be obtained by contacting the person listed in this final rule under **FOR FURTHER INFORMATION CONTACT**.

One commenter stated that the case for transmission of tuberculosis from bison and captive cervids under natural production conditions is very weak and lacks the conclusive scientific data that should be required for the proposed rule.

We do not agree that scientific evidence regarding cross-transmission of tuberculosis is lacking. Multiple epidemiologic investigations of tuberculosis outbreaks have demonstrated the movement of the tuberculosis disease agent from one species to another.[1]

Implementation of Regulations

One commenter requested that States be allowed time to phase in the regulatory changes and noted that State rule changes in the commenter's State become effective no sooner than 74 days after the rule is filed.

We are aware that it takes time for a State to revise its own regulations when such a change is made necessary by one of our regulatory changes. With regard to changes concerning cattle and bison in this final rule, we are not aware of any State regulatory changes that will be necessary. With regard to changes concerning captive cervids in this final rule, we are providing each State with 1 year to submit data to us demonstrating the State or zone status for which the State will qualify. In the meantime, we are classifying each State as modified accredited with regard to captive cervids, which means that no owner of captive cervids will need to meet conditions any more stringent than currently in place for interstate movement of the animals. With regard to any future rulemaking that would require a State to change its regulations, we will not finalize a regulation with regard to a State until the State has implemented its regulations.

M. Bovis

One commenter stated that it was not clear that the proposed rule would apply only to *M. bovis.* The commenter said there are many other types and strains of mycobacteria that are usually referred to as soil borne or unclassified mycobacteria.

We disagree with the commenter that it is not clear which disease agent we are talking about in the proposed regulations. Section 77.2, ''Definitions,'' defines *tuberculosis* as ''the contagious, infectious, and communicable disease caused by *Mycobacterium bovis*.''

Role of States and Other Cooperators

One commenter stated that the proposed rule did not include an explanation of why the role of States and other cooperators is reduced in the proposed rule. We do not agree that the

[1] See, for example, Crews K.B., Collins D.M., deLisle G.W., MacKenzie R.W., Walker R., Yates G.F., ''Epidemiology and Transmission of Bovine Tuberculosis. A study of bovine tuberculosis in domestic animals and wildlife in the MacKenzie Basin and surrounding areas using DNA fingerprinting,'' New Zealand Veterinary Journal 43, 1995, pp. 266–271, and Dolan, L.A., ''An Analysis of Epidemiology Reports that Attributed the Cause of Herd Breakdowns to Wildlife,'' Tuberculosis Investigation Unit, University College Dublin, Selected Papers 1992, pp. 33–36.

role of States and other cooperators will be reduced by this final rule. Those provisions in the existing regulations for which joint State-Federal action is required were retained in the proposed rule and in this final rule. Additionally, both the proposed rule and final rule provide that to achieve any risk classification higher than nonaccredited, a State or zone must comply with the provisions of the UMR.

Limiting Interstate Movement of Specific Species or Type

A number of commenters recommended that the regulations state that the Administrator has authority to limit interstate movement of species, or classes of animals within species, that pose a high risk of being a reservoir of tuberculosis.

It is not necessary for us to include in the regulations that the Administrator has the authority described by the commenters. The Administrator has such authority with regard to any disease. If it occurs that a particular species or type of animal presents an unacceptable risk of harboring tuberculosis and transmitting it to livestock, we will take action to restrict the interstate movement of that species or type of animal.

Approved Feedlots

One commenter stated that if APHIS is going to allow sexually intact heifers to be moved interstate to an approved feedlot from a modified accredited advanced State or zone, APHIS must be prepared to perform all the functions required to carry out this provision. The commenter stated that requiring States to oversee this would place an undue burden on State resources.

Although the regulations in this rule allow for the movement of sexually intact heifers from a modified accredited advanced State or zone to an approved feedlot, they do not require that a State agree to approve feedlots. In § 77.5 of this rule, an *approved feedlot* is defined as ''a confined area approved jointly by the State animal health official and the Administrator for feeding cattle and bison for slaughter, with no provisions for pasturing or grazing.'' Any intrastate movement to or from an approved feedlot would come under State authority. A State that determines it does not have the resources to handle movement to or from an approved feedlot has the option of not approving such feedlots.

One commenter stated that cattle from accreditation preparatory States and zones, including those from accredited herds, should be allowed to be moved only to approved feedlots.

We do not consider it necessary to restrict the movement of cattle from accredited herds in an accreditation preparatory State to approved feedlots. The risk of tuberculosis transmission by animals from an accreditation preparatory State or zone, although greater than that for animals from an accredited-free, modified accredited advanced, or modified accredited State or zone, is, according to the definition of *accreditation preparatory State or zone,* limited. To qualify for accreditation preparatory, a State or zone must comply with the UMR and have a tuberculosis prevalence of less than 0.5 percent. Because animals in an accredited herd undergo constant monitoring for tuberculosis, we consider whatever risk is present from animals from an accredited herd in an accreditation preparatory State or zone to be mitigated to a negligible level by the testing required for the interstate movement of cattle and bison.

One commenter stated that no interstate movement of captive cervids should be allowed from States and zones classified as accreditation preparatory or less. We are making no changes regarding movement from accreditation preparatory States and zones based on this comment, for the same reasons as those noted in the preceding paragraph.

Postmovement Testing

One commenter recommended that, in addition to two negative premovement tests, officially identified, sexually intact cattle from a modified accredited State or zone that are not being moved to an approved feedlot should be required to have a postmovement test. The commenter stated that this is necessary because of the possibility that premovement testing of cattle from modified accredited States and zones may be questionable. The same commenter stated that testing of all cattle from accreditation preparatory States is suspect, and that a postentry test should be required for all cattle from these States and zones, including those from an accredited herd.

We are making no changes based on this comment. We consider the conditions we are setting forth in this rule for interstate movement to be adequate to mitigate the disease risk that might otherwise exist from interstate movement of animals from States and zones of different risk classifications.

Direct Movement

Proposed § 77.2 defined *moved directly* for cattle, bison, and captive cervids to mean ''moved without stopping or unloading at livestock assembly points of any type. Livestock being moved directly may be unloaded from the means of conveyance while en route only if the animals are isolated so that they cannot mingle with any livestock.'' One commenter stated that the definition of *moved directly* should include a statement that the State animal health official must give permission to unload cattle or bison that are being moved directly. When we included in the definition of *moved directly* the provision for livestock to be unloaded en route provided they are isolated from other livestock, we intended that such unloading en route would be carried out only in very limited circumstances, such as in the case of a mechanical breakdown or the need to provide food and water to the animals. In order to ensure that such unloading is carried out only in limited circumstances and when necessary, and to ensure that the livestock unloaded en route are kept isolated from other livestock, we are including in the definition of *moved directly* in § 77.2, as recommended by the commenter, that livestock being moved directly may be unloaded from the means of conveyance while en route only with the permission of the State animal health official, and only if the animals are isolated so that they cannot mingle with any livestock other than those with which they are being shipped.

Concern Regarding States' Inability To Take Action

Several commenters stated that the Department has not adequately addressed the issue of the sovereign immunity of Native American reservations in the West. The commenters asked how a State's classification would be affected if tuberculosis were discovered but not dealt with on a reservation.

The situation described by the commenters has not arisen to date. If tuberculosis were diagnosed on a reservation, APHIS would work closely with the reservation to eliminate the source of the infection. The State or zone in which the reservation is located could establish a quarantine to prohibit or restrict movement of livestock from the reservation. If we determined that a State or zone had taken all measures possible to address an outbreak on a reservation, it is unlikely we would immediately take action to downgrade the status of the State or zone.

One commenter stated that a situation could arise where tuberculosis is diagnosed in animals not specifically covered by the regulations and the State or zone will not be able to implement a tuberculosis management plan that

includes investigation of tuberculosis in wildlife because the wildlife are under Federal jurisdiction, such as in a national park. The commenter expressed concern that, in such a situation, a State or zone's classification could be downgraded.

If a situation should arise where a State is making every possible effort to comply with the regulations but cannot fully comply because of the involvement of another Federal agency, we would take that into account when determining whether a State's or zone's risk classification should be downgraded.

Definitions

In our proposed rule, we used the term ''designated tuberculosis epidemiologist'' and defined that term in § 77.2 to mean a State or Federal epidemiologist designated by the Administrator to make decisions concerning the use and interpretation of diagnostic tests for tuberculosis and the management of tuberculosis-affected herds. One commenter stated that the duties of a designated tuberculosis epidemiologist must be much broader than as defined and should include, but not be limited to, tracing movements of animals into and out of an affected herd, identifying potentially exposed herds, identifying areas for area testing, and identifying potential nonlivestock sources of disease.

Although the definition of *designated tuberculosis epidemiologist* we used in our proposed rule was not incorrect, we agree that it does not encompass all of the duties of a designated tuberculosis epidemiologist. To make clear the scope of the designated tuberculosis epidemiologist's responsibilities, we are revising the definition of that term to state, in addition to what is included in the existing definition, that a designated tuberculosis epidemiologist has the responsibility to determine the scope of epidemiologic investigations, determine the status of animals and herds, assist in the development of individual herd plans, and coordinate disease surveillance and eradication programs within the geographic area of his or her responsibility.

In our proposed rule, we used the term ''epidemiologic investigation'' and defined that term in § 77.2 to mean an investigation that is conducted by a State in conjunction with APHIS representatives, in which an official test for tuberculosis is conducted on all livestock in any tuberculosis-affected herd in a State or zone, as well as on all livestock in any herd into which livestock from the affected herd have been moved. One commenter stated that, according to the definition as written, herds across a fence or road from an affected herd would not be included in the epidemiologic investigation unless animals from the affected herd were moved into the herd across the fence or road. The commenter recommended that the definition of *epidemiologic investigation* be expanded to also include investigation of all potential source herds and investigation of all herds and animals that have had a likelihood of being exposed to the affected herd.

We agree that an effective epidemiologic investigation should include investigation of the herds and animals described by the commenter and are revising the definition of *epidemiologic investigation* in § 77.2 accordingly.

As discussed above under the heading ''Identification Requirements,'' we are adding to § 77.2 a definition of *premises of origin identification.* In that definition, we use the term ''area veterinarian in charge.'' We are defining *area veterinarian in charge* in § 77.2 to mean ''the veterinary official of APHIS who is assigned by the Administrator to supervise and perform the official animal health work of APHIS in the State concerned.''

In this final rule, we use the term ''approved feedlot,'' which we define in § 77.5 as a confined area approved jointly by the State animal health official and the Administrator for feeding cattle and bison for slaughter, with no provisions for pasturing and grazing. In the existing regulations regarding exposed cattle (§ 77.17(b) of this rule), there is a reference to a ''quarantined feedlot'' as used in § 50.16. A quarantined feedlot as referred to in § 50.16, and as defined in § 50.1, differs from an approved feedlot as defined in § 77.5 of this rule in that a quarantined feedlot is under the direct supervision and control of a State livestock official, with restrictions on the movement of all livestock entering or leaving the feedlot. As defined in § 50.1, a quarantined feedlot is ''a confined area under the direct supervision and control of a State livestock official who shall establish procedures for the accounting of all livestock entering or leaving the area. The quarantined feedlot shall be maintained for finish feeding of livestock in drylot with no provision for pasturing and grazing. All livestock leaving such feedlot must only move directly to slaughter in accordance with established procedures for handling quarantined livestock.'' To make clear the distinction between the two types of feedlots, we are adding to § 77.5 the definition of *quarantined feedlot* set forth above.

Additionally, we are clarifying in the definition of *State* in § 77.2 that the word ''territories'' refers to U.S. territories.

