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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AJ00

Prevailing Rate Systems; Abolishment of the Franklin, PA, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing an interim rule that will abolish the Franklin, PA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine Franklin and Blair Counties, PA, to the Cumberland, PA, NAF FWS wage area. The abolishment of the Franklin, PA, wage area is necessary because of the recent downsizing at the Franklin, PA, wage area's host installation, Letterkenny Army Depot. This downsizing left the Department of Defense without an installation in the survey area capable of hosting local wage surveys in the wage area.

DATES: *Effective date:* This interim rule is effective on February 29, 2000. *Applicability date:* FWS employees remaining in Franklin and Blair Counties, PA, will be transferred to the Cumberland, PA, NAF wage area schedule on the first day of the first applicable pay period beginning on or after March 16, 2000. Comments must be received by March 30, 2000.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200, or FAX: (202) 606–4264.

FOR FURTHER INFORMATION CONTACT: Jennifer Hopkins by phone at (202) 606–2848, by FAX at (202) 606–0824, or by email at jdhopkin@opm.gov.

SUPPLEMENTARY INFORMATION: The Franklin, PA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area is presently composed of one survey county, Franklin County, and one area of application county, Blair County, PA. Under section 532.219(b) of title 5, Code of Federal Regulations, NAF wage areas are established when there are a minimum of 26 NAF wage employees in the survey area, the local activity has the capability to host annual local wage surveys, and there are within the survey area a minimum of 1,800 private enterprise employees in establishments within survey specifications. Although there are approximately 26 NAF FWS employees stationed in the Franklin wage area, downsizing at the Franklin, PA, wage area's host activity, Letterkenny Army Depot, left the Department of Defense (DOD) without an activity in the survey area with the capability to conduct local NAF wage surveys in the wage area. DOD recommended that the Office of Personnel Management (OPM) abolish the Franklin, PA, NAF wage area, and redefine its counties as area of application counties to the Cumberland, PA, NAF wage area. The Cumberland, PA, wage area will be composed of one survey county, Cumberland County, PA, and two area of application counties, Blair and Franklin Counties, PA.

When defining NAF wage areas, OPM evaluates several factors under 5 CFR 532.219. OPM considers the following criteria when defining NAF wage area boundaries:

(i) Proximity of largest activity in each county;

(ii) Transportation facilities and commuting patterns; and

(iii) Similarities of the counties in :

(A) Overall population;

(B) Private employment in major industry categories; and

(C) Kinds and sizes of private industrial establishments.

For Franklin County, the closest major Federal installation to Letterkenny Army Depot is Carlisle Barracks in Cumberland, PA. Letterkenny Army Depot is approximately 50 km (31 miles) from Carlisle Barracks. Commuting patterns indicate that approximately 5 percent of the Franklin County, PA, resident workforce commutes into Cumberland County, PA. Transportation facilities consist of major Interstate and State highways and do not favor one county more than another. Also, a review of the similarities of the counties in terms of overall population, employment, and kinds and sizes of industrial establishments does not favor one county more than another.

For Blair County, the closest major Federal installation to the Department of Veterans Affairs Medical Center, Altoona, is the U.S. Army Support Element in Allegheny County, PA. The VA Medical Center is approximately 175 km (109 miles) from the U.S. Army Support Element. However, the VA Medical Center is approximately 190 km (118 miles) from Carlisle Barracks. Commuting patterns were indeterminate. Transportation facilities consist of major Interstate and State highways and do not favor one county more than another.

Also, a review of the similarities of the counties in terms of overall population, employment, and kinds and sizes of industrial establishments did favor Cumberland County, PA. Therefore, OPM finds that Blair County best fits with Cumberland County because the proximity and commuting patterns criteria offered no convincing evidence for combining Blair County with the Allegheny wage area, but demographic and economic statistics show that Blair County is more similar to the Cumberland, PA, wage area.

Based on an analysis of these regulatory criteria, OPM is abolishing the Franklin, PA, NAF FWS wage area and redefining its counties as area of application counties to the Cumberland, PA, NAF FWS wage area. FWS employees remaining in the Franklin wage area will be transferred to the Cumberland, PA, wage area schedule on the first day of the first applicable pay period beginning on or after March 16, 2000. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and concurred by consensus with these changes.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the

general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because of the need to transfer the remaining NAF FWS employees in Franklin and Blair Counties to a continuing wage area as soon as possible.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, the Office of Personnel Management amends 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix B to subpart B of part 532 is amended for the State of Pennsylvania by removing the entry for ''Franklin''.

3. Appendix D to subpart B is amended by removing the wage area listing for Franklin, Pennsylvania, and revising the wage area listing for Cumberland, Pennsylvania, to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

* * * * *

PENNSYLVANIA

* * * * *

CUMBERLAND

Survey Area

Pennsylvania: Cumberland

Area of Application. Survey area plus:

Pennsylvania: Blair, Franklin

[FR Doc. 00–4688 Filed 2–28–00; 8:45 am]

BILLING CODE 6325–01–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AJ01

Prevailing Rate Systems; Abolishment of the Lebanon, PA, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing an interim rule that will abolish the Lebanon, PA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area, redefine Lebanon County, PA, to the York, PA, NAF FWS wage area, and remove Columbia County, PA, as part of an NAF wage area. The abolishment of the Lebanon, PA, wage area is necessary because of the downsizing at the Lebanon, PA, wage area's host installation, Fort Indiantown Gap. This downsizing left the Department of Defense without an installation in the survey area capable of hosting local wage surveys in the wage area. In addition, there are no longer any NAF FWS employees stationed in Columbia County, PA.

DATES: *Effective date:* This interim rule is effective on February 29, 2000. *Applicability date:* FWS employees remaining in Lebanon County, PA, will be transferred to the York, PA, NAF wage area schedule on the first day of the first applicable pay period beginning on or after March 2, 2000. Comments must be received by March 30, 2000.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200, or FAX: (202) 606–4264.

FOR FURTHER INFORMATION CONTACT: Jennifer Hopkins by phone at (202) 606–2848, by FAX at (202) 606–0824, or by email at jdhopkin@opm.gov.

SUPPLEMENTARY INFORMATION: The Lebanon, PA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area is presently composed of one survey county, Lebanon County, and one area of application county, Columbia County, PA. Under section 532.219(b) of title 5, Code of Federal Regulations, NAF wage areas are established when there are a minimum of 26 NAF wage employees in the survey area, the local activity has the capability to host annual local wage surveys, and there are within the survey area a minimum of 1,800 private enterprise employees in establishments within survey specifications. There are approximately 22 NAF FWS employees stationed in Lebanon County. Downsizing at the Lebanon, PA, wage area's host activity, Fort Indiantown Gap, left the Department of Defense (DOD) without an activity in the survey area with the capability to conduct local NAF wage surveys in the wage area. DOD recommended that the Office of Personnel Management (OPM) abolish the Lebanon, PA, NAF wage area, redefine Lebanon County, PA, as an area of application county to the York, PA, NAF wage area, and remove Columbia County, PA, as part of an NAF wage area.

Under section 5343(a)(1)(B)(i) of title 5, United States Code, NAF wage areas ''shall not extend beyond the immediate locality in which the particular prevailing rate employees are employed.'' There are no longer any NAF FWS employees stationed in Columbia County, PA. Therefore, Columbia County, PA, should not be defined as part of an NAF wage area. However, Lebanon County, PA, continues to have NAF FWS employment in the county and needs to be defined to an NAF wage area. Therefore, the York, PA, NAF wage area will be composed of one survey county, York County, PA, and one area of application county, Lebanon County, PA.

When defining NAF wage areas, OPM evaluates several factors under 5 CFR 532.219. OPM considers the following criteria when defining NAF wage area boundaries:

(i) Proximity of largest activity in each county;

(ii) Transportation facilities and commuting patterns; and

(iii) Similarities of the counties in:

(A) Overall population;

(B) Private employment in major industry categories; and

(C) Kinds and sizes of private industrial establishments.

A review of these criteria produced mixed findings. The closest major Federal installation to Fort Indiantown Gap is the Defense Distribution Center in York, PA. Fort Indiantown Gap is approximately 42 km (26 miles) from the Defense Distribution Center. Commuting patterns indicate that approximately 2 percent of the Lebanon County, PA, resident workforce commutes to Cumberland County, PA, while less than 1 percent commutes to York County, PA. Transportation

facilities consist of major Interstate and State highways and do not favor one county more than another. Also, a review of the similarities of the counties in terms of overall population, employment, and kinds and sizes of industrial establishments revealed that Lebanon County is most similar to Frederick County, MD.

Based on an analysis of these regulatory criteria, OPM finds that Lebanon County should be defined to the York, PA, NAF wage area. OPM proposes to abolish the Lebanon, PA, NAF FWS wage area, redefine Lebanon County as an area of application county to the York, PA, NAF FWS wage area, and remove Columbia County, PA, as part of an NAF wage area. FWS employees remaining in Lebanon County will be transferred to the York, PA, wage area schedule on the first day of the first applicable pay period beginning on or after March 2, 2000. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and concurred by consensus with these changes.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because of the need to transfer the remaining NAF FWS employees in Lebanon County to a continuing wage area as soon as possible.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix B to subpart B of part 532 is amended for the State of Pennsylvania by removing the entry for ''Lebanon''.

3. Appendix D to subpart B is amended by removing the wage area listing for Lebanon, Pennsylvania, and revising the wage area listing for York, Pennsylvania, to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

* * * * *

PENNSYLVANIA

* * * * *

YORK

Survey Area

Pennsylvania: York

Area of Application. Survey area plus:

Pennsylvania: Lebanon

[FR Doc. 00–4689 Filed 2–28–00; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 274

RIN 0584–AC71

Food Stamp Program: Electronic Benefits Transfer (EBT) Systems—Statement on Auditing Standards No. 70 (SAS No. 70) Examination Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to require an annual examination of the transaction processing of organizations that provide Electronic Benefits Transfer (EBT) systems or services for the Food Stamp Program. The examinations are to provide an independent assessment of the controls in place and the effectiveness of such controls over EBT transaction processing. State agencies will have to obtain the examinations, retain the examination reports, and provide examination reports to the Food and Nutrition Service upon request.

EFFECTIVE DATES: The amendments in this rule are effective March 30, 2000.

FOR FURTHER INFORMATION CONTACT: Questions regarding this final rule should be addressed to Jeffrey N. Cohen, Chief, Electronic Benefit Transfer Branch, Benefit Redemption Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, or by telephone at (703) 305–2517.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 12372

The Food Stamp Program (FSP) is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule in 7 CFR 3015, Subpart V and related Notice (48 FR 29115), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Samuel Chambers, Jr., the Administrator of the Food and Nutrition Service, has certified that this final rule will not have a significant economic impact on a substantial number of small entities. State agencies and their EBT service providers will be the most affected to the extent that they administer or operate EBT services for FSP benefit delivery.

Paperwork Reduction Act

On February 23, 1999, when this rule was proposed (64 FR 8733), FNS inadvertently stated that the Office of Management and Budget (OMB) control number 0584–0083 already covered the information collection burden which would result from the proposed requirements. On October 12, 1999, a notice was published in the **Federal Register** (64 FR 55225) to correct this error and inform the public of the new burden being added. A new OMB control number 0584–0500 has been assigned to this regulation and has an expiration date of February 28, 2003.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This

rule is not intended to have retroactive effect unless so specified in the ''Dates'' paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the FSP, the administrative procedures are as follows: (1) For Program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(1) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 USC 2023 set out at 7 CFR 276.7 for rules related to non-quality control (QC) liabilities or 7 CFR Part 283 for rules related to QC liabilities; (3) for Program retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 278.8.

Unfunded Mandate Reform Act of 1996

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service (FNS) generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures to State, local or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Food and Nutrition Service to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of UMRA) for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Background

All States must change from paper coupon systems to EBT systems for the issuance of FSP benefits by October 1, 2002. Currently, forty-one States have implemented EBT systems and most others are in some stage of planning. The total amount of FSP benefit funds issued to recipients each month is about $1.27 billion. The amount being moved through EBT systems is about $889,000,000 or 70 per cent of the total.

For the FSP, EBT systems move money from Federal accounts held in the name of each State to accounts at banks and other financial institutions held by or for food retailers. Food retailers must first be authorized to accept FSP benefits by the FNS and then must be equipped to accept benefits via EBT. States determine the eligibility and the monthly FSP allotments for recipients. States give each recipient household a plastic EBT card and a Personal Identification Number (PIN). Recipients use the cards in authorized food stores for food purchases and may use them at Automated Teller Machines (ATMs) if the recipient is eligible for a cash program.

EBT systems operate like debit card systems with immediate decrements to a household account number. Household accounts have associated cards and PINs which are used for food purchases. The amount of the purchase is credited to the food retailer's account and funds are settled each bank working day through the Automated Clearinghouse (ACH) process.

States contract individually for EBT systems with EBT service providers. Usually States contract for EBT systems that deliver the benefits of several cash programs, such as Temporary Assistance for Needy Families (TANF) and State cash benefit programs, in addition to food stamp benefits. One State also uses EBT for the delivery of benefits of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Among State-administered benefit programs, only the FSP requires that States change from paper to EBT systems and only the FSP has regulations about EBT.

Data from EBT systems are reported to State and Federal financial and reporting systems and are used in financial statements of many agencies. In particular, State EBT systems report data on about 70 per cent of food stamp benefit funds to FNS financial systems which in turn provide data used in annual FNS financial statements.

On February 23, 1999, the Department proposed, and this final rule now requires, at least annual examinations of the transaction processing of EBT service providers by independent auditors. The examinations must follow the American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards No. 70, Service Organizations (SAS No. 70). Specific EBT guidance for the examinations is provided in the OMB Circular A–133 Compliance Supplement. The objective of these examinations is to determine whether there are controls in place and operating effectively over the security and accuracy of EBT transaction processing. These are typically referred to as ''type 2'' examinations. These examinations will provide an independent assessment of the controls over transaction processing by EBT service providers.

Proposed Rule Comments

The Department asked for public comment in a proposed rule on February 23, 1999. Eleven comments were received. Eight were from State agencies or counties, including two EBT managers and three State auditors. Four of the States represented by those commentors do not currently operate EBT systems. Two Federal agencies and one EBT service provider also made comments.

The major concern was cost. FSP EBT cost neutrality regulations require States to compare EBT system costs to coupon system costs. States will not receive more in Federal reimbursement from the FSP for the costs of their EBT systems than they would have received for the coupon systems EBT replaced. State legislatures also want EBT costs to remain the same or become lower than paper costs. Several commentors stated that the benefits of the SAS No. 70 examinations were for the FSP and the USDA Office of the Inspector General (OIG) and that all costs should be paid by FNS. Some noted that there were no such examinations in the coupon world and fewer reviews of coupon issuance systems. Some wanted FNS or OIG to hire the auditors or complete the audits themselves and to handle the resolution of findings. One pointed out that until EBT, FNS managed and paid for all work related to coupon redemption and financial settlement to retailers and now these duties and costs were forced onto States entirely. The EBT service provider asked that we make clear that additional costs caused by the examinations are State responsibilities.

State arguments on the issue of cost neutrality are persuasive. The driving force behind this rule is to ensure the accuracy and dependability EBT financial information. State auditors are also concerned with the impact of EBT data on State financial statements. SAS No. 70 examination costs are not operational or start-up costs as described in 7 CFR 274.12(c)(5) and may be excluded from cost neutrality calculations, because they are not costs inherent in the development or operation of the EBT system itself. Although SAS NO.70 examination costs will not be included in cost neutrality calculations, they remain State administrative costs which should be reported through the usual process and

will be reimbursed at the usual FSP Federal Financial Participation rate. When examination costs are shared among programs, they must be allocated and charged as appropriate.

Several commentors noted that, since there are few EBT service providers, the most efficient and inexpensive way to arrange examinations and resolve findings would be for FNS or OIG to handle them directly. This would be a change in the approach to EBT as a State responsibility. However, the idea merits consideration and FNS intends to explore this approach. However, unless or until such a change is made, States must comply with these requirements.

Several State commentors believe the regulation is ill-advised because it will drive up costs, keep down competition for the business, or because States already obtain SAS No.70 reports without such a requirement. Although we are sympathetic on each issue, this regulation is necessary. As mentioned elsewhere, both State and Federal financial systems and statements are fed by EBT system data. In addition, not all States receive SAS No. 70 reports and not all EBT transaction processing providers undergo such examinations.

There were several technical comments about the period to be examined, when the report must be available, subcontractors, single examinations of the service provider, and platforms or control environments. The intention is that the SAS No. 70 examinations be at least annual with the examination period end date to be determined by the EBT service provider after considering the needs of user auditors of the States covered by the examinations. Once started, subsequent examinations must cover the entire period since the previous examination. If the EBT service provider obtains audits every six months, that is acceptable also. If the provider serves several States on the same platform with the same control environment, then one examination may be done covering all States and a list of all States sharing the control environment must be included in the examination report. The report must be completed ninety days after the examination period ends. Once reports are completed, the Food and Nutrition Service (FNS), USDA Office of the Inspector General (OIG), or the General Accounting Office (GAO) may wish to obtain a copy of the report. If a written request for the report is made to a State, it must be answered with a copy of the report within thirty days of the written request. FNS or others may find it necessary to have access to an auditor's work papers also. A written request for access to work papers must also be responded to within thirty days and by initiating or completing appropriate arrangements for access. Typically, work papers remain under the control of the auditor and arrangements for access will need to be coordinated among the parties involved.

Some commentors noted that the language of the rule should reflect the technical language used in SAS No.70 and commonly used by auditors. We agree, therefore, terms such as examination, control environment, type 2 examinations, and platform have been used in this preamble and the regulation amendment.

Many commentors agreed that it is efficient and desirable to have a single examination of each service provider that would cover all the States for whom the service is provided. The service provider commentor asked that this become an explicit requirement. Since some States may differ in their own needs or requirements, we are not requiring this. However, we very strongly recommend that States coordinate and cooperate to obtain one examination (with appropriately allocated costs) as long as each State has the same control environment. All service providers are expected to want this less costly and disruptive arrangement.

Some commentors asked which subcontractors were subject to examination. States make varied arrangements for EBT services. Many States contract with a single provider for all EBT services. That EBT primary contractor may provide all the services or may hire subcontractors to provide some or all of the services which together constitute an EBT system. The intention is to ensure controls exist for secure, accurate, and complete transaction processing of FSP accounts for recipient use in authorized stores subsequently paid with Federal funds. Therefore, the contractor or subcontractor that maintains the account information, authorizes debits and credits on the accounts, and provides the basic data for settlement among the parties is subject to SAS No. 70 examinations. Subcontractors providing other services, such as EBT Help Desk services, Point of Sale installation, or plastic cards are not subject.

Another complication is that States sometimes do EBT work themselves. For example, one State is producing and distributing EBT cards and another is considering doing transaction processing. Only the work of contractors is covered by this rule and the SAS No. 70 examinations requirements. State work is exempt from this proposed SAS No. 70 examination requirement but subject to requirements already existing in OMB Circular A–133.

Other Issues

Statement on Auditing Standards No. 70

The proposed regulations referred to AICPA SAS No. 70, Reports on the Processing of Transactions by Service Organizations. Since the proposed regulation was published, the title of SAS No. 70 was changed to Service Organizations. The intention is to refer to this standard regardless of numerical or name changes or revisions. The kind of report required is now commonly referred to by auditors as a SAS No. 70, type 2 report or a type 2 service auditor's report. The intention is to obtain that kind of report regardless of future name changes.

EBT Review Guidelines

The proposed rule referred to the Review Guidelines for Service Organizations Providing EBT Services for Government Programs (guidelines). The guidelines were endorsed by the National State Auditors Association on March 9, 1999 and available as interim guidelines for SAS No. 70 audits. These guidelines are now replaced by this rule which requires a SAS No. 70 examination to determine whether there are controls in place and operating effectively over the security and accuracy of EBT transaction processing. As mentioned above, these examinations are referred to as type 2 examinations. The OMB Circular A–133 Compliance Supplement will be revised to include guidance to assist service providers and their auditors in meeting this requirement.

Additional Audits or Reviews

USDA's OIG and FNS have always reserved the right to conduct other audits or reviews of EBT if they find they are needed. This is not a change but has always existed as stated in 7 U.S.C. 2020, 7 CFR 277.17(a) and is generally reflected in EBT Requests for Proposal or in State EBT contracts. This right is being specified here to avoid doubt or confusion on the issue.

Implementation

This rule will be effective 30 days from the date of publication in the **Federal Register**. States must ensure that the initial period examined includes the date this rule becomes effective.

List of Subjects

7 CFR Part 272

Alaska, Civil Rights, Food Stamps, Grant Programs—social programs,

Reporting and recordkeeping requirements.

7 CFR Part 274

Administrative procedures and practices, Food Stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, 7 CFR Parts 272 and 274 shall be amended as follows:

1. The authority citation for 7 CFR Parts 272 and 274 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, paragraph (g)(158)is added to read as follows:

§ 272.1 General Terms and Conditions.

* * * * *

(g) *Implementation.* * * *

(158) *Amendment No. 382.* The provisions of Amendment No.379 are effective and must be implemented March 30, 2000.

PART 274—ISSUANCE AND USE OF COUPONS

3. In § 274.12:

a. Revise the heading of paragraph (j); and

b. Add new paragraph (j)(5).

The revision and addition read as follows:

§ 274.12 Electronic Benefit Transfer Issuance System approval standards.

* * * * *

(j) *Reconciliation, Management Reporting, Examinations and Audits.*

* * *

(5) *Examinations and Audits.*

(i) The state agency must obtain an examination by an independent auditor of the transaction processing of the State EBT service provider regarding the issuance, redemption, and settlement of Food Stamp Program benefits. The examination must be done at least annually and the report must be completed ninety days after the examination period ends. Subsequent examinations must cover the entire period since the previous examination. Examinations must follow the American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards No. 70, Service Organizations (SAS No. 70), requirements for reports on controls placed in operation and tests of the operating effectiveness of the controls.

(ii) The examination report must include a list of all States whose systems operate under the same control environment. Auditors conducting the examination must follow EBT guidance contained in the Office of Management and Budget (OMB) Circular A–133 Compliance Supplement to the extent the guidelines refer to FSP benefits. (For availability of OMB Circulars referenced in this section, see 5 CFR 1310.3.)

(iii) The State agency must retain a copy of the SAS No.70 examination report.

(iv) The State agency shall respond to written requests from the Food and Nutrition Service (FNS), USDA Office of the Inspector General (OIG), or the General Accounting Office (GAO) for completed SAS No.70 examination reports by providing the report within thirty days of receipt of the written request.

(v) The State agency shall respond to written requests from FNS, OIG, or GAO to view auditor's workpapers from SAS No. 70 reports by arranging to have workpapers made available within thirty days of receipt of the written request.

(vi) FNS and the USDA OIG shall rely on SAS No. 70 reports on EBT transaction processing services provided by contractors to the State. FNS and USDA OIG reserve the right to conduct other reviews or audits if necessary.

(vii) EBT services provided directly by the State are not subject to SAS No. 70 examination requirements of this section but remain subject to the single audit requirements at 7 CFR 277.7 and the Office of Management and Budget Circular A–133.

* * * * *

Dated: February 17, 2000.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 00–4763 Filed 2–28–00; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 214, and 299

[INS 1962–98]

RIN 1115–AF31

Petitioning Requirements for the H–1B Nonimmigrant Classification Under Public Law 105–277

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule adopts with amendments the interim rule that was published by the Immigration and Naturalization Service (Service) on November 30, 1998. The interim rule implemented certain provisions of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) by amending the Service's regulations to: Reflect an additional $500 filing fee for certain H–1B petitions filed on or after December 1, 1998, describe the organizations that are exempt from the new fee requirements, and reflect the new annual numerical limits on H–1B classifications.

This final rule discusses the comments received in response to the interim rule and adopts as final the regulatory amendments contained in the interim rule. In addition, this final rule serves as public notice that Form I–129W, ''H–1B Data Collection and Filing Fee Exemption,'' has been revised and approved for use following the Service's request for emergency approval that was published in the **Federal Register** on October 7, 1999 at 64 FR 54646.

DATES: This final rule is effective March 30, 2000. On March 30, 2000, revised Form I–129W must be filed concurrently with all H–1B petitions.

FOR FURTHER INFORMATION CONTACT: John W. Brown, Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536, telephone (202) 353–8177.

SUPPLEMENTARY INFORMATION:

Background

What Is an H–1B Nonimmigrant Alien?

An H–1B nonimmigrant is an alien employed in a specialty occupation or as a fashion model of distinguished merit and ability. A specialty occupation is an occupation that requires theoretical and practical application of a body of specialized knowledge and attainment of a bachelor's or higher degree in the specific specialty as a minimum for admission into the United States.

How Does ACWIA Affect the H–1B Nonimmigrant Classification?

On October 21, 1998, President Clinton signed the ACWIA into law, Public Law 105–277, Div. C, Title IV, 112 Stat. 2681–641. The legislation amended and created several statutory provisions relating to the H–1B nonimmigrant classification. These amendments include, among others:

(1) Revisions to the attestation requirements for labor condition applications (LCA) under section 212(n) of the Immigration and Nationality Act (Act);

(2) Definitions of violations of LCA conditions and new penalties for such violations;

(3) Amendments to prevailing wage computations for academic and research organizations; and

(4) Data collection and reporting requirements.

Did the Service Publish a Rule Prior to Issuing This Final Rule?

On November 30, 1998, the Service published an interim rule in the **Federal Register** (FR), at 63 FR 65657 that implemented only the provisions of section 414(a) and 415(a) of the ACWIA. Specifically, the regulation addressed the new fee for United States employers filing petitions for H–1B nonimmigrant aliens and described the organizations that are exempt from filing this new fee. The interim rule also revised the Service's regulation at § 214.2(h)(8)(i)(A) to reflect an increase in the annual limitation on the number of aliens that can be granted an H–1B visa or accorded H–1B status. Written comments were to be received on or before January 29, 1999. The Service received eight comments from individuals and organizations in response to the interim rule.

What Specific Provisions of the ACWIA Were Contained in the Interim Rule?

Section 414(a) of the ACWIA provides that United States employers must pay the $500 filing fee when they file H–1B petitions on or after December 1, 1999 and before October 1, 2001, for the following purposes;

(1) An initial grant of H–1B status under section 101(a)(15)(H)(i)(b) of the Act;

(2) An extension of stay for individuals currently in H–1B status (unless the employer previously has obtained an extension for such alien); or

(3) Authorization for a change in employers for aliens currently in H–1B status.

Section 415 of the ACWIA also creates a number of exemptions to the filing of the $500 fee. The organizations exempt from paying the $500 fee are:

- Institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, or related or affiliated nonprofit entities; and
- Nonprofit research organizations or Governmental research organizations.

The Service proposed definitions for the terms ''nonprofit'' and ''research'' and the phrase ''related or affiliated.'' In drafting these definitions the Service drew on generally accepted definitions of the terms as well as definitions contained in the regulations of the Internal Revenue Service and the Small Business Administration.

In addition, the Service created Form I–129W, now called the ''H–1B Data Collection and Filing Fee Exemption,'' to be filed along with the petition in order for petitioners to be better able to determine if they were exempt from the $500 filing fee. The form also allows the Service to record information on employers that qualify for the exemption, and to collect data for the quarterly congressional reports required by section 416(c) of the ACWIA.

What Is the Purpose of This Final Rule?

This rule discusses the eight comments that were received and the Service's responses to the comments. Many of the commenters addressed more than one issue in their comment. As a result, the number of issues discussed exceeds the actual number of comments received. This rule also draws on the Service's experience in implementing these changes since publication of the interim rule and incorporates a number of streamlined practices based on that experience.

The comments that the Service received came from a variety of sources. They ranged from a single individual to an organization representing thousands of companies. The 8 comments were from the following:

- A non-profit social service agency;
- A national laboratory;
- An organization that represents a large number of attorneys and law professors;
- An organization representing a coalition of more than 90 organizations that advocate immigrant and refugee rights;
- A private immigration attorney;
- A group of organizations that represent a number of public and private higher education institutions as well as a large number of independent nonprofit scientific research organizations;
- A trade organization that represents over 11,000 companies in the information technology industry;
- Two organizations representing approximately 30 corporate and institutional members with an interest in the international movement of personnel and a broad-based industrial trade association.

Discussion of Comments

What Comments Did the Service Receive Regarding the Definitions of Exempt Organization Contained in the Interim Rule?

The Service received 11 specific comments regarding the definitions of exempt organizations contained in the interim rule. In general, eight of the comments suggested that the Service expand, in some way, the definitions contained in the interim rule in order to exempt more organizations from having to pay the additional $500 filing fee. The other three comments suggested that the Service modify the language of the interim rule in order to avoid confusion for prospective H–1B petitioners.

Turning to the specific comments, one commenter suggested that the Service include the complete language of section 101(a) of the Higher Education Act (HEA) in the Service's regulation. The commenter noted that the interim regulation makes reference to the HEA but does not contain the entire statutory language.

The Service will not adopt this suggestion. This rule incorporates by reference the statutory definition of institutions of higher education from section 101(a) of the HEA of 1965. The Service believes that this is sufficient for the public to understand this requirement. It is, therefore, unnecessary for the rule to repeat the entire statutory language of the HEA as part of the rule.

One commenter suggested that the Service allow organizations that are tax exempt under state or local law to qualify as non-profit organizations for the purposes of the ACWIA.

For reasons of legal precedent and the uniform implementation of the H–1B fee exemption provisions, the Service will not adopt this suggestion. In the absence of a plain congressional intent to incorporate diverse state laws into a Federal statute, the meaning of a Federal statute should be dependent on Federal rather than state law. *See Taylor* v. *United States,* 495 U.S. 575, 591–2 (1990); *See also Federal Deposit Insurance Corporation* v. *Philadelphia Gear Corporation,* 476 U.S. 426, 431 (1986). Finally, state laws vary from each other and from the Internal Revenue Code in their definition of ''tax exempt'' entities. The use of each state's particular definition would result in an inconsistent application of the H–1B fee exemption provisions.

One commenter suggested that the Service expand the definition of the organizations considered to be non-profit to include all non-profit organizations, not just non-profit research organizations.

The Service cannot adopt this suggestion because there is no statutory support for the suggestion. Section 415(a) of the ACWIA specifically limits this exemption to non-profit research organizations.

One commenter suggested that the Service include those institutions of higher education described in section 101(b) of the HEA in its definition of

exempt organizations. The commenter asserts that Congress inadvertently omitted the institutions described in section 101(b) of the HEA from the list of institutions exempt from the payment of the $500 filing fee.

The Service will not adopt this suggestion because the statutory language does not support it. Section 415(a) of the ACWIA clearly limits this particular exemption to those institutions described in section 101(a) of the HEA, not section 101(b) of HEA.

One commenter suggested that Federally-Funded Research and Development Centers (FFRDCs) sponsored by an exempt contractor, *e.g.,* institutions of higher education as defined in section 101(a) of the HEA, should be exempt from the $500 filing fee. The commenter suggested that the status of the contractor should determine whether a petition should be exempt from the $500 filing fee.

The Service cannot adopt this suggestion because the statute does not support it. The FFRDCs are organizations that are not operated by a Government agency but, instead, are merely sponsored by a Government agency. It must be noted that only a United States employer as defined in § 214.2(h)(4)(ii) may file a petition for an H–1B nonimmigrant alien. Section 414(a) of the ACWIA requires that the employer of an H–1B alien pay the $500 filing fee and specifically prohibits the employer from passing on the fee to the worker. In the case of FFRDCs, as with all other filing situations, the Service must look to the actual employer of the alien to determine if the employer is exempt from paying the $500 filing fee regardless of whether it is sponsored by a nonexempt government organization. If the FFRDC is an employer and meets the definition of one of the exemptions described in section 415(a) of the ACWIA, then the FFRDC would not be required to pay the additional $500 filing fee. The Service has no authority to create exemptions to the $500 fee other than those specifically provided for in the statute.

Two commenters suggested that the definition of Government research institution should be expanded to include all Federal, state, and local government laboratories conducting scientific and/or scholarly research.

The Service will not adopt this suggestion. It is the Service's opinion, based on a number of judicial determinations, that ''Government'' as used in the statute refers solely to the Federal Government and not to state and local governments. See *Farzad* v. *Chandler,* 670 F. Supp. 690, 692 (N.D. Tex. 1987) and *Kalaw* v. *Ferro,* 651 F. Supp. 1163 (W.D.N.Y. 1987). It is also the opinion of the Service that Congress would have made reference to state and local governments in the statute if it was intended for these types of organizations to be exempt. Further, the Service interprets the statute to limit the number of entities that are exempt from paying the additional $500.

Two commenters provided suggestions regarding the Service's definition of an ''affiliate or related non-profit entity.'' One commenter suggested that the Service expand the definition of an ''affiliate or related non-profit entity'' to include cooperative or joint arrangements that do not rise to the level of a ''cooperative.'' The commenter noted that certain non-profit hospitals or governmental research institutions may have arrangements for the sharing of information, training, or research with educational institutions but are not exempt from paying the $500 filing fee.

The other commenter suggested that a non-profit entity that is connected or associated with a higher education institution through a documental understanding or affiliation should be included in the Service's definition of affiliated or related nonprofit entity even if it lacks shared ownership or control and is not a member of a branch, cooperative, or subsidiary of the higher education institution.

The Service will not adopt either of these suggestions because such expansive definitions of the term ''affiliate or related non-profit entity'' would not reflect congressional intent. Again, the Service interprets the statute to narrowly define those entities exempt from paying the $500 filing fee. In addition, it would be beyond the scope of the Service's delegated administrative authority and institutional expertise to determine and/or investigate the requisite financial or operational cooperation of such entities.

One commenter disagreed with the Service's description of basic research found in the definition of a nonprofit research organization. The definition stated that, ''Basic research also is not research that advances scientific knowledge. * * *'' The commenter stated that the academic community believes that basic research does advance scientific knowledge.

The inclusion of the word ''not'' in the Service's definition in the interim rule of basic research was a typographical error made by the **Federal Register**. On December 24, 1998, the **Federal Register** published a correction at 63 FR 71342, removing the word ''not.''

One commenter noted that the ACWIA exempts research organizations that are nonprofit organizations engaged in research from the $500 filing fee. The commenter suggested that the Service clarify in the final regulation that the nonprofit organization does not have to be affiliated with an institution of higher learning to be exempt fron the fee.

As the commenter noted, section 415(a) of ACWIA exempts nonprofit research institutions from paying the $500 filing fee. Research institutions do not have to be affiliated with an institution of higher learning. In order to ensure that this point is clear, the Service has added the word ''or'' after § 214.2(h)(19)(iii)(B).

Although not specifically addressed in the written comments, the Service has received a number of questions from the public and the field regarding the limitations of the definition of the term ''research'' in the interim rule. The definition of ''research'' in the interim rule did not specifically described to which academic areas the term ''research'' applied. In order to provide additional guidance to the field on this issue, this rule amends the definition of ''research'' found in § 214.2(h)(19)(iii)(C) to advise that the term ''research'' means research conducted in the sciences, social sciences, or humanities.

Why is the Service Modifying Form I–129W?

The Service has modified Form I–129W, ''H–1B Data Collection and Filing Fee Exemption,'' to serve both a mechanism to request a fee exemption and to collect additional data as mandated by the ACWIA. As a result, all petitioners will now be required to submit the form.

In response to the interim rule, the Service received a number of inquiries on when the $500 fee must be paid. The Service has added a new § 214.(h)(19)(vi) to explain the circumstances under which the fee is paid and the requirements for establishing entitlement to the fee exemption. All Form I–129 petitioners requesting a fee exemption or who are not required to pay the $500 fee must complete Part B of Form I–129W and provide information and evidence described on the form. All Form I–129 petitions submitted without completing Part B of Form I–129W must be accompanied by a single remittance of $610. (The remittance may be in the form of two checks, $500 fee +$110.00 for petition.)

Part A of Form I–129W collects data required by the ACWIA. The Service will collect the required data on a single form, Form I–129W, to facilitate entry of

data into Service databases and to minimize the cost of data entry which would otherwise be passed on to petitioners through higher filing fees. If deemed appropriate, the Service will revise and redesign the I–129 at a later time to minimize any burden on the public and to further facilitate the process for qualifying for the H–1B visa classification.

One commenter suggested that the Service modify the language in the interim rule to explain the type of documentation that must be submitted with the Form I–129W to establish that an employer is exempt from the $500 filing fee. The commenter opined that the interim rule does not provide clear guidance on this issue.

Since the publication of the interim rule, the Service has received many questions asking if supporting documentation must be submitted with the Form I–129W. The language on Form I–129W implies that supporting documentation is required but the interim rule itself does not address the issue.

In response to this comment, the Service has added a new § 214.2(h)(19)(vi) that describes the type of documentation that must be submitted with a Form I–129W to establish that the employer is exempt from the $500 filing fee.

The rule now requires that an employer claiming to be exempt from the $500 filing fee must complete both Parts A and B of Form I–129W along with Form I–129. The employer must also submit evidence as described on Form I–129W establishing how it is exempt. A United States employer claiming an exemption from the $500 filing fee on the basis that it is a non-profit research organization is required to submit evidence that it has tax exempt status under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4) or (c)6), 26 U.S.C. 501(c)(3), (c)4) or (c)(6). All other employers claiming an exemption must submit a statement describing why the organization or entity is exempt.

The Service's request for limited evidence to establish an exemption from the $500 filing fee is consistent with the congressional House Report 105–825, October 21, 1998, 2nd. Sess. 1998, that provides that the Service should not impose excessive evidentiary burdens on employers to comply with the statute.

One commenter also suggested that the Service change the language in the interim rule at § 214.2(h)(19)(i)(C) since it implied that amended petitions required the additional $500 filing fee. The commenter noted that the language in the interim regulation makes reference to the term ''change in employment'' and suggested that the term ''change in employers'' would be more appropriate.

The Service will adopt this suggestion since section 414 of the ACWIA, which discusses the filing situations requiring the $500 filing fee clearly uses the term ''change in employers.''

The term ''change in employment'' could be misinterpreted to apply to the filing of amended petitions as described in § 214.2(h)(11)(i)(A). The $500 filing fee is not required when an amended petition is filed unless the amended petition also requests that the Service grant an extension to the alien's temporary stay.

What Comments Were Received Regarding the Payment of the $500 Filing Fee?

The Service received 19 comments addressing the payment of the $500 filing fee and related issues. The majority of commenters stated that the interim regulation did not provide sufficient information describing who is required to pay the $500 filing fee. One commenter actually provided suggested regulatory language to explain who is required to pay the fee and who is not.

The Service will not include the suggested regulatory language provided by the commenter in the final rule. However, as described in the following paragraphs, the Service has revised the language of the rule to clarify both the circumstances in which employers are not required to pay a fee, as well as those employers who are exempt from the fee requirement.

One commenter suggested that the regulation should indicate that a corporate restructuring does not require the filing of an amended petition and would not require the filing of the $500 fee. Another commenter suggested that an amended petition seeking a change in employment with the same employer should not require the filing of the $500 fee if no extension is requested.

Since the publication of the interim rule, the Service has received a number of comments and questions regarding whether the $500 filing fee is required when an amended petition is filed. The interim rule listed the filing situations that required the payment of the $500 filing fee. Amended petitions were not included on this list which means that the fee was not required when an amended petition was filed without a request for an extension of stay. Further, the Conference Report and section 414(a) of the ACWIA clearly indicate that the $500 filing fee is not required in the case of an amended petition unless an extension of the alien's stay is also requested.

In response to the comments and the volume of questions that the Service has received on this issue since publication of the interim rule, the Service has added a new § 214.2(h)(19)(v) that specifically discusses, among other things, the filing of amended petitions. The final rule states that the $500 filing fee is not required when an amended petition is filed unless the amended petition includes a request for an extension of stay.