Comments Outside the Scope of the Proposed Rule

In our proposed rule, we reformatted all of 9 CFR part 77, even though we were proposing changes to only a selected number of provisions in the regulations. In order to make it easier to follow our proposed formatting changes, we set out all of part 77 in the proposal, including those provisions of the existing regulations to which we were proposing no amendments, except to change section number designations. We stated in our proposed rule that we were not soliciting comments on the unchanged provisions, and we listed those sections or parts of sections on which we were not soliciting comments.

Several commenters, however, submitted comments that addressed certain of the provisions to which we were proposing no changes. Virtually all of the issues raised by these commenters concerned standards in the current regulations for testing of captive cervids. Although we are making no changes at this time based on these comments, we will consider each one and determine whether future changes based on the recommendations appear warranted.

Change to Authority Citation

We are making a change to the authority citation for part 77 to reflect a reformatting of the provisions in 7 CFR 371 regarding the delegation of authority to Veterinary Services, APHIS. Consistent with this reformatting, we are changing the reference to 7 CFR 371.2(d) to read 7 CFR 371.4.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting as a final rule the interim rules of November 1, 1999, and June 28, 2000, and the proposed rule of March 7, 2000, with the changes discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

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

Bovine tuberculosis is a communicable disease of cattle, bison, cervids and other species, including humans, and results in losses in meat and milk production and sterility among infected animals. The Cooperative State/

Federal Tuberculosis Eradication program has virtually eliminated bovine tuberculosis from the Nation's livestock population. However, changes to the tuberculosis regulations are needed to further the efforts toward complete eradication.

Currently, the tuberculosis regulations define State risk classification levels for cattle and bison. However, until the effective date of this rule, the classification levels provide only for three broadly drawn classifications of risk, and two of the classifications carry no restrictions on the interstate movement of cattle and bison not known to be infected with tuberculosis. The current regulations do not provide classification levels for captive cervids. This rule will increase the number of risk classifications and establish risk classifications for States and zones with regard to captive cervids. The classification of a State or zone with regard to cattle and bison will not necessarily be the same as its classification with regard to captive cervids. Under this rule, the five possible risk classifications will be accredited-free, modified accredited advanced, modified accredited, accreditation preparatory, and nonaccredited.

Cattle and Bison

In 1999, the total number of cattle in the United States was approximately 99.115 million, valued at approximately $58.833 billion. There were 1,095,960 U.S. operations with cattle. Over 99.1 percent of these operations were small businesses with a gross cash value of less than $500,000. There were about 112,700 bison held as livestock in the United States, valued at about $169 million, on 1,150 premises.

The U.S. cattle industry plays a very significant role in international trade. In 1999, the total earnings from exports of live cattle, beef, and veal were approximately $2.8 billion. The U.S. competitiveness in international markets depends to a great degree upon its reputation for producing high-quality animals, a reputation that would be enhanced if bovine tuberculosis were eradicated in this country. The product, as well as purchasers' perceptions of quality, contributes to continued world market acceptance. Thus, efforts to maintain an effective tuberculosis program, to clarify the regulations, and to secure the health of the cattle industry will continue to serve the best economic interests of the Nation.

Currently, with regard to tuberculosis State or zone classifications for cattle and bison, there are 47 accredited-free States, plus Puerto Rico and the U.S. Virgin Islands. As a result of this rule, one modified accredited State (New Mexico) will become accredited-free, bringing the total to 48 States that are accredited free. A currently modified accredited State (Texas) will be classified as modified accredited advanced. Michigan, which we classified as nonmodified accredited in our June 22, 2000, interim rule, will be classified as modified accredited in this final rule. According to the testing requirements in this final rule, only Texas will be likely to be affected by this rule. However, Michigan was affected by the June 22, 2000, interim rule, and we discuss that effect as part of this analysis.

The primary difference among the restrictions on interstate movement from the different proposed classifications is how many, if any, tuberculin tests with negative results the animal must have to be moved interstate. The same test is used for cattle and bison (and cervids, as discussed below). For movement from a modified accredited advanced State (Texas), sexually intact cattle and bison not from an accredited herd will be required to have one negative test before they can be moved interstate and will be required to be officially identified. For movement from a modified accredited State (Michigan), sexually intact animals not from an accredited herd will be required to have one negative whole herd test and one negative individual test and be officially identified, while sexually intact heifers moved to an approved feedlot, steers, and spayed heifers will need just one test and will be required to be either officially identified or identified by premises of origin identification.

In Texas, as of January 1999, there were about 153,000 cattle herds with 14.9 million cattle, valued at $7.1 billion. (In addition, there were, in Texas, 40 operations with bison, with a total of 1,370 animals.) Of the cattle, close to 77 percent (11,439,800) would require testing for tuberculosis under this rule if they were moved interstate. This number includes sexually intact cattle, other than sexually intact heifers moved to approved feedlots (which may move interstate without testing). However, of the total number of cattle that would require testing if moved interstate, only about 10 percent are likely to be moved interstate. Thus, the total number of cattle from Texas likely to require testing annually is 1,143,980.

In Michigan, as of January 1999, there were about 15,500 cattle herds with 1,050,000 cattle, valued at $809 million. (In addition, there were, in Michigan, 50 operations with bison, with a total of 2,984 animals.) Of the cattle, those that would require testing if they were moved interstate include all animals, except for those moved directly to slaughter and those from an accredited herd, which constitute a negligible percentage of the total number of cattle in the State. Of the animals that would require testing if moved interstate, only about 10 percent (105,000) are likely to be moved interstate. To be moved interstate, each of those animals will require an individual tuberculosis test with negative results. Additionally, of the animals to be moved interstate, an estimated 79,900 will be sexually intact animals that are not from an accredited herd and are not sexually intact heifers moved to an approved feedlot. Under this rule, in addition to requiring an individual test, these animals may not be moved interstate unless they originate in a herd that was classified negative to a whole herd test within 1 year prior to the date of interstate movement. Based on an average herd size in Michigan of approximately 89 animals per herd, approximately 1,180 herds would need to undergo a whole herd test under this final rule.

The cost of tuberculin testing for an average-sized herd of 89 animals is $380. The approximate per-animal testing cost is $4.30, compared to an average sale value of approximately $600 for a head of cattle and $1,500 for a bison. Additionally, the cost of official identification by applying an eartag is about $0.50 per head. The final cost of testing and identification will vary depending on the size of the herd. The total cost will then be dependent on the number of animals that will be moved interstate and thus be required to be tested and identified.

Applying the unit testing and identification costs to the number of animals that are likely to be moved interstate and that require testing and identification yields the approximate economic effect of this rule. In Texas, the testing and identification cost is projected to be approximately $4,919,000 annually [(1,143,980 animals × $4.30) + (1,143,980 × $0.50)]. In Michigan, the testing cost is projected to be approximately $899,900 annually (the total of 105,000 individual animal tests × $4.30 and 1,180 whole herd tests × $380). The identification cost is projected to be approximately $52,500 (105,000 animals × $0.50), for a total testing and identification cost in Michigan of $952,400. These costs are relatively small when compared to the total size and significance of the cattle and bison industry in each of the two States and in the United States overall.

Captive Cervids

This rule also establishes five risk classifications for States and zones with regard to captive cervids. The classifications are the same as those established for cattle and bison, but a State's or zone's classification for captive cervids will not necessarily be the same as its classification for cattle and bison. According to this classification system, all States (and Puerto Rico and the U.S. Virgin Islands) will be modified accredited. Fewer than 10 percent of captive cervids are moved interstate. Those not moved interstate will not be subject to this rule. Under this rule, owners of captive cervids to be moved interstate will be able to move their animals according to the less restrictive of either the animals' herd status under the current regulations or the State or zone status in this final rule. Because of this option, this rule is not expected to have a direct economic effect on owners of captive cervids, with one possible exception. Under the current regulations, captive cervids from an ''unclassified'' herd may be moved interstate after testing negative to two individual tuberculosis tests. Under this rule, the option of moving captive cervids interstate from an unclassified herd after two negative tests will no longer exist, and such cervids moved interstate will be required to meet the movement conditions for the status of the State or zone from which they originate. In Michigan, those captive cervids, in addition to testing negative to one individual tuberculosis test, would need to originate from herds that have tested negative to a whole herd test conducted within 1 year prior to the date of interstate movement of the cervids.

In Michigan, there are about 18,800 captive cervids on 720 premises. An estimated 11,280 of these animals are in unclassified herds. Of these, approximately 10 percent, or 1,128, are likely to be moved interstate. Thus, the cost of individually testing each of the captive cervids is projected to be about $4,850 (1,128 × $4.30). The cost of testing the herds from which the animals originate is projected to be about $5,060 (44 herds × $115 average cost for herd testing). The cost of identifying the captive cervids is projected to be about $564 (1,128 × $0.50). Therefore, the projected total cost this rule will impose on the interstate movement of captive cervids from Michigan is $10,474, compared to an approximate value of the cervid industry in Michigan of $31.8 million.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0146.

List of Subjects in 9 CFR Part 77

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

Accordingly, we are revising 9 CFR part 77 to read as follows:

PART 77—TUBERCULOSIS

Subpart A—General Provisions

Sec.
77.1 Material incorporated by reference.
77.2 Definitions.
77.3 Tuberculosis classifications of States and zones.
77.4 Application for and retention of zones.

Subpart B—Cattle and Bison

77.5 Definitions.
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77.9 Modified accredited advanced States or zones.
77.10 Interstate movement from modified accredited advanced States and zones.
77.11 Modified accredited States or zones.
77.12 Interstate movement from modified accredited States and zones.
77.13 Accreditation preparatory States or zones.
77.14 Interstate movement from accreditation preparatory States and zones.
77.15 Nonaccredited States or zones.
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77.17 Interstate movement of cattle and bison that are exposed, reactors, or suspects, or from herds containing suspects.
77.18 Other movements.
77.19 Cleaning and disinfection of premises, conveyances, and materials.

Subpart C—Captive Cervids

77.20 Definitions.
77.21 Applicability of this subpart.
77.22 Accredited-free States or zones.
77.23 Interstate movement from accredited-free States and zones.
77.24 Modified accredited advanced States or zones.
77.25 Interstate movement from modified accredited advanced States and zones.
77.26 Modified accredited States or zones.
77.27 Interstate movement from modified accredited States and zones.
77.28 Accreditation preparatory States or zones.
77.29 Interstate movement from accreditation preparatory States and zones.
77.30 Nonaccredited States or zones.
77.31 Interstate movement from nonaccredited States and zones.
77.32 General restrictions.
77.33 Testing procedures for tuberculosis in captive cervids.
77.34 Official tuberculosis tests.
77.35 Interstate movement from accredited herds.
77.36 Interstate movement from qualified herds.
77.37 Interstate movement from monitored herds.
77.38 Interstate movement from herds that are not accredited, qualified, or monitored.
77.39 Other interstate movements.
77.40 Procedures for and interstate movement to necropsy and slaughter.
77.41 Cleaning and disinfection of premises, conveyances, and materials.

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

Subpart A—General Provisions

§ 77.1 Material incorporated by reference.

Uniform Methods and Rules—Bovine Tuberculosis Eradication. The Uniform Methods and Rules—Bovine Tuberculosis Eradication (January 22, 1999, edition) has been approved for incorporation by reference into the Code of Federal Regulations by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(a) The procedures specified in the Uniform Methods and Rules—Bovine Tuberculosis Eradication (January 22, 1999, edition) must be followed for the interstate movement of certain animals regulated under this part.

(b) *Availability.* Copies of the Uniform Methods and Rules—Bovine Tuberculosis Eradication:

(1) Are available for inspection at the Office of the Federal Register Library, 800 North Capitol Street NW., Suite 700, Washington, DC;

(2) Are available for inspection at the APHIS reading room, room 1141, USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC; or

(3) May be obtained from the National Animal Health Programs, Veterinary Services, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231.

§ 77.2 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise specified.

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of subchapter J to perform functions specified in subchapters B, C, and D of this chapter.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal. All species of animals except man, birds, or reptiles.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

APHIS representative. An individual employed by APHIS who is authorized to perform the function involved.

Area veterinarian in charge. The veterinary official of APHIS who is assigned by the Administrator to supervise and perform the official animal health work of APHIS in the State concerned.

Certificate. An official document issued by an APHIS representative, a State representative, or an accredited veterinarian at the point of origin of a shipment of livestock to be moved under this part, which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved; the number, breed, sex, and approximate age of the animals covered by the document; the purpose for which the animals are to be moved; the date and place of issuance; the points of origin and destination; the consignor and the consignee; and which states that the animal or animals identified on the certificate meet the requirements of this part.

Cooperating State and Federal animal health officials. The State and Federal animal health officials responsible for overseeing and implementing the National Cooperative State/Federal Bovine Tuberculosis Eradication Program.

Depopulate. To destroy all livestock in a herd by slaughter or by death otherwise.

Designated tuberculosis epidemiologist (DTE). A State or Federal epidemiologist designated by the Administrator to make decisions concerning the use and interpretation of diagnostic tests for tuberculosis and the management of tuberculosis affected herds. A DTE has the responsibility to determine the scope of epidemiologic investigations, determine the status of animals and herds, assist in the development of individual herd plans, and coordinate disease surveillance and eradication programs within the geographic area of the DTE's responsibility.

Epidemiologic investigation. An investigation that is conducted by a State in conjunction with APHIS representatives, in which an official test for tuberculosis is conducted on all livestock in any tuberculosis-affected herd in a State or zone, all livestock in any herd into which livestock from the affected herd have been moved, all potential tuberculosis source herds, and all livestock herds and animals that are likely to have been exposed to the affected herd.

Herd. Except for livestock assembled at feedlots, any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated but that have an interchange or movement of livestock without regard to health status, as determined by the Administrator. (A group means one or more animals.)

Interstate. From one State into or through any other State.

Livestock. Cattle, bison, cervids, swine, dairy goats, and other hoofed animals (such as llamas, alpacas, and antelope) raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition, as well as previously free-ranging cervids that are captured, identified, and moved interstate.

Moved. Shipped, transported, or otherwise moved, or delivered or received for movement.

Moved directly. Moved without stopping or unloading at livestock assembly points of any type. Livestock being moved directly may be unloaded from the means of conveyance while en route only with permission of the State animal health official and only if the animals are isolated so that they cannot mingle with any livestock other than those with which they are being shipped.

Official eartag. An eartag approved by the Administrator as providing unique identification for each individual animal by conforming to the alpha-numeric National Uniform Eartagging System.

Official seal. A seal issued by a State or APHIS representative, consisting of a serially numbered, metal or plastic strip, with a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged and that cannot be reused if opened, or a serially numbered, self-locking button that can be used for this purpose.

Officially identified. Identified by means of an official eartag or by means of an individual tattoo or hot brand that provides unique identification for each animal.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

Premises of origin identification. Either an APHIS-approved eartag or tattoo bearing the premises of origin identification code that consists of the State postal abbreviation followed by a unique number or name assigned by a State or Federal animal health official to the premises on which the animals originated that, in the judgment of the State animal health official or area veterinarian in charge, is epidemiologically distinct from other premises; or a brand registered with an official brand registry.

State. Any State, the District of Columbia, Puerto Rico, or any territory of the United States.

State animal health official. The State official responsible for livestock and poultry disease control and eradication programs.

State representative. A veterinarian or other person employed in livestock sanitary work of a State or a political subdivision of a State and who is authorized by such State or political subdivision of a State to perform the function involved under a memorandum of understanding with APHIS.

Transportation document. Any document accompanying the interstate movement of livestock, such as an owner's statement, manifest, switch order, or vehicle record, on which is stated the point from which the animals are moved interstate, the destination of the animals, the number of animals covered by the document, and the name and address of the owner or shipper.

Tuberculosis. The contagious, infectious, and communicable disease caused by *Mycobacterium bovis.* (Also referred to as bovine tuberculosis.)

Zone. A defined geographic land area identifiable by geological, political, manmade, or surveyed boundaries, with mechanisms of disease spread, epidemiological characteristics, and the ability to control the movement of animals across the boundaries of the zone taken into account.

§ 77.3 Tuberculosis classifications of States and zones.

The Administrator shall classify each State for tuberculosis in accordance with this part. A zone comprising less than an entire State will be given a particular classification upon request of the State only if the Administrator determines that:

(a) The State meets the requirements of this part for establishment of zones;

(b) The State has adopted and is enforcing regulations that impose restrictions on the intrastate movement of cattle, bison, and captive cervids that are substantially the same as those in place under this part for the interstate movement of cattle, bison, and captive cervids; and

(c) The designation of part of a State as a zone will otherwise be adequate to prevent the interstate spread of tuberculosis.

§ 77.4 Application for and retention of zones.

(a) A State animal health official may request at any time that the Administrator designate part of a State as having a different tuberculosis classification under this part than the rest of the State. The requested zones must be delineated by the State animal health authorities, subject to approval by the Administrator. The request from the State must demonstrate that the State complies with the following requirements:

(1) The State must have the legal and financial resources to implement and enforce a tuberculosis eradication program and must have in place an infrastructure, laws, and regulations that require and ensure that State and Federal animal health authorities are notified of tuberculosis cases in domestic livestock or outbreaks in wildlife;

(2) The State in which the intended zones are located must maintain, in each intended zone, clinical and epidemiologic surveillance of animal species at risk of tuberculosis at a rate that allows detection of tuberculosis in the overall population of livestock at a 2 percent prevalence rate with 95 percent confidence. The designated tuberculosis epidemiologist must review reports of all testing for each zone within the State within 30 days of the testing; and

(3) The State must enter into a memorandum of understanding with APHIS in which the State agrees to adhere to any conditions for zone recognition particular to that request.

(b) Retention of APHIS recognition of a zone is subject to annual review by the Administrator. To retain recognition of a zone, a State must continue to comply with the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this section, as well as the requirements for maintaining or improving the tuberculosis risk classification of each zone in the State, and must retain for at least 2 years all certificates required under this part for the movement of cattle, bison, and captive cervids.

(Approved by the Office of Management and Budget under control number 0579–0146)

Subpart B—Cattle and Bison

§ 77.5 Definitions.

As used in subpart B, the following terms shall have the meanings set forth in this section except as otherwise specified.

Accreditation preparatory State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis is prevalent in less than 0.5 percent of the total number of herds of cattle and bison in the State or zone.

Accredited-free State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' has zero percent prevalence of affected cattle and bison herds, and has had no findings of tuberculosis in any cattle or bison herds in the State or zone for the previous 5 years. *Except that:* The requirement of freedom from tuberculosis in herds is 2 years from the depopulation of the last affected herd in States or zones that were previously accredited free and in which all herds affected with tuberculosis were depopulated, 3 years in all other States or zones that have depopulated all affected herds, and 3 years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

Accredited herd. To establish or maintain accredited herd status, the herd owner must comply with all of the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' regarding accredited herds. All cattle and bison in a herd must be free from tuberculosis.

Affected herd. A herd in which tuberculosis has been disclosed in any cattle or bison by an official tuberculin test or by post mortem examination.

Approved feedlot. A confined area approved jointly by the State animal health official and the Administrator for feeding cattle and bison for slaughter, with no provisions for pasturing or grazing.

Approved slaughtering establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State-inspected slaughtering establishment that has inspection by a State inspector at the time of slaughter.

Cattle and bison not known to be affected. All cattle and bison except those originating from tuberculosis affected herds or from herds containing tuberculosis suspect cattle or bison.

Department. The U.S. Department of Agriculture (USDA).

Exposed cattle and bison. Cattle and bison, except reactor cattle and bison, that are part of an affected herd.

Feedlot. A facility for congregating finished fed cattle prior to their being shipped to slaughter.

Finished fed cattle. Cattle fattened on a ration of feed concentrates to reach a slaughter condition equivalent to that which would be attained on full feed with a high concentrate grain ration for 90 days.

Modified accredited advanced State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis has been prevalent in less than 0.01 percent of the total number of herds of cattle and bison in the State or zone for each of the most recent 2 years. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

Modified accredited State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis has been prevalent in less

than 0.1 percent of the total number of herds of cattle and bison in the State or zone for the most recent year. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 10,000 herds to have up to 10 affected herds for the most recent year, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

Negative cattle and bison. Cattle and bison that are classified negative for tuberculosis in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' based on the results of an official tuberculin test.

Nonaccredited State or zone. A State or zone that is or is part of a State that does not meet the standards of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' or in which tuberculosis is prevalent in 0.5 percent or more of the total number of herds of cattle and bison in the State or zone.

Official tuberculin test. Any test for tuberculosis conducted on cattle or bison in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.''

Permit. An official document issued for movement of cattle or bison under this part by an APHIS representative, State representative, or an accredited veterinarian at the point of origin of a shipment of cattle or bison to be moved directly to slaughter, that shows the tuberculosis status of each animal (reactor, suspect, or exposed), the eartag number of each animal and the name of the owner of such animal, the establishment to which the animals are to be moved, the purpose for which the animals are to be moved, and that they are eligible for such movement under the applicable provisions of §§ 77.17 and 77.18.

Quarantined feedlot. A confined area under the direct supervision and control of a State livestock official who shall establish procedures for the accounting of all livestock entering or leaving the area. The quarantined feedlot shall be maintained for finish feeding of livestock in drylot with no provision for pasturing and grazing. All livestock leaving such feedlot must only move directly to slaughter in accordance with established procedures for handling quarantined livestock.

Reactor cattle and bison. Cattle and bison that are classified as reactors for tuberculosis in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.''

Suspect cattle and bison. Cattle and bison that are classified as suspects for tuberculosis in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.''

Uniform Methods and Rules—Bovine Tuberculosis Eradication. Uniform methods and rules for eradicating bovine tuberculosis in the United States, approved by APHIS on January 22, 1999, which is incorporated by reference at § 77.1.

Whole herd test. An official tuberculin test of all cattle and bison in a herd that are 12 months of age or older, and of all cattle and bison in the herd that are less than 12 months of age and were not born into the herd, except those cattle and bison that are less than 12 months of age and were born in and originated from an accredited herd.

Zero percent prevalence. No finding of tuberculosis in any cattle, bison, or goat herd in a State or zone.

§ 77.6 Applicability of this subpart.

All references in this subpart to the tuberculosis status of States and zones pertain to such status for cattle and bison only.

§ 77.7 Accredited-free States or zones.

(a) The following are accredited-free States: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, the Virgin Islands of the United States, Washington, West Virginia, Wisconsin, and Wyoming.

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

(c) If an affected herd is detected in a State or zone classified as accredited-free, and the herd is depopulated and an epidemiologic investigation is completed within 90 days of the detection of the affected herd with no evidence of the spread of tuberculosis, the State or zone may retain its accredited-free status. If two or more affected herds are detected in an accredited-free State or zone within a 48-month period, the State or zone will be removed from the list of accredited-free States or zones and will be reclassified as modified accredited advanced.

(d) If any livestock other than cattle or bison are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999, edition), which is incorporated by reference at § 77.1, to those other livestock in the same manner as to cattle and bison. Failure to do so will result in reclassification of the State or zone as modified accredited advanced.

(e) If tuberculosis is diagnosed within an accredited-free State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will lose its accredited-free status and will be reclassified as modified accredited advanced.

(f) Accredited-free State or zone status must be renewed annually. To qualify for renewal of accredited-free State or zone status, a State must submit an annual report to APHIS certifying that the State or zone within the State complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.8 Interstate movement from accredited-free States and zones.