In addition, the Service has modified Form I–129W in response to a number of comments regarding the filing of amended petitions. These comments are discussed later in this regulation.

The Service will not adopt the comment that makes reference to corporate restructuring in the final rule because a corporate restructuring may require the filing of either a new or an amended petition. The issue of when an amended petition must be filed is discussed in § 214.2(h)(11)(i)(A) and is outside the scope of this regulation. The final rule states that the $500 filing fee is not required when an amended petition is filed unless the amended petition includes a request for an extension of stay.

Two commenters suggested that the $110 and the $500 filing fee should not be required with a petition filed for the purpose of correcting a Service error.

The Service agrees with this suggestion. On occasion, the Service has erroneously admitted an H–1B alien for a period of time less than requested or permitted by the supporting petition. While not specifically discussed in the interim rule, the Service has, in practice, adopted the procedure discussed by the commenter. The policy has now been incorporated in the final rule at § 214.2(h)(19)(v)(B)

One commenter suggested that the $500 filing fee be called a 'training fee'' to distinguish the $500 filing fee from the normal $110 filing fee.

The Service will not adopt this suggestion. Sections 414(a) and 414(b) of the ACWIA provide that the $500 filing fee is to be used for a number of provisions that do not involve training. On the basis of the statutory language, the Service will continue to call the additional $500 fee a filing fee.

Two commenters suggested that the Service develop a procedure to reimburse petitioners when the alien beneficiary does not appear for work. The Service will not adopt this suggestion. Under existing regulations, 8 CFR 103.2(a)(1), all filing fees and fingerprint fees are nonrefundable. There is nothing unique about this

situation that would justify making an exception to this policy. As a general matter, the Service relies upon monies deposited into the Examinations Fee Account to defray the costs of processing applications and petitions for immigration benefits, and does not receive appropriated funds for these purposes. In particular, the Congress has already specified the distribution of the additional $500 filing fees for H–1B petitions. Since the Service will be incurring the costs of processing the H–1B petitions, and Congress has already determined how the $500 filing fee will be distributed, the Service could not refund the filing fee for the processing of an application merely because an employer ultimately was not able to hire an intended alien beneficiary.

One commenter also discussed whether the $110 filing fee can be refunded in the case of a petition filed to correct a Service error.

Yes, the filing fee of $110.00 may be refunded in a case involving Service error. A refund may be obtained by writing to the Immigration and Naturalization Service Office where a petition was filed. A detailed explanation of the circumstances justifying the refund should be included. This information is now included on the instructions of Form I–129W.

The Service received a number of comments regarding the issue of who can write the checks for the filing fees.

Two commenters suggested that petitioners be permitted to submit two checks to cover the two filing fees, one in the amount of $500 and the other in the amount of $110. Another commenter suggested that the final rule contain language indicating that an attorney who represents both the employer and the beneficiary should be permitted to write the check for the $500 filing fee. Similarly, another commenter suggested that the Service should reject the $500 filing fee only when an attorney who represents the beneficiary writes the check. One commenter suggested that the final regulation indicate that the beneficiary may pay the $110 filing fee.

In order to clarify this issue, the Service has amended § 214.2(h)(19)(ii) to indicate that a petitioner may submit two checks to cover the filing fee as long as both checks are remitted at the same time. In such a case, one check will be for the amount of $500 and the other for the amount of $110. This would constitute a ''single remittance'' for the purpose of § 214.2(h)(19)(ii).

However, since it is less expensive for the Service to process one check instead of two, the Service would prefer that petitioners submit one check in the amount of $610. The rule also states that the employer or its representative must pay the $500 filing fee. Petitioners are reminded that section 413(a) of the ACWIA prohibits an employer from requiring an alien beneficiary to reimburse, or otherwise compensate the employer for part or all of the cost of the $500 filing fee.

One commenter suggested that the final rule contain language indicating that a petition filed for a change of employers that does not contain a request for an extension of stay should not require the filing of the $500 fee.

The Service cannot adopt this suggestion because it is contrary to the statutory language. Section 414(a) of the ACWIA clearly requires that a new employer of an H–1B nonimmigrant alien must pay the $500 filing fee regardless of whether or not an extension of stay is requested.

Two commenters suggested that the final rule include language reflecting that a petitioner may be reimbursed by a third party for the $500 filing fee.

The Service will not adopt this suggestion because there is no support in the statute for such a provision. Again, section 413(a) of the ACWIA prohibits an employer from requiring an alien beneficiary to reimburse, or otherwise compensate the employer for part or all of the cost of the $500 filing fee. However, the ACWIA does not discuss the issue of third party reimbursements. Therefore, the issue of third party payments is outside the scope of this rule.

One commenter suggested that the final rule include language that the $500 filing fee relates to the actions of the employer, not the beneficiary. Another commenter suggested that the final rule contain language indicating that a second extension of stay filed after December 1, 1998, does not require the filing of the $500 fee regardless of whether the employer paid the $500 filing fee for the initial petition or fist extension of stay.

In response to these comments, the Service had added § 2142(h)(19)(v) in the final rule to describe a number of filing situations where the $500 filing fee is not required. Section 214.2(h)(19)(v) reflects that the fee for the extension of stay relates to the actions of the employer not the beneficiary. It also provides pursuant to section 414(a) of the ACWIA, that a second extension of stay filed by an alien's employer never requires the filing of a $500 fee. The fee is not required even if the employer did not pay the $500 filing fee on the initial petition or first extension of stay for the alien that it filed for the beneficiary.

Another commenter suggested that a company which petitioned for an alien who was previously accorded H–1B status based on a petition filed by another company, should not be required to pay the $500 filing fee when it applies for the alien's first extension of stay.

The Service will not adopt this comment. As previously discussed, section 414(a) of the ACWIA provides that the $500 filing fee relates to the employer, not the alien. As a result, on or after December 1, 1998, the first extension of stay filed by an employer for an alien requires the filing of the $500 fee regardless of whether the beneficiary was previously petitioned as an H–1B nonimmigrant alien by another employer.

How Will the Service Petitions Where the Check for the Filing Fee Is Returned as Non-Payable?

Since promulgation of the interim rule, a number of checks for the $500 filing fee have been returned to the Service as non-payable. As a result, it is important to remind the public of the provisions of 8 CFR 103.2(a)(7)(ii) that provides if a check for a filing fee is returned to the Service as non-payable, a pending petition will be rejected as improperly filed. If the petition has already been approved, the petition shall be automatically revoked.

In addition, an H–1B alien who continues his or her employment with the petitioner after the supporting petition is revoked may be subject to removal proceedings. An employer who knowingly continues to employ an alien who is not authorized to work may be liable for sanctions including civil fines and criminal penalties pursuant to section 274A of the Immigration and Nationality Act.

Finally the Service may take action under the Debt Collection ACt of 1982 to collect the filing fee to include penalties and cost for collection on returned checks.

What Comments Did the Service Receive Regarding Form I–129W?

In order to assist employers in determining whether they are required to pay the $500 filing fee, the Service developed Form I–129W. The Service received nine comments regarding the form.

One commenter suggested that the form should be revised to include the name of the petitioner. Two commenters suggested that Part B of the form, which provides information on the required documentation necessary to establish tax exempt status, be modified to discuss the evidence required to

establish eligibility for the other exemptions. One commenter stated that the wording on the form implies that all employers claiming exemption from paying the $500 filing fee must submit information regarding whether they enjoy tax exempt status. Two commenters noted that the form does not accommodate the filing of amended petitions and suggested that the form be accordingly modified.

The Service will modify Form I–129W and has adopted the above suggestions. The new version of Form I–129W will now have a block for the petitioner's name. Form I–129W now contains additional information regarding the evidence to be submitted to establish exemption from the $500 filing fee. The form has also been modified to reflect that the $500 filing fee is not required when an amended petition which does not involve an extension of stay is filed.

One commenter suggested that the form be changed so that a petition filed for a change of employers without an extension of stay will not required the filing of the $500 filing fee.

As previously noted, section 414(a) of the ACWIA clearly requires that a petitioner seeking a change of employers must submit the $500 filing fee. Therefore, the Service will not adopt this suggestion.

One commenter suggested that the Service allow employers to submit copies of previously submitted Forms I–129W in support of a Form I–129 petition.

The Service requires current information from an employer an original Form I–129W in support of an I–129 petition. The Service has included the requirement that an employer submit an original Form I–129W at § 214.2(h)(19)(vii). It must be noted that the Service, pursuant to section 416(c) of the ACWIA, is required to report to Congress on a quarterly basis the number of employers claiming an exemption. As a result, the Service requires the submission of a current Form I–129W.

One commenter suggested that exempt employers should not be required to submit supporting evidence with the Form I–129W.

The Service will not adopt this comment. In order to avoid potential delays in the adjudication process, the Service requires that employers submit supporting evidence establishing their eligibility for the claimed exemption. The Service's evidentiary requirements regarding this provision are minimal and are consistent with the discussion contained in the conference report dealing with limiting the evidentiary burden to employers.

What Additional Changes Did the Service Make in the Final Rule?

The Service has also amended 8 CFR 103.7(b)(1) to reflect that not all Form I–129 petitions must be accompanied by a $500 filing fee. The regulation now provides that only certain H–1B petitions must be submitted with the $500 filing fee.

Regulatory Flexibility Act

The Commissioner, in accordance with 5 U.S.C. 605(b), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. Although there is a $500 filing fee which may have an economic impact on small entities, sections 414(a) and 415(a) of the ACWIA established the new $500 filing fee and exemptions that are effective December 1, 1998. This regulation merely implements procedures for submission of the new $500 filing fee for Form I–129, H–B nonimmigrant petitions.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to complete with foreign-based companies in domestic and export markets. While this rule is not a major rule, the Service recognizes that all businesses, regardless of size, whose hiring practices involve H–1B aliens, are affected by this rule in that they will be required to submit an additional $500 per petition, unless exempt. It is anticipated that the effect on the economy for fiscal year 2000 will be $88,550,000 and $82,775,000 for fiscal year 2001. Further, as previously stated in the supplement to this rule, sections 414(a) and 415(a) of the ACWIA established the new $500 filing fee and exemptions that became effective December 1, 1998. This regulation merely implements procedures for the submission of the new $500 filing fee for H–1B nonimmigrant petitions.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to the Office of Management and Budget (OMBN) for review.

Executive Order 13132

The regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988 Civil Justice Reform

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

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements. The information collection requirements contained in this rule were previously approved for use by the Office of Management and Budget (OMB) under emergency procedures and will be submitted again under normal procedures within 6 months. The OMB control number for this collection will continue to be listed in 8 CFR 299.5, Display or control numbers.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Forms, Freedom of Information, Privacy, Reporting and record keeping requirements, Surety bonds.

8 CFR Part 214

Administrative practice and procedures, Aliens, Employment, Reporting and record keeping requirements.

8 CFR Part 299

Immigration, Reporting and record keeping requirement.

Accordingly, the interim rule amending 8 CFR parts 103, 214, and 299 which was published at 63 FR 65657, on November 30, 1998, is adopted as a final rule with the following changes:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552(a); 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

2. In § 103.7, paragraph (b)(1) is amended by revising the entry for ''Form I–129'', to read as follows:

§ 103.7 Fees.

* * * * *

(b) * * *

(1) * * *

* * * * *

Form I–129. For filing a petition for a nonimmigrant worker, a base fee of $110. For filing an H–1B petition, a base fee of $110 plus an additional $500 fee in a single remittance of $610. The remittance may be in the form of two checks (one in the amount of $500 and the other in the amount of $110). Payment of this additional $500 fee is not waivable under § 103.7(c)(1). Payment of this additional $500 fee is not required if an organization is exempt under § 214.2(h)(19)(iii) of this chapter. Payment of this additional $500 fee is not required if an organization is exempt under § 214.2(h)(19)(iii) of this chapter, and this additional $500 fee also does not apply to certain filings by any employer as provided in § 214.2(h)(19)(v) of this chapter.

* * * * *

PART 214—NONIMMIGRANT CLASSES

3. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282; 8 CFR part 2.

4. Section 214.2 is amended by:

a. Revising paragraph (h)(19)(i)(C);

b. Revising paragraph (h)(19)(ii);

c. Adding the word ''or'' at the end of paragraph (h)(19)(iii)(B);

d. Revising paragraph (h)(19)(iii)(C);

e. Revising paragraph (h)(19)(iv); and by

f. Adding new paragraphs (h)(19)(v), (vi), and (vii); to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) * * *

(19) * * *

(i) * * *

(C) Authorization for a change in employers, as provided in paragraph (h)(2)(i)(D) of this section.

(ii) A petitioner must submit the $110 filing fee and additional $500 filing fee in a single remittance totaling $610. Payment of the $610 sum ($110 filing fee and additional $500 filing fee) must be made at the same time to constitute a single remittance. A petitioner may submit two checks, one in the amount of $500 and the other in the amount of $110. The Service will accept remittances of the $500 fee only from the United States employer or its representative of record, as defined under 8 CFR part 292 and 8 CFR 103.2(a).

(iii) * * *

(C) *A nonprofit research organization or governmental research organization.* A nonprofit research organization is an organization that is primarily engaged in basic research and/or applied research. A governmental research organization is a United States Government entity whose primary mission is the performance or promotion of basic research and/or applied research. Basic research is general research to gain more comprehensive knowledge or understanding of the subject under study, without specific applications in mind. Basic research is also research that advances scientific knowledge, but does not have specific immediate commercial objectives although it may be in fields of present or potential commercial interest. It may include research and investigation in the sciences, social sciences, or humanities. Applied research is research to gain knowledge or understanding to determine the means by which a specific, recognized need may be met. Applied research includes investigations oriented to discovering new scientific knowledge that has specific commercial objectives with respect to products, processes, or services. It may include research and investigation in the sciences, social sciencies, or humanities.

(iv) *Non-profit or tax exempt organizations.* For purposes of paragraphs (h)(19)(iii) (B) and (C) of this section, a nonprofit organization or entity is:

(A) Defined as a tax exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4) or (c)(6), 26 U.S.C. 501(c)(3), (c)(4) or (c)(6), and

(B) Has been approved as a tax exempt organization for research or educational purposes by the Internal Revenue Service.

(v) *Filing situations where the $500 filing fee is not required.* The $500 filing fee is not required:

(A) If the petition is an amended H–1B petition that does not contain any requests for an extension of stay;

(B) If the petition is an H–1B petition filed for the sole purpose of correcting a Service error; or

(C) If the petition is the second or subsequent request for an extension of stay filed by the employer regardless of when the first extension of stay was filed or whether the $500 filing fee was paid on the initial petition or the first extension of stay.

(vi) *Petitioners required to file Form I–129W.* All petitioners must submit Form I–129W with the appropriate supporting documentation with the petition for an H–1B nonimmigrant alien. Petitioners who do not qualify for a fee exemption are required only to fill our Part A of Form I–129W.

(vii) *Evidence to be submitted in support of the Form I–129W.* (A) Employer claiming to be exempt. An employer claiming to be exempt from the $500 filing fee must complete both Parts A and B of Form I–129W along with Form I–129. The employer must also submit evidence as described on Form I–129W establishing that it meets one of the exemptions described at paragraph (h)(19)(iii) of this section. A United States employer claiming an exemption from the $500 filing fee on the basis that it is a non-profit research organization must submit evidence that it has tax exempt status under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4) or (c)(6), 26 U.S.C. 501(c)(3), (c)(4) or (c)(6). All other employers claiming an exemption must submit a statement describing why the organization or entity is exempt.

(B) Exempt filing situations. Any non-exempt employer who claims that the $500 filing fee does not apply with respect to a particular filing for one of the reasons described in § 214.2(h)(19)(v), must submit a statement describing why the filing fee is not required.

* * * * *

PART 299—IMMIGRATION FORMS

5. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

6. Section 299.1 is amended in the table by revising the entry for Form ''I–129W'' to read as follows:

§ 299.1 Prescribed forms.

* * * * *

Form No.	Edition date	Title
*	*	* * *
I–129W	12–22–99	H–1B Data Collection and Filing Fee Exemption.
*	*	* * *

7. Section 299.5 is amended in the table by revising the entry for Form ''129W'' to read as follows:

§ 299.5 Display of control numbers.

* * * * *

INS form No.	INS form title	Currently assigned OMB Control No.
*	*	* * *
I–129W	H–1B Data Collection and Filing Exemption	1115–0225
*	*	* * *

Dated: February 24, 2000.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00–4766 Filed 2–28–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF ENERGY

[Docket No. FM–RM–99–RPROP]

10 CFR PART 770

RIN 1901–AA82

Transfer of Real Property at Defense Nuclear Facilities for Economic Development

AGENCY: Department of Energy.

ACTION: Interim final rule and opportunity for public comment.

SUMMARY: The Department of Energy (DOE) is establishing a process for disposing of unneeded real property at DOE's defense nuclear facilities for economic development. Section 3158 of Public Law 105–85, the National Defense Authorization Act for Fiscal Year 1998, directs DOE to prescribe regulations which describe procedures for the transfer by sale or lease of real property at such defense nuclear facilities. Transfers of real property under these regulations are intended to offset negative impacts on communities caused by unemployment from related DOE downsizing, facility closeouts and work force restructuring at these facilities. Section 3158 also provides discretionary authority to the Secretary to indemnify transferees of real property at DOE defense nuclear facilities. This regulation sets forth the indemnification procedures.

EFFECTIVE DATE: This rule is effective February 29, 2000. Comments on the interim final rule should be submitted by April 14, 2000. Those comments received after this date will be considered to the extent practicable.

ADDRESSES: Send comments (3 copies) to James M. Cayce, U.S. Department of Energy, Office of Management and Administration, MA–53, 1000 Independence Avenue, SW, Washington, D.C. 20585. The comments will be included in Docket No. FM–RM–99–PROP and they may be examined between 9:00 a.m. and 4:00 p.m. at the U.S. Department of Energy Freedom of Information Reading Room, Room 1E–190, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–6020.

FOR FURTHER INFORMATION CONTACT: James M. Cayce, U.S. Department of Energy, MA–53, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–0072.

SUPPLEMENTARY INFORMATION:

I. Background

DOE's real property consists of about 2.4 million acres and over 21,000 buildings, trailers, and other structures and facilities. In the eight years since the end of the Cold War, DOE has been engaged in a two-part process in which DOE reexamines its mission need for real property holdings, and then works to clean up the land and facilities that have been contaminated with hazardous chemicals and nuclear materials. The end result will be the availability, over time and to widely varying degree at DOE sites, of real property for transfer. DOE may sell or lease real property under a number of statutory authorities. The primary authorities are section 161g of the Atomic Energy Act (42 U.S.C. 2201(g)) and sections 646(c)–(f) (also known as the ''Hall Amendment'') and 649 of the Department of Energy Organization Act, as amended (42 U.S.C. 7256(c)–(f) and 7259). Section 161g of the Atomic Energy Act broadly authorizes DOE to transfer real property by sale or lease to another party. Section 649 applies to leasing of underutilized real property. Section 646(c)–(f) applies to specific facilities that are to be closed or reconfigured. In addition, DOE may declare real property as ''excess, underutilized or temporarily underutilized,'' and dispose of such real property under provisions of the Federal Property and Administrative Services Act, 40 U.S.C. 472 *et seq.* With the exception of sections 646(c)–(f) of the DOE Organization Act, these authorities do not deal specifically with transfer of real property for economic development.

In section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (''Act''), Congress directed DOE to prescribe regulations specifically for the transfer by sale or lease of real property at DOE defense nuclear facilities for the purpose of permitting economic development (42 U.S.C. 7274q(a)(1)). Section 3158 also provides that DOE may hold harmless and indemnify a person or entity to whom real property is transferred against any claim for injury to person or property that results from the release or threatened release of a hazardous substance, pollutant or contaminant as a result of DOE (or predecessor agency) activities at the defense nuclear facility (42 U.S.C. 7274q(b)). The indemnification provision in section 3158 is similar to provisions enacted for the Department of Defense Base Realignment and Closure program under Section 330 of the Defense Authorization Act for Fiscal Year 1993, Public Law 102–484.

The indemnification provisions in section 3158 aid these transfers for economic development because, even at sites that have been remediated in accordance with applicable regulatory requirements, uncertainty and risk to capital may be presented by the possibility of as-yet undiscovered contamination remaining on the property. Potential buyers and lessees of real property at defense nuclear facilities have sometimes expressed a need to be indemnified as part of the transfer. Furthermore, indemnification often is requested by lending or underwriting institutions which finance the purchase, redevelopment, or future private operations on the transferred property to protect their innocent interests in the property. Indemnification may be granted under this rule when it is deemed essential for facilitating local reuse or redevelopment as authorized under 42 U.S.C. 7274q.

This rule is not intended to affect implementation of the Joint Interim Policy that DOE and the Environmental Protection Agency (EPA) entered into on June 21, 1998, to implement the consultation provisions of the Hall Amendment (42 U.S.C. 7256(e)). The Joint Interim Policy provides specific direction for instances in which Hall Amendment authority is used by DOE to enter into leases at DOE sites which are on the EPA's National Priorities List. As

stated in the scope of the joint policy, at National Priorities List sites, EPA was given the authority to concur in the DOE determination that the terms and conditions of a lease agreement are ''consistent with safety and protection of public health and the environment.''

II. Section-by-Section Discussion

The following discussion presents information related to some of the provisions in today's interim final rule, and explains DOE's rationale for those provisions.

1. Section 770.2 (Coverage)

Generally, real property covered by these regulations includes land and facilities at DOE defense nuclear facilities offered for sale or lease for the purpose of permitting the economic development of the property. Leases of improvements to real property that has been withdrawn from the public domain are covered, but not the withdrawn land. If any of these improvements are removable, they can be transferred under this part.

2. Section 770.4 (Definitions)

DOE has included a definition of ''Community Reuse Organization'' (CRO) in this rule. CROs are established and funded by DOE to implement community transition activities under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h). Membership in a CRO is composed of a broad representation of persons and entities from the affected communities. The CRO coordinates local community transition planning efforts with the DOE's Federal Advisory Committees, ''Site Specific Advisory Boards,'' and others to counter adverse impacts from DOE work force restructuring. CROs may act as agent or broker for parties interested in undertaking economic development actions, and they can assure a broad range of participation in community transition activities.

Section 3158 defines ''defense nuclear facility'' by cross-reference to the definition in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286(g)). These facilities are atomic energy defense facilities involved in production or utilization of special nuclear material; nuclear waste storage or disposal facilities; testing and assembly facilities; and atomic weapons research facilities, which are under the control or jurisdiction of the Secretary of Energy. DOE has identified the facilities receiving funding for atomic energy defense activities (with the exception of activities under Office of Naval Reactors) which are covered by the definition. A list of these defense nuclear facilities is included at the end of this section-by-section discussion for the convenience of the interested public.

''Excess real property'' is DOE property that, after screening at all levels of DOE, is found to be unneeded for any of the DOE's missions.

The term ''underutilized real property or temporarily underutilized real property'' means an entire parcel of real property, or a portion of such property, that is used at irregular intervals or for which the mission need can be satisfied with only a portion of the property. These designations are reviewed on an annual basis by the certified real property specialist at each Field Office.

3. Sections 770.5 and 770.6 (Identification of Real Property for Transfer)

DOE annually conducts surveys of its real property to determine if the property is being fully utilized. In a related process, DOE annually reviews its real property to identify property that is no longer needed for DOE missions. Real property covered by this part will be initially identified by these two processes. Under this part, Field Office Managers will provide the established CRO, and other interested persons and entities with a list of the real property that may be transferred under these regulations. Field Office Managers may make this list available by mail to known entities, or other means (such as posting on DOE Internet sites), or upon request. DOE will provide existing information on listed property, including its policies under the relevant transfer authority, information on the physical condition of the property, environmental reports, safety reports, known use restrictions, leasing term limitations and other pertinent information. Section 770.6 provides that a CRO or other person or entity may request that the Field Office Manager make available specific real property for possible transfer in support of economic development.

4. Section 770.7 (Transfer Process)

To initiate the transfer process, the potential purchaser or lessee must prepare and provide to the Field Office Manager a proposal for the transfer of real property at a defense nuclear facility for economic development. The proposal must contain enough detail for DOE to make an informed determination that the transfer, by sale or lease, would be in the best interest of the Government. Every proposal must include the information specified in section 770.7(a)(1) relating to the scope and economic development impact of the proposed transfer. A proposal must include: a description of the real property proposed to be transferred; the intended use and duration of use of the real property; a description of the economic development that would be furthered by the transfer (*e.g.*, jobs to be created or retained, improvements to be made); information supporting the economic viability of the proposed development; and the consideration offered and any financial requirements. A proposal also should explicitly state if indemnification against claims is or is not being requested, and, if requested, the specific reasons for the request and a certification that the requesting party has not caused contamination on the property. This requirement stems from section 3158(b) of the Act, which requires DOE to include in any agreement for the sale or lease of real property provisions stating whether indemnification is or is not provided (42 U.S.C. 7274q(b)).

Paragraph 770.7(b) provides that DOE will review a proposal and within 90 days notify the person or entity submitting the proposal of its decision on whether the transfer is in the best interest of the Government and DOE's intent to proceed with development of a transfer agreement. DOE may consider a variety of factors in making its decision, such as the adverse economic impacts of DOE downsizing and realignment on the region, the public policy objectives of the laws governing the downsizing of DOE's production complex, the extent of state and local investment in any proposed projects, the potential for short- and long-term job generation, the financial responsibility of the proposer, current market conditions, and potential benefits to the federal government from the transfer. Since many defense nuclear facilities have ongoing missions, particular transfers may be subject to use restrictions that are made necessary by specific security, safety, and environmental requirements of the DOE facility. If DOE does not find the transfer is in the best interest of the Government and will not pursue a transfer agreement, it will, by letter, inform the person or entity that submitted it of DOE's decision and reasons. Agreement by DOE to pursue development of a transfer agreement does not commit DOE to the project or constitute a final decision regarding the transfer of the property.

Section 3158 of the Act prohibits DOE from transferring real property for economic development until 30 days have elapsed following the date on which DOE notifies the defense

committees of Congress of the proposed transfer of real property. Therefore, if DOE determines that a proposal would be in the best interest of the Government, it then will notify the congressional defense committees of the proposed transfer. In particular instances, it is possible that this notification requirement may delay the development of the transfer agreement.

Before a proposed transfer agreement is finalized, the Field Office Manager must ensure that DOE's National Environmental Policy Act (NEPA) environmental review process is completed. Depending on the transfer authority used and the condition of the real property, other agencies may need to review or concur with the terms of the agreement. For example, for Hall Amendment leases at National Priorities List sites, EPA was given the authority to concur in the DOE determination that the terms and conditions of a lease agreement are consistent with safety and the protection of public health and the environment. The DOE will also comply with any other applicable land transfer statutes.

DOE has established policy that requires public participation in the land and facility planning, management, and disposition decision process (under DOE O 403.1A, Life Cycle Asset Management). Generally, because the proposals are likely to be generated by or in coordination with a CRO, a separate public involvement process should not be necessary. However, there may be instances in which a specific authority requires separate or additional procedures (*e.g.*, commitments in agreements signed with tribal, state, or local governments).

5. Section 770.8 (Transfer for Less Than Fair Market Value)

The House Conference Report for the Act (105–340) noted that DOE should address in this part, when it is appropriate for DOE to transfer or lease real property below fair market value or at fair market value. DOE will generally pursue fair market value for real property transferred for economic development. DOE may, however, agree to sell or lease such property for less than fair market value if the statutory transfer authority used imposes no market value restriction and the real property requires considerable infrastructure improvements to make it economically viable, or if in DOE's judgment a conveyance at less than market value would further the public policy objectives of the laws governing the downsizing of defense nuclear facilities. DOE has the authority to transfer real and personal property at less than fair market value (or without consideration) in order to help local communities recover from the effects of downsizing of defense nuclear facilities.

6. Sections 770.9–770.11 (Indemnification)

DOE real property often is viewed by the public as a potential liability even if it has been cleaned to specific regulatory requirements. To improve the marketability of previously contaminated land and facilities, DOE may indemnify a person or entity to whom real property is transferred for economic development against any claim for injury to persons or property that results from the release or threatened release of a hazardous substance, pollutant or contaminant attributable to DOE (or predecessor agencies).[1] DOE will enter into an indemnification agreement under this rule if a person or entity requests it, and indemnification is deemed essential for the purposes of facilitating reuse or redevelopment. A claim for injury to person or property will be indemnified only if an indemnification provision is included in the agreement for sale or lease and in subsequent deeds or leases.

This general DOE indemnification policy is subject to the conditions in section 770.9 of this part. As provided by section 3158(c)(1) of the Act (42 U.S.C. 7274q(c)(1)), a person or entity who requests indemnification under a transfer agreement must notify DOE (the Field Office Manager) in writing within two years after the claim accrues.

Section 770.9 contains several other requirements and conditions that are taken from section 3158(c)(1) of the Act. The person or entity requesting indemnification for a particular claim must furnish the Field Office Manager pertinent papers regarding the claim received by the person or entity, and any evidence or proof of the claim; and must permit access to records and personnel for purposes of defending or settling the claim.

DOE also is prohibited by section 3158(b)(3) from indemnifying a person or entity for a claim ''to the extent the persons and entities * * * contributed to any such release or threatened release'' (42 U.S.C. 7274q(b)(3)). This limitation on DOE's ability to indemnify potentially liable parties is included in the rule in paragraph 770.9(b).

One additional statutory limitation on indemnification is that DOE may not indemnify a transferee for a claim, even if an indemnification agreement exists, if the person requesting indemnification does not allow DOE to settle or defend the claim. This limitation is in paragraph 770.9(c), and it is required by section 3158(d)(2) of the Act (42 U.S.C. 7274q(d)(2)).

Section 770.10 provides, as stipulated in the Act, that if an indemnification claim is denied by DOE, the person or entity must be informed through a notice of final denial of a claim by certified or registered mail. If the person or entity wishes to contest the denial, then that person or entity must begin legal action within six months after the date of mailing of a notice of final denial of a claim by DOE. (42 U.S.C. 7274q(c)(1)).

Section 770.11 incorporates the Act's provision that a claim ''accrues'' on the date on which the person asserting the claim knew (or reasonably should have known) that the injury to person or property was caused or contributed to by the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of DOE activities at the defense nuclear facility on which the real property is located. (42 U.S.C. 7274q(c)(2)). DOE may not waive this timeliness requirement.

Appendix to Preamble of 10 CFR Part 770

List of Defense Nuclear Facilities: This list is consists of the defense nuclear facilities noted as covered facilities in House Report 105–137, and is not meant to be inclusive.

Argonne National Laboratory
Brookhaven National Laboratory
Fernald Environmental Management Project Site
Hanford Site
Idaho National Engineering and Environmental Laboratory
Kansas City Plant
K–25 Plant (East Tennessee Technology Park)
Lawrence Livermore National Laboratory
Los Alamos National Laboratory
Mound Facility
Nevada Test Site
Oak Ridge Reservation
Oak Ridge National Laboratory
Paducah Gaseous Diffusion Plant
Pantex Plant
Pinellas Plant
Portsmouth Gaseous Diffusion Plant
Rocky Flats Environmental Technology Site

[1] Regardless of the existence of an indemnification agreement, DOE would be responsible for the release, or threatened release of a hazardous substance or pollutant or contaminant resulting from the activities of DOE or its predecessor agencies, if the property was not remediated to required standards. This would also apply to early transfers, by sale or lease, of contaminated real property under Section 120(h)(3)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9620(h)(3)(C).

Sandia National Laboratory
Savannah River Site
Waste Isolation Pilot Project
Y–12 Plant

III. Public Comment

The interim final rule published today relates to public property and, therefore, is exempt from the notice and comment rulemaking requirements in the Administrative Procedure Act, 5 U.S.C. 553. Nonetheless, DOE is providing an opportunity for interested persons to submit written comments on the interim final rule. Three copies of written comments should be submitted to the address indicated in the **ADDRESSES** section of this rule. All comments received will be available for public inspection in the Department of Energy Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 9 a.m. and 4 p.m., Monday through Friday, except federal holidays. All written comments received on or before the date specified in the beginning of this rule will be considered by DOE. Comments received after that date will be considered to the extent that time allows.

Any person submitting information or data that is believed to be confidential, and exempt by law from public disclosure, should submit one complete copy of the document and two additional copies from which the information believed to be confidential has been deleted. DOE will makes its own determination with regard to the confidential status of the information and treat it as provided in 10 CFR 1004.11.

IV. Procedural Requirements

A. Review Under Executive Order 12866

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

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Today's interim final rule concerning the sale or lease of real property at defense nuclear facilities is not subject to the Regulatory Flexibility Act because neither the Administrative Procedure Act (5 U.S.C. 553(a)(2)), nor any other law requires DOE to propose the rule for public comment.

C. Review Under the Paperwork Reduction Act

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

D. Review Under the National Environmental Policy Act

Under the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), DOE has established guidelines for its compliance with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). This interim final rule establishes procedures for real property transfers for economic development. Because the rule is procedural, it is covered by the Categorical Exclusion in paragraph A6 of Appendix A to Subpart D, 10 CFR Part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required. As paragraph 770.3(b) of the rule notes, individual proposals for the transfer of property are subject to appropriate NEPA review.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on states, on the relationship between the federal government and the states, or in the distribution of power and responsibilities among the various levels of government. DOE has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132, and has determined that this rule will not have a substantial direct effect on states, the established relationship between the states and the federal government or the distribution of power and responsibilities among the various levels of government.

F. Review Under Executive Order 12988

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

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104–4) requires each federal agency to prepare a written assessment of the effects of any federal mandate in a proposed or final rule that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year. The Act also requires a federal agency to develop an effective process to permit timely input by elected officers of state, local, and tribal governments on a proposed ''significant intergovernmental mandate,'' and it requires an agency to develop a plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirement that might significantly or uniquely affect small governments. The interim final rule published today does not contain any federal mandate, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires federal agencies to issue a Family Policymaking Assessment for any

proposed rule or policy that may affect family well-being. Today's proposal would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Congressional Notification

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

List of Subjects in Part 770

Federal buildings and facilities, Government property, Government property management, Hazardous substances.

Issued in Washington, on January 21, 2000.

Edward R. Simpson,

Acting Director of Procurement and Assistance Management.

For the reasons set forth in the preamble, Title 10, Chapter III, of the Code of Federal Regulations is amended by adding a new part 770 as set forth below:

PART 770—TRANSFER OF REAL PROPERTY AT DEFENSE NUCLEAR FACILITIES FOR ECONOMIC DEVELOPMENT

Sec.

770.1 What is the purpose of this part?
770.2 What real property does this part cover?
770.3 What general limitations apply to this part?
770.4 What definitions are used in this part?
770.5 How does DOE notify persons and entities that defense nuclear facility real property is available for transfer for economic development?
770.6 May interested persons and entities request that real property at defense nuclear facilities be transferred for economic development?
770.7 What procedures are to be used to transfer real property at defense nuclear facilities for economic development?
770.8 May DOE transfer real property at defense nuclear facilities for economic development at less than fair market value?
770.9 What conditions apply to DOE indemnification of claims against a person or entity based on the release or threatened release of a hazardous substance or pollutant or contaminant attributable to DOE?
770.10 When must a person or entity, who wishes to contest a DOE denial of request for indemnification of a claim, begin legal action?
770.11 When does a claim ''accrue'' for purposes of notifying the Field Office Manager under § 770.9(a) of this part?

Authority: 42 U.S.C. 7274q.

§ 770.1 What is the purpose of this part?

(a) This part establishes how DOE will transfer by sale or lease real property at defense nuclear facilities for economic development.

(b) This part also contains the procedures for a person or entity to request indemnification for any claim that results from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of DOE activities at the defense nuclear facility.

§ 770.2 What real property does this part cover?

(a) DOE may transfer DOE-owned real property by sale or lease at defense nuclear facilities, for the purpose of permitting economic development.

(b) DOE may transfer, by lease only, improvements at defense nuclear facilities on land withdrawn from the public domain, that are excess, temporarily underutilized, or underutilized, for the purpose of permitting economic development.

§ 770.3 What general limitations apply to this part?

(a) Nothing in this part affects or modifies in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(b) Individual proposals for transfers of property are subject to NEPA review as implemented by 10 CFR Part 1021.

(c) Any indemnification agreed to by the DOE is subject to the availability of funds.

§ 770.4 What definitions are used in this part?

Community Reuse Organization or CRO means a governmental or non-governmental organization that represents a community adversely affected by DOE work force restructuring at a defense nuclear facility and that has the authority to enter into and fulfill the obligations of a DOE financial assistance agreement.

Claim means a request for reimbursement of monetary damages.

Defense Nuclear Facility means ''Department of Energy defense nuclear facility'' within the meaning of section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

DOE means the United States Department of Energy.

DOE Field Office means any of DOE's officially established organizations and components located outside the Washington, D.C., metropolitan area. (See Field Office Manager.)

Economic Development means the use of transferred DOE real property in a way that enhances the production, distribution, or consumption of goods and services in the surrounding region(s) and furthers the public policy objectives of the laws governing the downsizing of DOE's defense nuclear facilities.

Excess Real Property means any property under DOE control that the Field Office, cognizant program, or the Secretary of Energy have determined, according to applicable procedures, to be no longer needed.

Field Office Manager means the head of the DOE Operations Offices or Field Offices associated with the management and control of defense nuclear facilities.

Hazardous Substance means a substance within the definition of ''hazardous substances'' in subchapter I of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601(14)).

Indemnification means the responsibility for reimbursement of payment for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage, including business losses consistent with generally accepted accounting practices, which involve the covered real property transfers. Indemnification payments are subject to the availability of appropriated funds.

Person or Entity means any state, any political subdivision of a state or any individual person that acquires ownership or control of real property at a defense nuclear facility.

Pollutant or Contaminant means a substance identified within the definition of ''pollutant or contaminant'' in section 101(33) of CERCLA (42 U.S.C. 9601(33)).

Real Property means all interest in land, together with the improvements, structures, and fixtures located on the land (usually including prefabricated or movable structures), and associated appurtenances under the control of any federal agency.

Release means a ''release'' as defined in subchapter I of CERCLA (42 U.S.C. 9601(22)).

Underutilized Real Property or Temporarily Underutilized Real Property means the entire property or a portion of the real property (with or without improvements) that is used only at irregular intervals, or which is used by current DOE missions that can be satisfied with only a portion of the real property.

§ 770.5 How does DOE notify persons and entities that defense nuclear facility real property is available for transfer for economic development?

(a) Field Office Managers annually make available to Community Reuse Organizations and other persons and entities a list of real property at defense nuclear facilities that DOE has identified as appropriate for transfer for economic development. Field Office Managers may use any effective means of publicity to notify potentially-interested persons or entities of the availability of the list.

(b) Upon request, Field Office Managers provide to interested persons and entities relevant information about listed real property, including information about a property's physical condition, environmental, safety and health matters, and any restrictions or terms of transfer.

§ 770.6 May interested persons and entities request that real property at defense nuclear facilities be transferred for economic development?

Any person or entity may request that specific real property be made available for transfer for economic development pursuant to procedures in § 770.7. A person or entity must submit such a request in writing to the Field Office Manager who is responsible for the real property.

§ 770.7 What procedures are to be used to transfer real property at defense nuclear facilities for economic development?

(a) *Proposal.* The transfer process starts when a potential purchaser or lessee submits to the Field Office Manager a proposal for the transfer of real property that DOE has included on a list of available real property, as provided in § 770.5 of this part.