Cattle or bison that originate in an accredited-free State or zone may be moved interstate without restriction.

§ 77.9 Modified accredited advanced States or zones.

(a) The following are modified accredited advanced States: Texas.

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

(c) If any livestock other than cattle or bison are included in a newly

assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to cattle and bison. Failure to do so will result in the removal of the State or zone from the list of modified accredited advanced States or zones and its being reclassified as modified accredited.

(d) If tuberculosis is diagnosed within a modified accredited advanced State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as modified accredited.

(e) Modified accredited advanced State or zone status must be renewed annually. To qualify for renewal of a modified accredited advanced State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for accredited-free status, a modified accredited advanced State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' has zero percent prevalence of affected cattle and bison herds, and has had no findings of tuberculosis in any cattle or bison in the State or zone for the previous 5 years. *Except that:* The requirement of freedom from tuberculosis is 2 years from the depopulation of the last affected herd in States or zones that were previously accredited free and in which all herds affected with tuberculosis were depopulated, 3 years in all other States or zones that have depopulated all affected herds, and 3 years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

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§ 77.10 Interstate movement from modified accredited advanced States and zones.

Cattle or bison that originate in a modified accredited advanced State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The cattle or bison are moved directly to slaughter at an approved slaughtering establishment.

(b) The cattle or bison are sexually intact heifers moved to an approved feedlot, or are steers or spayed heifers; and are either officially identified or identified by premises of origin identification.

(c) The cattle or bison are from an accredited herd and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 1 year prior to the date of movement.

(d) The cattle or bison are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that they were negative to an official tuberculin test conducted within 60 days prior to the date of movement.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.11 Modified accredited States or zones.

(a) The following are modified accredited States: None.

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

(c) If any livestock other than cattle or bison are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999, edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to cattle and bison. Failure to do so will result in the removal of the State or zone from the list of modified accredited States or zones and its being reclassified as accreditation preparatory.

(d) If tuberculosis is diagnosed within a modified accredited State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as accreditation preparatory.

(e) Modified accredited State or zone status must be renewed annually. To qualify for renewal of a modified accredited State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for modified accredited advanced status, a modified accredited State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis has been prevalent in less than 0.01 percent of the total number of herds of cattle and bison in the State or zone for the most recent 2 years. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control

and eradication measures in the State or zone.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.12 Interstate movement from modified accredited States and zones.

Cattle or bison that originate in a modified accredited State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The cattle or bison are moved directly to slaughter at an approved slaughtering establishment.

(b) The cattle or bison are sexually intact heifers moved to an approved feedlot, or are steers or spayed heifers; are either officially identified or identified by premises of origin identification; and are accompanied by a certificate stating that they were classified negative to an official tuberculin test conducted within 60 days prior to the date of movement.

(c) The cattle or bison are from an accredited herd and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 1 year prior to the date of movement.

(d) The cattle or bison are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to an additional official tuberculin test conducted within 60 days prior to the date of movement, except that the additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

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§ 77.13 Accreditation preparatory States or zones.

(a) The following are accreditation preparatory States: None.

(b) The following are accreditation preparatory zones: None.

(c) If any livestock other than cattle or bison are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999 edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to cattle and bison. Failure to do so will result in the removal of the State or zone from the list of accreditation preparatory States or zones and its being reclassified as nonaccredited.

(d) If tuberculosis is diagnosed within an accreditation preparatory State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as nonaccredited.

(e) Accreditation preparatory State or zone status must be renewed annually. To qualify for renewal of accreditation preparatory State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for modified accredited status, an accreditation preparatory State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis has been prevalent in less than 0.1 percent of the total number of herds of cattle and bison in the State or zone for the most recent year. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 10,000 herds to have up to 10 affected herds for the most recent year, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

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§ 77.14 Interstate movement from accreditation preparatory States and zones.

Cattle or bison that originate in an accreditation preparatory State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The cattle or bison are moved directly to slaughter at an approved slaughtering establishment.

(b) The cattle or bison are sexually intact heifers moved to an approved feedlot, or are steers or spayed heifers; are officially identified or identified by a premises of origin identification; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to an additional official tuberculin test conducted within 60 days prior to the date of movement, except that the additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

(c) The cattle or bison are from an accredited herd; are officially identified; and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 1 year prior to the date of movement and that the animals to be moved were negative to an official tuberculin test conducted within 60 days prior to the date of movement.

(d) The cattle or bison are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to two additional official tuberculin tests conducted at least 60 days apart and no more than 6 months apart, with the second test conducted within 60 days prior to the date of movement, except that the second additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

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§ 77.15 Nonaccredited States or zones.

(a) The following are nonaccredited States: None.

(b) The following are nonaccredited zones: None.

(c) To qualify for accreditation preparatory status, a nonaccredited State or zone must demonstrate to the

Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis is prevalent in less than 0.5 percent of the total number of herds of cattle and bison in the State or zone.

§ 77.16 Interstate movement from nonaccredited States and zones.

Cattle or bison that originate in a nonaccredited State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only if the cattle or bison are accompanied by VS Form 1–27 and are moved interstate for slaughter in an officially sealed means of conveyance directly to an approved slaughtering establishment.

§ 77.17 Interstate movement of cattle and bison that are exposed, reactors, or suspects, or from herds containing suspects.

(a) *Reactor cattle and bison.* Cattle or bison that have been classified as reactor cattle or bison may be moved interstate only if they are moved directly to slaughter at an approved slaughtering establishment and only in accordance with the following conditions:

(1) Reactor cattle and bison must be individually identified by attaching to the left ear an approved metal eartag bearing a serial number and the inscription ''U.S. Reactor,'' or a similar State reactor tag, and must be:

(i) Branded with the letter ''T,'' at least 5 by 5 centimeters (2 by 2 inches) in size, high on the left hip near the tailhead; or

(ii) Permanently identified with the letters ''TB'' tattooed legibly in the left ear and sprayed with yellow paint on the left ear and either accompanied directly to slaughter by an APHIS or State representative or moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(2) The reactor cattle or bison must be accompanied by a permit; and

(3) The reactor cattle or bison may not be moved interstate in a means of conveyance containing any animals susceptible to tuberculosis unless all of the animals are being moved directly to slaughter; and

(4) Any person who moves reactor cattle or bison interstate under this paragraph must plainly write or stamp upon the face of the transportation document the words ''Tuberculin Reactor'' and the following statement: ''This conveyance must be cleaned and disinfected in accordance with 9 CFR 77.17(a)(5).''; and

(5) Each means of conveyance in which reactor cattle or bison have been transported interstate under this paragraph must be cleaned and disinfected by the carrier, in accordance with the provisions of §§ 71.6, 71.7, and 71.10 of this subchapter, under the supervision of an APHIS representative or State representative or an accredited veterinarian or other person designated by the Administrator. If, at the point where the cattle or bison are unloaded, such supervision or proper cleaning and disinfecting facilities are not available, and permission is obtained from an APHIS representative or State representative, the empty means of conveyance may be moved to a location where such supervision and facilities are available for cleaning and disinfecting. Permission will be granted if such movement does not present a risk of disseminating tuberculosis.

(b) *Exposed cattle and bison.* Except for the movement of exposed cattle to a quarantined feedlot in accordance with § 50.16 of this chapter, exposed cattle or bison may be moved interstate only if they are moved directly to slaughter to an approved slaughtering establishment and only in accordance with the following conditions:

(1) Exposed cattle and bison must be individually identified by attaching to either ear an approved metal eartag bearing a serial number and must be:

(i) Branded with the letter ''S,'' at least 5 by 5 centimeters (2 by 2 inches) in size, high on the left hip near the tailhead; or

(ii) Accompanied directly to slaughter by an APHIS or State representative; or

(iii) Moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(2) The exposed cattle and bison must be moved in accordance with paragraphs (a)(2), (a)(3), and (a)(5) of this section.

(c) *Suspect cattle and bison.* Suspect cattle or bison from herds in which no reactor cattle or bison have been disclosed on an official tuberculin test, as well as negative cattle or bison from such herds, may be moved interstate only if they are moved directly to slaughter to an approved slaughtering establishment.

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§ 77.18 Other movements.

The Administrator may, with the concurrence of the State animal health official of the State of destination, upon request in specific cases, allow the interstate movement of cattle or bison not otherwise provided for in this part that have not been classified as reactor cattle or bison and are not otherwise known to be affected with tuberculosis, under such conditions as the Administrator may prescribe in each specific case to prevent the spread of tuberculosis. The Administrator shall promptly notify the appropriate State animal health official of the State of destination of any such action.

§ 77.19 Cleaning and disinfection of premises, conveyances, and materials.

All conveyances and associated equipment, premises, and structures that are used for receiving, holding, shipping, loading, unloading, and delivering cattle or bison in connection with their interstate movement and that are determined by cooperating State and Federal animal health officials to be contaminated because of occupation or use by tuberculous or reactor livestock must be cleaned and disinfected under the supervision of the cooperating State or Federal animal health officials. Such cleaning and disinfecting must be done in accordance with procedures approved by the cooperating State or Federal animal health officials. Cleaning and disinfection must be completed before the premises, conveyances, or materials may again be used to convey, hold, or in any way come in contact with any livestock.

Subpart C—Captive Cervids

§ 77.20 Definitions.

As used in subpart C, the following terms shall have the meanings set forth in this section except as otherwise specified.

Accreditation preparatory State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis is prevalent in less than 0.5 percent of the total number of herds of captive cervids in the State or zone.

Accredited herd. A herd of captive cervids that has tested negative to at least three consecutive official tuberculosis tests of all eligible captive cervids in accordance with § 77.33(f) and that meets the standards set forth in § 77.35. The tests must be conducted at 9–15 month intervals.

Accredited-free State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' has zero percent prevalence of affected captive cervid herds, and has had no findings of tuberculosis in any captive cervid herds in the State or zone for the previous 5 years. *Except that:* The requirement of freedom from tuberculosis in herds is 2 years from the depopulation of the last affected herd in States or zones that were previously accredited free and in which all herds affected with tuberculosis were depopulated, 3 years in all other States or zones that have depopulated all affected herds, and 3 years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

Affected herd. A herd of captive cervids that contains or that has contained one or more captive cervids infected with *Mycobacterium bovis* (determined by bacterial isolation of *M. bovis*) and that has not tested negative to the three whole herd tests as prescribed in § 77.39(d) of this part.

Blood tuberculosis (BTB) test. A supplemental test for tuberculosis in cervids.

Captive cervid. All species of deer, elk, moose, and all other members of the family Cervidae raised or maintained in captivity for the production of meat and other agricultural products, for sport, or for exhibition, including time such animals are moved interstate; or any wild cervid that is moved interstate, during the period of time from capture until release into the wild. A captive cervid that escapes will continue to be considered a captive cervid as long as it bears an official eartag or other identification approved by the Administrator as unique and traceable with which to trace the animal back to its herd of origin.

Comparative cervical tuberculin (CCT) test. The intradermal injection of biologically balanced USDA bovine PPD tuberculin and avian PPD tuberculin at separate sites in the mid-cervical area to determine the probable presence of bovine tuberculosis (*M. bovis*) by comparing the response of the two tuberculins at 72 hours (plus or minus 6 hours) following injection.

Designated accredited veterinarian. An accredited veterinarian who is trained and approved by cooperating State and Federal animal health officials to conduct the single cervical tuberculin (SCT) test on captive cervids.

Exposed captive cervid. Any captive cervid that has been exposed to tuberculosis by reason of associating with captive cervids, cattle, bison, or other livestock from which *M. bovis* has been isolated.