(1) A proposal must include (but is not limited to):

(i) A description of the real property proposed to be transferred;

(ii) The intended use and duration of use of the real property;

(iii) A description of the economic development that would be furthered by the transfer (*e.g.*, jobs to be created or retained, improvements to be made);

(iv) Information supporting the economic viability of the proposed development; and

(v) The consideration offered and any financial requirements.

(2) The person or entity should state in the proposal whether it is or is not requesting indemnification against claims based on the release or threatened release of a hazardous substance or pollutant or contaminant resulting from DOE activities.

(3) If a proposal for transfer does not contain a statement regarding indemnification, the Field Office Manager will notify the person or entity by letter of the potential availability of indemnification under this part, and will request that the person or entity either modify the proposal to include a request for indemnification or submit a statement that it is not seeking indemnification.

(b) *Decision to transfer real property.* Within 90 days after receipt of a proposal, DOE will notify, by letter, the person or entity that submitted the proposal of DOE's decision whether or not a transfer of the real property by sale or lease is in the best interest of the Government. If DOE determines the transfer is in the Government's best interest, then the Field Office Manger will begin development of a transfer agreement.

(c) *Congressional committee notification.* DOE may not transfer real property under this part until 30 days have elapsed after the date DOE notifies congressional defense committees of the proposed transfer. The Field Office Manager will notify congressional defense committees through the Secretary of Energy.

(d) *Transfer.* After the congressional committee notification period has elapsed, the Field Office Manager:

(1) Finalizes negotiations of a transfer agreement, which must include a provision stating whether indemnification is or is not provided;

(2) Ensures that any required environmental reviews have been completed; and

(3) Executes the documents required for the transfer of property to the buyer or lessee.

§ 770.8 May DOE transfer real property at defense nuclear facilities for economic development at less than fair market value?

DOE generally attempts to obtain fair market value for real property transferred for economic development, but DOE may agree to sell or lease such property for less than fair market value if the statutory transfer authority used imposes no market value restriction, and:

(a) The real property requires considerable infrastructure improvements to make it economically viable, or

(b) A conveyance at less than market value would, in the DOE's judgment, further the public policy objectives of the laws governing the downsizing of defense nuclear facilities.

§ 770.9 What conditions apply to DOE indemnification of claims against a person or entity based on the release or threatened release of a hazardous substance or pollutant or contaminant attributable to DOE?

(a) If an agreement for the transfer of real property for economic development contains an indemnification provision, the person or entity requesting indemnification for a particular claim must:

(1) Notify the Field Office Manager in writing within two years after such claim accrues under § 770.11 of this part;

(2) Furnish the Field Office Manager, or such other DOE official as the Field Office Manager designates, with evidence or proof of the claim;

(3) Furnish the Field Office Manager, or such other DOE official as the Field Office Manager designates, with copies of pertinent papers (*e.g.,* legal documents) received by the person or entity;

(4) If requested by DOE, provide access to records and personnel of the person or entity for purposes of defending or settling the claim; and

(5) Provide certification that the person or entity making the claim did not contribute to any such release or threatened release.

(b) DOE will enter into an indemnification agreement if DOE determines that indemnification is essential for the purpose of facilitating reuse or redevelopment.

(c) DOE may not indemnify any person or entity for a claim if the person or entity contributed to the release or threatened release of a hazardous substance or pollutant or contaminant that is the basis of the claim.

(d) DOE may not indemnify a person or entity for a claim made under an indemnification agreement if the person or entity refuses to allow DOE to settle or defend the claim.

§ 770.10 When must a person or entity, who wishes to contest a DOE denial of request for indemnification of a claim, begin legal action?

If DOE denies the claim, DOE must provide the person or entity with a notice of final denial of the claim by DOE by certified or registered mail. The person or entity must begin legal action within six months after the date of mailing.

§ 770.11 When does a claim ''accrue'' for purposes of notifying the Field Office Manager under § 770.9(a) of this part?

For purposes of § 770.9(a) of this part, a claim ''accrues'' on the date on which the person asserting the claim knew, or reasonably should have known, that the

injury to person or property was caused or contributed to by the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of DOE activities at the defense nuclear facility on which the real property is located.

[FR Doc. 00–4787 Filed 2–24–00; 4:07 pm]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–262–AD; Amendment 39–11602; AD 2000–04–19]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Dassault Model Mystere-Falcon 50 series airplanes, that currently requires a revision to the Limitations section of the FAA-approved Airplane Flight Manual (AFM) to include procedures to use certain values to correctly gauge the minimum allowable N1 speed of the operative engines during operation in icing conditions. This amendment adds a new requirement for operators to adjust the thrust reverser handle stop, install new wiring, and modify the Digital Electronic Engine Control (DEEC) software, which terminates the AFM revision. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent flightcrew use of erroneous N1 thrust setting information displayed on the Engine Indication Electronic Display (EIED), which could result in in-flight shutdown of engine(s).

DATES: Effective April 4, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 4, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97–21–16, amendment 39–10202 (62 FR 60773, November 13, 1997), which is applicable to certain Dassault Model Mystere-Falcon 50 series airplanes, was published in the **Federal Register** on November 3, 1999 (64 FR 59685). The action proposed to retain the requirement to revise the Limitations section of the FAA-approved Airplane Flight Manual (AFM) to include procedures to use certain values to correctly gauge the minimum allowable N1 speed of the operative engines during operation in icing conditions, and add a new requirement for adjustment of the thrust reverser handle stop, installation of new wiring, and modification of the Digital Electronic Engine Control (DEEC) software, which would terminate the need for the AFM revision.

Comments

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

Requests To Revise Applicability

One commenter, the manufacturer, suggests that the applicability be revised to exclude airplanes on which Dassault Factory Modification M2193 has been accomplished. The commenter notes that this modification is equivalent to Dassault Service Bulletin F50–276, dated June 24, 1998 (which was cited in the AD as the appropriate source of service information). The FAA concurs. The actions described in the referenced Dassault service bulletin constitute terminating action for the requirements of this AD; therefore, airplanes on which the service bulletin has been accomplished are excluded in the applicability of the AD. Since Dassault Modification M2193 is equivalent to that service bulletin, the FAA has revised the final rule to also exclude airplanes having this production modification.

The same commenter also requests that the applicability of the proposed AD be revised in regard to the listing of affected airplanes. The commenter notes that the proposed AD applies to ''serial numbers 251, 253, and subsequent, equipped with Allied-Signal TFE731–40 engines * * *.'' The commenter suggests that the applicability be expanded to include any Falcon 50 series airplane retrofitted with Dassault Service Bulletin F50–280 or Dassault Factory Modification 2518, since this service bulletin describes procedures for installation of Allied-Signal TFE731–40 engines on any Model Mystere-Falcon 50 series airplane, including serial numbers prior to 251.

The FAA does not concur. The FAA acknowledges that all airplanes equipped with the referenced engine type should also be subject to the requirements of this AD, if all actions required by this AD have not been accomplished. However, after further discussions with the manufacturer, the FAA has been advised that Dassault Service Bulletin F50–280 is in the process of review, but has not been released, nor has the equivalent Dassault Modification 2518 been approved. The FAA does not consider it appropriate to delay issuance of this final rule while awaiting such approval; therefore, no change is made to the applicability of the AD in this regard. If the engine retrofit service information is approved, the FAA will consider further rulemaking, if necessary, to apply the requirements of this AD to additional airplanes.

Request To Revise Number of Affected Airplanes

The same commenter states that the estimate of 7 affected airplanes is incorrect in the cost impact information of the proposed AD, since other airplanes may have the Allied-Signal TFE731–40 engines installed as a retrofit, as discussed in the previous comment. The FAA infers that the commenter is requesting that the number of affected airplanes be increased. However, since the previously described engine retrofit service information has not been approved, no airplanes on the U.S. Register should have had such a modification at this time. No change to the AD is necessary in this regard.

Request To Revise Cost Estimate

The same commenter states that the estimate of 2 work hours is conservative in that it does not include hours necessary to gain access, remove and replace the unit, and perform engine ground runs and/or flight tests. The

commenter believes that the economic impact per airplane will be approximately double that referred to in the proposed AD.

The FAA infers that the commenter is requesting that the cost estimate in the AD be increased to include the noted additional costs. The FAA does not concur. The cost impact information, below, describes only the ''direct'' costs of the specific actions required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. No change is made to the final rule.

Conclusion

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

Cost Impact

There are approximately 7 airplanes of U.S. registry that will be affected by this AD.

The action that is currently required by AD 97–21–16, and retained in this AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be $60 per airplane.

The new actions that are required by this new AD will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $1,026 per airplane. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be $8,022, or $1,146 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10202 (62 FR 60773, November 13, 1997), and by adding a new airworthiness directive (AD), amendment 39–11602, to read as follows:

2000–04–19 Dassault Aviation: Amendment 39–11602. Docket 98–NM–262–AD. Supersedes AD 97–21–16, Amendment 39–10202.

Applicability: Model Mystere-Falcon 50 series airplanes, serial numbers 251, 253, and subsequent; equipped with Allied-Signal TFE731–40 engines; certificated in any category; except airplanes that have been modified in accordance with Dassault Service Bulletin F50–276, dated June 24, 1998, or airplanes on which Dassault Modification M2193 was installed in production.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent in-flight shutdown of the engine(s) due to the flightcrew using erroneous N1 speed values displayed on the Engine Indication Electronic Display (EIED), accomplish the following:

Restatement of the Requirements of AD 97–21–16

AFM Revision

(a) Within 1 day after November 18, 1997 (the effective date of AD 97–21–16, amendment 39–10202), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to add the following. This may be accomplished by inserting a copy of this AD in the AFM.

''Operation in Icing Conditions:

The N1 speed of the operating engines must not be less than the minimum values specified in Normal Section 4, Sub-section 140, Page 2, of the AFM.''

New Requirements for This AD

Modification

(b) Within 6 months after the effective date of this AD, adjust the thrust reverser handle stop, install new ''push-light'' wiring on the instrument panel, and modify the Digital Electronic Engine Control (DEEC) software; in accordance with Dassault Service Bulletin F50–276, dated June 24, 1998. Accomplishment of such actions constitutes terminating action for the AFM revision required by paragraph (a) of this AD. Following accomplishment of the terminating action, the AFM revision required by paragraph (a) of this AD may be removed from the AFM.

Note 2: Dassault Service Bulletin F50–276 refers to Allied Signal Service Bulletin TFE731–76–5107, dated December 24, 1997, as an additional source of service information for accomplishment of the modification.

Spares

(c) As of the effective date of this AD, no person shall install DEEC software, part number 2118882–4002, on any airplane.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators

shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(f) The actions required by paragraph (b) of this AD shall be done in accordance with Dassault Service Bulletin F50–276, dated June 24, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 98–228–021(B), dated June 17, 1998.

(g) This amendment becomes effective on April 4, 2000.

Issued in Renton, Washington, on February 22, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4566 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–354–AD; Amendment 39–11601; AD 2000–04–18]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that requires replacement of transmission assemblies for the trailing edge flaps with modified transmission assemblies. This amendment is prompted by reports of broken bolts that attach the transmission assemblies for the trailing edge flaps. The actions specified by this AD are intended to prevent damage to the flap system, adjacent system, or structural components; and excessive skew of the trailing edge flap; which could result in reduced controllability of the airplane.

DATES: Effective April 4, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 4, 2000.

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

FOR FURTHER INFORMATION CONTACT: Robert C. Jones, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1118; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 757 series airplanes was published in the **Federal Register** on October 19, 1999 (64 FR 56279). That action proposed to require replacement of transmission assemblies for the trailing edge flaps with modified transmission assemblies.

Comments

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

Support for the Proposal

One commenter supports the proposed rule.

Request To Allow Use of Other Service Information

One commenter requests that paragraph (b) of the proposed rule be revised to allow installation of a transmission assembly modified in accordance with the original issue of Boeing Alert Service Bulletin 757–27A0127, dated September 10, 1998. The commenter states that this would be consistent with ''NOTE 2'' of the proposed rule, which states, ''Replacements accomplished in accordance with Boeing Alert Service Bulletin 757–27A0127, * * * are considered acceptable for compliance with paragraph (a) of this AD.''

The FAA concurs with the commenter's request, and has revised paragraph (b) to read, '' * * * no person shall install on any airplane, a trailing edge flap transmission assembly, unless it has been modified in accordance with this AD.''

Request To Allow Installation of a New Transmission

One commenter requests that paragraph (b) of the notice of proposed rulemaking (NPRM) be revised to allow installation of a new transmission that incorporates the upgraded torque limiter. The commenter states that some operators may choose to purchase a new transmission from the supplier, instead of modifying the existing unit.

The FAA concurs with the commenter's request. The FAA's intent was to allow installation of a new flap transmission assembly equipped with the new torque limiter *or* a modified flap transmission assembly. Therefore, in accordance with the commenter's request, paragraph (b) of this final rule has been revised to specify that no person shall install a trailing edge flap assembly, unless it has been modified in accordance with this AD, or, in the case of new transmission assemblies, it incorporates the new torque limiter. In addition, paragraph (a) of this final rule has been revised to clarify that replacement of existing transmission assemblies with new transmission assemblies that incorporate new torque limiters is acceptable for compliance with this AD.

Request To Clarify Preamble of Proposed Rule

One commenter requests that one sentence in the ''Explanation of Relevant Service Information'' section in the preamble of the proposed rule be revised. The proposed rule states that, ''The modified transmission assemblies include new torque limiters that can prevent damage to the airplane from high system loads at the transmission assemblies, and can prevent excessive skew of the trailing edge flap.'' The commenter requests that the last clause of the sentence be revised to read, ''* * * and can, *in some conditions,* prevent excessive skew of the trailing edge flap.'' The commenter states that, while a properly functioning torque

limiter is expected to prevent excessive skew of the flap under some skew conditions, it is not certain that a properly functioning torque limiter will lock out under all circumstances to prevent a skewing flap from being damaged by drive system loads.

The FAA concurs with the intent of the commenter's request. While the new torque limiters represent a significant improvement over the existing torque limiters and are effective in preventing damage due to a jam, the FAA recognizes that the new torque limiters may not prevent excessive skew in all flight conditions. Also, because the new torque limiters may not prevent loss of controllability in all flight conditions, the FAA may consider further regulatory action in the future. However, despite the FAA's concurrence, no change to the final rule is necessary in this regard because the subject section is not restated in the final rule.

Request To Revise Cost Estimate

One commenter requests that the FAA revise the cost estimate of the proposed AD from $43,512,000 ($87,024 per airplane), to $44,172,000 ($88,344 per airplane). The commenter states that the suggested change is consistent with the estimates in the service bulletin.

The FAA does not concur with the commenter's request to revise the cost estimate. The estimate of 32 work hours specified in the NPRM represents the time necessary to perform only the actions actually required by this AD (*i.e.,* replacement of transmission assemblies for the trailing edge flaps with modified transmission assemblies). The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. Thus, the FAA finds that the number of work hours estimated in the NPRM is consistent with the estimated number of work hours for accomplishing Part 1 of the service bulletin (excluding the work hours for ''incidental'' actions), and no change to the final rule is necessary in this regard.

Request To Extend Compliance Time

One commenter requests that the compliance time for the actions specified in paragraph (a) of the proposed rule be extended from 36 months to 48 months, to allow the proposed actions to be accomplished on all affected airplanes at a ''4C'' check. (The commenter considers the ''4C'' check interval to be 72 months.) Alternatively, the commenter suggests that the compliance time be revised to ''at the airplane's first scheduled '4C' check'', for airplanes that have not undergone a scheduled ''4C'' check since delivery, or within 36 months after the effective date of this AD, for airplanes that have undergone a scheduled ''4C'' check since delivery. The commenter states that most airplanes affected by this AD will have completed at least one ''4C'' check cycle by the end of the proposed 36-month compliance time. Thus, most operators would be able to accomplish the proposed AD on their airplanes during a ''4C'' check, which would allow accomplishment of this AD with only minimal schedule disruption. However, the commenter states that there are a few airplanes that will not complete a ''4C'' check cycle by the end of the proposed 36-month compliance time. According to the commenter, a 36-month compliance time would place an undue burden on operators that are not able to comply with the AD at a ''4C'' check because it would necessitate accomplishment of the requirements of this AD at a shorter check, thus delaying the airplane's return to revenue service. The commenter contends that extension of the compliance time to 48 months would not adversely affect the safety of airplanes subject to this AD, especially since airplanes that will not complete a ''4C'' check cycle by the 36 month compliance time are the newest, lowest-time, airplanes.

The FAA does not concur with the commenter's request to extend the compliance time for the actions specified in paragraph (a) of this AD. As stated in the preamble of the proposed rule, in developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition and the availability of required parts. With regard to the commenter's contention that an extension of the compliance time would not adversely affect safety, the FAA finds that the relative newness of the airplane or a low number of flight hours may have no effect on how the torque limiter operates in service. In light of all of these factors, the FAA finds a 36-month compliance time for initiating the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety, and wherein an ample number of required parts will be available for the modification of the U.S. fleet. No change to the final rule is necessary in this regard.

Request To Allow Installation of Unmodified Transmissions

One commenter requests that the FAA revise paragraph (b) of the proposed rule to allow installation of unmodified transmission assemblies for the trailing edge flaps for up to 18 months after the effective date of this AD. [Paragraph (b) of the proposal reads, ''As of the effective date of this AD, no person shall install on any airplane, a trailing edge flap transmission assembly, unless it has been modified in accordance with Boeing Service Bulletin 757–27A0127, Revision 1, dated September 2, 1999.''] The commenter states that the proposed paragraph (b) seems ''unnecessarily restrictive,'' and that allowing installation of unmodified transmission assemblies for up to 18 months after the effective date of the AD would provide needed flexibility to operators until an ample supply of torque brake retrofit kits and seed units is available.

The FAA does not concur with the commenter's request. The FAA does not consider it to be in the interest of safety to allow installation of deficient transmission assemblies after the effective date of this AD. The FAA finds that the manufacturer's coordination with operators during preparation of the service bulletin, coupled with the time required for the rulemaking process (including the comment period following issuance of the proposed rule), has provided adequate time for operators to be able to install only modified transmissions (or new transmissions that incorporate the new torque limiter) after the effective date of this AD. As noted above, the FAA has been assured by the manufacturer that an ample number of required parts will be available for modification of the U.S. fleet. Therefore, no change to the final rule is necessary in this regard.

Conclusion

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

Cost Impact

There are approximately 796 Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 500 airplanes of U.S. registry will be affected by this AD, that it will take approximately 32 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $85,104 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $43,512,000, or $87,024 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–04–18 Boeing: Amendment 39–11601. Docket 98–NM–354–AD.

Applicability: Model 757 series airplanes, as listed in Boeing Service Bulletin 757–27A0127, Revision 1, dated September 2, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the flap system, adjacent system, or structural components; and excessive skew of the trailing edge flap; which could result in reduced controllability of the airplane; accomplish the following:

Replacement

(a) Within 36 months after the effective date of this AD, replace the transmission assemblies for the trailing edge flaps with transmission assemblies modified in accordance with Boeing Service Bulletin 757–27A0127, Revision 1, dated September 2, 1999; or with new transmission assemblies that incorporate newly designed torque limiters; in accordance with the service bulletin.

Note 2: Replacements accomplished in accordance with Boeing Alert Service Bulletin 757–27A0127, dated September 10, 1998, are considered acceptable for compliance with paragraph (a) of this AD.

Spares

(b) As of the effective date of this AD, no person shall install on any airplane, a trailing edge flap transmission assembly, unless it has been modified in accordance with this AD, or, in the case of a new transmission assembly, unless it incorporates a newly designed torque limiter.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Boeing Service Bulletin 757–27A0127, Revision 1, dated September 2, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on April 4, 2000.

Issued in Renton, Washington, on February 22, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4567 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–366–AD; Amendment 39–11600; AD 2000–04–17]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747–100, –200, and –300 series airplanes. This action requires repetitive inspections to detect fatigue cracking in the upper deck floor beams located at certain body stations, and repair, if

necessary. This amendment is prompted by a report by the manufacturer that, during a fatigue test, the upper chord and web of the upper deck floor beams located at body stations (BS) 340 and 360 were found severed at approximately 34,000 total flight cycles. Another report by an operator indicated that a severed upper chord and web were found in the upper deck floor beam at BS 380 at approximately 33,000 total flight cycles. In addition, cracking was found at multiple fastener hole locations. The actions specified in this AD are intended to prevent failure of the upper deck floor beams at certain body stations due to fatigue cracking, which could result in rapid decompression and consequent reduced controllability of the airplane.

DATES: Effective March 15, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 15, 2000.

Comments for inclusion in the Rules Docket must be received on or before May 1, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–366–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

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

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report indicating that, during a Boeing fatigue test, the upper chord and web of the upper deck floor beams located at body stations (BS) 340 and 360 failed at approximately 34,000 flight cycles. The FAA also received an operator's report of a severed upper chord and web at BS 380, which occurred in an upper deck floor beam at approximately 33,000 flight cycles. In addition, cracks were found at twelve floor panel attachment fastener holes between left buttock line 66.5 and right buttock line 58.5.

The manufacturer also reports that one operator found crack indications at multiple fastener hole locations during an inspection of the upper deck floor beams located at BS 340 and 360 on six airplanes having at least 30,000 total flight cycles. Inspections included an open-hole high frequency eddy current (HFEC) inspection from above, and a visual inspection from below. The majority of the cracks were found during open-hole HFEC inspections, and most of such cracking could be removed by oversizing the fastener holes; however, repairs were required at some locations.

The report also indicates that the floor beams at BS 340 and 360 are made from 7075 aluminum, a material which is more susceptible to fatigue cracking than 2024 aluminum. The floor beam at BS 380 is made from 2024 aluminum, which is considered a more durable material than 7075 aluminum; however, recent reports of cracking at that body station indicate that it is necessary to also require inspections in that area.

The FAA has been informed that flight-critical wire bundles and control cables are routed through the upper deck floor beams at BS 340, 360, and 380; and that failure of these floor beams could lead to large deflection or deformation of the floor and body skin, frames, and stringers, which could damage the wire bundles and result in unintended inputs to the flight control cables. Failure of the upper deck floor beams at BS 340, 360, and 380, due to fatigue cracking, could also result in rapid decompression and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2431, dated February 10, 2000, which describes procedures for repetitive open-hole high frequency eddy current (HFEC) and surface HFEC inspections to detect cracking of the upper chords of the upper deck floor beams at BS 340 and 360; and repair, if necessary. Procedures also include repetitive inspections if no cracking is found. The first repetitive inspection threshold may be extended from 3,000 flight cycles to 10,000 flight cycles if the floor panel attachment fastener holes are modified.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 747–100, –200, and –300 series airplanes of the same type design, this AD is being issued to prevent failure of the upper deck floor beams at BS 340, 360, and 380 due to fatigue cracking that originates from the upper chord fastener holes of those floor beams, which could result in rapid decompression and consequent reduced controllability of the airplane. This AD requires accomplishment of actions specified in the alert service bulletin described previously, except as discussed below.

Differences Between the Alert Service Bulletin and This AD

Operators should note that, although the alert service bulletin specifies inspections of the upper chord of the upper deck floor beam at BS 340 and 360, the FAA has determined that the same unsafe condition also exists on both the left and right sides of the floor beam at BS 380 between buttock lines 40 and 76. This determination is based on a recent report from an operator that a severed upper chord and web were found in an upper deck floor beam at BS 380.

Operators also should note that, although the alert service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this AD requires the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Determination of Rule's Effective Date

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be

considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–366–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–04–17 Boeing: Amendment 39–11600. Docket 99–NM–366–AD.

Applicability: Model 747–100, –200, and –300 series airplanes as listed in Boeing Alert Service Bulletin 747–53A2431; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

Note 2: The actions specified by Boeing Alert Service Bulletin 747–53A2431, dated February 10, 2000, for the upper deck floor beams located at body stations (BS) 340 and 360, also are applicable to both the left and right sides of the floor beam at BS 380 between buttock lines (BL) 40 and 76.

To prevent failure of the upper deck floor beams due to fatigue cracking at BS 340, 360, and 380; which could result in rapid decompression and consequent reduced controllability of the airplane; accomplish the following:

Inspections and Repair

(a) Prior to the accumulation of 28,000 total flight cycles, or within 60 days after the effective date of this AD, whichever occurs later, perform the inspections required by either paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) Gain access to the upper deck floor beams from above the upper deck floor, and perform an open-hole high frequency eddy current (HFEC) inspection to detect cracking of the upper deck floor beams at BS 340 and 360, and on both the left and right sides of the floor beam at BS 380 between BL 40 and 76; in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2431, dated February 10, 2000.

(i) If no cracking is found, perform the actions required by either paragraph (a)(1)(i)(A) or (a)(1)(i)(B) of this AD, in accordance with the alert service bulletin.

(A) Repeat the inspection required by paragraph (a)(1) of this AD thereafter at intervals not to exceed 3,000 flight cycles.

(B) Modify (oversize) the floor panel attachment fastener holes as specified in Figure 5 of the alert service bulletin, and repeat the inspection required by paragraph (a)(1) of this AD within 10,000 flight cycles. Thereafter, repeat the inspection at intervals not to exceed 3,000 flight cycles.

(ii) If any cracking is found, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the FAA to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(2) Gain access to the upper deck floor beams from below the upper deck floor; modify the floor panel attachment clipnuts at BS 340 and 360, and on both the left and right sides of the floor beam at BS 380 between BL 40 and 76; and perform a surface HFEC inspection to detect cracking of the floor beams at those body stations; in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2431, dated February 10, 2000.

(i) If no cracking is found, repeat the inspection required by paragraph (a)(2) of this AD thereafter at intervals not to exceed 750 flight cycles.

(ii) If any cracking is found, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the FAA to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(b)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) An alternative method of compliance for paragraphs (a)(1)(ii) and (a)(2)(ii) of this AD that provides an acceptable level of safety may be used in accordance with data meeting the type certification basis of the airplane

approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings.

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

Special Flight Permits

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

Incorporation by Reference

(d) Except as specified in paragraphs (a)(1)(ii) and (a)(2)(ii), the actions shall be done in accordance with Boeing Alert Service Bulletin 747–53A2431, dated February 10, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 15, 2000.

Issued in Renton, Washington, on February 22, 2000.

Donald L. Riggin,

Acting Manager Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4568 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–24–AD; Amendment 39–11597; AD 2000–04–14]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–80C2 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to General Electric Company (GE) CF6–80C2 series turbofan engines, that requires replacement of the fuel tube connecting the flowmeter to the Integrated Drive Generator (IDG) and the fuel tube(s) connecting the Main Engine Control (MEC) or Hydromechanical (HMU) to the flowmeter with improved fuel tubes. This amendment is prompted by reports of fuel leaking in the core cowl cavity under high pressure that can be ignited by the hot engine case temperatures. The actions specified by this AD are intended to prevent high-pressure fuel leaks caused by improper seating of fuel tube flanges, which could result in an engine fire and damage to the airplane.

DATES: Effective May 1, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 1, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from General Electric Aircraft Engines, c/o Commercial Technical Publications, 1 Neumann Way, Room 230, Cincinnati, OH 45215–1988; telephone 513–552–2005, fax 513-552–2816. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone 781–238–7178, fax 781–238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to General Electric Company (GE) CF6–80C2 series turbofan engines was published in the **Federal Register** on September 8, 1999 (64 FR 48721). That action proposed to require replacement of the fuel tube connecting the flowmeter to the Integrated Drive Generator (IDG) and the fuel tube(s) connecting the Main Engine Control (MEC) or Hydromechanical (HMU) to the flowmeter with improved fuel tubes. That action was prompted by reports of fuel leaking in the core cowl cavity under high pressure that can be ignited by the hot engine case temperatures. That condition, if not corrected, could result in high-pressure fuel leaks caused by improper seating of fuel tube flanges, which could result in an engine fire and damage to the airplane.

Comments Received

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

Compliance Time for Fuel Tube Replacement

Four commenters state that the compliance time should be the next shop visit only, not at the next time the fuel tubes are disconnected for on-wing maintenance.

One commenter believes that requiring compliance the next time the fuel tubes are disconnected for on-wing maintenance would call for stocking parts in many locations and would prevent possible non-compliance of this AD should an unscheduled on-wing maintenance activity occur.

One commenter believes that line maintenance personnel would require a system that tells them which fuel tubes need to be replaced and therefore performing the proposed requirements at a shop visit would be preferable.

Two commenters believe that tracking the accomplishment of this AD would be a burden and proposes that replacement of the fuel tubes after a fixed number of hours or at the next shop visit would be preferable.

FAA Response

The FAA does not concur. While parts availability and tracking of on wing maintenance can be a burden, the risk associated with any additional maintenance action only increases the chance of improper installation and a high-pressure fuel leak unless these old fuel tubes are replaced with the new design fuel tubes at the first opportunity. The new design fuel tubes will prevent hang-up of the flange on the fuel tube, allowing proper seating and preventing fuel leaks. Although there may be situations where a fuel tube is unavailable, the commenters provide no additional data or information that would support their changes that still show an acceptable mitigation of risk of a fuel tube leak and fire.

One commenter provided useful information as to which fuel tubes the line maintenance personnel should replace for on wing maintenance. The FAA requires only those fuel tubes that are disconnected to be replaced during on-wing maintenance and has added a clarifying statement to this final rule.

Similarly, one commenter provided a definition of ''disconnected'' and the FAA has added a clarifying statement to this final rule to indicate that disconnecting at ''either end'' triggers this AD for on wing maintenance.

Recommendation for On-Wing Maintenance or Attaching a Label to the Fuel Tubes

One commenter suggests recommending fuel tube replacement rather than mandating it. The commenter also suggests attaching a label to the fuel tube. The commenter is concerned that in the event of unplanned maintenance trouble shooting, the AD may not be complied with. The FAA does not concur. Although the idea of a label might be useful, the FAA does not believe that the use of labels should be mandated. AD compliance should be managed under the individual operator's maintenance system. Furthermore, the FAA believes that it is necessary to have the fuel tube replacement accomplished at the earlier of on-wing maintenance or a shop visit, and that making the on-wing maintenance only a recommendation would not achieve the desired level of safety. The FAA has determined that continued use of the old fuel tubes constitutes an unacceptable risk and that this AD is necessary to achieve a substantial mitigation of that risk through the mandated replacement of the old fuel tubes with fuel tubes of an improved design. As previously stated, any additional maintenance action only increases the chance of improper installation and a high-pressure fuel leak unless these old fuel tubes are replaced with the new design fuel tubes at the first opportunity.

Hard Time or Calendar Date Removal

One commenter states that the proposal should mandate fuel tube replacement at a hard time or calendar date, and that the fuel tube replacement would best be accomplished at a shop visit. The commenter states that line maintenance actions would be more difficult to record than during a shop visit. The commenter also suggests that a trial period would be necessary to review the procedure. The FAA does not concur. While replacement on a fixed date would accomplish the required objective, replacement of fuel tubes, it would also result in requiring operators to disconnect tubes that have been on-wing and have not had an indication of a leak. Initiating action on a system that is functioning properly may result in potentially more risk and is therefore not desirable. The FAA believes that any training that may be necessary should be controlled by the operator under its individual maintenance system.

Concurrence

One commenter concurs with the rule as proposed.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously.

Economic Analysis

There are approximately 2,693 engines of the affected design in the worldwide fleet. The FAA estimates that 581 engines installed on airplanes of U.S. registry will be affected by this proposed AD, that it will take approximately 0.5 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Of the 581 engines, some have already complied with the GE Alert Service Bulletins (ASBs). There is no cost impact to the domestic fleet for parts complying with ASB 73–A224 since all domestic engines are now in compliance. To comply with ASB 73–A0231, required parts would cost $2,858 per engine for the remaining 128 domestic FADEC engines, and $1,229 per engine for the remaining 138 domestic Power Management Control (PMC) engines. Based on these figures, the total cost impact of the AD on US operators is estimated to be $535,426.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order (EO) No. 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under EO No. 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–04–14 General Electric Company: Amendment 39–11597. Docket 99–NE–24–AD.

Applicability: General Electric Company (GE) CF6–80C2 A1/ A2/ A3/ A5/ A8/ A5F/ B1/ B2/ B4/ B6/ B1F/ B2F/ B4F/ B6F/ B7F/ D1F turbofan engines, installed on but not limited to Airbus Industrie A300–600/ 600R series and A310–200Adv/ 300 series, and Boeing 747–200/ 300/ 400 series and 767–200ER/ 300/ 300ER/ 400ER and McDonnell Douglas MD–11 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent improper fuel tube flange seating, resulting in high pressure fuel leaks, which could result in an engine fire and damage to the airplane, accomplish the following:

Replacement

(a) At the next time the fuel tubes are disconnected at either end for on-wing maintenance, or the next shop visit after the effective date of this AD, whichever occurs first, replace the old configuration fuel tubes with the improved tubes. For on-wing maintenance, replace only the fuel tube(s) that have been disconnected. Perform the actions as follows:

(1) Replace the fuel flowmeter to Integrated Drive Generator (IDG) cooler fuel tube, part number (P/N) 1321M42G01, with a serviceable part in accordance with paragraph 2 of GE Alert Service Bulletin (ASB) No. 73–A224, Revision 2, July 9, 1997, and perform a leak check after accomplishing the replacement.

Power Management Controls

(2) For engines with Power Management Controls, replace the Main Engine Control (MEC) to fuel flowmeter fuel tube, P/N 1334M88G01, and bolts, P/N MS9557–12, with serviceable parts, in accordance with paragraph 3A of GE ASB 73–A0231, Revision 1, dated May 3, 1999 and perform a leak check after accomplishing the replacement.

Full Authority Digital Electronic Controls

(3) For engines with Full Authority Digital Electronic Controls replace the Hydromechanical Unit (HMU) to fuel flowmeter fuel tubes, P/Ns 1383M12G01 and 1374M30G01 with serviceable parts, in accordance with paragraph 3B of GE ASB 73–A0231, Revision 1, dated May 3, 1999 and perform a leak check after accomplishing the replacement.

Note 2: Information on performing the leak check can be found in the Aircraft Maintenance Manual, 71–00–00.

Definitions

(b) For the purpose of this AD, a shop visit is defined as any time an engine is removed from service and returned to the shop for any maintenance.

(c) For the purpose of this AD, a serviceable part is defined as any part other than tube, P/N 1321M42G01, for the fuel flowmeter to IDG cooler; tube; P/N 1334M88G01, and bolt, P/N MS9557–12, for the MEC to fuel flowmeter tube; and tubes, P/Ns 1383M12G01 and 1374M30G01, for the HMU to fuel flowmeter fuel tubes.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

Ferry Flights

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

Incorporation by Reference

(f) The actions required by this AD shall be done in accordance with the following GE ASBs: 73–A224, Revision 2, July 9, 1997, and 73–A0231, Revision 1, May 3, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Aircraft Engines, c/o Commercial Technical Publications, 1 Neumann Way, Room 230, Cincinnati, OH 45215–1988; telephone 513–552–2005, fax 513–552–2816. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(g) This amendment becomes effective on May 1, 2000.

Issued in Burlington, Massachusetts, on February 17, 2000.

Ronald A. Vavruska,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 00–4433 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–52]

Amendment to Class E Airspace; Marshalltown, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Marshalltown, IA.

DATES: The direct final rule published at 64 FR 72922 is effective on 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on December 29, 1999 (64 FR 72922). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 20, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on February 16, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–4750 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–47]

Amendment to Class E Airspace; Fredericktown, MO; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date and correction.

SUMMARY: This document confirms the effective date of a direct final rule which revises the Class E airspace at Fredericktown, MO, and corrects an error in the coordinates for the Fredericktown Regional Airport, Airport Reference Point (ARP) and the Farmington, MO, VHF Omnidirectional Range/Technical Air Navigation (VORTAC) as published in the **Federal Register** December 29, 1999 (64 FR 72924), Airspace Docket No. 99–ACE–47.

DATES: The direct final rule published at 64 FR 72924 is effective on 0901 UTC, April 20, 2000.

This correction is effective on April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION:

History

On December 29, 1999, the FAA published in the **Federal Register** a direct final rule; request for comments which revises the Class E airspace at Fredericktown, MO (FR document 99–33795, 64 FR 72924, Airspace Docket No. 99–ACE–47). An error was subsequently discovered in the coordinates for the Fredericktown Regional Airport ARP and the Farmington, MO, VORTAC. This action corrects those errors. After careful review of all available information

related to the subject presented above, the FAA has determined that air safety and the public interest require adoption of the rule. The FAA has determined that this correction will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action corrects the error in the coordinates of the Fredericktown Regional Airport ARP and Farmington VORTAC and confirms the effective date to the direct final rule.

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 20, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Correction to the Direct Final Rule

Accordingly, pursuant to the authority delegated to me, coordinates for the Fredericktown Regional Airport ARP and the Farmington VORTAC as published in the **Federal Register** on December 29, 1999 (64 FR 72924), (**Federal Register** Document 99–33795; page 72925, column one) are corrected as follows:

§ 71.1 [Corrected]

ACE MO E5 Fredericktown, MO [Corrected]

On page 72925, in the first column, after Fredericktown Regional Airport, MO, correct the coordinates by removing (lat. 37°36′20″ N., long. 90°17′14″ W.) and substituting (lat. 37°36′21″ N., long. 90°17′14″ W.)

On page 72925, in the first column, after Farmington VORTAC correct the coordinates by removing (lat. 37°40′25″ N., long. 90°14′02″ W.) and substituting (lat. 37°40′24″ N., long. 90°14′03″ W.)

Issued in Kansas City, MO on February 15, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–4748 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–50]

Amendment to Class E Airspace; Iowa City, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Iowa City, IA.

DATES: The direct final rule published at 64 FR 72926 is effective on 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on December 29, 1999 (64 FR 72926). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 20, 2000. No adverse comments were received, and thus this notice confirm that this direct final rule will become effective on that date.

Issued in Kansas City, MO on February 15, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–4749 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 12 and 178

[T.D. 00–13]

RIN 1515–AC04

Importation of Chemicals Subject to the Toxic Substances Control Act

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document sets forth final amendments to the Customs Regulations regarding submission of an importer's certification in connection with the importation of chemical substances subject to the Toxic Substances Control Act. The regulatory amendments reduce the regulatory burden by permitting use of a blanket certification for multiple shipments in lieu of a separate certification for each individual shipment. The final regulations also continue the present practice of allowing some flexibility regarding presentation of the required certification with the entry documentation for an individual shipment.

EFFECTIVE DATE: March 30, 2000.

FOR FURTHER INFORMATION CONTACT: Brad Lund, Office of Field Operations (202–927–0192).

SUPPLEMENTARY INFORMATION:

Background

The Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*) was enacted by Congress, among other things, to protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances. Section 13 of Title I of the TSCA (15 U.S.C. 2612) governs the entry of those chemical substances into the customs territory of the United States and authorizes the Secretary of the Treasury to refuse entry of any chemical substance that (1) Fails to comply with any rule in effect under the TSCA or (2) is offered for entry in violation of section 5 or 6 of Title I (15 U.S.C. 2604 or 2605) or Title IV (15 U.S.C. 2681 *et seq.*) or in violation of a rule or order under section 5 or 6 or Title IV or in violation of an order issued in a civil action brought under section 5 or under section 7 of Title I (15 U.S.C. 2606) or under Title IV. Section 13 also sets forth procedural and other requirements in connection with an entry refusal and authorizes the Secretary of the Treasury, after consultation with the Administrator of the Environmental Protection Agency

(EPA), to issue rules for the administration of section 13.

The regulations implementing section 13 are contained in §§ 12.118–12.127 of the Customs Regulations (19 CFR 12.118–12.127). Within those regulations, § 12.121 concerns reporting requirements. Paragraph (a) of that section covers chemical substances imported in bulk or as part of a mixture and provides for submission of a signed certification by the importer or his authorized agent stating, in the alternative, (1) That all chemical substances in the shipment comply with all applicable rules or orders under the TSCA and that the importer is not offering a chemical substance for entry in violation of the TSCA or any rule or order thereunder (a positive certification) or (2) that all chemicals in the shipment are not subject to the TSCA (a negative certification). Paragraph (a) further requires that the certification be filed with the director of the port of entry before release of the shipment and provides that the certification may appear as a typed or stamped statement (1) on the entry document or commercial invoice, or on a preprinted attachment to the entry document or commercial invoice, or (2) in the case of a release under a special permit for an immediate delivery under § 142.21 of the Customs Regulations (19 CFR 142.21) or in the case of an entry under § 142.3 of the Customs Regulations (19 CFR 142.3), on the commercial invoice or an attachment to the commercial invoice. Paragraph (b) of § 12.121 provides that the provisions of paragraph (a) apply to a chemical substance or mixture as part of an article only if required by a rule or order under the TSCA. Paragraph (c) of that section provides that a certification under paragraph (a) may be signed by means of an authorized facsimile signature.

On January 9, 1990, Customs published a notice of proposed rulemaking in the **Federal Register** (55 FR 738) to amend § 12.121. The proposed amendments included the following changes to paragraph (a): (1) To provide for placement of the typed or stamped certification statement only on the invoice used in connection with the entry and entry summary procedures (and, thus, no longer on the entry document or on an attachment to the entry document or commercial invoice); and (2) in the case of entries or entry summaries processed electronically, to provide for a certification statement in the form of a certification code transmitted as part of the Automated Broker Interface (ABI) transmission. In addition, in order to simplify procedures for importers who regularly import chemicals, it was proposed to add a new paragraph (b) to permit the use of ''blanket'' certifications, with a consequential redesignation of present paragraphs (b) and (c) as (c) and (d), respectively. Finally, it was proposed to make a conforming change to newly redesignated paragraph (c), consisting of the addition of a reference to new paragraph (b). The notice solicited comments from the public on the proposals, and the public comment period closed on March 12, 1990. On January 22, 1990, Customs published in the **Federal Register** (55 FR 2100) a correction document setting forth, with regard to the proposed blanket certification procedure, a statement regarding collection of information review requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)).

Discussion of Comments

A total of 19 commenters responded to the solicitation of comments in the January 9, 1990, notice. A summary of the submitted comments, and the Customs responses to those comments, are set forth below.

Comment: Thirteen commenters were opposed to the proposal regarding inclusion of the certification only on the commercial invoice, and two commenters were in favor of that proposal. Comments against the proposal cited the procedural burden and inefficiency that would result from the proposed restriction, particularly in view of the unavailability of the original invoice for some shipments, the lack of sufficient space on the invoice, the need for a separate certification document in order to avoid delays in the case of air shipments, express consignment shipments and shipments from contiguous countries, and the lack of control by the importer of record where the certification is placed on the invoice by another party.

Customs response: The proposal in question was not intended to increase the regulatory burden or to have any of the other adverse effects cited by these commenters. Based on the submitted comments and as a result of further review of this matter, including consultation with the EPA which raised the issue that the proposal was intended to address, Customs has determined that it would be preferable to maintain the status quo under which the importer has the option of including the certification on the commercial invoice or on the entry document or on an attachment to the commercial invoice or entry document. Accordingly, the text of § 12.121, as set forth below, continues to reflect the substance of the current regulatory text in this regard.

Comment: One commenter requested that the TSCA certification be made a requirement for the entry summary rather than a condition of entry.

Customs response: As indicated above, the TSCA refers specifically to the ''entry'' of chemical substances into the Customs territory of the United States. Given the wording of the statute and the clear purpose of the TSCA, which is to protect the health and safety of the general public, the regulation in question must apply for admissibility purposes (that is, when a determination is made as to whether the imported merchandise may be released from Customs custody into the commerce of the United States) rather than in connection with a subsequent filing of the entry summary. Accordingly, the suggestion of this commenter should not be adopted.

Comment: Ten commenters specifically supported the proposed blanket certification procedure, four commenters were against it, and two commenters stated that the blanket certification should be optional rather than mandatory. Of the four comments against the proposal, two commenters argued that a blanket procedure is not feasible where imported mixtures are involved because changes in the chemical composition of a product prior to export could render the blanket certification inaccurate. The other two commenters stated that the proposal would not work in practice because it does not provide for nationwide acceptance of the blanket certification but rather requires separate approval at the local level.

Customs response: While it is true that changes in the composition of an imported product could negate the applicability of a previously approved blanket certification, Customs notes that the importer of record is always responsible for ascertaining the true facts regarding an individual import transaction, including for purposes of deciding whether it would be appropriate to rely on a blanket certification on file with Customs. With regard to the lack of provision for nationwide acceptance of a blanket approval, Customs remains of the view that, for operational purposes, approval must take place at the local port level.

Customs believes that the significant number of favorable comments supports the appropriateness of the blanket certification procedure which was intended to simplify procedures and thus reduce the overall regulatory burden on the importing public. Accordingly, § 12.121, as set forth

below, incorporates the proposed blanket certification procedure.

With regard to the optional versus mandatory issue, Customs believes that the regulatory text clearly gives the importer the option (and thus does not impose a requirement) of using the blanket certification procedure, subject only to the port director's exercise of his discretion in accepting the blanket certification.

Comment: Three commenters proposed elimination of the TSCA certification for merchandise subject to FDA 701 requirements and for pesticides subject to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as exempted in section 3 of the TSCA and identified in the EPA publication ''Toxic Substances Control Act, A Guide for Chemical Importers/Exporters.''

Customs response: Customs has been advised by EPA that the Guide referred to by these commenters provides that articles as defined in the Guide and tobacco and tobacco products do not require a certification but that food items and pesticides require a negative certification, and EPA also suggested to Customs that the Guide would become confusing in the step-by-step instructions for importers if the negative certification for food items and pesticides were to be eliminated. Moreover, while EPA advised Customs that a negative certification would not be needed if the shipment is accompanied by the appropriate form identifying the merchandise as a pesticide or as a food, food additive, drug, cosmetic or device, as is suggested in the Guide, Customs notes that this approach would not appreciably reduce the regulatory burden on importers. Accordingly, Customs believes that the suggestions of these commenters should not be adopted.

Comment: Seven commenters requested that the regulatory text provide for a waiver of the certification requirement for small shipments, samples, low value shipments, mail shipments, and shipments imported for research and development purposes.

Customs response: The EPA has advised Customs that automatic waivers of the certification requirement should not be provided for in the regulatory text because authority to grant waivers must remain with the EPA for consideration on a case-by-case basis; the Guide referred to in the preceding comment discussion sets forth the procedures applicable to the issuance of such waivers by the EPA. Therefore, the suggestion of these commenters should not be adopted.

Other Changes to the Regulatory Texts

In addition to the changes to the proposed regulatory text discussed above in connection with the public comments, Customs has determined that a number of other changes should be made both to the proposed text and to the present § 12.121 text based on further internal review. The principal additional change involves removal of the proposed new language dealing with entries or entry summaries processed electronically: On reconsidering this proposed text, Customs has concluded that it is generally preferable not to set forth specific electronic procedures in a narrow regulatory context but rather to cover them in the context of overall electronic procedures as those procedures are developed and implemented. In addition, the structure of the paragraphs under § 12.121 has been modified without change in substance by setting forth the basic certification requirement in new paragraph (a)(1) and by covering all filing procedures (including the blanket procedure which operates as an exception to the normal entry-by-entry filing procedure) in new paragraph (a)(2). Also, language has been included in the introductory paragraph of the blanket text to clarify that use of the blanket procedure is permissible only for an imported product that conforms to the product description contained in the blanket certification filed with Customs. Finally, a number of editorial, nonsubstantive changes have been made to enhance the clarity of the regulatory text.

Conclusion

Accordingly, based on the comments received and the analysis of those comments and based on the additional considerations as discussed above, Customs believes that the proposed regulatory amendments should be adopted as a final rule with certain changes as discussed above and set forth below. As a consequence of the adoption of these substantive regulatory amendments, this document also includes an appropriate update of the list of information collection approvals contained in § 178.2 of the Customs Regulations (19 CFR 178.2).

Executive Order 12866

This document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities because the amendments are specifically directed toward a reduction of the regulatory burden on the public. Accordingly, the amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Paperwork Reduction Act

The collection of information contained in this final rule has been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1515–0173. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

The collection of information in this final rule is in § 12.121. This information is required in connection with importations of chemical substances under the Toxic Substances Control Act (TSCA) and will be used by the U.S. Customs Service to verify compliance with TSCA requirements on imported chemicals. The likely respondents are business organizations including importers, exporters and manufacturers.

The estimated average annual burden associated with the collection of information in this final rule is 2 minutes per respondent or recordkeeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the U.S. Customs Service, Information Services Group, Office of Finance, 1300 Pennsylvania Avenue, NW, Washington, DC 20229, and to OMB, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Drafting Information. The principal author of this document was Francis W. Foote, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 12

Customs duties and inspection, Labeling, Marking, Reporting and recordkeeping requirements.

19 CFR Part 178

Administrative practice and procedure, Exports, Imports, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, for the reasons stated in the preamble, Parts 12 and 178, Customs Regulations (19 CFR Parts 12 and 178), are amended as set forth below.

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The authority citation for Part 12 continues to read in part as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.118 through 12.127 also issued under 15 U.S.C. 2601 *et seq.*;

* * * * *

2. Section 12.121 is revised to read as follows:

§ 12.121 Reporting requirements.

(a) *Chemical substances in bulk or mixtures*—(1) *Certification required.* The importer of a chemical substance imported in bulk or as part of a mixture, or the authorized agent of such an importer, must certify either that the chemical shipment is subject to TSCA and complies with all applicable rules and orders thereunder, or that the chemical shipment is not subject to TSCA, by signing and filing with Customs one of the following statements:

I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order thereunder.

I certify that all chemical substances in this shipment are not subject to TSCA.

(2) *Filing of certification*—(i) *General.* The appropriate certification required under paragraph (a)(1) of this section must be filed with the director of the port of entry before release of the shipment and, except when a blanket certification is on file as provided for in paragraph (a)(2)(ii) of this section, must appear as a typed or stamped statement:

(A) On an appropriate entry document or commercial invoice or on an attachment to that entry document or invoice; or

(B) In the event of release under a special permit for an immediate delivery as provided for in § 142.21 of this chapter or in the case of an entry as provided for in § 142.3 of this chapter, on the commercial invoice or on an attachment to that invoice.

(ii) *Blanket certifications.* A port director may, in his discretion, approve an importer's use of a ''blanket'' certification, in lieu of filing a separate certification for each chemical shipment, for any chemical shipment that conforms to a product description provided to Customs pursuant to paragraph (a)(2)(ii)(A) of this section. In approving the use of a ''blanket'' certification, the port director should consider the reliability of the importer and Customs broker. Approval and use of a ''blanket'' certification will be subject to the following conditions:

(A) A ''blanket'' certification must be filed with the port director on the letterhead of the certifying firm, must list the products covered by name and Harmonized Tariff Schedule of the United States subheading number, must identify the foreign supplier by name and address, and must be signed by an authorized person;

(B) A ''blanket'' certification will remain valid, and may be used, for 1 year from the date of approval unless the approval is revoked earlier for cause by the port director. Separate ''blanket'' certifications must be approved and used for chemical substances that are subject to TSCA and for chemical substances that are not subject to TSCA; and

(C) An importer for whom the use of a ''blanket'' certification has been approved must include, on the invoice used in connection with the entry and entry summary procedures for each shipment covered by the ''blanket'' certification, a statement referring to the ''blanket'' certification and incorporating it by reference. This statement need not be signed.

(b) *Chemical substances or mixtures as parts of articles.* Each importer of a chemical substance or mixture as part of an article must comply with the certification requirements set forth in paragraph (a) of this section only if required to do so by a rule or order issued under TSCA.

(c) *Facsimile signatures.* The certification statements required under paragraph (a)(1) of this section may be signed by means of an authorized facsimile signature.

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for Part 178 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

2. Section 178.2 is amended by adding a new listing to the table in numerical order to read as follows:

§ 178.2 Listing of OMB control numbers.

19 CFR section	Description	OMB control No.
*	*	*
§ 12.121	Approval of blanket certification under the Toxic Substances Control Act.	1515–0173
*	*	*

Raymond W. Kelly,

Commissioner of Customs.

Approved: December 7, 1999.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–4815 Filed 2–28–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

Oral Dosage Form New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for 13 new animal drug applications (NADA's) from I. D. Russell Co., Laboratories to Alpharma Inc.

DATES: This rule is effective February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: I. D. Russell Co., Laboratories, 1301 Iowa Ave., Longmont, CO 80501, has informed FDA that it has transferred the ownership of, and all rights and interest in, the following approved NADA's to Alpharma Inc., One Executive Dr., Fort Lee, NJ 07024:

NADA No.	Product name
6–019	Zuco Poultry Tabs
6–081	Korum
6–776	10% Sulfaquinoxaline
6–860	Ruco Tablets
6–891	Liquid Sul-Q-Nox
8–902	Hepasol
100–094	Poultry Sulfa
100–175	20% Sulfaquinoxaline
100–176	34% Sulfaquinoxaline
130–435	Oxytet Soluble
200–106	R–Pen
200–189	Lincomycin Soluble
200–274	Lincomycin Injectable 30%

The agency is amending parts 510 and 520 (21 CFR parts 510 and 520) to reflect the change of sponsor. The agency is amending § 510.600(c)(1) and (c)(2) to remove the sponsor name for I. D. Russell Co., Laboratories because the firm no longer is the holder of any approved NADA's.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to congressional review requirements in 5 U.S.C 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510 NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 *Names, addresses, and drug labeler codes* of sponsors of approved applications is amended in the table in paragraphs (c)(1) by removing the entry for ''I. D. Russell Co., Laboratories'' and in the table in paragraph (c)(2) by removing the entry for ''017144''.

PART 520 ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.1263c [Amended]

4. Section 520.1263c *Lincomycin hydrochloride soluble powder* is amended in paragraph (b) by removing ''017144'' and adding in its place ''046573''.

§ 520.1660d [Amended]

5. Section 520.1660d *Oxytetracycline hydrochloride soluble powder* is amended in paragraphs (b)(2), (d)(1)(ii)(A)(*3*), (d)(1)(ii)(B)(*3*), (d)(1)(ii)(C)(*3*), and (d)(1)(iii)(C) by removing ''017144'' and adding in its place ''046573''.

§ 520.1696b [Amended]

6. Section 520.1696b *Penicillin G potassium in drinking water* is amended in paragraph (b) by removing ''017144,''.

§ 520.2088 [Amended]

7. Section 520.2088 *Roxarsone tablets* is amended in paragraph (c)(2) by removing ''017144'' and adding in its place ''046573''.

§ 520.2089 [Amended]

8. Section 520.2089 *Roxarsone liquid* is amended in paragraph (b) by removing ''017144'' and adding in its place ''046573''.

§ 520.2325a [Amended]

9. Section 520.2325a *Sulfaquinoxaline drinking water* is amended in paragraph (a)(3) by removing ''017144'' and adding in its place ''046573''.

Dated: February 16, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–4668 Filed 2–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Chlortetracycline Powder

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pennfield Oil Co. The supplemental NADA provides for a revised withdrawal time for use of chlortetracycline (CTC) powder in swine drinking water.

DATES: This rule is effective February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0212.

SUPPLEMENTARY INFORMATION: Pennfield Oil Co., 14040 Industrial Rd., Omaha, NE 68144, is sponsor of NADA 65–480 that provides for use of CTC hydrochloride soluble powder for making medicated drinking water for swine and cattle for treatment and control of bacterial enteritis and bacterial pneumonia. The firm filed a supplemental NADA that provides for a zero-day slaughter withdrawal period after use of the product for treatment

and control of disease in swine. The supplemental NADA is approved as of December 22, 1999, and 21 CFR 520.445b(d)(1)(i)(A)(2) is amended to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.445b [Amended]

2. Section 520.445b *Chlortetracycline powder (chlortetracycline hydrochloride or chlortetracycline bisulfate)* is amended in paragraph (d)(1)(i)(A)(*2*) by removing the phrase ''; do not slaughter animals for food within 5 days of treatment''.

Dated: January 28, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–4731 Filed 2–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Trenbolone Acetate and Estradiol

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoechst Roussel Vet. The supplemental NADA provides for use of a higher dose ear implant containing trenbolone acetate and estradiol for steers fed in confinement for slaughter for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Jack Caldwell, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0217.

SUPPLEMENTARY INFORMATION: Hoechst Roussel Vet, 30 Independence Blvd., P.O. Box 4915, Warren, NJ 07059, filed supplemental NADA 140–992 that provides for use of Revalor®-200, an ear implant containing 200 milligrams (mg) of trenbolone acetate and 20 mg of estradiol in 10 pellets. The implant is used for steers fed in confinement for slaughter for increased rate of weight gain and improved feed efficiency. The supplemental NADA is approved as of November 29, 1999, and the regulations are amended in 21 CFR 522.2477 by revising paragraph (b), the heading in paragraph (d)(1), and by adding paragraph (d)(1)(i)(C) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning on November 29, 1999, because the supplemental application contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety, or in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for the approval and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to use of the ear implant containing 200 mg trenbolone acetate and 20 mg estradiol for increased rate of weight gain and improved feed efficiency in steers fed in confinement for slaughter.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 522.2477 is amended by revising paragraph (b), by removing in paragraph (d)(1) the heading ''Feedlot steers'' and by adding in its place ''Steers fed in confinement for slaughter'', and by adding paragraph (d)(1)(i)(C) to read as follows:

§ 522.2477 Trenbolone acetate and estradiol.

* * * * *

(b) *Sponsors.* See 012799 in § 510.600(c) of this chapter for use as in paragraphs (d)(1)(i)(A), (d)(1)(i)(C), (d)(1)(ii), (d)(1)(iii), (d)(2), and (d)(3) of this section. See 021641 in § 510.600(c) of this chapter for use as in paragraphs (d)(1)(i)(A), (d)(1)(i)(B), (d)(1)(ii), and (d)(1)(iii) of this section.

* * * * *

(d) * * *
(1) * * *
(i) * * *
(C) 200 milligrams of trenbolone acetate and 20 milligrams of estradiol (one implant consisting of 10 pellets, each pellet containing 20 milligrams of trenbolone acetate and 2 milligrams of estradiol) per implant dose.
* * * * * *

Dated: January 28, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 00–4667 Filed 2–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 501

Reporting and Procedures Regulations: Mandatory License Application Form for Unblocking Funds Transfers

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: The Office of Foreign Assets Control (''OFAC'') is amending the Reporting and Procedures Regulations to require that license applicants seeking to unblock funds transfers under the various economic sanctions programs administered by OFAC submit their application in a standardized format.

EFFECTIVE DATE: February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Dennis P. Wood, Chief, Compliance Programs Division (tel.: 202/622–2490); or William B. Hoffman, Chief Counsel (tel.: 202/622–2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document is available as an electronic file on The Federal Bulletin Board the day of publication in the **Federal Register**. By modem, dial 202/512–1387 and type ''/GO FAC,'' or call 202/512–1530 for disk or paper copies. This file is available for downloading without charge in ASCII and Adobe Acrobat® readable (*.PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. This document and additional information concerning the programs of the Office of Foreign Assets Control are also available for downloading from the Office's Internet Home Page: http://www.treas.gov/ofac, or in fax form through the Office's 24-hour fax-on-demand service: call 202/622–0077 using a fax machine, fax modem, or (within the United States) a touch-tone telephone.

Background

The Office of Foreign Assets Control (''OFAC'') is amending the Reporting and Procedures Regulations, 31 CFR part 501 (the ''Regulations''), to require that license applications to unblock funds transfers be submitted in a standardized format. Section 501.801 of the Regulations provides procedures for requesting specific licenses, including application procedures under those statements of licensing policy contained in subpart E of the individual parts in chapter V, which note the availability of specific licenses for particular categories of transactions but do not establish requirements for the submission of specific information.

Assets blocked pursuant to the various economic sanctions programs administered by OFAC may be released through a specific license issued by OFAC in response to applications submitted by persons having an interest in the blocked funds. OFAC has for many years required certain information to be included in each license application. Until December 1998, applicants applied for a license by sending a letter with supporting documentation to OFAC. However, this non-standardized format was not conducive to the efficient processing of applications because many applications were incomplete, difficult to interpret and at times not submitted in English as required.

Accordingly, OFAC developed a form for OFAC license applications (TD–F 90–22.54) (OMB #1505–0170) in December 1998, which provided a voluntary standardized method for all applicants seeking the release of blocked funds transfers. This form was made available in electronic format on OFAC's website and by fax from OFAC's fax-on-demand service. Its use has greatly facilitated applicants' submission and OFAC's processing of applications, and obviated the need for applicants to write lengthy letter applications. This has resulted in a reduction of the overall burden of the application process.

OFAC is amending § 501.801 of the Regulations to make this form mandatory for applicants seeking the unblocking of funds transfers, and to require that the filing include the original signed application and two duplicate submissions of the entire application package. A new feature of the mandatory form is that the actual application form will generally become the license or license denial once stamped and signed by the appropriate OFAC official.

Section 501.801 of the Regulations is also being amended to require that all applications must be filed by mail or courier. Applications will no longer be accepted by fax or electronically, unless otherwise authorized. However, the application form for the unblocking of funds transfers will continue to be available on OFAC's website, where it may be completed but not signed electronically, and on OFAC's fax-on-demand service.

Since this final rule involves a foreign affairs function, Executive Order 12886 and the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

This rule is being issued without prior notice and public comment procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the collection of information contained in this rule has been submitted to and approved by the Office of Management and Budget (''OMB''), and has been assigned control number 1505–0170. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

List of Subjects in 31 CFR Part 501

Administrative practice and procedure, Banks, banking, Blocking of assets, Foreign trade, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 31 CFR part 501 is amended as set forth below:

PART 501—REPORTING AND PROCEDURES REGULATIONS

1. The authority citation for part 501 continues to read as follows:

Authority: 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1701–1706; 50 U.S.C. App. 1–44.

Subpart D—Procedures

2. Paragraph (b)(2) of § 501.801 is revised as follows:

§ 501.801 Licensing.

* * * * *

(b) Specific licenses— * * *

(2) Applications for specific licenses. Original signed applications for specific licenses to engage in any transactions prohibited by or pursuant to this chapter or sanctions programs that have been delegated to the Director of the Office of Foreign Assets Control for implementation and administration must be filed by mail or courier. Applications will not be accepted by fax or electronically, unless otherwise authorized. Applications may be submitted in letter form with the exception of license applications for the unblocking of funds transfers. Applications for the unblocking of funds transfers must be submitted using TD–F 90–22.54, ''Application for the Release of Blocked Funds,'' accompanied by two complete copies of the entire submission. The form, which requires information regarding the date of the blocking, the financial institutions involved in the transfer, and the beneficiary and amount of the transfer, may be obtained from the OFAC Internet Home Page: http://www.treas.gov/ofac, the OFAC fax-on-demand service: 202/622–0077, or the Compliance Programs Division, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing such transaction.

* * * * *

Dated: January 19, 2000.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: January 24, 2000.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 00–4672 Filed 2–24–00; 9:49 am]

BILLING CODE 4810–25–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD11–99–008]

RIN 2115–AA98

Anchorage Regulation; Los Angeles-Long Beach Harbors, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the anchorage ground regulations for Los Angeles and Long Beach Harbors. The regulations have been reorganized to improve readability and to update references to other sections of the Code of Federal Regulations. Additionally, construction activity in the port complex has resulted in the creation of landfills in some areas previously designated as anchorages. This proposal eliminates or reconfigures these anchorages to conform to changes in the geography of the harbors. Finally, the Coast Guard is imposing additional notification and operating requirements on some vessels in order to ensure the safety of the port complex.

EFFECTIVE DATE: This final rule is effective on March 30, 2000.

ADDRESSES: Documents as indicated in this preamble are available for inspection and copying at Coast Guard Marine Safety Office, Los Angeles-Long Beach, 165 N. Pico Ave., Long Beach, CA 90802. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rob Coller, Chief, Waterways Management Division, Marine Safety Office, Los Angeles-Long Beach, telephone (562) 980–4426.

SUPPLEMENTARY INFORMATION:

Regulatory History

On July 15, 1999, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) for this regulation in the **Federal Register** (64 FR 38166). The comment period ended on September 13, 1999. The Coast Guard received no comments on the proposal. A public hearing was not requested and no hearing was held.

Background and Purpose

The Coast Guard is modifying the anchorage regulations for Los Angeles-Long Beach Harbors in 33 CFR 110.214. The regulations reconfigure the anchorages to accommodate changed geographic conditions and incorporate appropriate safety standards where necessary to ensure safe navigation.

The regulations are rewritten so that paragraph (a) discusses general requirements relating to all anchorages in this section, including those activities which require Captain of the Port (COTP) permits under the various regulations enforced by the COTP. Paragraph (b) describes only the physical location of each anchorage; the designation of ''non-anchorage'' areas has been eliminated because the general requirement that vessels may not anchor anywhere outside of designated anchorage areas makes the designation of ''non-anchorage'' areas redundant and confusing. Paragraph (c) describes specific requirements applicable to individual anchorages, and has been placed in table format. Paragraph (d) describes explosives anchorage requirements.

The regulations eliminate or reconfigure several anchorages to reflect completed and ongoing construction of new facilities in the port complex.

Existing commercial anchorage area ''A'' is eliminated by the regulations. As part of the Port of Los Angeles Pier 400 expansion project, this existing anchorage has been replaced by a shallow water habitat area, which is unsuitable as a commercial vessel anchorage. A new commercial anchorage area ''A'' is established within a portion of the former commercial anchorage ''C''.

Former commercial anchorages ''B'' and ''C'' are also affected by the Pier 400 construction project. The Pier 400 facility will occupy much of these former anchorage areas, eliminating entirely those portions of these anchorages within the Port of Los Angeles boundaries. New anchorage area ''B'' is located entirely within the southwestern portion of the Port of Long Beach, replacing former anchorage ''C'' and naval anchorage ''J''. Naval anchorage ''J'' is eliminated. Anchorage ''C'' is moved from its present location to a new location in the northeast portion of the Port of Long Beach.

Former commercial anchorage ''D'' and naval anchorage ''K'' are consolidated into a new commercial anchorage ''D''.

Although naval anchorages ''J'' and ''K'' are eliminated (becoming part of the reconfigured ''B'' and ''D'' commercial anchorages, respectively), the Department of Defense will retain priority for using the eastern portion of proposed anchorage ''D''.

The boundary of anchorage ''E'' is adjusted as a result of a breakwater constructed in the Port of Long Beach adjacent to Pier J. This breakwater reduced the area suitable for anchoring as it extends into existing anchorage ''E'' and if left unchanged would make it difficult for vessels to enter or depart the Pier J facility when vessels were anchored there. Accordingly, anchorage ''E'' is modified to allow vessels an unobstructed passage when entering or departing the terminal at Pier J. Anchorage area ''E'' is also subdivided with the western portion of existing anchorage ''E'' retaining this designation and the eastern portion of anchorage ''E'' is slightly re-configured and renamed as Anchorage ''C''.

The northern boundary of General Anchorage ''N'' is adjusted due to the

establishment of small vessel slips in the northern portion of the anchorage. These slips provide the opportunity to moor to a dock instead of anchoring.

General Anchorage Area ''O'' is eliminated by the regulations. This area is being filled and is not currently used as an anchorage.

Boundaries for the explosives anchorage and existing anchorages ''F'' and ''G'' will not change. Finally, this rulemaking does not affect Anchorage Area ''A–2'' which is established as a special anchorage area as described in 33 CFR 110.100.

Although several anchorages are eliminated or reconfigured by the regulations, a sufficient number of anchorages are believed available to meet both current and anticipated future needs of the port complex. Importantly, the construction of terminals and/or landfills in U.S. navigable waters was the subject of a separate permit process administered by the U.S. Army Corps of Engineers. These anchorage areas are designed to most effectively meet the demands of vessels desiring to anchor within Los Angeles and Long Beach Harbors.

Finally, certain outdated practices and procedures are eliminated or changed and new procedures to better ensure the safety of navigation and the protection of the environment are added. The regulations also conform to the current definitions of explosives, cargoes of particular hazard and certain dangerous cargoes, which have been revised in other sections of 33 CFR. Requirements to obtain permits for certain activities such as the handling or carriage of explosives, and extended anchorage stays are all explicitly detailed. Watchkeeping and other general requirements pertinent to commercial vessels at anchorage are set forth in section (a). Additionally, some activities such as bunkering and lightering are permissible only in specified anchorage locations and are prohibited in others. These are outlined in section (c), which discusses requirements and procedures which vary from anchorage to anchorage.

Discussion of Comments

No comments were received.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of Department of Transportation is unnecessary.

This regulation makes substantive changes in anchorage designations to conform to the changed geography of the harbor and to best make use of available water. Some of the designated procedures reflect various additions to, and changes in, existing regulatory requirements; however, they are all implemented in the interest of safe navigation and protection of the port complex, and most of the mariners affected already practice these procedures as a matter of prudent seamanship.

Small Entities

Under 5 U.S.C. 601 *et seq.*, the Coast Guard must consider whether this regulation would have significant impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. For the reasons set forth in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Rob Coller at the address listed in **ADDRESSES** above.

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under figure 2–1, paragraph 34(f) of Commandant Instruction M16475.1C, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES.**

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Regulation

For the reasons set out in the preamble, the Coast Guard amends Subpart B of Part 110, Title 33, Code of Federal Regulations, as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 49 CFR 1.46; and 33 CFR 1.05–1(g).

2. Section 110.214 is revised to read as follows:

§ 110.214 Los Angeles and Long Beach harbors, California.

(a) *General Regulations.*

(1) *Anchorage Assignment.* (i) Unless otherwise directed by the Captain of the Port Los Angeles-Long Beach, the pilot stations for the Port of Long Beach and the Port of Los Angeles will assign the use of commercial anchorages within their jurisdictions (Long Beach and Los Angeles Harbors respectively). All anchorages outside (seaward) of the federal breakwater will be assigned by the Los Angeles-Long Beach Vessel Traffic Information Service (VTIS). The master, pilot, or person in charge of a vessel must notify the appropriate pilot station (for anchorages inside the federal breakwater) or the VTIS (for anchorages outside the federal breakwater) of their intention to anchor, upon anchoring, and at least fifteen minutes prior to departing an anchorage. All anchorage assignments will be made as described in this part unless modified by the Captain of the Port.

(ii) Radio communications for port entities governing anchorages are as follows: Los Angeles-Long Beach Vessel Traffic Information Service, call sign ''LA-Long Beach Traffic,'' Channel 14 VHF–FM; Los Angeles Port Pilots, Channel 73 VHF–FM; Long Beach Port Pilots, Channel 74 VHF–FM.

(iii) The exact boundary separating the Port of Long Beach from the Port of Los Angeles is published in local Port Tariffs. For purposes of this rule, Long Beach waters are those east, and Los Angeles waters are those west, of the following locations:

(A) Inner Harbor: The Henry Ford (Badger Avenue) Bridge.

(B) Middle Harbor: The Pier 400 Transportation Corridor.

(C) Outer Harbor: The western boundary of Commercial Anchorage B.

(2) *Required approvals, permits and notifications.*

(i) No vessel may anchor anywhere within Los Angeles or Long Beach harbors for more than 10 consecutive days unless an extended anchorage permit is obtained from the Captain of the Port. In determining whether an extended anchorage permit will be granted, consideration will be given, but not necessarily limited to: the current and anticipated demands for anchorage space within the harbor, the duration requested, the condition of the vessel, and the reason for the request.

(ii) No vessel while carrying, loading, or unloading division 1.1 or 1.2 materials as defined in 49 CFR 173.50, or Cargoes of Particular Hazard (COPH) as defined in 33 CFR 126.10, or Certain Dangerous Cargoes (CDC) as defined in 33 CFR 160.203, may anchor without first obtaining a permit issued by the Captain of the Port.

(iii) Vessels requiring use of an explosives anchorage should contact the Captain of the Port at least 24 hours prior to the anticipated need for the explosives anchorage to allow for proper activation of that anchorage.

(iv) Except with the prior approval of the Captain of the Port, or, in the case of an emergency, with approval of the Captain of the Port immediately subsequent to anchoring, no commercial vessel greater than 1600 gross tons may anchor in Los Angeles-Long Beach Harbor unless it maintains the capability to get underway within 30 minutes. Any vessel unable to meet this requirement must immediately notify the Captain of the Port and make arrangements for an adequate number of tugs to respond to the vessel within 30 minutes notice.

(v) In anchorages where lightering is authorized, the Captain of the Port must be notified at least 4 hours in advance of a vessel conducting lightering operations (see 33 CFR 156.118).

(3) *Other General Requirements.*

(i) When at anchor, all commercial vessels greater than 1600 gross tons shall, at all times, have a licensed deck officer on watch and maintain a continuous radio listening watch unless subject to one of the exemptions in this paragraph. The radio watch must be on CH–13 VHF–FM when anchored inside the federal breakwater, and on CH–14 VHF–FM or on CH–16 VHF–FM when anchored outside the federal breakwater, except for unmanned barges; vessels which have less than 100 gallons of oil or fuel onboard regardless of how the fuel is carried; and other vessels receiving advance approval from the Captain of the Port.

(ii) When sustained wind speeds exceed 40 knots, all anchored commercial vessels greater than 1600 gross tons shall ensure their propulsion plant is placed in immediate standby and a second anchor is made ready to let go. Vessels unable to comply with this requirement must immediately notify the Captain of the Port. In such case, the Captain of the Port may require the vessel to have one or more tugs standing by to render immediate assistance.

(4) *Prohibitions.* Within Los Angeles Harbor, Long Beach Harbor, and the Los Angeles-Long Beach Precautionary Area, except for emergency reasons, or with the prior approval of the Captain of the Port, vessels are prohibited from anchoring outside of designated anchorage areas. In the event a vessel anchors outside a designated anchorage area for emergency reasons, the master, pilot, or person in charge of the vessel shall:

(i) Position the vessel so as to minimize the danger to other vessels and facilities;

(ii) Immediately notify the Captain of the Port by the most expeditious means of the vessel's location and the reason(s) for the emergency anchoring; and

(iii) Move the vessel as soon as the emergency condition prompting anchoring outside a designated area abates, or as soon as ordered to move by the Captain of the Port, whichever occurs sooner.

(5) *Exemption from rules.* The Captain of the Port may, upon request, or whenever he/she deems appropriate, authorize a deviation from any rule in this section.

(b) *The anchorage grounds.* Locations of anchorage grounds are as described in this section. Specific requirements for individual anchorages are contained in paragraphs (c) and (d) of this section. All coordinates referenced use datum: NAD 83.

(1) *Commercial Anchorage A (Los Angeles Harbor).* A circular area with a radius of 400 yards (approximately 366 meters), centered in position 33°-43′′-19.2′′N, 118°-14′-18.5′′W.

(2) *Commercial Anchorage B (Long Beach Harbor).* An area enclosed by a line joining the following coordinates:

	Latitude	Longitude
Beginning point	33°–44′–37.0″N	118°–13′–00.0″W
Thence south/southeast to	33°–44′–12.0″N	118°–12′–36.2″W

	Latitude	Longitude
Thence southeast to	33°–43′–38.2″N	118°–11′–36.9″W
Thence southwest to	33°–43′–26.1″N	118°–11′–47.2″W
Thence west to	33°–43′–26.1″N	118°–12′–22.7″W
Thence west/southwest to	33°–42′–58.9″N	118°–13′–53.0″W
Thence north/northwest to	33°–44′–15.3″N	118°–14′–26.6″W
Thence northeast to	33°–44′–25.1″N	118°–14′–15.6″W
Thence southeast to	33°–44′–22.8″N	118°–13′–51.0″W
Thence east/northeast to the beginning point.		

(3) *Commercial Anchorage C (Long Beach Harbor).* An area enclosed by a line joining the following coordinates:

	Latitude	Longitude
Beginning point	33°–44′–20.0″N	118°–08′–26.2″W
Thence west to	33°–44′–23.5″N	118°–09′–32.6″W
Thence north to	33°–44′–52.8″N	118°–09′–33.2″W
Thence southeast to	33°–44′–25.2″N	118°–08′–26.2″W
Thence south to the beginning point.		

(4) *Commercial Anchorage D (Long Beach Harbor).* An area enclosed by a line beginning near the east end of the Long Beach Breakwater and joining the following coordinates:

	Latitude	Longitude
Beginning point	33°–43′–27.2″N	118°–08′–12.6″W
Thence west to	33°–43′–27.2″N	118°–10′–46.5″W
Thence north to	33°–43′–51.0″N	118°–10′–46.5″W
Thence northeast to	33°–44′–18.5″N	118°–10′–27.2″W
Thence east to	33°–44′–18.5″N	118°–08′–12.6″W
Thence south to the beginning point.		

(5) *Commercial Anchorage E (Long Beach Harbor).* An area enclosed by a line joining the following coordinates:

	Latitude	Longitude
Beginning point	33°–44′–55.3″N	118°–09′–40.2″W
Thence southwest to	33°–44′–18.5″N	118°–09′–56.8″W
Thence west to	33°–44′–18.5″N	118°–10′–27.2″W
Thence northwest to	33°–44′–27.6″N	118°–10′–41.0″W
Thence west/northwest to	33°–44′–29.0″N	118°–10′–57.4″W
Thence north/northwest to	33°–45′–06.4″N	118°–11′–09.5″W
Thence northeast to	33°–45′–15.2″N	118°–10′–46.1″W
Thence southeast to the beginning point.		

(6) *Commercial Anchorage F (outside of Long Beach Breakwater).* The waters southeast of the Long Beach Breakwater bounded by a line connecting the following coordinates:

	Latitude	Longitude
Beginning point	33°–43′–05.1″N	118°–07′–59.0″W
Thence west to	33°–43′–05.1″N	118°–10′–36.5″W
Thence south/southeast to	33°–40′–23.0″N	118°–08′–35.3″W
Thence east to	33°–40′–23.0″N	118°–06′–03.0″W
And thence north/northwest to the beginning point.		

(7) *Commercial Anchorage G (outside of the Middle Breakwater).* The waters south of the Middle Breakwater bounded by a line connecting the following coordinates:

	Latitude	Longitude
Beginning point	33°–43′–05.4″N	118°–11′–18.0″W
Thence west to	33°–43′–05.4″N	118°–12′–18.7″W
Thence west/southwest to	33°–42′–25.9″N	118°–14′–19.2″W
Thence southeast to	33°–41′–40.3″N	118°–13′–05.2″W
Thence east/northeast to	33°–42′–08.8″N	118°–11′–36.8″W
And thence north/northeast to the beginning point.		

(8) *General Anchorage N (Los Angeles Harbor).* The waters near Cabrillo Beach shoreward of a line connecting the following coordinates:

	Latitude	Longitude
	33°–42′–55.9″N	118°–16′–44.4″W

	Latitude	Longitude
	33°–42′–26.8″N	118°–16′–33.9″W

(9) *General Anchorage P (Long Beach Harbor).* The waters within an area beginning at Alamitos Bay West Jetty Light ''1'' and connecting the following coordinates:

	Latitude	Longitude
Beginning point	33°–44′–14.5″N	118°–07′–19.2″W
Thence northwest to	33°–44′–20.6″N	118°–07′–31.7″W
Thence northwest	33°–45′–06.5″N	118°–09′–34.0″W
Thence along the eastern shoreline of Island White to the lighted marker at	33°–45′–13.5″N	118°–09′–34.0″W
Thence northwest to	33°–45′–37.1″N	118°–10′–38.5″W
Thence north/northwest to	33°–45′–49.4″N	118°–10′–38.8″W
And thence east/southeast along the Long Beach shoreline and the Alamitos Bay West Jetty to the beginning point.		