Modified accredited State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis has been prevalent in less than 0.1 percent of the total number of herds of captive cervids in the State or zone for the most recent year. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 10,000 herds to have up to 10 affected herds for the most recent year, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

Modified accredited advanced State or zone. A State or zone that is or is part of a State that has the authority to enforce and complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and in which tuberculosis has been prevalent in less than 0.01 percent of the total number of herds of captive cervids in the State or zone for the most recent 2 years. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

Monitored herd. A herd on which identification records are maintained on captive cervids inspected for tuberculosis at an approved slaughtering establishment or an approved diagnostic laboratory and on captive cervids tested for tuberculosis in accordance with interstate movement requirements, and which meets the standards set forth in § 77.37.

Negative. Showing no response to the SCT test or the CCT test, classified by the testing laboratory as ''avian'' or ''negative'' on the BTB test, or classified negative for tuberculosis by the testing veterinarian based upon history, supplemental tests, examination of the carcass, and histopathology and culture of selected tissues.

No gross lesions (NGL). Having no visible lesions indicative of bovine tuberculosis detected upon necropsy or slaughter inspection.

Nonaccredited State or zone. A State or zone that is or is part of a State or zone that does not meet the standards of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' or in which tuberculosis is prevalent in 0.5 percent or more of the total number of herds of captive cervids in the State or zone.

Official tuberculosis test. Any of the following tests for bovine tuberculosis in captive cervids, applied and reported in accordance with this part:

(1) The single cervical tuberculin (SCT) test;

(2) The comparative cervical tuberculin (CCT) test; and

(3) The blood tuberculosis (BTB) test.

Permit. An official document issued by a representative of APHIS, a State representative, or an accredited veterinarian that must accompany any reactor, suspect, or exposed captive cervid moved interstate.

Purified protein derivative (PPD). Protein extract from an *M. bovis* culture that is resuspended in solution at a standard concentration of 1 mg protein per 1 mL of solution.

Qualified herd. A herd of captive cervids that has tested negative to at least one official tuberculosis test of all eligible captive cervids (see § 77.33(f)) within the past 12 months and that is not classified as an accredited herd.

Quarantine. Prohibition from interstate movement, except for slaughter or necropsy.

Reactor. Any captive cervid that shows a response to the SCT test or the CCT test, or is classified by the testing laboratory as ''*M. bovis* positive'' on the BTB test, and is classified a reactor by the testing veterinarian; or any suspect captive cervid that is classified a reactor upon slaughter inspection or necropsy after histopathology and/or culture of selected tissues by the USDA or State veterinarian performing or supervising the slaughter inspection or necropsy.

Regular-kill slaughter animal. An animal that is slaughtered for food or any reason other than because of a disease regulated under 9 CFR chapter I (such as tuberculosis, brucellosis, or any other livestock disease for which movement of animals is restricted under 9 CFR chapter I).

Single cervical tuberculin (SCT) test. The intradermal injection of 0.1 mL (5,000 tuberculin units) of USDA PPD bovis tuberculin in the mid-cervical area with a reading by visual observation and palpation at 72 hours (plus or minus 6 hours) following injection.

Suspect. Any captive cervid that is not negative to the SCT test or the CCT test, or that is classified by the testing laboratory as equivocal on the BTB test,

and that is not classified as a reactor by the testing veterinarian.

Tuberculin. A product that is approved by and produced under USDA license for injection into cervids and other animals for the purpose of detecting bovine tuberculosis.

Tuberculous. Having lesions indicative of tuberculosis, infected with tuberculosis based on isolation of *M. bovis*, or being from a herd in which *M. bovis* has been isolated.

USDA. The United States Department of Agriculture.

Whole herd test. An official tuberculosis test of all captive cervids in a herd that are 12 months of age or older, and of all captive cervids in the herd that are less than 12 months of age and were not born into the herd, except those captive cervids that are less than 12 months of age and were born in and originated from an accredited herd.

Zero percent prevalence. No finding of tuberculosis in any herd of captive cervids in a State or zone.

§ 77.21 Applicability of this subpart.

All references in this subpart to the tuberculosis status of States and zones pertain to such status for captive cervids.

§ 77.22 Accredited-free States or zones.

(a) The following are accredited-free States: None.

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

(c) If an affected herd is detected in a State or zone classified as accredited-free, and the herd is depopulated and a complete epidemiologic investigation is completed within 120 days of the detection of the affected herd with no evidence of the spread of tuberculosis, the State or zone may retain its accredited-free status. If two or more affected herds are detected in an accredited-free State or zone within a 48-month period, the State or zone will be removed from the list of accredited-free States or zones and will be reclassified as modified accredited advanced.

(d) If any livestock other than captive cervids are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999 edition), which is incorporated by reference at § 77.1, to those other livestock in the same manner as to captive cervids. Failure to do so will result in reclassification of the State or zone as modified accredited advanced.

(e) If tuberculosis is diagnosed within an accredited-free State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will lose its accredited-free status and will be reclassified as modified accredited advanced.

(f) Accredited-free State or zone status must be renewed annually. To qualify for renewal of accredited-free State or zone status, a State must submit an annual report to APHIS certifying that the State or zone within the State complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

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§ 77.23 Interstate movement from accredited-free States and zones.

Notwithstanding any other provisions of this part, captive cervids that originate in an accredited-free State or zone may be moved interstate without restriction.

§ 77.24 Modified accredited advanced States or zones.

(a) The following are modified accredited advanced States: None.

(b) The following are modified accredited advanced zones: None.

(c) If any livestock other than captive cervids are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999 edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to captive cervids. Failure to do so will result in the removal of the State or zone from the list of modified accredited advanced States or zones and its being reclassified as modified accredited.

(d) If tuberculosis is diagnosed within a modified accredited advanced State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as modified accredited.

(e) Modified accredited advanced State or zone status must be renewed annually. To qualify for renewal of a modified accredited advanced State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with all the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' regarding modified accredited advanced States. The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for accredited-free status, a modified accredited advanced State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' has zero percent prevalence of affected captive cervid herds, and has had no findings of tuberculosis in any captive cervids in the State or zone for the previous 5 years. *Except that:* The requirement of freedom from tuberculosis is 2 years from the depopulation of the last affected herd in States or zones that were previously accredited-free and in which all herds affected with tuberculosis were depopulated, 3 years in all other States or zones that have depopulated all affected herds, and 3

years in States or zones that have conducted surveillance that demonstrates that other livestock herds and wildlife are not at risk of being infected with tuberculosis, as determined by the Administrator based on a risk assessment conducted by APHIS.

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§ 77.25 Interstate movement from modified accredited advanced States and zones.

Captive cervids that originate in a modified accredited advanced State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The captive cervids are moved directly to slaughter at an approved slaughtering establishment.

(b) The captive cervids are from an accredited herd, qualified herd, or monitored herd; are officially identified; and are accompanied by a certificate stating that the herd completed the requirements for accredited herd, qualified herd, or monitored herd status within 24 months prior to the date of movement.

(c) The captive cervids are officially identified and are accompanied by a certificate stating that they were negative to an official tuberculin test conducted within 90 days prior to the date of movement.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.26 Modified accredited States or zones.

(a) States listed in paragraph (b) of this section must submit to APHIS [1] by October 23, 2001 data demonstrating that the State complies with the UMR or the State will be redesignated as nonaccredited. If a State does submit surveillance data by October 23, 2001 that meets the UMR standards, and that APHIS believes qualifies the State for a classification other than modified accredited, APHIS will initiate rulemaking to change the State's classification.

(b) The following are modified accredited States: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, the Virgin Islands of the United States, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

(c) The following are modified accredited zones: None.

(d) If any livestock other than captive cervids are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999, edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to captive cervids. Failure to do so will result in the removal of the State or zone from the list of modified accredited States or zones and its being reclassified as accreditation preparatory.

(e) If tuberculosis is diagnosed within a modified accredited State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as accreditation preparatory.

(f) Modified accredited State or zone status must be renewed annually. To qualify for renewal of a modified accredited State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(g) To qualify for modified accredited advanced status, a modified accredited State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis has been prevalent in less than 0.01 percent of the total number of captive cervids in the State or zone for the most recent 2 years. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

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§ 77.27 Interstate movement from modified accredited States and zones.

Except for captive cervids from a qualified herd or monitored herd, as provided in §§ 77.36 and 77.37, respectively, captive cervids that originate in a modified accredited State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The captive cervids are moved directly to slaughter at an approved slaughtering establishment.

(b) The captive cervids are from an accredited herd and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 24 months prior to the date of movement.

(c) The captive cervids are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to an additional official tuberculin test conducted within 90 days prior to the date of movement, except that the additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.28 Accreditation preparatory States or zones.

(a) The following are accreditation preparatory States: None.

[1] Send the information to National Animal Health Programs, Veterinary Services, APHIS, 4700 River Road, Unit 42, Riverdale, Maryland 20737–1231.

(b) The following are accreditation preparatory zones: None.

(c) If any livestock other than captive cervids are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State or zone must apply the herd test requirements contained in the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (January 22, 1999, edition), which is incorporated by reference at § 77.1, for such newly assembled herds to those other livestock in the same manner as to captive cervids. Failure to do so will result in the removal of the State or zone from the list of accreditation preparatory States or zones and its being reclassified as nonaccredited.

(d) If tuberculosis is diagnosed within an accreditation preparatory State or zone in an animal not specifically regulated by this part and a risk assessment conducted by APHIS determines that the outbreak poses a tuberculosis risk to livestock within the State or zone, the State or zone must implement a tuberculosis management plan, approved jointly by the State animal health official and the Administrator, within 6 months of the diagnosis. The management plan must include provisions for immediate investigation of tuberculosis in animals held for exhibition and in livestock and wildlife; the prevention of the spread of the disease to other animals held for exhibition and to livestock and wildlife; increased surveillance for tuberculosis in animals held for exhibition and wildlife; eradication of tuberculosis from individual herds; a timeline for tuberculosis eradication; and performance standards by which to measure yearly progress toward eradication. If a State or zone does not implement such a plan within the required 6 months, the State or zone will be reclassified as nonaccredited.

(e) Accreditation preparatory State or zone status must be renewed annually. To qualify for renewal of accreditation preparatory State or zone status, a State must submit an annual report to APHIS certifying that the State or zone complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.'' The report must be submitted to APHIS each year between October 1 and November 30.

(f) To qualify for modified accredited status, an accreditation preparatory State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis has been prevalent in less than 0.1 percent of the total number of herds of captive cervids in the State or zone for the most recent year. *Except that:* The Administrator, upon his or her review, may allow a State or zone with fewer than 10,000 herds to have up to 10 affected herds for the most recent year, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.29 Interstate movement from accreditation preparatory States and zones.

Except for captive cervids from a qualified herd or monitored herd, as provided in §§ 77.36 and 77.37, respectively, captive cervids that originate in an accreditation preparatory State or zone, and that are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

(a) The captive cervids are moved directly to slaughter at an approved slaughtering establishment.

(b) The captive cervids are from an accredited herd; are officially identified; and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 24 months prior to the date of movement and that the individual animals to be moved were negative to an official tuberculin test conducted within 90 days prior to the date of movement.

(c) The captive cervids are sexually intact animals; are not from an accredited herd; are officially identified; and are accompanied by a certificate stating that the herd from which they originated was negative to a whole herd test conducted within 1 year prior to the date of movement and that the individual animals to be moved were negative to two additional official tuberculin tests conducted at least 90 days apart and no more than 6 months apart, with the second test conducted within 90 days prior to the date of movement, except that the second additional test is not required if the animals are moved interstate within 6 months following the whole herd test.

(Approved by the Office of Management and Budget under control number 0579–0146)

§ 77.30 Nonaccredited States or zones.

(a) The following are nonaccredited States: None.

(b) The following are nonaccredited zones: None.