(10) *General Anchorage Q (Long Beach Harbor/Alamitos Bay/Anaheim Bay).* The waters within an area described as follows:

	Latitude	Longitude
Beginning point	33°–44′–36.0″N	118°–08′–13.0″W
Thence east/southeast to	33°–44′–20.6″N	118°–07′–31.7″W
Thence along a line described as an arc, radius of 460 meters (approximately 1509 feet) centered on	33°–44′–12.5″N	118°–07′–16.5″W
To	33°–44′–04.8″N	118°–07′–01.0″W
Thence northwest to	33°–44′–11.1″N	118°–07′–13.0″W
Thence north/northeast to	33°–44′–24.0″N	118°–07′–04.1″W
Thence east/southeast to	33°–44′–22.5″N	118°–06′–57.0″W
Thence along the shoreline of Seal Beach and Anaheim Bay W. Jetty to	33°–43′–39.1″N	118°–06′–06.8″W
Thence west/southwest to	33°–43′–27.8″N	118°–07′–39.9″W
Thence northwest to	33°–43′–38.4″N	118°–07′–48.2″W
Thence west to	33°–43′–38.4″N	118°–08′–12.9″W
and thence north to the beginning point.		

(11) *Explosives Anchorage (Long Beach Harbor).* A circular area with a radius of 1,909 yards (1,745 meters), centered in position 33°43′37.0″N, 118°09′05.3″W.

(c) *Individual anchorage requirements:*

(1) Table 110.214(c) lists anchorage grounds, identifies the purpose of each anchorage, and contains specific regulations applicable to certain anchorages. Requirements for the explosives anchorage are contained in paragraph (d) of this section.

(2) The geographic boundaries of each anchorage are contained in paragraph (b) of this section.

TABLE 110.214(C)

Anchorage	General location	Purpose	Specific regulations
A	Los Angeles Harbor	Commercial	Note a.
B	Long Beach Harbor	.....do	.....Do.
C	.....do	.....do	Notes a, g.
D	.....do	Commercial & Naval	Notes a, b, g.
E	.....do	Commercial	Note c.
F	Outside Breakwater	.....do	Notes c, g.
G	.....do	.....do	Notes c, d.
N	Los Angeles Harbor	Small Craft	Note e.
P	Long Beach Harbor	.....do	Note f.
Q	.....do	.....do	Notes c, g.

NOTES: a. Bunkering and lightering are permitted.

b. West of 118°–09′–48″W priority for use of the anchorage will be given to commercial vessels over 244 meters (approximately 800 feet). East of 118°–09′–48″W priority for use of the anchorage will be given to Naval and Public vessels, vessels under Department of Defense charter, and vessels requiring use of the explosives anchorage.

c. Bunkering and lightering are prohibited.

d. This anchorage is within a Regulated Navigation Area and additional requirements apply as set forth in 33 CFR 165.1109(e).

e. This anchorage is controlled by the Los Angeles Port Police. Anchoring, mooring and recreational boating activities conforming to applicable City of Los Angeles ordinances and regulations are allowed in this anchorage.

f. This anchorage is controlled by the Long Beach Harbor Master. Anchoring, mooring and recreational boating activities conforming to applicable City of Long Beach ordinances and regulations are allowed in this anchorage.

g. When the explosives anchorage is activated portions of this anchorage lie within the explosives anchorage and the requirements of paragraph (d) of this section apply.

(d) *Explosives Anchorage (Long Beach Harbor).*

(1) Priority for use of this anchorage shall be given to vessels carrying, loading, or unloading division 1.1, 1.2, 1.3, or 1.4 (explosive) materials as defined in 49 CFR 173.50, or Cargoes of Particular Hazard (COPH) as defined in 33 CFR 126.10, or Certain Dangerous Cargoes (CDC) as defined in 33 CFR 160.203.

(2) Vessels requiring the use of this anchorage shall notify the Captain of the Port at least 24 hours in advance of their intentions including the estimated times of arrival, departure, net explosive weight, and whether the vessel will be loading or unloading. Vessels may not use this anchorage without first obtaining a permit issued by the Captain of the Port.

(3) No vessel containing more than 680 metric tons (approximately 749 tons) of net explosive weight (NEW) may anchor in this anchorage;

(4) Bunkering and lightering operations are permitted in the explosives anchorage, except that vessels engaged in the loading or unloading of explosives shall not simultaneously conduct bunkering or lightering operations.

(5) Each anchored vessel loading, unloading or laden with explosives, must display a red flag of at least 1.2 square meters (approximately 16 square feet) in size by day, and at night the flag must be illuminated by spotlight;

(6) When a vessel displaying the red flag occupies the explosives anchorage, no other vessel may anchor within the Explosives Anchorage.

Note: When the explosives anchorage is activated, portions of Anchorages ''C'', ''D'', ''F'' and ''Q'' are encompassed by the explosives anchorage.

Dated: January 3, 2000.

Thomas H. Collins,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 00–4745 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–00–008]

Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Beach Channel Bridge, mile 6.7, across the Jamaica Bay in New York. This deviation from the regulations allows the bridge owner to keep the bridge in the closed position from March 25, 2000, through April 2, 2000. This action is necessary to facilitate electrical repairs at the bridge.

DATES: This deviation is effective March 25, 2000, through April 2, 2000.

FOR FURTHER INFORMATION CONTACT: Joe Arca, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Beach Channel Bridge, mile 6.7, across the Jamaica Bay has a vertical clearance of 26 feet at mean high water, and 31 feet at mean low water in the closed position. The bridge owner, New York City Transit Authority, requested a temporary deviation from the operating regulations to facilitate electrical repairs at the bridge. The existing operating regulations require the bridge to open on signal at all times.

This deviation to the operating regulations allows the owner of the Beach Channel Bridge to keep the bridge in the closed position from March 25, 2000, through April 2, 2000. Vessels that can pass under the bridge without an opening may do so at all times.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 14, 2000.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 00–4743 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 181–0224; FRL–6541–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing disapproval of Rule 1623 of the South Coast Air Quality Management District (SCAQMD) which has been submitted as a revision to the State Implementation Plan (SIP). EPA proposed disapproval of this revision in the **Federal Register** on January 18, 2000. Rule 1623, Credits for Lawn and Garden Equipment, provides a mechanism for issuing mobile source emission reduction credits (MSERCs) to entities who sell or replace old engine-powdered lawn and garden equipment with new low- or zero-emission lawn and garden equipment. EPA is finalizing disapproval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because this revision is not consistent with applicable CAA requirements.

EFFECTIVE DATE: This action is effective on March 30, 2000.

ADDRESSES: Copies of the submitted rule and EPA's evaluation report on the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, 2020 L Street, Sacramento, CA 95814

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California 91765–4182

FOR FURTHER INFORMATION CONTACT: Roxanne Johnson, Air Planning Office, AIR–2, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1225.

SUPPLEMENTARY INFORMATION:

I. Applicability

EPA is disapproving SCAQMD Rule 1623—Credits for Clean Lawn and Garden Equipment. SCAQMD adopted Rule 1623 on May 10, 1996, and the California Air Resources Board (CARB) submitted the rule to EPA on August 28, 1996.

II. Background

Rule 1623 claims to provide opportunities for stationary sources to generate oxides of nitrogen (NOx), volatile organic compounds (VOCs), carbon monoxide (CO), and particulate (PM) mobile source emission reduction credits (MSERCs). Any entity interested in participating in Rule 1623 could implement one of three strategies to generate credits: (1) before January 1, 1999, permanently scrap and replace existing lawn and garden equipment with equipment which meets the 1995 California Emission Standards for Utility and Lawn and Garden Engines; (2) permanently scrap and replace existing gasoline-powered lawn and garden equipment with new low- or zero-emission equipment; or (3) after May 10, 1996 and prior to January 1, 1999, direct sale to an end user of new low-emission lawn and garden equipment, or on or after January 1, 1991, direct sale to an end user of new zero-emission equipment.

The Act broadly encourages, and under certain circumstances Title I of the Act mandates, States to develop and

facilitate market-based approaches for achieving the environmental goals of the Act for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS), and to meet associated emission reduction milestones. EPA has developed comprehensive guidance and rules (as required by the Act) for States and individual sources to follow in designing and adopting such programs for inclusion in SIPs. The Economic Incentive Program (EIP) Rules (40 CFR part 51, subpart U) provide a broad framework for the development and use of a wide variety of incentive strategies for stationary, area, and/or mobile sources. One such approach is the generation and trading of emission reduction credits, which historically have been allowed under guidance provided in the 1986 Emission Trading Policy Statement (see 51 FR 43631, December 4, 1986). In certain areas where emission control costs for stationary sources may be high relative to mobile source control costs, creating EIPs which allow for the trading of emission reduction credits from mobile sources to stationary sources can be beneficial.

Rule 1623 is a voluntary program, and the exact emission reductions are unknown. EPA can only approve Rule 1623 in the SIP, if the reductions are surplus and are quantifiable. In our January 18, 2000 (65 FR 2557) we proposed disapproval for Rule 1623 because the rule does not meet federal requirements including the requirement that emission reductions be real, quantifiable, enforceable, and surplus.

III. Response to Comments

EPA received comments from the South Coast Air Quality Management District (''District'') and comments from Communities for a Better Environment. The following comments were submitted by the District. The District objects to EPA's proposed disapproval and requests that it be revised to a proposed conditional approval.

District Comment #1: This comment is entitled ''Are Emission Reductions Surplus?'' The District states that ''EPA is insisting on administrative requirements so burdensome they would destroy the value of the rule.'' The District further states that it is ''wholly impractical to source-test each piece of law and garden equipment'' and that the District properly relied upon emissions data developed by the California Air Resources Board (''CARB''). Finally, the District claims that, contrary EPA's analysis, the rule provides for sufficient ''procedures to ensure that engines being scrapped or replaced are operable.''

Response to District Comment #1: The District misunderstands the Agency's point regarding quantification, completely ignores the requirement that claimed emission reductions must be demonstrated to be surplus, and is mistaken in asserting that procedures to ensure that engines being scrapped or replaced are operable can be developed in scrappage plans rather than being set forth in the rule. EPA did not propose to disapprove Rule 1623 for its failure to require that each piece of lawn and garden equipment be source-tested. The problem with Rule 1623 is that the emissions rates are merely set forth without any substantiation, in the technical support document or anywhere in the supporting materials for Rule 1623, showing that these figures are accurate. EPA might be able to accept emission rates in this form if there was sufficient data showing that the rates represented an accurate average of emissions from such sources and that the deviation from the average was relatively small and thus acceptable for quantification purposes. Lacking such data and justification, EPA cannot accept unsubstantiated emission rates as the basis for emission quantification.

A credit generating rule cannot be approved unless it is shown that the credits which would be generated are ''surplus,'' *i.e.,* not required by or assumed in the air basin's current EPA-approved implementation plan, inventory, or attainment demonstration. This is especially important in a rule, like Rule 1623, which claims to generate surplus credits through the accelerated retirement of equipment and its early replacement with cleaner equipment. Older and worn out equipment is constantly being replaced. This replacement cycle is assumed, and indeed relied upon, in virtually all air quality plans. If credits were given for this normal turnover, those credits would be invalid and would damage air quality and the planning process designed to protect it. Therefore, to be acceptable a rule which would generate credits from the accelerated retirement and replacement of equipment must demonstrate that implementation of the rule would actually reduce emissions below the level assumed in the SIP. In addition, the rule would have to be designed to grant credits only to the accelerated retirement and replacement, and not to the normal equipment turnover which would happen in any case.

Finally, elements of a rule which are critical to its integrity must be contained in the rule. Rule 1623 does not contain specific provisions to ensure that engines being scrapped or replaced pursuant to the rule are operable and have useful remaining life. If the engines being replaced are not operable, or if they do not have the remaining life assumed by the rule, inappropriate credits will be generated. Provisions to prevent this invalid credit need to be in Rule 1623, and may not be created afterward in scrappage project plans as the District suggests. This would delegate too much discretion to the District in implementation of the rule and EPA would be left with insufficient information to judge the validity of credits and, through oversight, ensure the effectiveness of the rule.

The problems with Rule 1623 described above are not new to the District. These problems, in varying degrees and forms, were experienced by the District in its implementation of a companion to Rule 1623—Rule 1610. Rule 1610 implements a car scrappage credit generating program which, according to the District's own analysis, has suffered from defects relating to emissions quantification, surplus, and operable vehicles.

District Comment #2: This comment objects to EPA's statement that penalty provisions of Rule 1623 ''are not clearly defined'' and thus are not practically enforceable. The District believes EPA is insisting that the underlying legal authority, California's Health & Safety Code, be repeated in the rule.

Response to District Comment #2: EPA is not insisting that the penalty authority in California's Health & Safety Code be repeated in Rule 1623. However, we do have at least two major problems with the enforcement language set forth in section (j) of Rule 1623.

Section (j) does not define the duration of a violation and this is critical in creating sufficient deterrent in enforcement. For example, providing inaccurate data could be a single violation, based on the date of submittal, and thus penalty authority could be limited to a single day. The provisions of Rule 1623 could be interpreted in this manner. In contrast, violations could be defined as continuing from the date of submittal until such time that the inaccuracies were corrected. To create clear and sufficient deterrent, Rule 1623 must define violations as continuing until they are corrected.

Section (j) incorrectly limits injunctive relief to denying or voiding credits where a generator has violated the requirements of Rule 1623. If, in violating the requirements of Rule 1623, a person has generated invalid credits

which have been used by another source, the generator should be subject to injunctive relief which would require replacement of those invalid credits.

District Comment #3: In this comment, the District states that it is unable to respond to EPA's belief that a survey should be implemented with Rule 1623. The District suggests that EPA specify the information needed so the District can determine if a survey is needed.

Response to District Comment #3: In itself, the failure to have a survey would probably not prompt EPA to disapprove Rule 1623. However, EPA believes that a survey is needed to evaluate the effectiveness of Rule 1623, if it is eventually implemented. The District already has such a survey for Rule 1610, discussed earlier, and the same type of information would be important to evaluate Rule 1623.

District Comment #4: In this comment, the District states that destruction of all engine parts should not be necessary, given the small value of the engines involved.

Response to District Comment #4: The destruction of all engine parts should not be a real burden, since that would be the normal course unless those parts were made available for scavenging or as rebuildable ''cores.'' Under the guidelines established by the CARB for car scrappage, the entire vehicle must be scrapped to avoid parts being returned to the market to extend the life of the remaining older cars. The same principle should applies to all programs which would generate credits from the accelerated retirement of equipment.

District Comment #5: In this comment, the District questions whether it is necessary to provide definitions for eight terms (''useful life,'' ''surplus,'' ''certified engine,'' ''project plan,'' ''baseline emission standards,'' ''load factor,'' ''equipment operator,'' and ''permanent replacement'') which EPA believed should be further defined and clarified in Rule 1623.

Response to District Comment #5: With the exception of ''surplus,'' EPA would probably not have proposed to disapprove Rule 1623 for lack of further definition and clarification of these terms. This list of terms was intended to be a suggestion to help clarify the rule.

However, as set forth in the response to comment #1, above, EPA believes that the District has failed to demonstrate that emission reductions claimed pursuant to Rule 1623 would be, in fact, suprlus. For Rule 1623, the District would have to demonstrate that implementation of the rule would result in an accelerated rate of equipment retirement. In addition, the rule would have to be designed to grant credits only to the accelerated retirement and replacement, and not to the normal equipment turnover which would happen in any case.

District Comment #6a: ''EPA's objection to a section allowing credits under certain circumstances before January 1, 1999 (p. 3) is meritless. The fact the date has passed is no reason to reject the remainder of the rule.''

Response to District Comment #6a: EPA agrees with this comment. We misstated our objection, which should have been tied to Option 2 of the rule and the delay in CARB's promulgation of its Tier II Lawn & Garden rule.

District Comment #6b: In this comment, the District dismisses EPA's concern that a rule which CARB intends to develop for the small off-road engines (''SORE'') category would conflict with Rule 1623 and result in double-counting. The District states that its rule cannot predict and address all possible future rules. The District also suggests that CARB could address double-counting in its rule making.

Response to District Comment #6b: Rule 1623 can and should anticipate the SORE rule. The SORE rule has been in development for some time and the District has had ample opportunity to avoid any issues of double-counting in crafting the provisions of Rule 1623. To avoid the possibility of double-counting due to the SORE rule, or any other intervening rule, Rule 1623 could provide for a yearly check on the surplus status of credits from ongoing scrappage projects. If an activity from a credit generating project becomes required by another rule, the stream of credits from that activity could be terminated on the basis that the project no longer meets the surplus requirement.

District Comment #6c: ''EPA is concerned about the definitions of specialty vehicles and golf carts. Since these are not included in the rule at present, there is no need for concern about them.''

Response to District Comment #6c: Since Rule 1623 must be significantly revised to be approvable, the District can remove references to specialty vehicles and golf carts.

District Comment #6d: In this comment, the District agrees that delay in implementation of CARB's Tier II Lawn & Garden emission standards needs to be addressed. The District suggests that this could be done through adjusting the credit tables in Rule 1623 and this should be made a condition in a reproposal to conditionally approve Rule 1623.

Response to District Comment #6d: CARB's Tier II Lawn & Garden rule is critical to the implementation of Rule 1623. The emissions rates set forth in Tables 2 and 3 of Rule 1623 as ''Meeting 1999 Standards'' rely on Tier II. In addition, the engine certification process in Tier II is necessary to ensure that engines purchased actually meet emissions rates set forth in Rule 1623. Without this basis, the quantification procedures set forth in Rule 1623 cannot be legitimately used. It is not adequate, as the District suggests, to cure this defect through a conditional approval.

District Comment #6e: In this comment, the District states that it does not understand EPA's objection to the section (h) of Rule 1623 which allows the use of credits generated pursuant to the rule in a number of other setting, e.g., as RECLAIM trading credits, alternate compliance for Regulation XI rules, etc. The District appears to believe that EPA wants projects pursued under Rule 1623 to be individually approved into the implementation plan.

Response to District Comment #6e: EPA has no desire to have projects pursued under Rule 1623 to be individually approved into the implementation plan. EPA's objection to section h stems from our experience with credits generated via Rule 1610 being used for alternative compliance for Regulation XI requirements. The main problem is that Regulation XI rules do not have protocols for calculating mass emissions. This has allowed sources and the District to create their own emissions quantification protocols. The results have been extremely poor. In two instances, where EPA is currently taking enforcement actions, the available evidence indicates that the sources, with the District's approval, used quantification protocols which undercounted emissions subject to Regulation XI requirements by as much as two orders of magnitude. EPA has been able to address the situation through enforcement only because Rule 1610 has not been approved into the implementation plan. Rule 1623 shares the same flaw as Rule 1610 in allowing quantification protocols to be created ad-hoc. Such provisions are not practically enforceable, lack integrity, and would delegate unacceptable discretion to the District.

District Comment #6f: ''EPA states one reason for disapproval as 'evidence that the program has not been implemented and enforced in a way that results in the achievement of cleaner air.' (p. 7) This objection makes no sense. The program has not been implemented at all, so EPA

cannot have any evidence of improper implementation.''

Response to District Comment #6f: The District is correct in noting that EPA's objection, as written, makes no sense. It was the result of a drafting error. The intent was to make reference, as was done in response to comment #6e, above, to failures in the implementation and enforcement of Rule 1610. Since Rule 1623 shares many of the characteristics of Rule 1610, our intent was to point out that proceeding with Rule 1623 would result in the same types of problems.

District Comment entitled ''Conclusion'': In the conclusion to its comments, the District claims that it has addressed ''most of EPA's objections'' and suggests that EPA revise its proposed disapproval to a proposed conditional approval.

Response to District Comment entitled ''Conclusion'': In its current form and without much greater substantiation of critical points, EPA believes that Rule 1623 is fatally flawed. The issues concerning emissions quantification, surplus, enforceability, potential double-counting, and unacceptable delegation of discretion to the District prevent EPA from approving Rule 1623 into the implementation plan for the District.

Communities for a Better Environment Comment: CBE submitted comments in support of EPA disapproval of Rule 1623. Two specific reasons included: (1) mobile to stationary source trading, especially in highly toxic compounds, is a concept that impedes the goal of environmental justice; and (2) Rule 1623 does not ensure that the reductions it credits are quantifiable, enforceable and surplus. CBE also urged that EPA should completely disallow trading of toxic pollutants, should disallow cross-pollutant trading, especially trading of carbon monoxide and particulate matter. Finally, CBE commented that local air district rules must not frustrate federal law; scrapping under Rule 1623 does not create ''quantifiable'' and ''surplus'' reductions; and allowing credits to sellers of low-emitting equipment is nonsensical.

Response to CBE Comment: EPA's final action is consistent with CBE's comments.

IV. EPA Action

EPA is finalizing disapproval of Rule 1623 because it does not meet applicable CAA requirements. The effect of this action is that the federally enforceable California SIP remains unchanged. Because the CAA does not require this rule and because today's action maintains the stringency of the current SIP, EPA's disapproval of the submitted rule does not trigger sanctions or Federal Implementation Plan (FIP) clocks under section 179 of the CAA.

As Rule 1623 is a substitute for existing requirements, EPA does not believe that disapproval of the program will have any effect on air quality in the South Coast Air Basin. Regulated entities which may have been using Rule 1623 to comply with control technology requirements have the opportunity to apply control or otherwise comply directly (in the case of ridesharing requirements) in lieu of purchasing credits generated under Rule 1623.

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

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13132

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

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of Executive Order 13132 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition,

Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because disapprovals of SIP revisions under section 110 and subchapter I, part D of the Clean Air Act do not affect any existing requirements applicable to small entities. Any existing Federal requirements will remain in place. Federal disapproval of the State SIP submittal will not affect State-enforceability. Moreover, EPA's disapproval of the submittal would not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

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

EPA has determined that this disapproval action does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. The disapproval will not change existing requirements and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

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

H. National Technology Transfer and Advancement Act

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

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

I. Petitions for Judicial Review

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Oxides of nitrogen, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 15, 2000.

Felicia Marcus,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Part 52 is amended by adding § 52.242 to read as follows:

§ 52.242 Disapproved rules and regulations.

(a) The following Air Pollution Control District rules are disapproved because they do not meet the requirements of section 110 of the Clean Air Act.

(1) South Coast Air Quality Management District.

(i) Rule 1623, Credits for Lawn and Garden Equipment, submitted on August 28, 1996 and adopted on May 10, 1996.

[FR Doc. 00–4785 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility: Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation (''Corporation'') is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines as issued by the Department of Health and Human Services.

EFFECTIVE DATE: February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel,

Legal Services Corporation, 750 First Street NE, Washington, DC 20002–4250; (202) 336–8800.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act (''Act''), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income.

Section 1611.3(b) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Federal Poverty Guidelines. Since 1982, the Department of Health and Human Services has been responsible for updating and issuing the Poverty Guidelines. The revised figures for 2000 set out below are equivalent to 125% of the current Poverty Guidelines as published on February 15, 2000 (65 FR 7555–57).

List of Subjects in 45 CFR Part 1611

Legal services.

For reasons set out in the preamble, 45 CFR part 1611 is amended as follows:

PART 1611—ELIGIBILITY

1. The authority citation for Part 1611 continues to read as follows:

Authority: Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

2. Appendix A of Part 1611 is revised to read as follows:

Appendix A of Part 1611—Legal Services Corporation 2000 Poverty Guideline [1]

Size of family unit	48 contiguous states [2]	Alaska [3]	Hawaii [4]
1	$10,438	$13,038	$11,988
2	14,063	17,575	16,163
3	17,688	22,113	20,338
4	21,313	26,650	24,513
5	24,938	31,188	28,688
6	28,563	35,725	32,863
7	32,188	40,263	37,038
8	35,813	44,800	41,213

[1] The figures in this table represent 125% of the poverty guidelines by family size as determined by the Department of Health and Human Services.

[2] For family units with more than eight members, add $3,625 for each additional member in a family.

[3] For family units with more than eight members, add $4,538 for each additional member in a family.

[4] For family units with more than eight members, add $4,175 for each additional member in a family.

Dated: February 23, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 00–4803 Filed 2–28–00; 8:45 am]

BILLING CODE 7050–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 00–22]

Implementation of the Satellite Home Viewer Improvement Act of 1999; Enforcement Procedures for Retransmission Consent Violations

AGENCY: Federal Communications Commission.

ACTION: Final rule; procedures.

SUMMARY: This document adopts procedural rules to implement certain aspects of the Satellite Home Viewer Improvement Act of 1999, which was enacted on November 29, 1999. Among other things, the act authorizes satellite carriers to add more local and national broadcast programming to their offerings and seeks to place satellite carriers on an equal footing with cable operators with respect to availability of broadcast programming. This document discusses specifically the implementation of regulations that would apply enforcement procedures for retransmission consent violations.

DATES: Effective May 30, 2000, except for § 1.6010 which contains information collection requirements that are not effective until approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date of § 1.6010. Written comments by the public on the new and/or modified information collections are due May 1, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington DC 20554, or via the Internet at *jboley@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Eloise Gore at (202) 418–7200 or via the Internet at egore@fcc.gov. For additional information concerning the information collection(s) contained in this document, contact Judy Boley at (202) 418–0214, or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order (''Order''), FCC 00–22, adopted January 27, 2000; released January 28, 2000. The full text of the Commission's Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW, Washington, D.C. 20554, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, D.C. 20036, or may be reviewed via Internet at *http://www.fcc.gov/csb/.*

Synopsis of the Order

I. Introduction

1. In this order, we adopt procedural rules to implement new Section 325(e) of the Communications Act of 1934, as amended, added by Section 1009 of the Satellite Home Viewer Improvement Act (''SHVIA''). Section 325(e) provides the procedures by which the Commission shall process complaints by television broadcast stations alleging that a satellite carrier has retransmitted local television signals without the stations' consent in violation of Section 325(b)(1) of the Act, as amended by the SHVIA.

II. Background

2. Section 1009 of SHVIA amends Section 325(b)(1) of the Communications Act to provide, inter alia, that satellite carriers may not retransmit the signal of a broadcast station, or any part thereof, except: (1) With the express authority of the originating station; or (2) if the station has asserted must carry rights under Section 338. Section 1009 further provides that, pursuant to Section 325(b)(2), retransmission consent is not required for satellite retransmission of noncommercial stations; certain superstations under specified circumstances; and, until December 31, 2004, network stations retransmitted outside the station's local market to ''unserved'' households. In addition, for six months following enactment of the SHVIA, retransmission consent is not required for satellite retransmission of a local station within the station's local market. After the conclusion of this six month period, satellite carriers will be required to obtain retransmission consent to carry these local-into-local retransmissions.

3. Section 1009 also adds a new paragraph (e) to Section 325 of the Communications Act. New paragraph 325(e) creates a set of expedited

enforcement procedures for the alleged retransmission of a television broadcast station in its own local market without the station's consent in violation of Section 325(b)(1). The new provision requires that a final Commission decision be issued in response to such complaints within 45 days. The statute sets out explicit procedures for these complaints, which will take effect on May 30, 2000. The expedited enforcement provision contains a sunset date which precludes the filing of any complaint with the Commission under this section after December 31, 2001.

III. Discussion

4. These procedural rules track the statutory requirements and incorporate two additional provisions designed to facilitate enforcement of the statutory requirements. Section 325(e) of the statute specifies that the procedures apply to a complaint by a television broadcast station alleging retransmission of its signal ''to any person in the local market of such station'' * * * ''after the expiration of the 6-month period.'' Section 325(e)(1)(A) through (F) of the statute further requires that the station provide its name, address and call letters; the name and address of the satellite carrier; the dates on which the retransmission allegedly occurred; the street address of at least one person in the local market to whom the retransmission was allegedly made; a statement that the retransmission was not authorized; and the name and address of the station's legal counsel. Section 325(e)(2) of the statute provides that the satellite carrier is deemed to have designated the Secretary of the Commission as its agent for service of process and allows the station to serve the satellite carrier with the complaint by filing with the Commission and serving a copy on the satellite carrier by specified means. Section 325(e)(3) of the statute requires the satellite carrier to file an answer with the Commission within five business days. Section 325(e)(4) of the statute enumerates the exclusive defenses that are available to a satellite carrier: (1) That the satellite carrier did not retransmit the station to any person in the local market during the specified time; (2) that the station had expressly authorized retransmission in writing; (3) that the retransmission was made after January 1, 2002 and the station had elected to assert a right to carriage; and (4) the station being retransmitted is a noncommercial station. Section 325(e)(5) and (6) of the statute provides that the retransmission of a particular station on a particular day to one or more persons constitutes a separate violation and places the burden of proof on the station to establish that the satellite carrier retransmitted the station to at least one person on the day alleged. Section 325(e)(5) and (6) of the statute further provides that the satellite carrier has the burden of proof with respect to defenses 2, 3, and 4, as enumerated, above. Section 325(e)(8) of the statute requires the Commission to determine whether the satellite carrier in question has retransmitted the station to at least one person in the station's local market and has not proven one of the defenses. If the Commission so determines, it must make a finding and issue a cease and desist order within 45 days after the filing of the complaint.

5. The first additional provision incorporated in the rules requires each satellite carrier to provide the Commission's Secretary with current identifying information about its chief executive officer. This provision will facilitate service of complaints on satellite carriers in an expeditious manner within the statutorily mandated timeframe. The second additional provision requires that, to facilitate Commission oversight of remedial measures, satellite carriers found to have violated the statute must file a report regarding their remedial efforts to come into compliance. This latter provision is needed to enable the Commission to quickly determine that the satellite carrier is complying and may therefore resume authorized retransmissions.

6. The local retransmission consent complaints filed under Section 325(e) will be handled by the Cable Services Bureau.

IV. Paperwork Reduction Act

7. This Order contains new information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collections contained in this proceeding. Comments should address: (a) Whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden of estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques and other forms of information technology. Written comments by the public on the new information collections are due May 1, 2000. In addition to filing comments with the Office of the Secretary, commenters should submit a copy of any comments on the information collections contained herein to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet at jboley@fcc.gov.

OMB Control Number: 3060–xxxx.

Title: Implementation of the Satellite Home Viewer Improvement Act of 1999; Enforcement Procedures for Retransmission Consent Violations.

Type of Review: New collection or revision of existing collection.

Respondents: Business or other for-profit entities.

Number of Respondents: Satellite carriers—xxxx.

Estimated Time Per Response: xxxx hours.

Total Annual Burden: xxxx.

Total Annual Costs: xxxx.

Needs and Uses: Congress directed the Commission to adopt regulations that enforce procedures for retransmission consent violations to satellite carriers pursuant to the changes outlined in the Satellite Home Viewer Improvement Act of 1999. The availability of such information will serve the purpose of informing the public of the method of broadcast signal carriage.

V. Ordering Clause

8. Accordingly, pursuant to Section 1009 of the Satellite Home Viewer Improvement Act of 1999, codified as Section 325(e) of the Communications Act of 1934, as amended, 47 U.S.C. 325(e), part 1.6000, *et seq.*, IS ADDED, as set forth in the Rules Appendix. The rules will become effective May 30, 2000, except for 47 CFR 1.6010, which contain information collection requirements that are not effective until approved by the Office of Management and Budget. Notice and comment is not required by the Administrative Procedure Act because the rules are procedural. 5 U.S.C. 553(b)(A). In any event, because of the 60-day statutory deadline and the ministerial nature of the rules implementing the statutory requirements, we find for good cause that notice and comment is impracticable under 5 U.S.C. 553(b)(B).

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Federal Communications Commission, Reporting and recordkeeping requirements, Television.

Rule Changes

Part 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

PART 1—PRACTICE AND PROCEDURE.

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

Authority: 47 U.S.C. 325(e).

2. Subpart U of part 1 is added to read as follows:

Subpart U—Implementation of Section 325(e) of the Communications Act: Procedures Governing Complaints Filed by Television Broadcast Stations Against Satellite Carriers for Retransmission Without Consent

1.6000 Purpose.
1.6001 Retransmission consent complaint procedures.
1.6002 Form and content.
1.6003 Service requirements.
1.6004 Answers.
1.6005 Exclusive defenses.
1.6006 Counting of violations.
1.6007 Burden of proof.
1.6008 Determinations.
1.6009 Relief.
1.6010 Reporting of remedial measures.
1.6011 Effective date.
1.6012 Sunset provisions.

§ 1.6000 Purpose.

The purpose of part 1, Subpart U, is to implement Section 325(e) of the Communications Act of 1934, as amended, 47 U.S.C. 325(e), *et seq.*, as added by section 1009 of the Satellite Home Viewer Improvement Act of 1999, Public Law 106–113, section 1000(9), 113 Stat. 1501, Appendix I (1999). The procedures set forth in this subpart supersede 47 U.S.C. 312.

§ 1.6001 Retransmission consent complaint procedures.

By whom. If a television broadcast station believes that a satellite carrier has retransmitted its broadcast station's signal to any person in the local market of such station in violation of 47 U.S.C. 325 (b)(1), the station may file a complaint with the Commission under this section.

§ 1.6002 Form and content.

(a) The following format shall be used for complaints of this type:

Before the Federal Communications Commission

Washington, D.C. 20554

In the Matter of Complainant,
v.
Defendant
File No. (to be inserted by the staff)

Complaint

To: The Commission.
The complainant (here insert the name, address, and call letters of the complaining television broadcast station) avers that: On (here insert the dates upon which the alleged transmission occurred), retransmission of the broadcast television station's signal was made by (insert here name and address of the satellite carrier) to (here insert the street address of at least one person in the local market of the station to whom the alleged retransmission was made). The complainant avers that (here insert a statement that the retransmission was not expressly authorized by the television broadcast station), and requests that the appropriate relief be granted by the Commission, as provided by the pertinent provisions of the Communications Act of 1934, as amended, and the Commission's Rules.
Date:
(here insert the name and address of counsel for the complaining station).

(b) A complaint lacking any of the foregoing information shall be dismissed by the FCC without prejudice to the complaining station.

(c) Additional information may be provided, and, where applicable, should conform to the requirements set forth in §§ 1.48 through 1.52 of the Commission's rules.

§ 1.6003 Service requirements.

(a) *General.* Pursuant to 47 U.S.C. 325(e), for purposes of any proceeding under this subsection, any satellite carrier that retransmits the signal of any broadcast station shall be deemed to designate the Secretary of the Commission as its agent for service of process.

(b) *Specific.* (1) A television broadcast station shall serve a satellite carrier with a complaint concerning an alleged violation of 47 U.S.C. 325(b)(1) by filing the original and two copies of the complaint on the Secretary of the Commission and serving a copy of the complaint by means of two commonly used overnight delivery services, each addressed to the chief executive officer of the satellite carrier at its principal place of business and each marked ''URGENT LITIGATION MATTER'' on the outer packaging. Service shall be deemed complete one business day after a copy of the complaint is provided to the delivery services for overnight delivery. On receipt of a complaint filed by a television broadcast station under this subsection, the Secretary of the Commission shall send the original complaint by United States mail, postage prepaid, receipt requested, addressed to the chief executive officer of the satellite carrier at its principal place of business.

(2) Satellite carriers shall provide the name, address, and telephone number (including area code) of their chief executive officers to the Secretary of the Commission, no later than April 15, 2000. Satellite carriers shall update this information, as necessary, in the event that the identity or the address of their respective chief executive officers changes. These updates shall be made by United States mail within seven (7) days of such changes. Complaints sent to the last known address shall be deemed served if the satellite carrier fails to notify the Secretary of the Commission in accordance with this provision.

§ 1.6004 Answers.

Within five (5) business days after the date of service, without regard to § 1.4 of this part, the satellite carrier shall file its answer with the Commission, and shall contemporaneously serve the answer upon counsel designated in the complaint, at the address listed for such counsel in the complaint. Service of the answer shall be made by use of one commonly used overnight delivery service and by the United States mail.

§ 1.6005 Exclusive defenses.

(a) The defenses listed in paragraphs (a)(1) through (a)(4) of this section, are the only defenses available to a satellite carrier against which a complaint under this section is filed.

(1) The satellite carrier did not retransmit the television broadcast station's signal to any person in the ''local market'' of the television broadcast station, as that term is defined in 17 U.S.C. 122(j) (Designated Market Area as determined by Nielsen Media Research and county containing the station's community of license), during the time period specified in the complaint;

(2) The television broadcast station had, in a writing signed by an officer of the television broadcast station, expressly authorized the retransmission of the station by the satellite carrier to each person in the ''local market'' of the television broadcast station, as that term is defined in 17 U.S.C. 122(j), to which the satellite carrier made such retransmissions for the entire time period during which it is alleged that a

violation of 47 U.S.C. 325 (b)(1) has occurred;

(3) The retransmission was made after January 1, 2002, and the television broadcast station had elected to assert the right to carriage under 47 U.S.C. 338 as against the satellite carrier for the relevant period; or

(4) The television broadcast station whose signal is being retransmitted is a noncommercial television broadcast station.

(b) [Reserved]

§ 1.6006 Counting of violations.

Each day of retransmission without consent of a particular television broadcast station to one or more persons in the local market of the station shall be considered a separate violation of 47 U.S.C. 325(b)(1).

§ 1.6007 Burden of proof.

With respect to each alleged violation, the burden of proof shall be on a television broadcast station to establish that the satellite carrier retransmitted the station to at least one person in the local market of the station on the day in question. The burden of proof shall be on the satellite carrier with respect to all defenses other than the defense under § 1.6005(a)(1).

§ 1.6008 Determinations.

(a) *In General.* Within forty five (45) days after the filing of a complaint, the Commission shall issue a final determination in any proceeding brought under this subsection. The Commission's final determination shall specify the number of violations committed by the satellite carrier. The Commission shall hear witnesses only if it clearly appears, based on the written filings by the parties, that there is a genuine dispute about material facts. Except as provided in the preceding sentence, the Commission may issue a final ruling based on the written filings by the parties.

(b) *Discovery.* The Commission may direct the parties to exchange pertinent documents, and if necessary, to take prehearing depositions, on such schedule as the Commission may approve, but only if the Commission first determines that such discovery is necessary to resolve a genuine dispute about material facts, consistent with the obligation to make a final determination within forty five (45) days. In this connection, the Commission may utilize the discovery or other evidentiary procedures set forth in §§ 1.311 through 1.364 of the Commission's rules.

§ 1.6009 Relief.

If the Commission determines that a satellite carrier has retransmitted the television broadcast station to at least one person in the local market of such station and has failed to meet its burden of proving one of the defenses under § 1.6005 (a)(2) through (a)(4) with respect to such retransmission, the Commission shall:

(a) Make a finding that the satellite carrier violated 47 U.S.C. 325(b)(1) with respect to that station; and

(b) Issue an order, within forty-five (45) days after the filing of the complaint, containing—

(1) A cease-and-desist order directing the satellite carrier immediately to stop making any further retransmissions of the television broadcast station to any person within the local market of such station until such time as the Commission determines that the satellite carrier is in compliance with 47 U.S.C. 325(b)(1) with respect to such station;

(2) If the satellite carrier is found to have violated 47 U.S.C. 325(b)(1) with respect to more than two television broadcast stations, a cease-and-desist order directing the satellite carrier to stop making any further retransmission of any television broadcast station to any person within the local market of the stations identified in the cease-and-desist order, until such time as the Commission, after giving notice to the station, determines that the satellite carrier is in compliance with 47 U.S.C. 325(b)(1) with respect to such stations; and

(3) An award to the complainant of that complainant's costs and reasonable attorney's fees. Such award shall be made only after the complainant submits appropriate documentation in support of its request.