(c) To qualify for accreditation preparatory status, a nonaccredited State or zone must demonstrate to the Administrator that it complies with the provisions of the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' and that tuberculosis is prevalent in less than 0.5 percent of the total number of herds of captive cervids in the State or zone.

§ 77.31 Interstate movement from nonaccredited States and zones.

Captive cervids that originate in a nonaccredited State or zone and that are not known to be infected with or exposed to tuberculosis may not be moved interstate only if they are accompanied by VS Form 1–27 and are moved interstate in an officially sealed means of conveyance directly to slaughter at an approved slaughtering establishment.

§ 77.32 General restrictions.

(a) Except for movement from accredited-free States and zones in accordance with § 77.23, movement from accredited herds in accordance with § 77.35, and movement to slaughter in accordance with §§ 77.25(a), 77.27(a), 77.29(a), and 77.31(d), no captive cervid may be moved interstate unless it has been tested using an official tuberculosis test, and it is moved in compliance with this part.

(b) No captive cervid with a response to any official tuberculosis test is eligible for interstate movement unless the captive cervid subsequently tests negative to a supplemental official tuberculosis test or is moved interstate directly to slaughter or necropsy in accordance with § 7.40.

(c) Except for captive cervids moving interstate under permit directly to slaughter or necropsy under § 77.40, each captive cervid or shipment of captive cervids to be moved interstate must be accompanied by a certificate issued within 30 days of the movement by a State or Federal animal health official or an accredited veterinarian.

(d) Captive cervids in zoological parks that have been accredited by the American Zoo and Aquarium Association (AZA) are exempt from the regulations in this part when the captive cervids are moved directly interstate between AZA member facilities. Any captive cervids moved interstate that are not moved directly from an AZA member facility to another AZA member facility must be moved in accordance with the regulations in this subpart.

§ 77.33 Testing procedures for tuberculosis in captive cervids.

(a) *Approved testers.* Except as explained in paragraphs (a)(1) and (a)(2) of this section, official tuberculosis tests may only be given by a veterinarian employed by the State in which the test

is administered or by a veterinarian employed by USDA.

(1) A designated accredited veterinarian may conduct the SCT test, except as provided in § 77.34(a)(2) and § 77.39(e) and (f).

(2) Any accredited veterinarian may conduct the BTB test.

(b) *Approved diagnostic laboratories.*

(1) With one exception, histopathology and culture results for all tuberculosis diagnoses will be accepted only from the National Veterinary Services Laboratories (NVSL) in Ames, IA. The exception is that results will be accepted from a laboratory of the Food Safety and Inspection Service, USDA, for tissue examination of regular-kill slaughter animals in those cases where no submission is made to NVSL.

(2) The following laboratory is approved to perform the BTB test: Texas Veterinary Medical Center laboratory at Texas A&M University in College Station, TX.

(c) *Identification.* Any captive cervid tested with an official tuberculosis test must bear official identification in the form of an official eartag, or another identification device or method approved by the Administrator as unique and traceable, at the time of the official tuberculosis test. Use of any identification device or method other than an official eartag must first be approved by the Administrator as unique and traceable. Written requests for approval must be sent to National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231.

(d) *Reporting of tests.*

(1) *SCT and CCT tests.* For the SCT and CCT tests, the testing veterinarian must submit a report to cooperating State and Federal animal health officials of the State in which the captive cervid is tested. The report must include the following information for all SCT and CCT tests administered: The number of the individual eartag or other identification approved by the Administrator; the age, sex, and breed of each captive cervid tested; a record of all responses; the size of each response for the CCT test; and the test interpretation.

(2) *BTB test.* Copies of the BTB test results must be submitted by the testing laboratory to the person, firm, or corporation responsible for the management of the herd, cooperating State and Federal animal health officials of the State in which the captive cervid is tested, and the testing veterinarian. The report must include the following information for all BTB tests administered: The number of the individual eartag or other identification approved by the Administrator; the age, sex, and breed of each captive cervid tested; the test interpretation, and a summary of supporting data. Full supporting data must be submitted by the testing laboratory on a case-by-case basis at the request of cooperating State and Federal animal health officials.

(e) *Test interpretation.*

(1) Interpretation of an SCT test will be based upon the judgment of the testing veterinarian after observation and palpation of the injection site, in accordance with the classification requirements described in § 77.34(a).

(2) Interpretation of a CCT test will be in accordance with the classification requirements described in § 77.34(b).

(3) Interpretation of a BTB test will be in accordance with the patented standards for the BTB test [2] and the classification requirements described in § 77.34(c).

(f) *Captive cervids eligible for testing.* Except as provided in § 77.35(a)(1) and § 77.36(a)(1), testing of herds for individual herd classification must include all captive cervids 1 year of age or over and any captive cervids other than natural additions (captive cervids born into the herd) under 1 year of age.

§ 77.34 Official tuberculosis tests.

(a) *Single cervical tuberculin (SCT) test.*

(1) The SCT test is the primary test to be used in individual captive cervids and in herds of unknown tuberculous status. Each captive cervid that responds to the SCT test must be classified as a suspect until it is retested with either the CCT test or the BTB test and is either found negative for tuberculosis or is classified as a reactor, unless, with the exception of a designated accredited veterinarian, the testing veterinarian determines that the captive cervid should be classified as a reactor based on its response to the SCT test. A designated accredited veterinarian must classify a responding captive cervid as a suspect, unless the DTE determines, based on epidemiological evidence, that the captive cervid should be classified as a reactor.

(2) The SCT test is the primary test to be used in affected herds and in herds that have received captive cervids from an affected herd. When used with affected herds or in herds that have received captive cervids from an affected herd, the SCT test may only be administered by a veterinarian employed by the State in which the test is administered or employed by USDA. In affected herds or herds that have received captive cervids from an affected herd, each captive cervid that responds to the SCT test must be classified as a reactor, unless the DTE determines that the captive cervid should be classified as a suspect because of possible exposure to a tuberculous animal.

(b) *Comparative cervical tuberculin (CCT) test.*

(1) The CCT test is a supplemental test that may only be used for retesting captive cervids classified as suspects. The CCT test may be used in affected herds only after the herd has tested negative to at least two whole herd SCT tests and only with the prior written consent of the DTE. The CCT test may not be used as a primary test for herds of unknown tuberculous status.

(2) A captive cervid tested with the CCT test must be classified as negative if it has a response to the bovine PPD tuberculin that is less than 1 mm.

(3) Unless the testing veterinarian determines that the captive cervid should be classified as a reactor because of possible exposure to a tuberculous animal, a captive cervid tested with the CCT test must be classified as a suspect if:

(i) It has a response to the bovine PPD tuberculin that is greater than 2 mm and that is equal to the response to the avian PPD tuberculin; or

(ii) It has a response to the bovine PPD tuberculin that is equal to or greater than 1mm and equal to or less than 2mm and that is equal to or greater than the response to the avian PPD tuberculin.

(4) A captive cervid tested with the CCT test must be classified as a reactor if:

(i) It has a response to the bovine PPD tuberculin that is greater than 2 mm and that is at least 0.5 mm greater than the response to the avian PPD tuberculin; or

(ii) It has been classified as a suspect on two successive CCT tests.

(iii) Any exceptions to reactor classification under the conditions in paragraph (b)(4)(i) and (b)(4)(ii) of this section must be justified by the testing veterinarian in writing and have the concurrence of the DTE.

(c) *Blood tuberculosis (BTB) test.*

(1) The BTB test is a supplemental test that may be used in place of the CCT test for retesting captive cervids classified as suspects.

(2) Except as provided in § 77.39(e), any captive cervid classified by the

[2] The patented standards for the BTB test may be obtained from the Texas Veterinary Medial Center, College of Veterinary Medicine, Texas A&M University, College Station, TX, or from the Deer Research Laboratory, Department of Microbiology, University of Otago, P.O. Box 56, Dunedin, New Zealand.

testing laboratory as ''equivocal'' will be classified as a suspect.

(3) Any captive cervid classified by the testing laboratory as ''*M. bovis* positive'' will be classified as a reactor.

(4) Any captive cervid classified by the testing laboratory as ''avian'' or ''negative'' will be considered negative for tuberculosis.

(5) The owner of the captive cervid tested is responsible for the cost of the BTB test.

§ 77.35 Interstate movement from accredited herds.

(a) *Qualifications.* To be recognized as an accredited herd:

(1) All captive cervids in the herd eligible for testing in accordance with § 77.33(f) must have tested negative to at least three consecutive official tuberculosis tests, conducted at 9–15 month intervals. However, captive cervids under 1 year of age that are not natural additions to the herd do not have to be tested if they were born in and originate from an accredited herd.

(2) The owner of the herd must have a document issued by cooperating State or Federal animal health officials stating that the herd has met the requirements in paragraph (a)(1) of this section and is classified as an accredited herd.

(b) *Movement allowed.* Except as provided in § 77.23 with regard to captive cervids that originate in an accredited-free State or zone, and except as provided in § 77.31 with regard to captive cervids that originate in a nonaccredited State or zone, a captive cervid from an accredited herd may be moved interstate without further tuberculosis testing only if it is accompanied by a certificate, as provided in § 77.32(c), that includes a statement that the captive cervid is from an accredited herd. If a group of captive cervids from an accredited herd is being moved interstate together to the same destination, all captive cervids in the group may be moved under one certificate.

(c) *Herd additions allowed.* No captive cervid may be added to an accredited herd except in accordance with paragraphs (c)(4) and (c)(5), and either paragraph (c)(1), (c)(2), or (c)(3) of this section, as follows:

(1) The captive cervid to be added must be moved directly from an accredited herd;

(2) The captive cervid to be added must be moved directly from a qualified or monitored herd and must have tested negative to an official tuberculosis test conducted within 90 days prior to movement to the premises of the accredited herd. Any captive cervid moved from a qualified or monitored herd must also be isolated from all members of the accredited herd until it tests negative to an official tuberculosis test conducted at least 90 days following the date of arrival at the premises of the accredited herd. If a group of captive cervids is being moved together, the entire group must be isolated from all other livestock during the testing period, but captive cervids in the group need not be isolated from each other during that period. Such herd additions will not receive status as members of the accredited herd for purposes of interstate movement until they have tested negative to an official tuberculosis test and have been released from isolation; or

(3) If the captive cervid to be added is not being moved directly from a classified herd, the captive cervid must be isolated from all other members of the herd of origin and must test negative to two official tuberculosis tests. The isolation must begin at the time of the first official tuberculosis test. The tests must be conducted at least 90 days apart, and the second test must be conducted within 90 days prior to movement to the premises of the accredited herd. The captive cervid must also be isolated from all members of the accredited herd until it tests negative to an official tuberculosis test conducted at least 90 days following the date of arrival at the premises of the accredited herd. If a group of captive cervids is being moved together, the entire group must be isolated from all other animals during the testing period, but captive cervids in the group need not be isolated from each other during that period. Such herd additions will not receive status as members of the accredited herd for purposes of interstate movement until they have tested negative to an official tuberculosis test and have been released from isolation.

(4) A captive cervid to be added must not have been exposed during the 90 days prior to its movement to either:

(i) A captive cervid from a herd with a lower classification status than its own; or

(ii) Any tuberculous livestock.

(d) *Maintenance of accredited herd status.* To maintain status as an accredited herd, the herd must test negative to an official tuberculosis test within 21–27 months from the anniversary date of the third consecutive test with no evidence of tuberculosis disclosed (that is, the test on which the herd was recognized as accredited or the accrediting test). Each time the herd is tested for reaccreditation, it must be tested 21–27 months from the anniversary date of the accrediting test, not from the last date of reaccreditation (for example, if a herd is accredited on January 1 of a given year, the anniversary date will be January 1 of every second year). Accredited herd status is valid for 24 months (730 days) from the anniversary date of the accrediting test. If the herd is tested between 24 and 27 months after the anniversary date, its accredited herd status will be suspended for the interim between the anniversary date and the reaccreditation test. During the suspension period, the herd will be considered ''unclassified'' and captive cervids may be moved interstate from the herd only in accordance with the movement requirements for the State or zone in which the herd is located.