(c) Any cease-and-desist order issued hereunder shall include a statement of findings and the grounds therefor, shall specify the effective date of the order, and shall be served by the Commission upon the satellite carrier to which such order is directed.

§ 1.6010 Reporting of remedial measures.

Any satellite carrier found to have violated Section 47 U.S.C. 325(b)(1) shall, upon receipt of the cease-and-desist order, immediately take all necessary steps to comply with the statute. Within two (2) days of receipt of the cease-and-desist order, the satellite carrier shall notify the Secretary of the Commission of steps taken to comply with the statute by written submission. The submission certified by the satellite carrier's chief executive officer shall also contain a copy of the pertinent cease-and-desist order, and shall be delivered to the Secretary of the Commission by means of one commonly used overnight delivery service, in addition to a copy delivered by United States mail.

§ 1.6011 Effective date.

The rules in section 1.6000 through section 1.6009 shall become effective May 30, 2000. Section 1.6010 contains information collection requirements that are not effective until approved by the Office of Management and Budget. The effective date for this section will be announced by the Commission in the **Federal Register**.

§ 1.6012 Sunset provisions.

No complaint may be filed under this rule section after December 31, 2001. This rule subpart shall continue to apply to any complaint filed on or before such date. *See* 47 U.S.C. 325 (e)(12).

[FR Doc. 00–4729 Filed 2–28–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211040–0040–01; I.D. 022300A]

Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening trawling within Steller sea lion critical habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the critical habitat percentage of the 2000 harvest specifications of Atka mackerel allocated to the Central Aleutian District.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 23, 2000 until April 15, 2000.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area

(FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season apportionment of the 2000 total allowable catch for Atka mackerel in the Central Aleutian District is 11,424 metric tons (mt), of which no more than 7,654 mt may be harvested from critical habitat (65 FR 8282, February 18, 2000). See § 679.20(c)(3)(iii) and 679.22(a)(8)(iii)(B).

In accordance with § 679.22(a)(8)(iii)(A), Steller Sea lion critical habitat in the Central Aleutian District was closed to trawl gear to prevent exceeding the percentage of the interim harvest specifications of Atka mackerel allocated to the Central Aleutian District on February 10, 2000 (65 FR 7461, February 15, 2000). NMFS has determined that as of February 12, 2000, approximately 1,500 mt remains in the critical habitat percentage of the 2000 harvest specifications of Atka mackerel allocated to the Central Aleutian District.

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the critical habitat percentage of the interim harvest specifications of Atka mackerel established for this District has not been caught. Therefore, NMFS is terminating the previous closure and is opening trawling in critical habitat, as defined at 50 CFR part 226, Table 1 and Table 2 in the Central Aleutian District of the BSAI. All other closures remain in full force and effect.

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to fully utilize the critical habitat percentage of the 2000 harvest specifications of Atka mackerel established for this District. Providing prior notice and opportunity for public comment for this action is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: February 23, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–4664 Filed 2–23–00; 4:20 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991128352–0012–02; I.D. 011100D]

Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule to Implement Major Provisions of the American Fisheries Act: Correction

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

ACTION: Emergency interim rule; revisions to 2000 harvest specifications; sideboard directed fishing closures; correction.

SUMMARY: This document contains corrections to the emergency interim rule to implement major provisions of the American Fisheries Act (AFA) and revise interim 2000 harvest specifications.

DATES: Effective January 21, 2000.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries off Alaska according to the Fishery Management Plans (FMPS) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Groundfish of the Gulf of Alaska (GOA) prepared by the North Pacific Fishery Management Council under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMPs are at subpart H of 50 CFR part 600 and at 50 CFR part 679.

Correction

In the emergency interim rule, To Implement Major Provisions of the American Fisheries Act, published in the **Federal Register** on January 28, 2000 (65 FR 4520), FR DOC 00–1832, page 4533, under Table 5—INTERIM 2000 BSAI AFA CATCHER VESSEL (CV) SIDEBOARDS. AMOUNTS ARE EXPRESSED IN METRIC TONS—Continued:

1. In the 3rd column, under ''Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC'', remove the fourth entry ''0.7291'' and add in its place ''0.7703''; and in the 5th column, ''2000 catcher vessel sideboards'', remove the fourth entry ''30,588'' and add in its place ''32,316''.

2. In Table 5, add the following entry at the end of the table to read as follows:

TABLE 5.—INTERIM 200 BSAI AFA CATCHER VESSEL (CV) SIDEBOARDS. AMOUNTS ARE EXPRESSED IN METRIC TONS—CONTINUED

Species	Fishery by area/ season/processor/ gear	Ratio of 1995–1997 AFA CV catch to 1995-1997 TAC	2000 Initial TAC	2000 catcher vessel side-boards
* * * *	*	*		*
Flathead Sole	BS trawl gear	0.0490	44,755	2,193

* * * * *

3. In Table 6, the entry ''Pollock'' and footnote 1 are correctly revised to read as follows:

TABLE 6.—Interim 2000 GOA AFA Catcher Vessel (CV) Sideboards. Amounts are Expressed in Metric Tons

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TACX	2000 TAC	2000 catcher vessel sideboard
Pollock[1]	*A Season (W/C areas only)*			
	Shelikof Strait	0.1672	13,991	2339
	Shumagin (610)	0.6238	7,498	4677
	Chirikof (620) (outside Shelikof)	0.1262	546	69
	Kodiak (630) (outside Shelikof)	0.1984	5,325	1056
	B Season (W/C areas only)			
	Shelikof Strait	0.1672	6,996	1170
	Shumagin (610)	0.6238	3,749	2339
	Chirikof (620) (outside Shelikof)	0.1262	273	34
	Kodiak (630) (outside Shelikof)	0.1984	2,662	528
	C Season (W/C areas only)			
	Shumagin (610)	0.6238	11,505	7177
	Chirikof (620)	0.1262	6,847	864
	Kodiak (630)	0.1984	9,008	1787
	D Season (W/C areas only)			
	Shumagin (610)	0.6238	9,588	5981
	Chirikof (620)	0.1262	5,706	720
	Kodiak (630)	0.1984	7,506	1489

* * * * * * *

[1] Pollock sideboards amounts are based on pollock harvest restrictions implemented under the emergency interim rule published February 25, 2000 (65 FR 3892) that implements Steller sea lion RPA measures for the BSAI and GOA pollock fisheries.

* * * * * * *

Dated: February 23, 2000.

Andrew A. Rosenberg,

Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–4776 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 40
Tuesday, February 29, 2000

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–34–AD]

Airworthiness Directives; Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD), applicable to Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 helicopters. This proposal would require conducting inspections of each tail rotor blade for bonding separation, measuring the clearance between the tip of each tail rotor blade and the circumference of the air duct, and replacing the blade if necessary. This proposal is prompted by an inflight incident in which the tail rotor blades were significantly damaged due to bonding separation. The actions specified by the proposed AD are intended to prevent damage to a tail rotor blade, loss of tail rotor control, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 1, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–34–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–SW–34–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–34–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 helicopters. The DGAC advises of an inflight incident of bonding separation of a tail rotor blade on a Model SA–366G1 helicopter.

Eurocopter France issued Service Bulletins 05.09, Revision 5, applicable to the Model SA–366G1, and 05.00.17, Revision 5, applicable to the Models SA–365N1 and AS–365N2 dated December 18, 1998 (SB). The SB's specify inspecting the Model SA–365N1, AS–365N2, and SA–366G1 helicopters to detect bonding separation of tail rotor blade part number (P/N) 365A33–2131, 365A12–0010, and 365A12–0020, all dash numbers; measuring the blade-to-air duct for a clearance of less than 3 mm; and replacing each tail rotor blade with an airworthy blade if necessary. The DGAC classified these SB's as mandatory and issued AD's 88–152–010(A)R5 and 88–153–023(A)R5, both dated December 30, 1998, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SA–365N1, AS–365N2, and SA366G1 helicopters with tail rotor blades, P/N 365A33–2131, 365A12–0010, or 365A12–0020, all dash numbers, installed, of the same type designs registered in the United States, the proposed AD would require conducting inspections of each tail rotor blade for bonding separation, measuring for a blade-to-air duct clearance of less than 3 mm, and replacing any unairworthy blade with an airworthy blade if necessary.

The FAA estimates that 136 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,000 per helicopter. Based on these figures, the total cost

impact of the proposed AD on U.S. operators is estimated to be $144,160.

The regulations proposed herein would not impose substantial direct compliance costs on states or local governments or have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the FAA has not consulted with States or local authorities prior to the publication of this notice.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. 99–SW–34–AD.

Applicability: Model SA–365N1, AS–365N2, and SA–366G1 helicopters, with a tail rotor blade, part number (P/N) 365A33–2131, 365A12–0010, or 365A12–0020, all dash numbers, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to a tail rotor blade (blade), loss of tail rotor control, and subsequent loss of control of the helicopter:

(a) Within 10 hours time-in-service (TIS) and thereafter prior to the first flight of each day, conduct the following visual inspection of each blade (see Figure 1):

(1) Zone A: If a blister is detected on the blade suction face, conduct a tapping test inspection on the whole blade for bonding separation. If bonding separation or a crack is found, replace the blade with an airworthy blade before further flight.

(2) Zone B: If a crack, wrinkling, or a blister is found, replace the blade with an airworthy blade before further flight.

(b) Within 10 hours TIS, conduct a tapping test inspection on each blade. If there is bonding separation, replace the blade with an airworthy blade before further flight.

Note 2: Revisions 5, of Eurocopter France Service Bulletins 05.09 and 05.00.17, both dated December 18, 1998, pertain to the subject of this AD.

(c) Thereafter, at intervals not to exceed 25 hours TIS or every 50 cycles (each takeoff and landing equals 1 cycle), whichever occurs first, conduct a tapping test inspection for bonding separation on all blades with a serial number (S/N) less than 18912, and blades, P/N 365A12–0020–00 or 365A12–0020–01, with a S/N equal to or greater than 18912. If bonding separation or a crack is found, replace the blade with an airworthy blade before further flight.

(d) Thereafter, at intervals not to exceed 100 hours TIS or 200 cycles, whichever occurs first, conduct a tapping test inspection for bonding separation on blades, P/N 365A12–0020–02 or 365A12–0020–03. If bonding separation or a crack is found, replace the blade with an airworthy blade before further flight.

(e) Within 10 hours TIS, and thereafter at intervals not to exceed 100 hours TIS or 200 cycles, whichever occurs first, measure the blade-to-air duct clearance. If the clearance is less than 3 mm, replace the blade with an airworthy blade before further flight.

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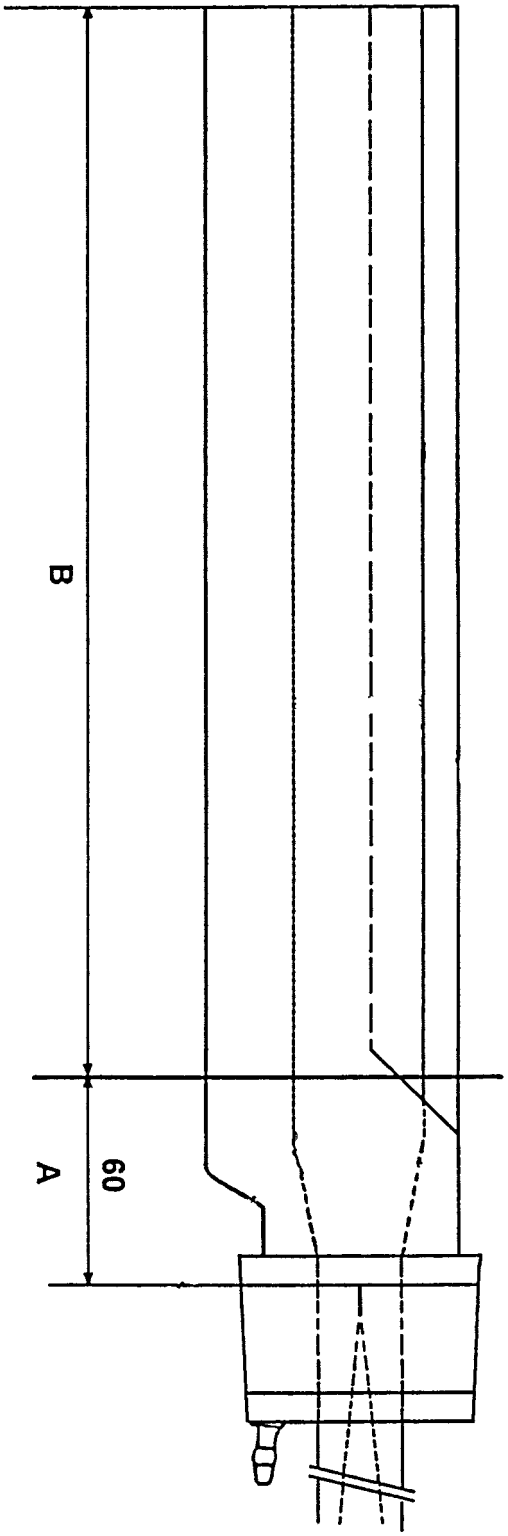

FIGURE 1

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

(g) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197

and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile AD's 88–152–010(A)R5 and 88–153–023(A)R5, both dated December 30, 1998.

Issued in Fort Worth, Texas, on February 22, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–4796 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–62–AD]

Airworthiness Directives; Eurocopter France Model SA–365C, C1, C2, N, and N1; AS–365N2 and N3; and SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD) applicable to Eurocopter France Model SA–365C, C1, C2, N, and N1; AS–365N2, and SA–366G1 helicopters. This proposal contains the same requirements as the existing AD but would add the Model AS–365N3 helicopter to the applicability. This proposal would require inspecting the tightening torque of the main rotor hub blade attach beam spherical thrust bearing bolts (bolts) and either applying a specified torque or, if necessary, inspecting for a crack in the metal components. This proposal would also require replacing the spherical thrust bearing (bearing) with an airworthy bearing if a crack is found. This proposal is prompted by reports of cracks in the metal components of the bearing attachment joint and the need to add the Eurocopter France Model AS 365 N3 helicopter to the applicability. The actions specified by the proposed AD are intended to prevent loosening of bearing bolts in flight, which may cause cracks in the metal components, failure of the bearing, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before May 1, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–62–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Regulations Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5296, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–SW–62–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–62–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On October 5, 1999, the FAA issued AD 99–21–24, Amendment 39–11369 (64 FR 55621), applicable to Eurocopter France Model SA–365C, C1, C2, N, and N1; AS–365N2; and SA–366G1 helicopters, to require inspecting the tightening torque of the bolts and either applying a specified torque or, if necessary, dye-penetrant inspecting for a crack in the metal components, and replacing any unairworthy bearing with an airworthy bearing. That action was prompted by reports of cracks in the metal components of the bearing attachment joint. The requirements of that AD were intended to prevent failure of the bearing and subsequent loss of control of the helicopter.

Since the issuance of that AD, the FAA has discovered the inadvertent omission in the applicability of the Eurocopter France Model AS–365N3 helicopter. This proposal would add the Model AS 365 N3 helicopter.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model SA–365C, C1, C2, N, and N1; AS–365N2 and N3; and SA–366G1 helicopters of the same type design, the proposed AD would supersede AD 99–21–24 but would contain the same requirements as AD 99–21–24 with the addition of the Eurocopter France Model AS–365N3 to the applicability.

The FAA estimates that 101 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 0.5 work hour per helicopter and approximately 3,000 inspections per helicopter over the life of the fleet to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $3,000 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $9,123,000, assuming 11 ship sets of bearings would need to be replaced on the fleet.

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) Is not a ''significant regulatory action''

under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–11369 (64 FR 55621, October 14, 1999) and by adding a new airworthiness directive (AD), to read as follows:

Eurocopter France: Docket No. 99–SW–62–AD. Supersedes AD 99–21–24, Docket 98–SW–75–AD, Amendment 39–11369.

Applicability: Eurocopter France Model SA–365C, C1, C2, N, and N1; AS–365N2 and N3; and SA–366G1 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within 550 hours time-in-service (TIS), unless accomplished previously, and thereafter at intervals not to exceed 550 hours TIS.

To prevent loosening of the main rotor hub blade attach beam spherical thrust bearing bolts (bolts), cracks in the metal components, failure of a spherical thrust bearing (bearing), and subsequent loss of control of the helicopter, accomplish the following:

(a) Inspect the tightening torque of the bolts as indicated by ''A'' in Figure 1.

(1) If tightening torque is equal to or less than 12 m.daN (88.4 lb-ft), remove the bearing and conduct a dye penetrant inspection for cracks on the two contact surfaces identified as ''H'' in Figure 1.

(i) If a crack is detected, replace the bearing with an airworthy bearing.

(ii) If no crack is detected, reinstall the bearing.

Note 2: Eurocopter France Service Bulletins 05.22, 05.24, and 05.00.39, all dated July 17, 1998, pertain to the subject of this AD.

(2) If the tightening torque is greater than 12 m.daN (88.4 lb-ft), then tighten the torque to 19–22 m.daN (140–162.2 lb-ft).

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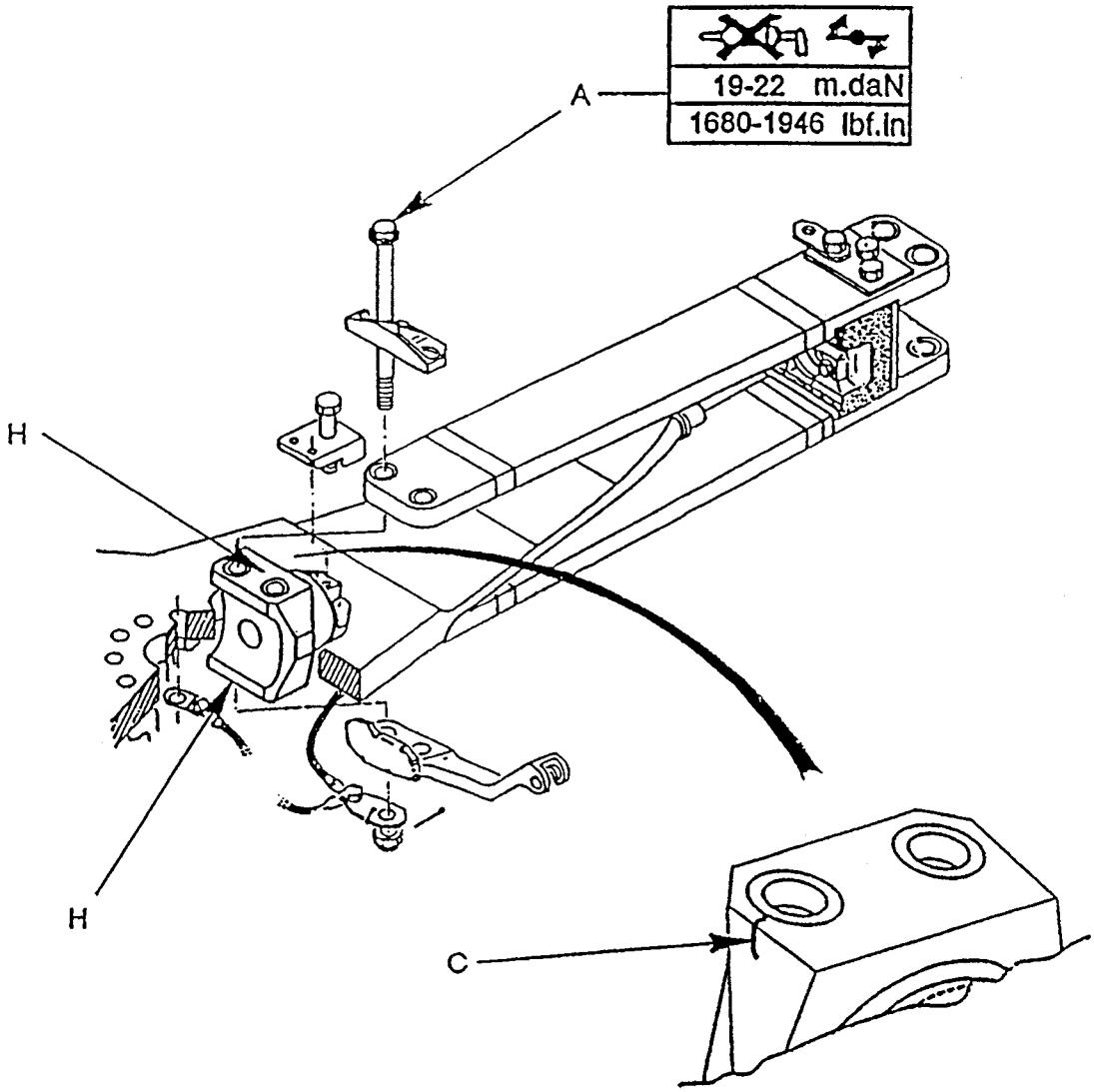

Figure 1

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

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

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD's 98–383–044(A) for the Model SA–365C, 98–382–024–(A) for the Model SA–366, and 98–384–047(A) for the Model AS–365N helicopters. These AD's are all dated September 23, 1998.

Issued in Fort Worth, Texas, on February 22, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–4797 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–03]

Proposed Revision of Class D and Class E Airspace, Great Falls International Airport, MT; Proposed Removal of Class D and Class E Airspace, Great Falls Malmstrom AFB, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This proposal would amend the Great Falls International Airport Class D and E4 airspace areas and remove the Great Falls Malmstrom AFB Class D and E4 airspace areas. The reconfiguration of airspace is necessary due to the closure of the Malmstrom AFB. The realigned airspace will better serve the Great Falls International Airport, Great Falls, MT.

DATES: Comments must be received on or before April 14, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–03, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

The official docket may be examined in the office of the Assistant Chief Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM–520.6, Federal Aviation Administration, Docket No. 00–ANM–03, 1601 Lind Avenue, SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ANM–03.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class D and E4 airspace at Great Falls International Airport, Great Falls, MT, and removing Class D and E4 airspace at Malmstrom AFB, Great Falls, MT, in order to reconfigure airspace due to the closure of Malmstrom AFB. This amendment would provide revised airspace at Great Falls, MT, to better meet current airspace standards associated with established procedures at Great Falls International Airport. The FAA establishes airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under Instrument Flight Rules (IFR) and Visual Flight Rules (VFR) at the Great Falls International Airport, Great Falls, MT, and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class D surface airspace areas and Class E airspace areas designated as an extension to a Class D surface airspace, are published in Paragraph 6004, respectively, of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1 The Class D and Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendment 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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

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

Paragraph 5000 General

* * * * *

ANM MT D Great Falls International Airport, MT [Revised]

Great Falls International Airport, MT
(Lat. 47°28′55″N, long. 111°22′14″W)

That airspace extending upward from the surface to and including 6,200 feet MSL within a 5.5-mile radius of the Great Falls International Airport.

* * * * *

ANM MT D Great Falls Malmstrm AFB, MT [Removed]

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D airspace area.

ANM MT E4 Great Falls International Airport, MT [Revised]

Great Falls International Airport, MT
(Lat. 47°28′55″ N, long. 111°22′14″ W)
Great Falls VORTAC
(Lat. 47°27′00″ N, long. 111°24′44″ W)

That airspace extending upward from the surface within 3.1 miles each side of the Great Falls VORTAC 225° radial extending from the 5.5-mile radius of Great Falls International Airport to 8.7 miles southwest of the VORTAC, and within 3.1 miles each side of the Great Falls VORTAC 045° radial extending from the 5.5-mile radius of the airport to 16.6 miles northeast of the VORTAC and that airspace upward from the surface within 4 miles each side of the 164 degree bearing from the Great Falls International Airport extending from the 5.5-mile radius to 13.4 miles south of the airport.

* * * * *

ANM MT E4 Great Falls Malmstrom AFB, MT [Removed]

* * * * *

Issued in Seattle, Washington, on February 15, 2000.

Daniel A. Boyle,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 00–4751 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110, and 165

[CGD05–99–068]

RIN 2115–AA97, AA98, AE46, AE84

OPSAIL 2000, Port of Hampton Roads, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary regulations in the Port of Hampton Roads, Virginia for OPSAIL 2000 activities. This action is necessary to provide for the safety of life on navigable waters before, during, and after OPSAIL 2000 events. This action will restrict vessel traffic in portions of Chesapeake Bay, Hampton Roads, and the James and Elizabeth Rivers.

DATES: Comments and related material must reach the Coast Guard on or before April 14, 2000.

ADDRESSES: You may mail comments and related material to the Port Operations Department (CGD05–99–068), Coast Guard Marine Safety Office Hampton Roads, 200 Granby Street, Norfolk, Virginia 23510, or deliver them to the 7th floor at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Port Operations Department of Coast Guard Marine Safety Office Hampton Roads maintains the public docket for this rulemaking. Comments and materials received from the public as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Coast Guard Marine Safety Office Hampton Roads between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander S. Moody or Lieutenant K. Sniffen, Port Operations Department, Coast Guard Marine Safety Office Hampton Roads, (757) 441–6442.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On September 30, 1999, we published an advanced notice of proposed rulemaking; request for comments (ANPRM) entitled OPSAIL 2000, Port of Hampton Roads, VA in the **Federal Register** (64 FR 52723). We received no letters commenting on our anticipated rulemaking. No public hearing was requested and none was held.

Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05–99–068), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Coast Guard Marine Safety Office Hampton Roads, at the address under **ADDRESSES**, explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

OPSAIL 2000 Norfolk is sponsoring OPSAIL 2000 in the Port of Hampton Roads. Planned events in the Port of Hampton Roads include: the arrival of more than 200 Tall Ships and other vessels at Lynnhaven Anchorage on June 15 and 16, 2000; a Parade of Sail of approximately 200 Tall Ships and other vessels from that anchorage to Town Point Park, downtown Norfolk, on June 16, 2000; three fireworks displays adjacent to the Norfolk and Portsmouth seawalls on June 16, 17, and 18, 2000; and the scheduled departure of the majority of vessels on June 20, 2000. This event will substitute for the annual Harborfest, normally held on the first Friday, Saturday, and Sunday of June.

The Coast Guard anticipates 10,000 spectator craft for these events. Operators should expect significant vessel congestion along the parade route and viewing areas for the fireworks displays.

The purpose of these regulations is to promote maritime safety and protect participants and the boating public in the Port of Hampton Roads immediately prior to, during, and after the scheduled events. The regulations will establish a clear parade route for the participating vessels, establish no wake zones along

the parade route and in certain anchorage areas, modify existing anchorage regulations for the benefit of participants and spectators, and provide a safety buffer around the planned fireworks displays. The regulations will impact the movement of all vessels operating in the specified areas of the Port.

It may be necessary for the Coast Guard to establish safety or security zones in addition to these regulations to safeguard dignitaries and certain vessels participating in the event. If the Coast Guard deems it necessary to establish such zones at a later date, the details of those zones will be announced separately via the **Federal Register**, Local Notice to Mariners, Safety Voice Broadcasts, and any other means available.

All vessel operators and passengers are reminded that vessels carrying passengers for hire or that have been chartered and are carrying passengers may have to comply with certain additional rules and regulations beyond the safety equipment requirements for all pleasure craft. When a vessel is not being used exclusively for pleasure, but rather is engaged in carrying passengers for hire or has been chartered and is carrying the requisite number of passengers, the vessel operator must possess an appropriate license and the vessel may be subject to inspection. The definition of the term ''passenger for hire'' is found in 46 U.S.C. 2101(21a). In general, it means any passenger who has contributed any consideration (monetary or otherwise) either directly or indirectly for carriage onboard the vessel. The definition of the term ''passenger'' is found in 46 U.S.C. 2101(21). It varies depending on the type of vessel, but generally means individuals carried aboard vessels except for certain specified individuals engaged in the operation of the vessel or the business of the owner/charterer. The law provides for substantial penalties for any violation of applicable license and inspection requirements. If you have any questions concerning the application of the above law to your particular case, you should contact the Coast Guard at the address listed in **ADDRESSES** for additional information.

Vessel operators are reminded they must have sufficient facilities on board their vessels to retain all garbage and untreated sewage. Discharge of either into any waters of the United States is strictly forbidden. Violators may be assessed civil penalties up to $25,000 or face criminal prosecution.

Vessel operators are also reminded that Norfolk Naval Base will be strictly enforcing the existing restricted area defined at 33 CFR 334.300 during all of the OPSAIL 2000 events.

We recommend that vessel operators visiting the Port of Hampton Roads for this event obtain up to date editions of the following charts of the area: Nos. 12222, 12245, 12253, and 12254 to avoid anchoring within a charted cable or pipeline area.

With the arrival of OPSAIL 2000 and spectator vessels in the Port of Hampton Roads for this event, it will be necessary to curtail normal port operations to some extent. Interference will be kept to the minimum considered necessary to ensure the safety of life on the navigable waters immediately before, during, and after the scheduled events.

Discussion of Proposed Rule

The vessels involved in the Parade of Sail are scheduled to enter Thimble Shoal Channel at 7:30 a.m. on June 16, 2000. The lead vessel is scheduled to be abreast of Old Point Comfort Light at 9:30 a.m. The parade route includes Norfolk Harbor Entrance Reach, Norfolk Harbor Reach, Craney Island Reach, Lambert Bend, Port Norfolk Reach and Town Point Reach. The larger OPSAIL 2000 vessels will be berthed in the vicinity of the respective downtown Norfolk and Portsmouth waterfronts as they complete the parade route. The smaller OPSAIL 2000 vessels will proceed past Town Point Park to the vicinity of the Norfolk Naval Shipyard to avoid interfering with the docking of the larger vessels. Once all the larger vessels have been docked, the smaller vessels will proceed to their assigned berths.

The safety of parade participants and spectators will require that spectator craft be kept at a safe distance from the parade route during these vessel movements. The Coast Guard proposes closing the parade route to all vessels not involved in the Parade of Sail for the duration of the Parade of Sail on June 16, 2000. The parade route has been segmented in this rulemaking to facilitate the earliest possible reopening of the waterway once all OPSAIL 2000 vessels have cleared a particular segment of the route, but portions of the Elizabeth River will remain closed to all traffic until all of the OPSAIL 2000 vessels are safely moored at their assigned berths.

In addition to closing the parade route, we propose to establish Vessel Traffic Control Points to control the flow of spectator vessel traffic immediately prior to and during the parade. Vessel Traffic Control Points will be established at: the *Elizabeth River, Western Branch* along a line drawn across the Elizabeth River, Western Branch, at the West Norfolk Bridge; the *Elizabeth River, Eastern Branch* along a line drawn across the Elizabeth River, Eastern Branch, at the Berkley Bridge; the *Elizabeth River, Southern Branch* along a line drawn across the Elizabeth River, Southern Branch, at the Jordan Bridge; the *James River* along a line drawn across the James River at the Monitor-Merrimac Bridge/ Tunnel; at *Old Point Comfort* along a line drawn from Old Point Comfort Light (37°00′10″ N, 076°18′40′ W) to Fort Wool Light (36°59′20″ N, 076°18′20″ W); at *Craney Island* along a line drawn from Elizabeth River Channel Buoy 20 to a point of land at 36°53′32″ N, 076°20′19″ W; at *Lamberts Point* along a line drawn from Elizabeth River Channel Lighted Buoy 29 to a point of land at 36°52′20″ N, 076°19′32″ W; at *Hospital Point* along a line drawn from the Southeast corner of Hospital Point (36°50′44″ N, 076°18′14″ W) to Elizabeth River Channel Lighted Buoy 36; and at the *Portsmouth Seawall* along a line drawn due East across the Elizabeth River, from the Northeast corner of the Portsmouth Seawall (36°50′26″ N, 076°17′45″ W). The Captain of the Port will restrict vessel traffic flow and maintain safe ingress and egress to areas adjacent to the parade route.

The Coast Guard also intends to temporarily modify the existing anchorage regulations found at 33 CFR § 110.168 to accommodate OPSAIL 2000 and spectator vessels. Vessels will not be allowed to anchor in Anchorage E, Anchorage P, or Berths F–1 and F–2 of Anchorage F without permission of the Captain of the Port, and Anchorage K will be closed to all commercial vessels except high capacity passenger vessels.

The regulations for the Regulated Navigation Area defined in 33 CFR 165.501 will also be temporarily modified for the OPSAIL 2000 event. Non-commercial vessels, regardless of length, will be allowed to anchor outside the defined anchorage areas; the draft limitation for vessels using Thimble Shoal Channel will be waived for OPSAIL 2000 vessels; and no wake zones will be placed in effect in the areas where OPSAIL 2000 vessels are anchored prior to the start of the parade and along the parade route.

In order to provide for the safety of vessels transiting the area or observing the three fireworks displays, the Coast Guard intends to implement the regulations found at 33 CFR 100.501 from 9:15 p.m. to 10:15 p.m. on June 16, 17, and 18, 2000.

Regulatory Evaluation

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

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

The primary impact of these regulations will be on vessels wishing to transit the affected waterways during the Parade of Sail. Although these regulations prevent traffic from transiting a portion of the Chesapeake Bay and Elizabeth River during this event, that restriction is limited to under twelve hours in duration, affects only a limited area that is totally contained within an already established regulated navigation area, and will be well publicized to allow mariners to make alternative plans for transiting the affected area. Moreover, the magnitude of the event itself will severely hamper or prevent transit of the waterway, even absent these regulations designed to ensure it is conducted in a safe and orderly fashion.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to operate or anchor in portions of Chesapeake Bay and the Elizabeth River from 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000. The regulations would not have a significant impact on a substantial number of small entities for the following reasons: the restrictions are limited in duration, affect only limited areas that are totally contained within an already established regulated navigation area, and will be well publicized to allow mariners to make alternative plans for transiting the affected areas. Moreover, the magnitude of the event itself will severely hamper or prevent transit of the waterway, even absent these regulations designed to ensure it is conducted in a safe and orderly fashion.

If you think that your business, organization or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Port Operations Department of Coast Guard Marine Safety Office Hampton Roads, at the address under **ADDRESSES.**

Collection of Information

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

Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraphs (34) (f, g, and h), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' will be available in the docket where indicated under **ADDRESSES.** By controlling vessel traffic during these events, this proposed rule is intended to minimize environmental impacts of increased vessel traffic during the transits of event vessels and fireworks displays.

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Parts 100, 110, and 165 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add temporary § 100.35T–05–068 to read as follows:

§ 100.35T–05–068 Special Local Regulations; OPSAIL 2000, Port of Hampton Roads, VA.

(a) *Definitions.* (1) *Captain of the Port* means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *High Capacity Passenger Vessel* includes any vessel greater than 65′ in length with a passenger capacity of 150 persons or greater.

(3) *OPSAIL 2000 Vessels* includes all vessels participating in Operation Sail 2000 under the auspices of the Marine Event Permit submitted for the Port of Hampton Roads and approved by Commander, Fifth Coast Guard District.

(4) *Parade of Sail* is the inbound procession of OPSAIL 2000 vessels as they navigate designated routes in the port of Hampton Roads on June 16, 2000.

(5) *Spectator vessel* includes any vessel, commercial or recreational, being used for pleasure or carrying passengers, that is in the Port of Hampton Roads to observe part or all of the events attendant to OPSAIL 2000.

(6) *Vessel Traffic Control Point* is a designated point which vessel traffic may not proceed past in either inbound or outbound direction without permission of the Captain of the Port.

(b) *Vessel Traffic Control Points.* The following Vessel Traffic Control Points are established (All coordinates use Datum: NAD 1983):

(1) *Elizabeth River, Western Branch* Along a line drawn across the Elizabeth River, Western Branch, at the West Norfolk Bridge.

(2) *Elizabeth River, Eastern Branch* Along a line drawn across the Elizabeth River, Eastern Branch, at the Berkley Bridge.

(3) *Elizabeth River, Southern Branch* Along a line drawn across the Elizabeth River, Southern Branch, at the Jordan Bridge.

(4) *James River* Along a line drawn across the James River at the Monitor-Merrimac Bridge/Tunnel.

(5) *Old Point Comfort* Along a line drawn from Old Point Comfort Light (37°00′10″ N, 076°18′40″ W) to Fort Wool Light (36°59′20″ N, 076°18′20″ W).

(6) *Craney Island* Along a line drawn from Elizabeth River Channel Buoy 20 to a point of land at 36°53′33″ N, 076°22′32″ W.

(7) *Lamberts Point* Along a line drawn from Elizabeth River Channel Lighted Buoy 29 to a point of land at 36°52′20″ N, 076°19′32″ W.

(8) *Hospital Point* Along a line drawn from the Southeast corner of Hospital Point (36°50′44″ N, 076°18′14″ W) to Elizabeth River Channel Lighted Buoy 36.

(9) *Portsmouth Seawall* Along a line drawn due East across the Elizabeth River, from the Northeast corner of the Portsmouth Seawall (36°50′26″ N, 076°17′45″ W).

(c) *Special Local Regulations.* (1) No vessel may proceed past a Vessel Traffic Control Point unless authorized to do so by the Captain of the Port.

(2) The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484–8192.

(3) The Captain of the Port will notify the public of changes in the status of these Vessel Traffic Control Points by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(d) *Effective date.* This section is applicable from 9 a.m. to 5 p.m. on June 16, 2000.

PART 110—[AMENDED]

3. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

4. From 7 a.m., June 15, 2000 until 8 p.m., June 16, 2000 temporarily suspend § 110.168 (f)(4), (f)(5), (f)(8), and (f)(9) and temporarily add § 110.168 (f)(12) through (f)(16) to read as follows:

§ 110.168 Hampton Roads, Virginia, and adjacent waters.

* * * * *

(f) * * *

(12) *Definitions as used in paragraphs (f)(13) through (16) of this section.* (i) *Captain of the Port* means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(ii) *High Capacity Passenger Vessel* includes any vessel greater than 65′ in length with a passenger capacity of 150 persons or greater

(iii) *OPSAIL 2000 Vessels* includes all vessels participating in Operation Sail 2000 under the auspices of the Marine Event Permit submitted for the Port of Hampton Roads and approved by Commander, Fifth Coast Guard District.

(iv) *Parade of Sail* is the inbound procession of OPSAIL 2000 vessels as they navigate designated routes in the port of Hampton Roads on June 16, 2000.

(v) *Spectator vessel* includes any vessel, commercial or recreational, being used for pleasure or carrying passengers, that is in the Port of Hampton Roads to observe part or all of the events attendant to OPSAIL 2000.

(vi) *Vessel Traffic Control Point* is a designated point which vessel traffic may not proceed past in either inbound or outbound direction without permission of the Captain of the Port.

(13) *Anchorage E.* No vessel may anchor in Anchorage E without permission of the Captain of the Port.

(14) *Anchorage F.* No vessel may anchor in Anchorage Berth F–1 or F–2 without permission of the Captain of the Port.

(15) *Anchorage K.* (i) Anchorage K is closed to all commercial vessels except as noted in paragraph (f)(15)(ii) of this section; (ii) Anchorage Berth K–1. Only high capacity passenger vessels may anchor in Anchorage Berth K–1.

(16) *Anchorage P.* No vessel may anchor in Anchorage P without permission of the Captain of the Port.

PART 165—[AMENDED]

5. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

6. From June 15, 2000 through June 16, 2000, § 165.501 is temporarily amended by adding new paragraph (d)(1)(i)(C); adding a sentence at the end of paragraph (d)(4); and adding paragraph (d)(14) to read as follows:

§ 165.501 Chesapeake Bay entrance and Hampton Roads, Va. and adjacent waters—regulated navigation area.

* * * * *

(d) * * *

(1) * * *

(i) * * *

(C) Notwithstanding paragraph (d)(1) of this section, any non-commercial vessel, regardless of length, may anchor outside of the anchorages designated in § 110.168 of this chapter from 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000.

* * * * *

(4) * * * The limitation in the first sentence of this paragraph (d)(4) is waived for OPSAIL 2000 vessels from 7 a.m. until 1 p.m. on June 16, 2000.