§ 77.36 Interstate movement from qualified herds.

(a) *Qualifications.* To be recognized as a qualified herd:

(1) All captive cervids in the herd eligible for testing in accordance with § 77.33(f) must have tested negative to one official tuberculosis test that was administered to the herd within a 7-month period. However, captive cervids under 1 year of age that are not natural additions do not have to be tested if they were born in and originate from an accredited, qualified, or monitored herd.

(2) The owner of the herd must have a document issued by cooperating State and Federal animal health officials stating that the herd has met the requirement in paragraph (a)(1) of this section and is classified as a qualified herd.

(b) *Movement allowed.* Except as provided in § 77.23 with regard to captive cervids that originate in an accredited-free State or zone, and except as provided in § 77.31 with regard to captive cervids that originate in a nonaccredited State or zone, a captive cervid from a qualified herd may be moved interstate only if:

(1) The captive cervid is not known to be infected with or exposed to tuberculosis; and

(2) The captive cervid is accompanied by a certificate, as provided in § 77.32(c), that includes a statement that the captive cervid is from a qualified herd. Except as provided in paragraphs (b)(3) and (b)(4) of this section, the certificate must also state that the captive cervid has tested negative to an official tuberculosis test conducted within 90 days prior to the date of movement. If a group of captive cervids from a qualified herd is being moved interstate together to the same destination, all captive cervids in the group may be moved under one certificate.

(3) Captive cervids under 1 year of age that are natural additions to the qualified herd or that were born in and originate from a classified herd may move without testing, provided that the certificate accompanying them states that the captive cervids are natural additions to the qualified herd or were born in and originated from a classified herd and have not been exposed to captive cervids from an unclassified herd.

(4) Captive cervids being moved interstate for the purpose of exhibition only may be moved without testing, provided they are returned to the premises of origin no more than 90 days after leaving the premises, have no contact with other livestock during movement and exhibition, and are accompanied by a certificate that includes a statement that the captive cervid is from a qualified herd and will otherwise meet the requirements of this paragraph.

(c) *Herd additions allowed.* No captive cervid may be added to a qualified herd except in accordance with paragraph (c)(4) and either paragraph (c)(1), (c)(2), or (c)(3) of this section, as follows:

(1) The captive cervid to be added must be moved directly from an accredited herd;

(2) The captive cervid to be added must be moved directly from a qualified or monitored herd and must have tested negative to an official tuberculosis test conducted within 90 days prior to movement to the premises of the accredited herd;

(3) If the captive cervid to be added is not being moved directly from a classified herd, the captive cervid must be isolated from all other animals in its herd of origin and must test negative to two official tuberculosis tests prior to movement. The isolation must begin at the time of the first official tuberculosis test. The tests must be conducted at least 90 days apart, and the second test must be conducted within 90 days prior to movement to the premises of the qualified herd. The captive cervid must then be kept in isolation from all animals until it tests negative to an official tuberculosis test conducted at least 90 days following the date of arrival at the premises of the qualified herd. If a group of captive cervids is being moved together, the entire group must be isolated from all other livestock during the testing period, but captive cervids in the group need not be isolated from each other during that period. Such herd additions will not receive status as members of the qualified herd for purposes of interstate movement until they have tested negative to an official tuberculosis test and been released from isolation.

(4) A captive cervid to be added must not have been exposed during the 90 days prior to its movement to either:

(i) A captive cervid from a herd with a lower classification status than its own; or

(ii) Any tuberculous livestock.

(d) *Maintenance of qualified herd status.* To maintain status as a qualified herd, the herd must test negative to an official tuberculosis test within 9–15 months from the anniversary date of the first test with no evidence of tuberculosis disclosed (this is the qualifying test). Each time the herd is retested for qualified status, it must be tested 9–15 months from the anniversary date of the qualifying test, not from the last date of requalification (for example, if a herd is qualified on January 1 of a given year, the anniversary date will be January 1 of each consecutive year). Qualified herd status remains in effect for 12 months (365 days) following the anniversary date of the qualifying test. Qualified herd status will be suspended between the anniversary date and the requalifying test, if the herd is not tested within 12 months. During the suspension period, the herd will be considered ''unclassified'' and captive cervids may be moved interstate from the herd only in accordance with the movement requirements for the State or zone in which the herd is located.

§ 77.37 Interstate movement from monitored herds.

(a) *Qualifications.* To be recognized as a monitored herd:

(1) Identification records must be maintained by the person, firm, or corporation responsible for the management of the herd for as long as status as a monitored herd is desired. Such records must be maintained on all captive cervids in the herd that are slaughtered, inspected, and found negative for tuberculosis at an approved slaughtering establishment or necropsied at an approved diagnostic laboratory. Identification records may also include captive cervids from the herd that tested negative for tuberculosis in accordance with requirements for interstate movement. No less than one-half of the captive cervids on which records are kept must be slaughter inspected; and

(2) A sufficient number of captive cervids in the herd must be slaughter inspected or tested for interstate movement to ensure that tuberculosis infection at a prevalence level of 2 percent or more will be detected with a confidence level of 95 percent.[3] A maximum number of 178 captive cervids must be slaughter inspected or tested for interstate movement over a 3-year period to meet this requirement.

(b) *Movement allowed.* Except as provided in § 77.23 with regard to captive cervids that originate in an accredited-free State or zone, and except as provided in § 77.31 with regard to captive cervids that originate in a nonaccredited State or zone, a captive cervid from a monitored herd may be moved interstate only if:

(1) The captive cervid is not known to be infected with or exposed to tuberculosis; and

(2) The captive cervid is accompanied by a certificate, as provided in § 77.32(c), that includes a statement that the captive cervid is from a monitored herd. Except as provided in paragraph (b)(3) of this section, the certificate must also state that the captive cervid has tested negative to an official tuberculosis test conducted within 90 days prior to the date of movement. If a group of captive cervids from a monitored herd is being moved interstate together to the same destination, all captive cervids in the group may be moved under one certificate.

(3) Captive cervids under 1 year of age that are natural additions to the monitored herd or that were born in and originate from a classified herd may move without testing, provided that the certificate accompanying them states that the captive cervids are natural additions to the monitored herd or were born in and originated from a classified herd and have not been exposed to captive cervids from an unclassified herd.

(c) *Herd additions allowed.* No captive cervid may be added to a monitored herd except in accordance with paragraph (c)(4) and either paragraph (c)(1), (c)(2), or (c)(3) of this section, as follows:

(1) The captive cervid to be added must be moved directly from an accredited herd;

(2) The captive cervid to be added must be moved directly from a qualified or monitored herd and must have tested negative to an official tuberculosis test conducted within 90 days prior to movement to the premises of the monitored herd; or

[3] A chart showing the number of captive cervids that must be slaughter inspected or tested for interstate movement, depending on the size of a herd, to meet this requirement may be obtained from the National Animal Health Programs staff, Veterinary Services, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231.

(3) If the captive cervid to be added is not being moved directly from a classified herd, the captive cervid must be isolated from all other animals and must test negative to two official tuberculosis tests. The isolation must begin at the time of the first official tuberculosis test. The tests must be conducted at least 90 days apart, and the second test must be conducted within 90 days prior to movement to the premises of the monitored herd. The captive cervid must then be kept in isolation from all animals until it tests negative to an official tuberculosis test conducted at least 90 days following the date it arrives at the premises of the monitored herd. If a group of captive cervids is being moved together, the entire group must be isolated from all other animals during the testing period, but captive cervids in the group need not be isolated from each other during that period. Such herd additions will not receive status as members of the monitored herd for purposes of interstate movement until they have tested negative to an official tuberculosis test and been released from isolation.

(4) A captive cervid to be added must not have been exposed during the 90 days prior to its movement to either:

(i) A captive cervid from a herd with a lower classification status than its own; or

(ii) Any tuberculous livestock.

(d) *Maintenance of monitored herd status.* The person, firm, or corporation responsible for the management of the herd must submit an annual report to cooperating State or Federal animal health officials prior to the anniversary date of classification. This report must give the number of captive cervids currently in the herd; the number of captive cervids from the herd 1 year of age and older identified, slaughtered, and inspected at an approved slaughtering establishment or necropsied at an approved diagnostic laboratory during the preceding year; and the number of captive cervids that have tested negative for tuberculosis in accordance with interstate movement requirements. The number of slaughter inspections or negative testing captive cervids reported in any given year must be at least 25 percent of the total number required over a 3-year period to qualify a herd for monitored herd status. During each consecutive 3-year period, 100 percent of the qualifying total must be reported.

§ 77.38 Interstate movement from herds that are not accredited, qualified, or monitored.

The Administrator may, with the concurrence of the cooperating State animal health officials of the State of destination, and upon request in specific cases, permit the movement of captive cervids not otherwise provided for in this part which have not been classified as reactors and are not otherwise known to be affected with tuberculosis, under such conditions as the Administrator may prescribe in each specific case to prevent the spread of tuberculosis. The Administrator shall promptly notify the appropriate cooperating State animal health officials of the State of destination of any such action.

§ 77.39 Other interstate movements.

(a) *Herds containing a suspect.*

(1) *The suspect.*

(i) A captive cervid classified as a suspect on the SCT test must be quarantined until it is slaughtered or retested by the CCT test or the BTB test and found negative for tuberculosis. Retesting must be as follows:

(A) The first CCT test must be administered within the first 10 days following the SCT test or, if not, must be administered at least 90 days after the SCT test. If the CCT test is administered within 10 days of the SCT test, the injection must be on the side of the neck opposite the injection for the SCT test.

(B) The sample for the first BTB test may not be taken until at least 12 days after the injection for the SCT test. It is recommended that the sample be taken within 30 days following the injection for the SCT test.

(ii) A captive cervid classified as a suspect on the first CCT test or the first BTB test must be quarantined until the following has occurred:

(A) A suspect on the first CCT test is tested with a second CCT test at least 90 days after the first CCT test and is found negative for tuberculosis; or

(B) A suspect on the first BTB test is tested with a second BTB test and is found negative for tuberculosis. It is recommended that the captive cervid be tested with the second BTB test within 60 days following the injection for the SCT test.

(2) *The remainder of the herd.* Any herd containing a suspect to an official tuberculosis test must be quarantined until the suspect is retested by the CCT test or the BTB test and found negative for tuberculosis, or the suspect is inspected at slaughter or necropsied and found negative for tuberculosis after histopathology and culture of selected tissues. If the suspect is found negative for tuberculosis upon testing, or after slaughter inspection or necropsy and histopathology and culture of selected tissues, the herd may be released from quarantine and will return to the herd classification status in effect before the herd was quarantined. If the suspect is classified as a reactor upon testing, or after slaughter inspection or necropsy and histopathology and/or culture of selected tissues, the herd may be released from quarantine only in accordance with paragraph (b) of this section for herds containing a reactor.

(b) *Herds containing a reactor.* The following requirements apply to herds containing a reactor, except for herds that have received captive cervids from an affected herd. Herds that have received captive cervids from an affected herd must be quarantined and tested in accordance with paragraph (e) of this section.

(1) *The reactor.* Captive cervids classified as reactors must be quarantined.

(2) *The remainder of the herd.* Any herd containing reactors must be quarantined until the reactors are slaughtered or necropsied in accordance with § 77.40 and:

(i) If, upon slaughter inspection or necropsy, any reactors exhibit lesions compatible with or suggestive of tuberculosis, found by histopathology, without the isolation of *M. bovis*, the remainder of the herd may be released from quarantine in accordance with the provisions of paragraph (c) of this section.

(ii) If *M. bovis* is isolated from any reactors, the remainder of the herd will be considered an affected herd, and will be subject to the provisions for affected herds in paragraph (d) of this section.

(iii) If upon slaughter inspection or necropsy all reactors exhibit no gross lesions (NGL) of tuberculosis and no evidence of tuberculosis infection is found by histopathology and culture of *M. bovis* on specimens taken from the NGL animals, the remainder of the herd may be released from quarantine, and captive cervids from the herd may be moved interstate in accordance with the herd classification status in effect before the herd was quarantined if one of the following conditions is met:

(A) The remainder of the herd is given a whole herd test and is found negative for tuberculosis.

(B) The remainder of the herd is given a whole herd test, and all reactors to the whole herd test exhibit no gross lesions (NGL) of tuberculosis upon slaughter inspection or necropsy and no evidence of tuberculosis infection is found by

histopathology or culture of *M. bovis* on specimens taken from the NGL animals.

(iv) If no evidence of tuberculosis is found in any reactor upon slaughter inspection or necropsy, but it is not possible to conduct a whole herd test on the remainder of the herd, the herd will be evaluated, based on criteria such as the testing history of the herd and the State history of tuberculosis infection, by the DTE to determine whether the herd may be released from quarantine.

(c) *Herds found to have only lesions of tuberculosis.* A herd in which captive cervids with lesions compatible with or suggestive of tuberculosis are found by histopathology without the isolation of *M. bovis* may be released from quarantine and return to the herd classification status in effect before the herd was quarantined, with the concurrence of the DTE, if the herd tests negative to tuberculosis on a whole herd test conducted 90 days following the removal of the lesioned captive cervid, provided the herd has not been exposed to *M. bovis* during the 90 days. To maintain its herd classification status, the herd must test negative to two annual whole herd tests beginning 10–12 months after the herd is released from quarantine. If any captive cervids in the herd respond to one of the tests, the herd will be subject to the provisions of paragraph (a) or (b) of this section. If the herd is not given the two annual whole herd tests, it will become an unclassified herd.

(d) *Affected herds.* A herd determined to be an affected herd must be quarantined until the herd has tested negative to three whole herd tests in succession, with the first test given 90 days or more after the last test yielding a reactor and the last two tests given at intervals of not less than 180 days. If the herd tests negative to the three whole herd tests, it will be released from quarantine, but will be considered an unclassified herd, and captive cervids may only be moved interstate from the herd in accordance with the movement requirements for the State or zone in which the herd is located. In addition, the herd must be given five consecutive annual whole herd tests after release from quarantine. (These five tests will count toward qualifying the herd for herd classification.) As an alternative to testing, the herd may be depopulated.

(e) *Herds that have received captive cervids from an affected herd.* If a herd has received captive cervids from an affected herd, the captive cervids from the affected herd of origin will be considered exposed to tuberculosis. The exposed captive cervids and the receiving herd must be quarantined. The exposed captive cervids must be slaughtered, necropsied, or tested with the SCT test by a veterinarian employed by the State in which the test is administered or employed by USDA. The BTB test may be used simultaneously with the SCT test as an additional diagnostic test. Any exposed captive cervid that responds to the SCT test or tests ''*M. bovis* positive'' or ''equivocal'' on the BTB test must be classified as a reactor and must be slaughter inspected or necropsied. Any exposed captive cervid that tests negative to the SCT test or tests ''avian'' or ''negative'' on the BTB test will be considered as part of the affected herd of origin for purposes of testing, quarantine, and the five annual whole herd tests required for affected herds in paragraph (d) of this section.

(1) If bovine tuberculosis is confirmed in any of the exposed captive cervids by bacterial isolation of *M. bovis*, the receiving herd will be classified as an affected herd and will be subject to the provisions for affected herds in paragraph (d) of this section.

(2) If any of the exposed captive cervids are found to exhibit lesions compatible with or suggestive of tuberculosis, found by histopathology, without the isolation of *M. bovis*, the receiving herd will be subject to appropriate testing as determined by the DTE.

(3) If all the exposed captive cervids test negative for tuberculosis, the receiving herd will be released from quarantine if it is given a whole herd test and is found negative for tuberculosis and will return to the herd classification in effect before the herd was quarantined. In addition, the receiving herd must be retested with the SCT test 1 year after release from quarantine in order for captive cervids from the herd to continue to be moved interstate. Supplemental diagnostic tests may be used if any captive cervids in the herd show a response to the SCT test.

(f) *Source herds.* A herd suspected of being the source of tuberculous captive cervids based on a slaughter traceback investigation must be quarantined upon notification (by the person conducting the investigation) to the USDA area veterinarian in charge for the State in which the herd resides, and a herd test must be scheduled. If the herd is suspected of being the source of slaughter captive cervids having lesions of tuberculosis, the herd test must be done by a veterinarian employed by the State in which the test is administered or employed by USDA.

(1) If the herd is identified as the source of captive cervids having lesions of tuberculosis and *M. bovis* has been confirmed by bacterial isolation from the slaughter animal, all captive cervids in the herd that respond to the SCT test must be classified as reactors. If none respond to the SCT test, the herd may be released from quarantine and will return to the herd classification status in effect before the herd was quarantined, unless the DTE judges that additional testing is appropriate to ensure the herd's freedom from tuberculosis.

(2) If the herd is identified as the source of captive cervids that exhibit lesions compatible with or suggestive of tuberculosis, found by histopathology, without the isolation of *M. bovis*, all captive cervids in the herd that respond to the SCT test must be classified as suspects, and supplemental tests must be applied.

(3) If the herd is not identified as the source herd, the herd will be released from quarantine if the herd is given a whole herd test and is found negative for tuberculosis. The herd will then return to the herd classification status in effect before the herd was quarantined.

(g) *Newly assembled herds.*

(1) A newly assembled herd will be classified as having the herd status of the herd from which the captive cervids originated. If the herd is assembled from captive cervids from more than one herd, it will be classified as having the herd status of the originating herd with the lowest status. A newly assembled herd will also assume the testing schedule of the herd status it is given. Captive cervids in the herd must have no exposure to captive cervids from a herd of lesser status than the herd of origin determining the status of the newly assembled herd or to any tuberculous livestock.

(2) A herd newly assembled on premises where a tuberculous herd has been depopulated must be given two consecutive annual whole herd tests. The first test must be administered at least 6 months after the assembly of the new herd. If the whole herd tests are not conducted within the indicated timeframe, the herd will be quarantined. If the herd tests negative to the two whole herd tests, there are no further requirements. If any captive cervid in the herd responds on one of the whole herd tests, the herd will be subject to the provisions of paragraph (a) or (b) of this section. If the premises has been vacant for more than 1 year preceding the assembly of the new herd on the premises, these requirements may be waived if the risk of tuberculosis transmission to the newly assembled herd is deemed negligible by cooperating State and Federal animal health officials.

§ 77.40 Procedures for and interstate movement to necropsy and slaughter.

(a) *Procedures for necropsy and slaughter.*

(1) A necropsy must be performed by or under the supervision of a veterinarian who is employed by USDA or employed by the State in which the captive cervid was classified, and who is trained in tuberculosis necropsy procedures.

(2) If, upon necropsy, a captive cervid is found without evidence of *M. bovis* infection by histopathology and culture, the captive cervid will be considered negative for tuberculosis.

(3) Reactors, suspects, and exposed captive cervids may be slaughtered only at an approved slaughtering establishment, as defined in § 77.20.

(b) *Interstate movement to necropsy or slaughter.*

(1) *Permit.* Any reactor, suspect, or exposed captive cervid to be moved interstate to necropsy or slaughter must be accompanied by a permit issued by a representative of APHIS, a State representative, or an accredited veterinarian. The captive cervid must remain on the premises where it was identified as a reactor, suspect, or exposed captive cervid until a permit for its movement is obtained. No stopover or diversion from the destination listed on the permit is allowed. If a change in destination becomes necessary, a new permit must be obtained from a cooperating State or Federal animal health official or an accredited veterinarian before the interstate movement begins. The permit must list:

(i) The classification of the captive cervid (reactor, suspect, or exposed);

(ii) The reactor eartag number or, for suspects and exposed captive cervids, the official eartag or other approved identification number;

(iii) The owner's name and address;

(iv) The origin and destination of the captive cervids;

(v) The number of captive cervids covered by the permit; and

(vi) The purpose of the movement.

(2) *Identification of reactors.* Reactors must be tagged with an official eartag attached to the left ear and bearing a serial number and the inscription ''U.S. Reactor,'' and either:

(i) Branded with the letter ''T'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size; or

(ii) Permanently identified by the letters ''TB'' tattooed legibly in the left ear, sprayed on the left ear with yellow paint, and either accompanied directly to necropsy or slaughter by an APHIS or State representative or moved directly to necropsy or slaughter in a vehicle closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(3) *Identification of exposed captive cervids.* Exposed captive cervids must be identified by an official eartag or other approved identification and either:

(i) Branded with the letter ''S'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size; or

(ii) Either accompanied directly to necropsy or slaughter by an APHIS or State representative or moved directly to necropsy or slaughter in a vehicle closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

§ 77.41 Cleaning and disinfection of premises, conveyances, and materials.

All conveyances and associated equipment, premises, and structures that are used for receiving, holding, shipping, loading, unloading, and delivering captive cervids in connection with their interstate movement and that are determined by cooperating State and Federal animal health officials to be contaminated because of occupation or use by tuberculous or reactor livestock must be cleaned and disinfected under the supervision of the cooperating State or Federal animal health officials. Such cleaning and disinfecting must be done in accordance with the procedures approved by the cooperating State or Federal animal health officials. Cleaning and disinfection must be completed before the premises, conveyances, or materials may again be used to convey, hold, or in any way come in contact with any livestock.

Done in Washington, DC, this 17th day of October 2000.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

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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.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1162/P.L. 106–295

To designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the ''William H. Natcher Bridge''. (Oct. 13, 2000; 114 Stat. 1043)

H.R. 1605/P.L. 106–296

To designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the ''J. Smith Henley Federal Building and United States Courthouse''. (Oct. 13, 2000; 114 Stat. 1044)

H.R. 1800/P.L. 106–297

Death in Custody Reporting Act of 2000 (Oct. 13, 2000; 114 Stat. 1045)

H.R. 2752/P.L. 106–298

Lincoln County Land Act of 2000 (Oct. 13, 2000; 114 Stat. 1046)

H.R. 2773/P.L. 106–299

Wekiva Wild and Scenic River Act of 2000 (Oct. 13, 2000; 114 Stat. 1050)

H.R. 4318/P.L. 106–300

Red River National Wildlife Refuge Act (Oct. 13, 2000; 114 Stat. 1055)

H.R. 4579/P.L. 106–301

Utah West Desert Land Exchange Act of 2000 (Oct. 13, 2000; 114 Stat. 1059)

H.R. 4583/P.L. 106–302

To extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs. (Oct. 13, 2000; 114 Stat. 1062)

H.R. 4642/P.L. 106–303

To make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes. (Oct. 13, 2000; 114 Stat. 1063)

H.R. 4806/P.L. 106–304

To designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliott Federal Building''. (Oct. 13, 2000; 114 Stat. 1071)

H.R. 5284/P.L. 106–305

To designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Customhouse''. (Oct. 13, 2000; 114 Stat. 1072)

H.J. Res. 111/P.L. 106–306

Making further continuing appropriations for the fiscal year 2001, and for other purposes. (Oct. 13, 2000; 114 Stat. 1073)

S. 366/P.L. 106–307

El Camino Real de Tierra Adentro National Historic Trail Act (Oct. 13, 2000; 114 Stat. 1074)

S. 1794/P.L. 106–308

To designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse''. (Oct. 13, 2000; 114 Stat. 1077)

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

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