* * * * *

(14) *No-Wake Zones for OPSAIL 2000.* (i) From 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000, vessels shall operate at the minimum speed required to maintain steerage and shall avoid creating a wake when operating in an area bounded by the northwestern limit of Anchorage A, thence along the

western border of Anchorage A to the Virginia Beach shoreline, thence to the southern terminus of Trestle A, Chesapeake Bay Bridge Tunnel, thence to the northern terminus of Trestle A, Chesapeake Bay Bridge Tunnel, thence to the beginning.

(ii) From 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000, vessels shall operate at the minimum speed required to maintain steerage and shall avoid creating a wake when operating in Anchorage E.

(iii) Spectator vessels observing the Parade of Sail shall operate at the minimum speed required to maintain steerage and shall avoid creating a wake from 9 a.m. June 16, 2000 until 5 p.m. June 16, 2000.

* * * * *

7. Add temporary § 165.T05–068 to read as follows:

§ 165.T05–068 Safety Zone; OPSAIL 2000, Port of Hampton Roads, VA.

(a) *Location.* The following areas are Safety Zones (All coordinates use Datum: NAD 1983):

(1) *Parade of Sail Route—First Segment—Thimble Shoal Channel.* All waters bounded by a line connecting Thimble Shoal Channel Lighted Bell Buoy 1TS, thence to Thimble Shoal Channel Lighted Gong Buoy 17, thence to Thimble Shoal Channel Lighted Bell Buoy 21, thence to Thimble Shoal Channel Lighted Buoy 22, thence to Thimble Shoal Channel Lighted Buoy 18, thence to Thimble Shoal Channel Lighted Buoy 2, thence to the beginning.

(2) *Parade of Sail Route—Second Segment.* All waters bounded by a line connecting Thimble Shoal Channel Lighted Bell Buoy 21, thence to Elizabeth River Channel Lighted Buoy 1ER, thence to Elizabeth River Channel Lighted Bell Buoy 3, thence to Elizabeth River Channel Lighted Gong Buoy 5, thence to Elizabeth River Channel Lighted Buoy 7, thence to Elizabeth River Channel Lighted Buoy 9, thence to Elizabeth River Channel Lighted Buoy 11, thence to Elizabeth River Channel Lighted Buoy 13, thence to Elizabeth River Channel Lighted Buoy 15, thence to Elizabeth River Channel Lighted Buoy 17, thence to Elizabeth River Channel Lighted Buoy 19, thence to Elizabeth River Channel Lighted Buoy 21, thence to Elizabeth River Channel Lighted Buoy 23, thence to Norfolk and Western Coal Pier Light (36° 52′ 48″ N, 076° 19′ 54″ W), thence to Elizabeth River Channel Lighted Buoy 25, thence to Elizabeth River Channel Lighted Buoy 29, thence to Elizabeth River Channel Buoy 31, thence to Elizabeth River Channel Lighted Buoy 33, thence to Elizabeth River Channel Lighted Buoy 32, thence to Elizabeth River Channel Lighted Buoy 30, thence to Elizabeth River Obstruction Light (36° 52′ 06″ N, 076° 20′ 00″ W) thence to Elizabeth River Channel Lighted Buoy 20, thence to Elizabeth River Channel Lighted Buoy 18, thence to Elizabeth River Channel Lighted Buoy 14, thence to Elizabeth River Channel Lighted Buoy 12, thence to Elizabeth River Channel Lighted Bell Buoy 10, thence to Elizabeth River Articulated Light 8, thence to Newport News Channel Lighted Buoy 2, thence to Old Point Comfort Light (37°00′ 10″ N, 076°18′ 40″ W), thence to Thimble Shoal Channel Lighted Buoy 22, thence to the beginning.

(3) *Parade of Sail Route—Third Segment.* All waters bounded by a line connecting Elizabeth River Channel Lighted Buoy 33, thence to a point of land Northwest of Fort Norfolk, marked by a large pile of oyster shells at (36° 51′ 31″ N, 076° 18′ 37′ W), thence following the shoreline to the northern terminus of the Berkley Bridge, thence to the southern terminus of the Berkley Bridge, thence following the shoreline to the eastern terminus of the Jordan Bridge, thence to the western terminus of the Jordan Bridge, thence following the shoreline to the Northeast corner of the Portsmouth Seawall (36° 50′ 26″ N, 076° 17′ 45″ W), thence to Elizabeth River Channel Lighted Buoy 36, thence to Elizabeth River Channel Buoy 34, thence to Elizabeth River Channel Lighted Buoy 32, thence to the beginning.

(b) *Effective dates.* (1) Paragraph (a)(1) of this section is applicable from 7:30 a.m. until 1 p.m. on June 16, 2000.

(2) Paragraph (a)(2) of this section is applicable from 9 a.m. until 3 p.m. on June 16, 2000.

(3) Paragraph (a)(3) of this section is applicable from 9 a.m. to 5 p.m. on June 16, 2000.

(c) *Definitions.* (1) *Captain of the Port* means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *High Capacity Passenger Vessel* includes any vessel greater than 65′ in length with a passenger capacity of 150 persons or greater.

(3) *OPSAIL 2000 Vessels* includes all vessels participating in Operation Sail 2000 under the auspices of the Marine Event Permit submitted for the Port of Hampton Roads and approved by Commander, Fifth Coast Guard District.

(4) *Parade of Sail* is the inbound procession of OPSAIL 2000 vessels as they navigate designated routes in the port of Hampton Roads on June 16, 2000.

(5) *Spectator vessel* includes any vessel, commercial or recreational, being used for pleasure or carrying passengers, that is in the Port of Hampton Roads to observe part or all of the events attendant to OPSAIL 2000.

(6) *Vessel Traffic Control Point* is a designated point which vessel traffic may not proceed past in either inbound or outbound direction without permission of the Captain of the Port.

(d) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones in § 165.23.

(2) No person or vessel may enter or navigate within these regulated areas unless authorized to do so by the Captain of the Port. Any person or vessel authorized to enter the regulated area must operate in strict conformance with any directions given by the Captain of the Port and leave the regulated area immediately if the Captain of the Port so orders.

(3) The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484–8192.

(4) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: February 10, 2000.

Thomas E. Bernard,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 00–4375 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–15–U

POSTAL SERVICE

39 CFR Part 111

Proposed Domestic Mail Manual Changes for Sacking and Palletizing Periodicals Nonletters and Standard Mail (A) Flats, for Traying First-Class Flats, and for Labeling Pallets

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service is proposing, for flat-size First-Class Mail and Standard Mail (A) and nonletter-size Periodicals, to allow mailers to combine packages of automation rate mail and packages of Presorted rate mail in the same sack or tray if mailers can provide appropriate presort and rate documentation and use presort accuracy validation and evaluation (PAVE)-certified presort software to prepare the

mailing. This co-sacking and co-traying of packages in automation rate and Presorted rate mailings will be permitted at all sack and tray presort levels (5-digit, 3-digit, SCF (Periodicals only), ADC, and Mixed ADC). The Postal Service is also proposing to revise the requirements for preparation of 5-digit pallets to require carrier route rate mail to be placed on separate 5-digit pallets from 5-digit non-carrier route rate mail (automation rate and Presorted rate mail). This means that when preparing 5-digit pallets, mailers will be required to make 5-digit pallets that contain only carrier route sorted mail, and 5-digit pallets that contain both automation rate and Presorted rate mail, except as proposed under the following new preparation option. It is proposed to allow mailers of nonletter-size Periodicals and flat-size Standard Mail (A) to combine carrier route, automation rate, and Presorted rate packages that are part of the same mailing job in the same 5-digit carrier routes sack (to be named a ''merged 5-digit'' sack) or on the same 5-digit pallet (to be named a ''merged 5-digit'' pallet) for those 5-digit ZIP Codes where the Postal Service performs carrier route incoming secondary sortation at the delivery unit. The carrier route rate sortation indicator field in the Postal Service's City State Product will be modified to contain information that will identify the 5-digit ZIP Codes where such combinations will be permitted. This field in the City State Product will be renamed the ''Carrier Route Indicators'' field. It is also proposed to allow packages in the same mailing job that are independently presorted as carrier route, automation, and Presorted rate mailings to be sorted together at the 5-digit level, in both sacks and on pallets, using both the Carrier Route Indicators field in the City State Product and the Domestic Mail Manual (DMM) L001 labeling list to prepare ''merged 5-digit scheme'' sacks or pallets according to additional sortation rules. It is also proposed to revise pallet labeling requirements.

DATES: Comments must be received on or before April 14, 2000.

ADDRESSES: Mail or deliver written comments to the Manager, Mail Preparation and Standards, USPS Headquarters, 475 L'Enfant Plaza SW, Room 6800, Washington, DC 20260–2413. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday at the Postal Service Library, 475 L'Enfant Plaza SW, Room 11–N, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lynn Martin, (202) 268–6351, or Linda Kingsley, (202) 268–2252.

SUPPLEMENTARY INFORMATION: Over the past year, there have been various discussions between the Postal Service and the mailing industry regarding the implications of existing DMM standards that require packages of automation rate flats and packages of nonautomation rate (carrier route rate and Presorted rate) flats to be prepared in separate containers. Typically, the smallest portion of the mailing is relegated to a container level of a lesser depth of presort, which can cause inconsistencies in delivery as well as more package and/or container handlings and greater demands on mail transport equipment. Two Mailers Technical Advisory Committee (MTAC) Work Groups, the National Periodicals Service Improvement Team, and the Presort Optimization Work Group, have been working to better understand the implications and identify opportunities to improve the current situation. As a result, these MTAC Work Groups have identified preparation changes that should help to improve service. Likewise, it is expected these changes, which were also recommended in the Report of the Periodicals Operations Review Team, should help reduce processing costs. That team, which is comprised of postal and industry representatives, visited many postal facilities in order to better understand the factors contributing to USPS processing costs.

In short, the proposed changes contained in this **Federal Register** notice have been drafted based on significant feedback from the industry as well as USPS field sites. The specific changes are described in detail below.

Option To Combine Packages of Automation Rate and Presorted Rate Mail in the Same Sack or Tray for First-Class Mail and Standard Mail (A) Flats and Nonletter-Size Periodicals

Although Periodicals mailers already have the option to co-sack packages of automation rate flats and Presorted rate nonletter mail in the same 3-digit, SCF, ADC, or Mixed ADC sack, they cannot combine packages of automation rate flats and Presorted rate nonletter mail in the same 5-digit sack. For First-Class and Standard Mail (A), packages of automation rate and Presorted rate flats currently must be prepared in separate sacks or trays at all presort levels.

Analyses of automation rate and Presorted rate mailings show that it is common for packages of Presorted rate flats to reside in sacks or trays that are of a lesser depth of sort than the corresponding containers of automation rate flats. Many customers have indicated that most of their mailings contain some small number of addresses that cannot be ZIP+4 barcoded. Currently, these pieces must be both separately packaged and separately sacked or trayed as a Presorted rate mailing that must meet its own sack or tray minimums. Because of the small number of pieces generally contained in the Presorted rate mailing, the density of pieces presorted to 5-digit and 3-digit ZIP Codes may be small and the resulting packages and sacks or trays for 5-digit and 3-digit presort levels may be few. For Periodicals and Standard Mail (A) this situation has rate impacts because Presorted rates are based on the sack in which the pieces reside.

With the recent optical character reader (OCR) technology that has been deployed on the Postal Service's flat-sorting machines (FSM) 881s, there is less of a need for segregation of automation rate and Presorted rate packages. OCR technology will also be incorporated in the new automated flat-sorting machines (AFSM) 100s that the Postal Service will begin deploying this year. The Postal Service therefore seeks to resolve the current situation where the requirement to separately sack packages of automation rate flat mail from packages of Presorted rate flat mail results in less finely presorted mail by allowing packages of automation rate flats and Presorted rate flats (and for Periodicals irregular parcels) to be presorted together in the same sack or tray at all container levels.

It is expected that this change will help improve service on the packages of Presorted rate mail and will also reduce mail transport equipment (MTE) usage because mailers will no longer have to prepare their packages of automation rate flats and packages of Presorted rate flats (or irregular parcels for Periodicals mail) in separate containers.

This new presort option, which will appear in DMM M710, will be a co-sacking or co-traying presort option. This means that each separate automation and Presorted rate mailing that is co-sacked or co-trayed must continue to meet all the separate eligibility requirements for their respective mailing, including separate packaging requirements, and for First-Class Mail and Standard Mail (A), separate minimum mailing quantity requirements. For example, under this proposed new option, when co-sacking a Standard Mail (A) automation rate mailing with a Presorted rate mailing the automation rate mailing would be required to meet a 200-piece or 50-pound minimum mailing quantity

requirement and the Presorted rate portion would be required to meet a separate 200-piece or 50-pound minimum mailing requirement (the residual volume requirement in DMM E620.1.2 may be used to meet this). Under this example the automation rate pieces would be required to be packaged under the requirements in DMM M820, and the Presorted rate pieces would be required to be separately packaged under the standards in DMM M610. These separately prepared packages from the two separate Standard Mail (A) mailings could then be sacked together (co-sacked) in the same 5-digit, 3-digit, ADC, and Mixed ADC sacks.

Another requirement for co-sacking or co-traying will be that the two separate mailings must be part of the same mailing job, and for First-Class Mail and Standard Mail (A), be reported on the same postage statement or, for Standard Mail (A), the same consolidated postage statement. In addition, for all mail classes, PAVE-certified software or MAC-certified software must be used to presort the co-sacked or co-trayed mailing.

Use of the co-sacking or co-traying option will not affect the rate eligibility criteria for automation or Presorted rates. Pieces in automation rate packages will continue to qualify for automation rates based on the presort level of the package in which they are placed. For Presorted First-Class rates, there is only one rate level so co-traying will have no effect on rate applicability. Pieces in Presorted rate packages at Periodicals and Standard Mail (A) rates will continue to qualify for Presorted rates based on the presort level of the sack in which the pieces are placed. (For Periodicals mail there must also be a minimum of six pieces in a package within a qualifying sack to qualify for 5-digit or 3-digit Presorted rates.) However, pieces in automation rate packages that reside in the same sack as Presorted rate packages will count toward the minimum sacking requirements for purposes of qualifying for Periodicals and Standard Mail (A) Presorted rates. Mailers of all classes must provide documentation that details the sortation and rate eligibility of pieces in each tray or sack.

For First-Class Mail and Standard Mail (A), this co-sacking or co-traying option will be available only when the physical dimensions of the mailpieces are in the flats processing category at both the automation and Presorted rates. For example, a mailpiece that exceeds ¾ of an inch could be considered an automation flat under the FSM 1000 size requirements in DMM C820, but would be considered a parcel at the Presorted rates under DMM C050.3.1. In such an instance, for First-Class Mail and Standard Mail (A), separate sacking of the Presorted portion of the mailing job as a First-Class Mail parcel or Standard Mail (A) machinable or irregular parcel would be required whereas the automation flats portion would be required to be trayed for First-Class Mail or sacked for Standard Mail (A) according to the automation flats requirements. If such pieces were mailed at Standard Mail (A) rates, the residual shape surcharge (RSS) would apply to the Presorted rate portion of the mailing job. For Periodicals, pieces in the automation mailing must meet the physical standards for an automation flat and pieces in the Presorted rate mailing must be nonletter-size. Specific authorization from the rates and classification service center (RCSC) will not be required to co-sack or co-tray flat-size mailings under these new standards in DMM M710. However, as indicated above, mailers who co-sack or co-tray packages of automation rate and Presorted rate flats in the same sack or tray under DMM M710 will be required to use PAVE-certified software or MAC-certified to prepare the mailing.

Requirement To Segregate Carrier Route Packages From 5-Digit Packages on 5-Digit Pallets

In the process of developing these proposed DMM changes, USPS field operations personnel were canvassed for input regarding the proposal to combine packages of automation rate and Presorted rate flats in the same container. Many USPS field sites expressed a strong desire to have carrier route packages segregated from 5-digit packages (both automation rate and Presorted rate 5-digit packages) due to the planned deployment of new flat-sorting machines. This segregation already occurs today for mailings prepared in sacks, because carrier route rate packages are currently required to be prepared as a separate mailing and sacked separately from other mail in a mailing job. However, for packages on pallets, 5-digit Presorted rate flats may currently be placed with carrier route packages on the same 5-digit pallet or same 5-digit scheme pallet.

In today's mail processing environment, where in many instances there is limited flat sorter capacity at the plant, the Postal Service sorts the majority of non-carrier-route-sorted flats to carrier routes at delivery units. This year, the Postal Service will begin deploying new Automated Flat Sorting Machine (AFSM) 100s. As a result of the deployment of these additional flat-sorting machines over the next 2 to 3 years, the sortation of Presorted rate mail to carrier routes by the Postal Service will more frequently be done on flat-sorting machines located at plants rather than at delivery units. In the future, it will generally no longer be economical to the Postal Service to allow mailers to combine 5-digit sorted Presorted rate mail (which must be sorted by the Postal Service to carrier routes) on the same 5-digit pallet as mail that has already been sorted to carrier routes by the mailer.

Due to the anticipated changes in the location where the majority of Presorted rate mail will be sorted to carrier routes, the Postal Service is proposing to require the segregation of carrier route sorted flats from non-carrier route sorted flats on 5-digit and 5-digit scheme pallets. When preparing 5-digit and 5-digit scheme pallets, it is proposed that mailers be required to make 5-digit and 5-digit scheme pallets that contain only carrier route sorted mail (to be named 5-digit carrier routes pallets and 5-digit scheme carrier routes pallets), and separate 5-digit and 5-digit scheme pallets that contain only automation rate and Presorted rate mail. There will be one exception as provided below. This proposal should greatly reduce any mail volume that would have to be sent from the delivery unit back to the plant for sortation to carrier route when new flat-sorting equipment is deployed.

Periodicals and Standard Mail (A) mailers that prepare letter-size mail in trays on pallets or prepare nonletter-size mail as sacks on pallets, also will be required to place trays and sacks of carrier route mail on 5-digit carrier routes pallets that are separate from 5-digit pallets containing non-carrier route mail.

Optional Presort Using the ''Carrier Route Indicators'' Field in the AMS City State Product

Because the transition from carrier route sortation being performed primarily at delivery units to being performed primarily at plants will occur gradually as AFSM 100s are deployed, the Postal Service is proposing to provide a new presort option for Periodicals nonletters and Standard Mail (A) flats that are sacked or prepared as packages on pallets. This new presort option should ease the transition and lessen the impact on mailers of the proposed new requirement to prepare separate 5-digit carrier routes and 5-digit scheme carrier routes pallets that contain only carrier route packages. As noted earlier, for many 5-digit ZIP Code areas, the incoming secondary sortation (sortation to carrier routes) will be moved from the

delivery unit to the plant only when an AFSM 100 is deployed at the plant serving that 5-digit ZIP Code area. It is when sortation to carrier route occurs at the plant for a given 5-digit ZIP Code area that the mailer preparation of carrier route presorted packages of flats in separate containers from non-carrier route sorted 5-digit packages of flats will become necessary at the 5-digit pallet and sack level. The Postal Service therefore intends to modify the current carrier route rate sortation indicator field in the AMS City State Product so that it will indicate for each 5-digit ZIP Code area whether it is necessary to separately containerize carrier route sorted flats from non-carrier route sorted flats, as well as indicate for which 5-digit ZIP Codes letter-size automation carrier route sortation may take place. This field in the City State Product will be renamed the ''Carrier Route Indicators'' field. The new information will be provided by changing the current ''Yes'' or ''No'' character in the field to an ''A,'' ''B,'' ''C,'' or ''D.'' An ''A'' will indicate sortation for automation letters carrier routes rates is permitted and that co-containerization of flat-size (nonletter-size for Periodicals) carrier route and 5-digit packages is also permitted. A ''B'' will indicate sortation for automation letters carrier routes rates is permitted and that co-containerization of flat-size (nonletter-size for Periodicals) carrier route and 5-digit packages is not permitted. A ''C'' will indicate sortation for automation letters carrier routes rates is not permitted and that co-containerization of flat-size (nonletter-size for Periodicals) carrier route and 5-digit packages is permitted. A ''D'' will indicate sortation for automation letters carrier routes rates is not permitted and that co-containerization of flat-size (nonletter-size for Periodicals) carrier route and 5-digit packages is not permitted. This means that for 5-digit ZIP Codes with an ''A'' or a ''C'' indicator in the City State Product the Postal Service performs incoming secondary at the delivery unit and separate containerization of carrier route packages from 5-digit packages is not required.

For those 5-digit ZIP Codes where the City State Product indicates by an ''A'' or a ''C'' in the Carrier Route Indicators field that segregation of carrier route flats is not required, it is proposed to provide mailers with the option to co-sack or copalletize carrier route packages with automation rate 5-digit packages and Presorted rate 5-digit packages. This new optional presort method will be contained in DMM M720. Five-digit pallets prepared under this option will be named ''merged 5-digit'' pallets, and 5-digit scheme pallets prepared under this option will be named ''merged 5-digit scheme'' pallets. For sacked mailings, the new sack levels that may contain carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages for the same 5-digit ZIP Code when permitted by the Carrier Route Indicators field will be named ''merged 5-digit'' sacks and ''merged 5-digit scheme'' sacks. Although this preparation option is designed primarily for flat-sized mail, all nonletter-size Periodicals will be permitted to use this optional sortation method. Mailers must use PAVE-certified or MAC-certified software to sort according to this option.

As the number of AFSM 100s deployed to the field increases, it is expected that there also will be an increase in the number of 5-digit ZIP Codes where the segregation of carrier route packages from 5-digit packages is required. It is expected that the information in the Carrier Route Indicators field in the City State Product will be dynamic and subject to change as the AFSM 100s are being deployed. Accordingly, mailers who utilize the Carrier Route Indicators field in the City State Product to sort their mail under new DMM 720 must enter the mailing no later than 90 days after the release date of the City State Product used to obtain the Carrier Route Indicators information for the mailing.

Mailers who sack will first prepare direct carrier route sacks containing a minimum of 24 pieces for Periodicals or a minimum of 125 pieces or 15 pounds of mail for Standard Mail (A). After preparing direct carrier route sacks, mailers will prepare merged 5-digit sacks in which carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages may be placed in the same sack for each 5-digit ZIP Code with an ''A'' or a ''C'' indicator in the City State Product that permits such co-sacking. The merged 5-digit sacks will have a sacking minimum of either one qualifying carrier route package or, when there are no carrier route packages for a particular 5-digit ZIP Code in a mailing, of 125 pieces or 15 pounds of mail for Standard Mail (A) and of 24 pieces (required) or one package (optional) for Periodicals mail. A merged 5-digit sack will be required to be prepared when there is at least one carrier route package for the 5-digit ZIP Code. Presorted rate 5-digit packages in merged 5-digit sacks will be eligible for ⅗ Presorted Standard Mail (A) rates and 5-digit Periodicals rates (for packages of 6 or more pieces). After preparing merged 5-digit sacks, mailers must prepare remaining carrier route packages in 5-digit carrier routes sacks. Any remaining 5-digit packages must be sacked in 5-digit, 3-digit, ADC, or Mixed ADC sacks as applicable under new DMM M710 in which automation and Presorted packages may be sacked together.

For mailings prepared as packages and/or bundles on pallets, the first level of pallet to be prepared would be merged 5-digit pallets. Merged 5-digit pallets will contain carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages for each 5-digit ZIP Code with an ''A'' or a ''C'' indicator in the City State Product that permits combination of such packages. For 5-digit ZIP Codes where the indicator in the City State Product prohibits combining carrier route packages with 5-digit packages (a ''B'' or a ''D'' indicator), mailers must, where possible under current minimum weight standards, prepare 5-digit carrier routes pallets that contain only carrier route packages and separately prepare 5-digit pallets that contain both automation rate and Presorted rate 5-digit packages. The current pallet minimums and maximums and other physical preparation requirements will apply. The remainder of the palletized mailing would be prepared according to current preparation requirements for Standard Mail (A) or Periodicals, as applicable.

This option to combine all types of packages of Standard Mail (A) flats and Periodicals nonletters into one merged 5-digit pallet or sack should help reduce container handlings for mailers and the Postal Service.

Use of the New ''Carrier Route Indicators'' Field With 5-Digit Scheme Sortation Using DMM L001

The Postal Service is also proposing to permit mailers to sort Periodicals nonletters and Standard Mail (A) flats using both the Carrier Route Indicators field of the City State Product as described above and DMM labeling list L001 for preparing scheme sortations. This option will be available for Periodicals nonletters and Standard Mail (A) flats prepared either in sacks or as packages and/or bundles on pallets.

Under this option, carrier route packages for all 5-digit ZIP Codes in an L001 scheme may be combined on a merged 5-digit scheme pallet or in a merged 5-digit scheme sack along with 5-digit packages of automation rate and 5-digit packages of Presorted rate mail for those 5-digit ZIP Codes in the scheme that also have an ''A'' or ''C'' indicator in the City State Product that

allows all three types of packages to be placed in the same 5-digit level container. For sacked mail, such a merged 5-digit scheme sack may be prepared only after all direct carrier route sacks have been prepared.

In some instances there may be 5-digit ZIP Codes that are part of a scheme but have an indicator in the City State File that does not allow merging carrier route and 5-digit packages in the same container. Five-digit packages for the 5-digit ZIP Codes in a scheme that have such a negative indicator in the City State Product must not be placed in a merged 5-digit scheme sack or pallet.

The sortation for these 5-digit packages of automation and Presorted rate mail that are part of an L001 scheme, but cannot be placed on a merged 5-digit scheme pallet, will be different for palletized mail than for sacked mail. This is because for sacks, 5-digit scheme sort applies only to carrier route packages, whereas for pallets, 5-digit scheme sort applies to both carrier route packages and to 5-digit packages.

For palletized mail 5-digit packages of automation rate and Presorted rate mail for those 5-digit ZIP Codes in a scheme that have an indicator in the City State Product that does not permit merging carrier route and 5-digit packages in the same container may be placed together on a 5-digit scheme pallet (that does not contain carrier route packages).

For sacked mail 5-digit packages of automation rate and Presorted rate mail for those 5-digit ZIP Codes in a scheme that have an indicator in the City State Product that does not permit merging carrier route and 5-digit packages in the same container must be prepared in separate 5-digit sacks (not a scheme sack) using the provisions of new DMM M710 described earlier. That is, for each 5-digit ZIP Code in the scheme with a negative (''B'' or ''D'') indicator in the City State Product, prepare a separate 5-digit sack(s) that contains both automation rate 5-digit packages and Presorted rate 5-digit packages.

Use the following scenario as an example. There is an L001 scheme that contains ZIP Codes 30034, 30035, 30036, and 30037. ZIP Codes 30036 and 30037 have an ''A'' or ''C'' indicator in the Carrier Route Indicators field of the City State Product that allows carrier route packages to be sorted to the same 5-digit container as automation and Presorted rate packages. ZIP Codes 30034 and 30035 of the L001 scheme however, have an indicator that carrier route packages must not be combined with 5-digit packages of automation rate and Presorted rate mail. To illustrate:

L001 scheme ZIP codes	Package types	''A'' or ''C'' indicator allowing merged sortation?		
30034	CR–RT	5D Automation	5D Presorted	No
30035	CR–RT	5D Automation	5D Presorted	No
30036	CR–RT	5D Automation	5D Presorted	Yes
30037	CR–RT	5D Automation	5D Presorted	Yes

When preparing pallets to this L001 scheme using the Carrier Route Indicators field in the City State Product, two pallets would be prepared as follows (assuming there were sufficient packages to meet minimum pallet weights).

(1) A merged 5-digit scheme pallet that contains the carrier route packages from all four 5-digit ZIP Codes in the L001 scheme, as well as the automation rate 5-digit packages and the Presorted rate 5-digit packages for ZIP Codes 30036 and 30037 (because the City State Product indicates for ZIP Codes 30036 and 30037 that carrier route packages and 5-digit packages of automation rate and Presorted rate mail may be merged in the same container).

(2) A 5-digit scheme pallet that contains the automation rate 5-digit packages and the Presorted rate 5-digit packages for ZIP Codes 30034 and 30035 (because the City State Product does not permit merging carrier route packages and 5-digit packages in the same container for these ZIP Codes).

Because for sacked mail an L001 scheme sort may be performed for only carrier route mail, sacking mail to this L001 scheme using the City State Product would result in the following three types of sacks (assuming there were sufficient packages to meet minimum sacking requirements).

(1) A merged 5-digit scheme sack that contains the carrier route packages from all four 5-digit ZIP Codes in the L001 scheme, as well as the automation rate 5-digit and Presorted rate 5-digit packages for ZIP Codes 30036 and 30037 (because the City State Product indicates for 30036 and 30037 that carrier route packages and 5-digit packages of automation rate and Presorted rate mail may be merged in the same container).

(2) One 5-digit sack for ZIP Code 30034 for which the City State Product indicates merging of carrier route packages with 5-digit packages is not permitted that contains both the automation rate and Presorted rate 5-digit packages for 30034.

(3) One 5-digit sack for ZIP Code 30035 for which the City State Product indicates merging of carrier route packages with 5-digit packages is not permitted that contains both the automation rate and Presorted rate 5-digit packages for 30035.

If the City State Product indicates that none of the 5-digit ZIP Codes in an L001 scheme are permitted to merge carrier route packages with 5-digit packages, mailers would prepare containers as follows. For palletized mail two pallets would be prepared: a merged 5-digit scheme pallet containing carrier route packages for the scheme and a 5-digit scheme pallet containing the 5-digit packages of automation rate and Presorted rate mail for the scheme. For sacked mail a merged 5-digit scheme sack(s) would be prepared that contained the carrier route packages for all of the 5-digit ZIP Codes in the scheme. The automation rate 5-digit packages and the Presorted rate 5-digit packages would be co-sacked in 5-digit sacks (a separate 5-digit sack(s) for each 5-digit ZIP Code in the scheme would be prepared).

If a 5-digit ZIP Code is not part of a scheme mail would be palletized or sacked as described earlier for mail that is not prepared with scheme sortation.

It is expected that the standards permitting mailers to prepare 5-digit level pallets or sacks using both the Carrier Route Indicators field of the City State Product and DMM labeling list L001 for preparing scheme sortations as described above also will help reduce the number of containers prepared by mailers and correspondingly reduce the number of containers handled by the Postal Service.

Other Domestic Mail Manual Revisions

The provisions in this proposed rule necessitated revisions to pallet labeling requirements for certain pallet levels. In addition, the Postal Service is proposing to revise pallet labels for all mail with the exception of the following Parcel Post mailings: BMC Presort, OBMC

Presort, and Parcel Select DSCF and DDU rate mail. These pallet label revisions will eliminate conflicts between current M031 and M045 requirements, and will clarify the label requirements for each pallet level under each type of pallet preparation. The proposed revisions will: (1) Show the pallet sortation level abbreviation on pallets (except for pallets containing carrier route packages that are sorted to the 5-digit level); (2) require ''CARRIER ROUTES'' to be shown only on labels for 5-digit or 5-digit scheme level pallets that contain any carrier route mail; (3) split the ''DDU/SCF'' designation into separate ''DDU'' and ''DSCF'' designations and permit these designations to be shown only on 3-digit and SCF pallet labels; and (4) add a requirement to show ''NONBARCODED'' or ''NBC'' on pallet labels for pallets containing Presorted rate mail (except for the new ''merged'' 5-digit pallet levels).

An option is also added to M031 for mailers to add information to pallet labels for pallets containing packages and bundles that shows the number of packages for each package sortation and rate level that is on the pallet (the number of carrier route packages, the number of 5-digit, 3-digit, and ADC automation rate packages, and the number of 5-digit, 3-digit, and ADC Presorted rate packages on each pallet). This information will assist the Postal Service in processing the mail on these pallets.

This proposal also reorganizes the pallet presort and labeling standards in M045.4.0 to show separate pallet preparation and label requirements for packages, bundles, sacks, or trays on pallets at Periodicals, Standard Mail (A), and Bound Printed Matter rates, and to show separate labeling requirements for pallets containing Standard Mail Machinable Parcels, Special Standard Mail, and Library Mail.

The proposed implementation date for all of the changes contained in this proposed rule is early September 2000.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revisions to the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR Part 111.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual (DMM) as set forth below:

Domestic Mail Manual

E Eligibility

* * * * *

E100 First-Class Mail

* * * * *

E130 Nonautomation Rates

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3.0 PRESORTED RATE

[Revise the heading of 3.1 to read as follows:]

3.1 All Pieces

[Amend 3.1d to provide for preparation under M710 to read as follows:]

In addition to the standards in 1.0, all pieces in a Presorted First-Class rate mailing must:

* * * * *

d. Be marked, sorted, and documented as specified in M130 or, alternatively for flat-sized mail, under M710.

* * * * *

E140 Automation Rates

1.0 BASIC STANDARDS

1.1 All Pieces

[Amend 1.1g to provide for preparation under M710 to read as follows:]

All pieces in a First-Class Mail automation rate mailing must:

* * * * *

g. Be marked, sorted, and documented as specified in M810 for letters and cards, or as specified in M710 or M820 for flats.

* * * * *

2.0 RATE APPLICATION

* * * * *

2.2 Flats

[Amend the first sentence of 2.2 to provide for sortation under M710 to read as follows:]

First-Class Mail automation rates apply to each piece that is sorted under M820 or under M710 into the corresponding qualifying groups: * * * * * * * * * *

E230 Nonautomation Rates

1.0 BASIC INFORMATION

1.1 Standards

[Amend 1.1 to provide for preparation under M710 and M720 to read as follows:]

The standards for Presorted rates are in addition to the basic standards for Periodicals in E210, the standards for other rates or discounts claimed, and the applicable preparation standards in M045, M200, M710, M720, M810, or M820. Not all combinations of presort level, automation, and destination entry discounts are permitted.

* * * * *

2.0 CARRIER ROUTE RATES

* * * * *

2.2 Eligibility

[Amend 2.2 to provide for preparation under M045 and M720 to read as follows:]

Preparation to qualify eligible pieces for carrier route rates is optional and is subject to M045, M200, or (nonletter-size mail only) M720. Carrier route sort need not be done for all carrier routes in a 5-digit area. Specific rate eligibility is subject to these standards:

a. The basic carrier route rate applies to copies of letter-size mail prepared in carrier route packages of six or more pieces each that are sorted to carrier route, 5-digit carrier routes, or 3-digit carrier routes trays. The basic carrier route rate applies to copies of flat-size or irregular parcel-size pieces prepared in carrier route packages of six or more pieces each and that are sorted to pallets under M045 or M720, or sorted to carrier route, 5-digit carrier routes, 5-digit scheme carrier routes or, under M720, merged 5-digit, or merged 5-digit scheme sacks. Preparation of 5-digit scheme carrier routes sacks or pallets is optional but, if performed, must be done for all 5-digit scheme destinations. Preparation of merged 5-digit sacks or pallets and merged 5-digit scheme sacks or pallets is optional but if performed must be done for all 5-digit ZIP Codes for which there is an indicator in the City State Product that permits co-containerization of carrier route and 5-digit packages. For merged 5-digit scheme sacks or pallets, preparation also must be done for all 5-digit scheme destinations.

b. The high density and saturation rates apply to pieces that are eligible for the basic carrier route rate, are prepared in carrier walk sequence, and meet the applicable density standards in 6.0 for the rate claimed.

3.0 5-DIGIT RATES

[Amend the first sentence of 3.0 to provide for preparation of mail under M045, M710 and M720 as follows:]

Subject to M045, M200, or (nonletter-size mail only) M710 or M720, 5-digit rates apply to: * * *

* * * * *

b. Flat-size pieces in 5-digit packages of six or more pieces each, placed in 5-digit sacks, merged 5-digit sacks, or merged 5-digit scheme sacks or palletized under M045 or M720.

4.0 3-DIGIT RATES

[Amend the first sentence of 4.0 and 4.0b to provide for preparation under M045, M710 and M720 to read as follows:]

Subject to M045, M200, or (nonletter-size mail only) M710 or M720, 3-digit rates apply to:

* * * * *

b. Flat-size pieces in 5-digit and 3-digit packages of six or more pieces each, placed in 3-digit sacks or palletized under M045 or M720.

5.0 BASIC RATES

[Amend 5.0 to provide for preparation of mail under M045, M710 and M720 to read as follows:]

Basic rates apply to pieces prepared under M045, M200, or (nonletter-size mail only) M710 or M720, that are not eligible for and claimed at carrier route, 5-digit, or 3-digit rates.

6.0 WALK-SEQUENCE DISCOUNTS

6.1 Eligibility

[Amend 6.1 to provide for preparation under M045 and M720 as follows:]

The high density or saturation rates apply to each walk-sequenced piece in a carrier route mailing, eligible under 2.2 and prepared under M045, M200, or (nonletter-size mail only) M720, that also meets the corresponding addressing and density standards in 6.4. High density and saturation rate mailings must be prepared in carrier walk sequence according to schemes prescribed by the USPS (see M050).

* * * * *

E240 Automation Rates

1.0 BASIC STANDARDS

1.1 All Pieces

[Amend 1.1f to provide for preparation under M045, M710 and M720 as follows:]

All pieces in an automation Periodicals mailing must:

* * * * *

f. Be marked, sorted, and documented as specified in M045, or M710 or M720 (nonletter-size mail), or M810 (letters) or M820 (flats).

* * * * *

2.0 RATE APPLICATION

2.1 5-Digit Rates

[Amend the first sentence of 2.1 and 2.1b to provide for preparation of flats under M710 and M720 to read as follows:]

Subject to M045, M710, M720, M810, or M820, 5-digit automation rates apply to:

* * * * *

b. Flats. 5-digit rates apply to pieces in 5-digit packages of six or more pieces each, prepared under M045, M710, M720, or M820.

2.2 3-Digit Rates

[Amend the first sentence of 2.2 and 2.2b to provide for preparation of flats under M710 and M720 to read as follows:]

Subject to M045, M710, M720, M810, or M820, 3-digit automation rates apply to:

* * * * *

b. Flats. 3-digit rates apply to pieces in 3-digit packages of six or more pieces each, prepared under M045, M710, M720, or M820.

2.3 Basic Rates

[Amend 2.3 to provide for preparation of flats under M710 and M720 to read as follows:]

Subject to M045, M710, M720, M810, or M820, basic automation rates apply to:

* * * * *

b. Flats. Basic rates apply to pieces prepared under M045, M710, M720, or M820 that are not claimed at 5-digit or 3-digit rates.

E250 Destination Entry

* * * * *

2.0 DDU RATE

2.1 Eligibility

[Amend 2.1 to provide for preparation under M720 to read as follows:]

The destination delivery unit (DDU) rate applies to pieces entered at the facility where the carrier cases mail for the carrier route serving the delivery address on the mailpiece. Letter-size copies claimed at DDU rates must be part of a carrier route package placed in a carrier route tray or a 5-digit carrier routes tray, prepared under M200, and otherwise eligible for and claimed at a carrier route rate. Flat-size or irregular parcel-size copies claimed at DDU rates must be part of a carrier route package placed in a carrier route sack; a 5-digit carrier routes sack, a 5-digit scheme carrier routes sack, a merged 5-digit sack, or a merged 5-digit scheme sack prepared under M200 or M720, or palletized under M045 or M720, and otherwise eligible for and claimed at a carrier route rate. Except for the standards for preparing basic carrier route or walk-sequence carrier route rate mail, there is no additional minimum volume required for a DDU rate mailing.

* * * * *

E620 Nonautomation Standard Mail (A) Rates

1.0 PRESORTED REGULAR AND NONPROFIT RATES

1.1 Basic Standards

[Amend 1.1d to provide for preparation of flat-sized mail under M710 and M720 as follows:]

All pieces in a Presorted Regular or Presorted Nonprofit Standard Mail (A) mailing must:

* * * * *

d. Be marked, sorted and documented as specified in M045, M610, or, (flat-sized mail only) under M710 or M720.

* * * * *

1.5 Presorted Rates

[Amend the first sentence of 1.5 to provide for preparation of flat-sized mail under M710 and M720. Redesignate 1.5d through g as 1.5e through h, respectively. Add new 1.5d and revise redesignated 1.5e to read as follows:]

Presorted Regular or Nonprofit Standard Mail (A) rates apply to Regular or Nonprofit Standard Mail letters, flats, and machinable and irregular parcels weighing less than 16 ounces that are prepared under M045, M610, or (flat-sized mail only) under M710 or M720. Basic Presorted rates apply to pieces that do not meet the standards for the 3/5 Presorted rates described below. Basic rate and 3/5 rate pieces prepared as part of the same mailing are subject to a single minimum volume standard. Pieces that do not qualify for the 3/5 rate must be paid at the basic rate and prepared accordingly. Pieces may qualify for the 3/5 rate if they are presented:

* * * * *

d. In a 5-digit package of 10 or more flat-size pieces that is part of a group of packages sorted to a merged 5-digit sack(s) or merged 5-digit scheme sack(s) destination that contains either at least one qualifying carrier route package of 10 or more pieces, or contains at least 125 pieces or 15 pounds of pieces prepared in 5-digit packages (both automation and nonautomation 5-digit

packages count toward the 125-piece or 15-pound sack minimum).

e. In a 5-digit or 3-digit package of 10 or more flat-sized pieces palletized under M045 or M720.

* * * * *

2.0 ENHANCED CARRIER ROUTE RATES

2.1 General

[Amend 2.1c to provide for preparation of carrier route packages under M720 to read as follows:]

All pieces in an Enhanced Carrier Route Standard Mail mailing (letters, flats, or, if merchandise samples distributed with detached address labels, irregular parcels) must:

* * * * *

c. Be sorted to carrier routes, marked, and documented under M045 (if palletized), M620, or (flats only) M720.

* * * * *

2.8 Basic Rates

[Amend 2.8 to provide for preparation of flat-sized mail under M045 and M720 to read as follows:]

Basic (nonautomation) carrier route rates apply to each piece that is sorted under M045 (pallets), M620, or (flats only) M720, into the corresponding qualifying groups:

* * * * *

b. Flat-size pieces in a carrier route package of 10 or more pieces palletized under M045, or placed in a carrier route sack containing at least 125 pieces or 15 pounds of pieces, or placed in a 5-digit carrier routes, 5-digit scheme carrier routes, merged 5-digit, or merged 5-digit scheme sack. Preparation of 5-digit scheme carrier routes sacks or pallets is optional but, if performed, must be done for all 5-digit scheme destinations. Preparation of merged 5-digit sacks or pallets and merged 5-digit scheme sacks or pallets is optional, but if performed must be done for all 5-digit ZIP Codes for which there is an indicator in the City State Product that permits co-containerization of carrier route and 5-digit packages. For merged 5-digit scheme sacks or pallets preparation also must be done for all 5-digit scheme destinations.

* * * * *

E640 Automation Standard Mail (A) Rates

1.0 REGULAR AND NONPROFIT RATES

1.1 All Pieces

[Amend 1.1g to provide for preparation under M045, M710 and M720 to read as follows:]

All pieces in an automation rate Regular or Nonprofit Standard Mail (A) mailing must:

* * * * *

g. Be marked, sorted, and documented as specified in M045, M810 (letter-size), M820 (flat-size), or (flat-size only) M710 and M720.

* * * * *

1.4 Rate Application—Flats

[Amend the first sentence of 1.4 to provide for preparation under M045, M710 and M720 to read as follows:]

Automation rates apply to each piece that is sorted under M045, M820, M710, or M720, into the corresponding qualifying groups: * * *

* * * * *

E650 Destination Entry

E651 Regular, Nonprofit, and Enhanced Carrier Route Standard Mail

* * * * *

6.0 DSCF DISCOUNT

* * * * *

6.2 Eligibility

Amend 6.2 by adding the following as the second sentence of 6.2 to allow DSCF rates for 5-digit packages in merged 5-digit or merged 5-digit scheme sacks or pallets that are deposited at the destination delivery unit to read as follows:]

* * * Pieces prepared under 1.0 through 4.0 and 6.0 and that are prepared in 5-digit packages placed in a merged 5-digit sack or pallet or in a merged 5-digit scheme sack or pallet that is deposited at the destination delivery unit as defined in 7.1, are eligible for the DSCF rate. * * *

7.0 DDU DISCOUNT

* * * * *

7.2 Eligibility

[Amend the first sentence of 7.2 to provide for preparation under M710 and M720 to read as follows:]

Pieces in a mailing that meet the standards in 1.0 through 4.0 and 7.0 are eligible for the DDU rate when deposited at a DDU, addressed for delivery within that facility's service area (carrier routes), and placed in properly prepared and labeled carrier route packages sorted to carrier route trays (letters) or sacks (flats and irregular parcels), 5-digit carrier routes trays (letters) or sacks (flats and irregular parcels), or 5-digit scheme carrier routes sacks (flats) under M600 or M720, or merged 5-digit sacks (flats), or merged 5-digit scheme sacks (flats) under M720, or palletized under M045 or M720, and otherwise eligible for and claimed at a carrier route rate. * * *

* * * * *

L Labeling Lists

L000 General Use

L001 5-Digit Scheme—Periodicals Flats and Irregular Parcels and Standard Mail (A) Flats

[Amend the First sentence of L001 to read as follows:]

When 5-digit scheme sort is used for Periodicals flats and irregular parcels packages and Standard Mail (A) flats packages, the applicable mail for the ZIP Codes shown in Column A must be combined on merged 5-digit scheme or 5-digit scheme pallets, or in merged 5-digit scheme or 5-digit carrier routes scheme sacks labeled to the corresponding destination shown in Column B.

* * * * *

M Mail Preparation and Sortation

M000 General Preparation Standards

* * * * *

M010 Mailpieces

M011 Basic Standards

1.0 TERMS AND CONDITIONS

* * * * *

1.2 Presort Levels

[Amend 1.2 by redesignating 1.2g through 1.2p as 1.2i through 1.2r, respectively, and adding new 1.2g and 1.2h to read as follows:]

Terms used for presort levels are defined as follows:

* * * * *

g. Merged 5-digit: the carrier route packages and/or automation rate 5-digit packages and/or Presorted rate 5-digit packages in a sack or on a pallet are all for a 5-digit ZIP Code that has an indicator in the Carrier Route Indicators field in the City State Product that allows combining carrier route rate packages with automation rate 5-digit packages and Presorted rate 5-digit packages in the same 5-digit container.

h. Merged 5-digit scheme: the 5-digit ZIP Codes on pieces in carrier route packages and/or automation rate 5-digit packages and/or Presorted rate 5-digit packages in a sack or on a pallet are all for 5-digit ZIP Codes that are part of a single scheme as shown in L001, and the automation rate 5-digit packages and/or the Presorted rate 5-digit packages are also for 5-digit ZIP Codes that have an indicator in the Carrier Route Indicators field in the City State Product that allows combining carrier route packages with automation rate 5-

digit packages and Presorted rate 5-digit packages within the same 5-digit container.

1.3 Preparation Instructions

[Amend 1.3 by amending 1.3h to reflect the requirement for 5-digit scheme pallets to be prepared as either pure 5-digit scheme carrier routes pallets or as 5-digit scheme pallets that do not contain carrier route mail, and by redesignating 1.3j through 1.3u as 1.3l through 1.3w, respectively, and adding new 1.3j and 1.3k that contain information on new merged 5-digit and ''merged 5-digit scheme'' sortations to read as follows:]

For purposes of preparing mail:

* * * * *

h. A 5-digit/scheme carrier routes sort for carrier route rate Periodicals flats and irregular parcels and Enhanced Carrier Route rate Standard Mail (A) flats prepared in sacks or as packages on pallets yields a 5-digit scheme carrier routes sack or pallet for those 5-digit ZIP Codes listed in L001 and 5-digit carrier routes sacks or pallets for other areas. The 5-digit ZIP Codes in each scheme are treated as a single presort destination subject to a single minimum sack or pallet volume, with no further separation by 5-digit ZIP Code required. Sacks or pallets prepared for a 5-digit scheme destination that contain carrier route packages for only one of the schemed 5-digit areas are still considered 5-digit scheme carrier routes sorted and are labeled accordingly. The 5-digit/scheme sort is optional for carrier route packages of flat-size and irregular parcel Periodicals and flat-size Enhanced Carrier Route rate Standard Mail (A) prepared in sacks or as packages on pallets. If preparation of 5-digit scheme carrier routes sacks or pallets is performed, it must be done for all 5-digit scheme destinations. A 5-digit/scheme carrier routes sort may contain only for carrier route packages prepared in sacks or as packages on pallets.

* * * * *

j. A Merged 5-digit sort for Periodicals flats and irregular parcels and Standard Mail (A) flats prepared in sacks or as packages on pallets yields merged 5-digit sacks or pallets that contain carrier route packages and/or automation rate 5-digit packages, and/or Presorted rate 5-digit packages that are all for a 5-digit ZIP Code that has an indicator in the Carrier Route Indicators field in the City State Product that allows combining carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages in the same 5-digit sack or pallet. The merged 5-digit sort is optional for Periodicals flats and irregular parcels and Standard Mail (A) flats prepared in sacks or as packages on pallets. Sacks or pallets prepared for a merged 5-digit destination that contain only a single rate level of package(s) (only carrier route packages(s) or only automation rate 5-digit package(s) or only Presorted rate 5-digit packages) or that contain only two rate levels of package(s) are still considered to be merged 5-digit sorted and are labeled accordingly. If preparation of merged 5-digit sacks or pallets is performed, it must be done for all 5-digit ZIP Code destinations with an indicator in the Carrier Route Indicators field in the City State Product that allows combining carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages in the same 5-digit container.

k. A merged 5-digit scheme sort for Periodicals flats and irregular parcels and Standard Mail (A) flats prepared in sacks or as packages on pallets yields merged 5-digit scheme sacks or pallets that contain carrier route packages for those 5-digit ZIP Codes that are part of a single scheme as shown in L001, as well as automation rate 5-digit packages and Presorted rate 5-digit packages for 5-digit ZIP Codes in the scheme that have an indicator in the Carrier Route Indicators field in the City State Product that allows combining carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages in the same 5-digit container. Sacks or pallets prepared for a merged 5-digit scheme destination that contain only a single rate level of package(s) (only carrier route packages(s) or only automation rate 5-digit package(s) or only Presorted rate 5-digit packages) or that contain only two rate levels of package(s), or that contain packages for only one of the schemed 5-digit areas are still considered to be merged 5-digit scheme sorted and are labeled accordingly. If preparation of merged 5-digit scheme sacks or pallets is performed, it must be done for all 5-digit scheme destinations in L001, and it must be done for all 5-digit destinations with an indicator in the Carrier Route Indicators field in the City State Product that allows combining carrier route, automation rate 5-digit, and Presorted rate 5-digit packages in the same 5-digit container.

* * * * *

M031 Labels

* * * * *

4.0 PALLET LABELS

* * * * *

[Revise the heading and contents of 4.4 to remove the requirement for pallet labels to contain the information required by the sack labeling standard for the class and rate claimed to read as follows:]

4.4 Required Information

Labels must contain the information required under 4.0 and under M045 or M720 for the preparation method and class and rate claimed.

* * * * *

[Amend the heading and contents of 4.7 to permit and require a ''CARRIER ROUTES'' or ''CR-RTS'' designation only on 5-digit carrier routes pallets to read as follows:]

4.7 5-Digit Carrier Routes Pallets

All 5-digit carrier routes or 5-digit carrier routes scheme pallets must show the words ''CARRIER ROUTES'' (or ''CR–RTS'') after the processing category description on the content line under M045 and M720.

4.8 Delivery Unit, SCF, DDU, and DSCF Rates

[Amend 4.8 to require ''DDU'' and/or ''DSCF'' as applicable, only on 3-digit or SCF pallets, and to use ''DSCF'' for Periodicals rather than ''SCF'' to read as follows:]

If a 3-digit or SCF pallet contains copies claimed at Periodicals delivery unit rates or Standard Mail (A) DDU rates, the content line of the label must show the designation ''DDU'' after the processing category as provided in M045 and M720. If a 3-digit or SCF pallet contains copies claimed at Periodicals SCF rates or Standard Mail (A) DSCF rates, the content line of the pallet label must show the designation ''DSCF'' after the processing category and, if applicable, after the ''DDU'' designation as provided in M045 and M720. If a pallet contains pieces eligible for both rates, the separate ''DDU'' and ''DSCF'' designations may be shown as ''DDU/DSCF.''

[Revise the heading of 4.9 to read as follows:]

4.9 Automation Status

[Revise 4.9 to read as follows:]

All 5-digit, 5-digit scheme, 3-digit, SCF, ADC, ASF and BMC pallets must show ''BARCODED'' or ''BC'' on the contents line if the pallet contains automation rate mail as provided in M045 and M720. All 5-digit, 5-digit scheme, 3-digit, SCF, ADC, ASF and BMC pallets must show ''NONBARCODED'' or ''NBC'' on the contents line if the pallet contains Presorted rate mail under M045 and M720. If a pallet contains copalletized

automation rate and Presorted rate mail, the separate ''BARCODED'' and ''NONBARCODED'' designations may be abbreviated ''BC/NBC.''

* * * * *

[Add 4.14 to provide for additional pallet label information to read as follows:]

4.14 Pallet Package or Bundle Information

It is recommended that mailers preparing packages on pallets add to the pallet label, below the office of mailing or mailer information line and under the provisions of M032.4.11, additional information listing the number of packages for each package sortation and rate level on the pallet (i.e., the number of carrier route packages, the number of 5-digit, 3-digit, and ADC automation rate packages, and the number of 5-digit, 3-digit, and ADC Presorted rate packages on each pallet).

* * * * *

5.0 SECOND LINE CODES

[Amend 5.0 to add the pallet abbreviation for CARRIER ROUTES, and to add the abbreviation for NONBARCODED to read as follows:]

The codes shown below must be used as appropriate on Line 2 of sack, tray, and pallet labels.

Content type	Code
* * * * *	
Carrier Route	C (type of route).
Carrier Routes	CR–RTS (5-digit sack and pallet designation).
* * * * *	
Nonbarcoded	Non BC (sacks). NBC (pallets).

* * * * *

M032 Barcoded Labels

1.0 BASIC STANDARDS—TRAY AND SACK LABELS

1.1 Use

[Amend the second and third sentences of 1.1 to require use of barcoded tray and sack labels for mailings prepared under M710 and M720 to read as follows:]

* * * * *

* * * Barcoded tray labels are required for all mailings of automation rate First-Class Mail flat-size pieces, for co-trayed automation rate and Presorted rate First-Class Mail flat-size pieces under M710, and for automation rate First-Class Mail, Periodicals, and Standard Mail (A) letter-size pieces. Barcoded sack labels are required for all mailings of automation rate Periodicals and Standard Mail (A) flat-size pieces prepared in sacks and, under M710 and M720, for co-sacked automation rate and Presorted rate mailings and co-sacked carrier route, automation rate and Presorted rate mailings. * * *

1.2 Destination Line (Line 1)

[Amend 1.2b and 1.2c to include information on ''merged 5-digit'' sack labels to read as follows:]

The destination line must meet these standards:

* * * * *

b. Information. The destination line must contain only the information required by the applicable standards for the class, processing category, sortation level of the tray or sack, and the rates claimed. This information is contained in module L labeling lists for all sortation and rate levels except trays and sacks to carrier route, 5-digit carrier routes, merged 5-digit, and 5-digit destinations, and trays to 5-digit scheme destinations. For the destination line of carrier route, 5-digit carrier routes, merged 5-digit, and 5-digit trays and sacks, the city, two-letter state abbreviation, and 5-digit ZIP Code of the destination 5-digit ZIP Code area must be shown. For 5-digit scheme trays, the city, two-letter state abbreviation, and ZIP Code for the destination scheme must be obtained from the City State Product. The destination line may contain abbreviated city and state information if such abbreviations are those in the City State Product or in Publication 65, National Five-Digit ZIP Code and Post Office Directory.

c. Military Destinations: On carrier route, 5-digit carrier routes, and 5-digit trays and sacks and on merged 5-digit sacks, the destination 5-digit ZIP Code of the mail contained in the tray or sack must be preceded by ''APO'' or ''FPO,'' as applicable, and ''AE'' (for 090–098 ZIP Codes), ''AA'' (for 340 ZIPs), or ''AP'' (for 962–966 ZIPs), as applicable.

1.3 Content Line (Line 2)

* * * * *

Exhibit 1.3a 3-Digit Content Identifier Numbers

* * * * *

Class and Mailing	CIN	Human-Readable Content Line
* * * * * * *		
FIRST-CLASS MAIL		
[Amend Exhibit 1.3a by adding the following after ''FCM Flats—Presorted'' to read as follows:]		
FCM Flats—Co-Trayed Automation and Presorted		
5-digit trays	221	FCM FLTS 5D BC/NBC
3-digit trays	222	FCM FLTS 3D BC/NBC
ADC trays	231	FCM FLTS ADC BC/NBC
mixed ADC trays	232	FCM FLTS BC/NBC WKG
* * * * * * *		
PERIODICALS (PER)		
[Amend Exhibit 1.3a by adding the following after ''PER Flats—5-Digit, 3-Digit, and Basic'' to read as follows:]		
PER Flats—Co-Sacked Automation and Presorted		
5-digit sacks	321	PER FLTS 5D BC/NBC
3-digit and origin/entry 3-digit sacks	322	PER FLTS 3D BC/NBC
SCF and origin/entry SCF sacks	329	PER FLTS SCF BC/NBC

Class and Mailing	CIN	Human-Readable Content Line
ADC sacks	331	PER FLTS ADC BC/NBC
mixed ADC sacks	332	PER FLTS BC/NBC WKG
PER Flats—Merged Carrier Route, Automation, and Presorted		
merged 5-digit (flats)	339	PER FLTS CR/5D
merged 5-digit (irregular parcels)	340	PER IRREG CR/5D
merged 5-digit scheme (flats)	349	PER FLTS CR/5D SCH
merged 5-digit scheme (irregular parcels)	365	PER IRREG CR/5D SCH
* * * * * * *		
PERIODICALS (NEWS)		
[Amend Exhibit 3.1a by adding the following after ''NEWS FLATS—5-digit, 3-Digit, and Basic'' to read as follows:]		
NEWS Flats—Co-Sacked Automation and Presorted		
5-digit sacks	421	NEWS FLTS 5D BC/NBC
3-digit sacks	422	NEWS FLTS 3D BC/NBC
SCF and origin/entry SCF sacks	429	NEWS FLTS SCF BC/NBC
ADC sacks	431	NEWS FLTS ADC BC/NBC
mixed ADC sacks	432	NEWS FLTS BC/NBC WKG
NEWS Flats—Merged Carrier Route, Automation, and Presorted		
merged 5-digit (flats)	439	NEWS FLTS CR/5D
merged 5-digit (irregular parcels)	440	NEWS IRREG CR/5D
merged 5-digit scheme (flats)	449	NEWS FLTS CR/5D SCH
merged 5-digit scheme (irregular parcels)	465	NEWS IRREG CR/5D SCH
* * * * * * *		
STANDARD MAIL (A)		
[Amend Exhibit 3.1a by adding the following after ''Enhanced Carrier Route flats—Non-automation'' to read as follows:]		
STD Flats—Co-Sacked Automation and Presorted		
5-digit sacks	521	STD FLTS 5D BC/NBC
3-digit and origin/entry 3-digit sacks	522	STD FLTS 3D BC/NBC
ADC sacks	531	STD FLTS ADC BC/NBC
mixed ADC sacks	532	STD FLTS BC/NBC WKG
STD Flats—Co-Sacked Carrier Route, Automation, and Presorted		
merged 5-digit	539	STD FLTS CR/5D
merged 5-digit scheme	549	STD FLTS CR/5D SCH
* * * * * * *		

M033 Sacks and Trays

1.0 BASIC STANDARDS

* * * * *

1.7 Origin/Entry 3-Digit/Scheme Trays and Sacks

[Amend 1.7 to refer to the preparation of merged 5-digit sacks and merged 5-digit scheme sacks to read as follows:]

Except for flat-size and irregular parcel-size Periodicals under 1.8, after all carrier route, 5-digit carrier routes (and, where permitted for flats in sacks, merged 5-digit scheme, 5-digit scheme carrier routes, merged 5-digit, and where permitted for letters in trays, 3-digit carrier routes), 5-digit (and where permitted for automation letters in trays, 5-digit scheme), 3-digit (and, where permitted for automation letters in trays, 3-digit scheme) sacks/trays are prepared, an origin/entry 3-digit sack or tray (or, if applicable, origin/entry 3-digit scheme tray) must be prepared to contain any remaining mail for each 3-digit (or 3-digit scheme) area serviced by the SCF (mail processing office) serving the post office where the mail is verified (origin), and may be prepared for each 3-digit (or 3-digit scheme) area served by the SCF/plant where mail is entered (if that is different from the SCF/plant serving the post office where the mail is verified, e.g., a PVDS deposit site). In all cases, only one less-than-full sack or

tray may be prepared for each 3-digit (or 3-digit scheme) area.

1.8 Periodicals Flats and Irregular Parcels Origin/Entry SCF Sacks

[Amend 1.8 to refer to the preparation of merged 5-digit sacks and merged 5-digit scheme sacks to read as follows:]

For flat-size and irregular parcel-size Periodicals, after all carrier route, 5-digit carrier routes (and, where permitted, merged 5-digit scheme, 5-digit scheme carrier routes, and merged 5-digit), 5-digit, 3-digit, and required SCF sacks are prepared, an origin/entry SCF sack must be prepared to contain any remaining 5-digit and 3-digit packages for the 3-digit ZIP Code area(s) served by the SCF serving the post office where the mail is verified (origin), and may be prepared for the area served by the SCF/plant where mail is entered (if that is different from the SCF/plant serving the post office where the mail is verified, e.g., a PVDS deposit site). In all cases, only one less-than-full sack may be prepared for each SCF area.

* * * * *

M040 Pallets

M041 General Standards

* * * * *

5.0 PREPARATION

5.1 Presort

[Amend the first five sentences of 5.1 to provide for advanced pallet preparation options in M720 to read as follows:]

Pallet preparation and pallet sortation are subject to the specific standards in M045 and M720. Pallet sortation is generally intended to presort the palletized portion of a mailing to at least the finest extent required for the corresponding class of mail and method of preparation. Pallet sortation is sequential from the lowest (finest) level to the highest and must be completed at each required level before the next optional or required level is prepared. Standard preparation terms for pallets are defined in M011, standard presort levels are defined in M045 and advanced presort levels are defined in M720. For sacks, trays, or machinable parcels on pallets, the mailer must prepare all required pallet levels before any mixed ADC or mixed BMC pallets are prepared for a mailing or job. Packages and bundles prepared under M045 or M720 must not be placed on mixed ADC or mixed BMC pallets * * *

5.2 Required Preparation

[Amend the second sentence of 5.2a 1 to provide for advanced pallet preparation options in M720 to read as follows:]

These standards apply to:

a. Periodicals, Standard Mail (A), and Parcel Post (other than BMC Presort, OBMC Presort, DSCF, and DDU rate mail). * * * For packages of Periodicals flats and irregular parcels and packages of Standard Mail (A) flats on pallets prepared under the standards for package reallocation (M045.5.0), not all mail for a required 5-digit destination is required to be on a merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, merged 5-digit, 5-digit carrier routes, or 5-digit pallet. * * *

* * * * *

5.6 Mail on Pallets

[Amend 5.6 by removing current 5.6c and 5.6d; redesignating current 5.6e as 5.6f, adding new 5.6c through 5.6e to reflect new requirements for separating carrier route rate mail from non-carrier route rate mail on 5-digit and 5-digit scheme pallets to read as follows:]

These standards apply to mail on pallets:

* * * * *

c. For Bound Printed Matter (other than machinable parcels), carrier route rate mail and Presorted rate mail in the same mailing job may be combined on all levels of pallets.

d. For Standard Mail (A) and Periodicals letter-size mail prepared in trays on pallets, and for nonletter-size Periodicals and Standard Mail (A) prepared either as sacks on pallets or as packages/bundles on pallets, carrier route rate mail must be prepared on separate 5-digit pallets (5-digit carrier routes or 5-digit scheme carrier routes pallets) from automation rate or Presorted rate mail (that must be prepared on 5-digit pallets or 5-digit scheme pallets). Exception: When nonletter-size Periodicals and flat-size Standard Mail (A) is prepared under 5.6e, carrier route rate mail, automation rate mail, and Presorted rate mail may be copalletized on the same merged 5-digit pallet or on the same merged 5-digit scheme pallet for applicable 5-digit ZIP Codes.

e. Mailers of nonletter-size Periodicals and flat-size Standard Mail (A) that prepare packages and/or bundles on pallets may copalletize carrier route rate mail, automation rate mail, and Presorted rate mail on the same merged 5-digit pallet or on the same merged 5-digit scheme pallet for those 5-digit ZIP Codes where the Carrier Route Indicators field in the City State Product indicates this is permissible. To use this option, mailings must meet the standards in M720.

* * * * *

6.0 COPALLETIZED, COMBINED, OR MIXED-RATE LEVEL MAILINGS OF FLAT-SIZE PIECES

* * * * *

6.2 Application

[Amend 6.2 by removing the last word ''M045'' and replacing it with ''M045 or M720.'']

6.3 Periodicals Publications

[Amend 6.3 by replacing the reference ''M045'' in the next to last sentence with ''M045 or M720.'']

6.4 Standard Mail (A)

[Amend the last sentence of 6.4 by removing the word ''M045'' and replacing it with ''M045 or M720.'']

* * * * *

M045 Palletized Mailings

* * * * *

4.0 PALLET PRESORT AND LABELING

[Amend 4.0 by removing current 4.4; redesignating current 4.2 and 4.3 as 4.4 and 4.5, respectively; amending 4.1 to make it applicable to only Periodicals mail, to reflect new 5-digit pallet preparation procedures, and to clarify and amend the standards for line 2 of pallet labels; adding new 4.2 that separately specifies sortation of Standard Mail (A) pallets, reflects new 5-digit pallet preparation procedures, and clarifies and amends the standards for line 2 of pallet labels; adding new 4.3 that separately specifies sortation of Bound Printed Matter pallets and clarifies and amends the standards for line 2 of pallet labels to read as follows:]

4.1 Periodicals Packages, Bundles, Sacks, or Trays on Pallets

Mailers must prepare pallets in the sequence listed below. Mailers not opting to perform or not permitted to perform scheme sortation under 4.1a and 4.1b using L001 must begin preparing pallets under 4.1c. Pallets must be labeled according to the Line 1 and Line 2 information listed below and under M031. At the mailer's option, Periodicals nonletter mail prepared as packages and/or bundles on pallets may be palletized in accordance with the advanced presort option under M720.

a. *5-Digit Scheme Carrier Routes.* Optional. Permitted only for nonletter-size packages/bundles on pallets. May contain only carrier route packages and bundles for the same 5-digit scheme under L001. If scheme sort is performed,

it must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit carrier routes pallets under 4.1c.

(1) Line 1: use L001, Column B.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CARRIER ROUTES'' or ''CR–RTS'' and ''SCHEME'' or ''SCH.''

b. *5-Digit Scheme.* Optional. Permitted only for nonletter-size packages/bundles on pallets. May contain only automation rate and/or Presorted rate packages and bundles for the same 5-digit scheme under L001. If scheme sort is performed, it must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit pallets under 4.1d.

(1) Line 1: use L001, Column B.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''5D,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail, followed by ''SCHEME'' or ''SCH.''

c. *5-Digit Carrier Routes.* Required for sacks; required for packages and bundles (except for packages and bundles prepared to 5-digit scheme carrier routes pallets under 4.1a); optional for trays. May contain only carrier route mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS'' or ''IRREG'' or, for trays on pallets only, ''LTRS'' as applicable; followed by ''CARRIER ROUTES'' or ''CR-RTS.''

d. *5-Digit.* Required for sacks; required for packages and bundles (except for packages and bundles prepared to 5-digit scheme pallets under 4.1b); optional for trays. May contain only automation rate and/or Presorted rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS'' or ''IRREG'' or, trays on pallets only, ''LTRS'' as applicable; followed by ''5D;'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

e. *3-Digit.* Optional. May contain carrier route rate, automation rate, and/or Presorted rate mail.

(1) Line 1: use L002, Column A.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' or (trays on pallets only) ''LTRS'' as applicable, followed by ''3D,'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if SCF rates are claimed, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

f. *SCF.* Required. May contain carrier route rate, automation rate, and/or Presorted rate mail.

(1) Line 1: use L002, Column C

(2) Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS'' or ''IRREG'' or, trays on pallets only, ''LTRS'' as applicable; followed by ''SCF;'' followed by ''DDU'' if DDU rates are claimed; followed by ''DSCF'' if SCF rates are claimed; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

g. *ADC.* Required. May contain carrier route rate, automation rate, and/or Presorted rate mail.

(1) Line 1 labeling: use L004.

(2) Line 2 labeling: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS'' or ''IRREG'' or, trays on pallets only, ''LTRS'' as applicable; followed by ''ADC;'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

h. *For sacks and trays on pallets only, mixed ADC.* Optional. May contain carrier route rate, automation rate, and/or Presorted rate mail.

(1) Line 1: use ''MXD'' followed by the city/state/ZIP Code of the ADC serving the 3-digit ZIP Code prefix of the entry post office as shown in L004, Column A (label to plant serving entry post office if authorized by the processing and distribution manager).

(2) Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS'' or ''IRREG'' or, trays on pallets only, ''LTRS'' as applicable; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail; followed by ''WKG.''

4.2 Standard Mail (A) Packages, Bundles, Sacks, or Trays on Pallets

Mailers must prepare pallets in the sequence listed below. Mailers not opting to perform or not permitted to perform scheme sortation under 4.2a and 4.2b using L001 must begin preparing pallets under 4.2c. Pallets must be labeled according to the Line 1 and Line 2 information listed below and under M031. At the mailer's option, flat-size Standard Mail (A) prepared as packages and/or bundles on pallets may be palletized in accordance with the advanced presort option under M720.

a. *5-Digit Scheme Carrier Routes.* Optional. Permitted only for flat-size packages/bundles on pallets. May contain only carrier route rate packages and bundles for the same 5-digit scheme under L001. If scheme sort is performed, it must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit carrier routes pallets under 4.2c.

(1) Line 1: use L001, Column B.

(2) Line 2: ''STD FLTS 5D'' followed by ''CARRIER ROUTES'' or ''CR–RTS'' and ''SCHEME'' or ''SCH.''

b. *5-Digit Scheme.* Optional. Permitted only for flat-size packages/bundles on pallets. May contain only automation rate and/or Presorted rate packages and bundles for the same 5-digit scheme under L001. If scheme sort is performed, it must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit pallets under 4.2d.

(1) Line 1: use L001, Column B.

(2) Line 2: ''STD FLTS 5D,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail, and followed by ''SCHEME'' or ''SCH.''

c. *5-Digit Carrier Routes.* Required for sacks; required for packages and bundles (except for packages and bundles prepared to 5-digit carrier route scheme pallets under 4.2a); optional for trays. May contain only carrier route rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS'' or ''STD A IRREG'' or, for trays on pallets only ''STD LTRS,'' as applicable, followed by ''CARRIER ROUTES'' or ''CR–RTS.''

d. *5-Digit.* Required for sacks; required for packages and bundles (except for packages and bundles prepared to 5-digit scheme pallets under 4.2b); optional for trays. May contain only automation rate and/or Presorted rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS 5D'' or ''STD A IRREG 5D'' or, for trays on pallets only ''STD LTRS 5D,'' as applicable;

followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

e. *3-digit: optional.* May contain carrier route rate, automation rate, and/or Presorted rate mail.

(1) Line 1: use L002, Column A.

(2) Line 2: ''STD FLTS 3D'' or ''STD A IRREG 3D'' or, for trays on pallets only ''STD LTRS 3D,'' as applicable; followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if DSCF rates are claimed; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

f. *SCF.* Required. May contain carrier route rate, automation rate, and/or Presorted rate mail.

(1) Line 1: use L002, Column C.

(2) Line 2: ''STD FLTS SCF'' or ''STD A IRREG SCF'' or, for trays on pallets only ''STD LTRS SCF,'' as applicable; followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if DSCF rates are claimed; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

g. *If DBMC rates are not claimed: Destination BMC.* Required. May contain carrier route rate, automation rate, and/or Presorted rate mail. Sort ADC packages, trays, or sacks, or AADC trays to BMC pallets based on the label to ZIP Code for the ADC in L004 or the label to ZIP Code for the AADC in L801.

(1) Line 1: use L601.

(2) Line 2: ''STD FLTS BMC'' or ''STD A IRREG BMC'' or, for trays on pallets only ''STD LTRS BMC'' as applicable, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

g. *If DBMC rates are claimed: Destination ASF/BMC.* Destination ASF allowed and required only if DBMC rate is claimed for mail deposited at an ASF, otherwise sort to Destination BMC. May contain carrier route rate, automation rate, and/or Presorted rate mail. Sort ADC packages, trays or sacks, or AADC trays to ASF/BMC pallets based on the label to ZIP Code for the ADC in L004 or the label to ZIP Code for the AADC in L801.

(1) Line 1: use L602.

(2) Line 2: ''STD FLTS'' or ''STD A IRREG'' or, for trays on pallets only ''STD LTRS,'' as applicable; followed by ''ASF'' or ''BMC as applicable; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

h. *For sacks and trays on pallets only, mixed BMC.* Optional. May contain carrier route rate, automation rate, and/or Presorted rate mail.

(1) Line 1: use ''MXD'' followed by the information in L601, Column B, for the BMC serving the 3-digit ZIP Code prefix of the entry post office (label to plant serving entry post office if authorized by the processing and distribution manager).

(2) Line 2: ''STD FLTS'' or ''STD A IRREG'' or, for trays on pallets only ''STD LTRS'' as applicable, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail, followed by ''WKG.''

4.3 Bound Printed Matter Packages, Bundles, or Sacks on Pallets Prepare pallets in the sequence listed below. Label pallets according to the Line 1 and Line 2 information listed below and under M031.

a. *5-digit.* Required for sacks and for packages and bundles. May contain carrier route rate and/or Presorted rate mail.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS 5D'' or ''STD B IRREG 5D'' as applicable, and, if the pallet contains only carrier route mail, followed by ''CARRIER ROUTES'' (OR ''CR–RTS'').

b. *3-digit.* Optional. May contain carrier route rate and/or Presorted rate mail.

(1) Line 1: use L002, Column A.

(2) Line 2: ''STD FLTS 3D'' or ''STD B IRREG 3D'' as applicable.

c. *SCF.* Required. May contain carrier route rate and/or Presorted rate mail.

(1) Line 1: use L002, Column C.

(2) Line 2: ''STD FLTS SCF'' or ''STD B IRREG SCF'' as applicable.

d. Destination BMC. Required. May contain carrier route rate and/or Presorted rate mail.

(1) Line 1: use L601. Sort ADC packages or sacks to BMC pallets based on the label to ZIP Code for the ADC in L004.

(2) Line 2: ''STD FLTS BMC'' or ''STD B IRREG BMC'' as applicable.

e. For sacks on pallets only, mixed BMC. Optional. May contain carrier route rate and/or Presorted rate mail.

(1) Line 1: use ''MXD'' followed by the information in L601, Column B, for the BMC serving the 3-digit ZIP Code prefix of the entry post office (label to plant serving entry post office if authorized by the processing and distribution manager).

(2) Line 2: ''STD FLTS'' or ''STD B IRREG'' as applicable, followed by ''WKG.''

4.4 Machinable Parcels—Standard Mail (A), Bound Printed Matter, and Parcel Post (Except BMC Presort, OBMC Presort, and Parcel Select DDU and DSCF)

Mailers must prepare pallets in the sequence listed below. Mailers may prepare Parcel Post other than BMC Presort, OBMC Presort, and Parcel Select DDU and DSCF on pallets under 4.4 as an option. If Parcel Post is optionally sorted under 4.4 it must meet all the requirements of 4.4. Pallets must be labeled according to the Line 1 and Line 2 information listed below and under M031.

a. 5-digit. Required, except optional for Standard Mail (A) if 3/5 rates are not claimed.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD A MACH 5D'' or ''STD B MACH 5D'' as applicable.

b. For Standard Mail if DBMC rates are not claimed: Destination BMC. Required.

(1) Line 1: use L601.

(2) Line 2: ''STD A MACH BMC'' or ''STD B MACH BMC,'' as applicable.

c. For Standard Mail if DBMC rates are claimed: Destination ASF/BMC. Destination ASF allowed and required only if DBMC rate is claimed for mail deposited at an ASF, otherwise sort to destination BMC (required).

(1) Line 1: use L602.

(2) Line 2: ''STD A MACH'' or ''STD B MACH'' as applicable; followed by ''ASF'' or ''BMC'' as applicable.

d. Mixed BMC. Optional.

(1) Line 1: use ''MXD'' followed by the information in L601, Column B, for the BMC serving the 3-digit ZIP Code prefix of the entry post office (label to plant serving entry post office if authorized by the processing and distribution manager).

(2) Line 2: ''STD A MACH'' or ''STD B MACH'' as applicable, followed by ''WKG.''

4.5 Presorted Special Standard and Library Mail

Mailers must prepare 5-digit pallets for Presorted 5-digit rate mailings and must prepare BMC pallets for Presorted BMC rate mailings as described below. Label pallets according to the Line 1 and Line 2 information listed below and under M031.

a. 5-digit (5-digit rate only). Required.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS 5D,'' or ''STD B IRREG 5D,'' or ''STD B MACH 5D,'' as applicable.

b. Destination BMC (BMC rate only). Required.

(1) Line 1: use L601.

(2) Line 2: ''STD FLTS BMC,'' or ''STD B IRREG BMC,'' or ''STD B MACH BMC,'' as applicable.

5.0 PACKAGE REALLOCATION FOR PERIODICALS FLATS AND IRREGULAR PARCELS AND STANDARD MAIL (A) FLATS ON PALLETS

5.1 Basic Standards

[Amend the second sentence of 5.1 to provide for new pallet levels to read as follows:]

* * * The software will determine if mail for an SCF service area would fall beyond the SCF level if all optional merged 5-digit scheme, optional 5-digit scheme carrier routes, optional 5-digit scheme, merged 5-digit, required 5-digit carrier routes, required 5-digit, or optional 3-digit pallets are prepared. * * *

5.2 General Reallocation Rules

[Amend 5.2b, 5.2c, and 5.2d to provide for new pallet levels to read as follows:]

Reallocation rules:

* * * * * *

b. Reallocate packages from the highest available pallet level possible. If it is not possible to reallocate some mail from a 3-digit pallet first, then attempt to eliminate a 3-digit pallet and reallocate all mail from that pallet to create an SCF pallet; if mail cannot be reallocated from a 3-digit pallet, then attempt to reallocate some mail from a 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet.

c. The reallocation process may result in the elimination of a 3-digit pallet to create an SCF pallet, but a 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet may not be eliminated in order to create an SCF pallet.

d. When reallocating mail to create an SCF pallet, reallocate mail from only one more finely sorted pallet. This may be accomplished by reallocating a portion of a 3-digit pallet, reallocating all mail from a 3-digit pallet, or reallocating a portion of one of the following pallets: 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme.

* * * * * *

5.3-Reallocation of Packages if Optional 3–Digit Pallets Are Prepared

[Amend 5.3c and 5.3d to provide for new pallet levels to read as follows:]

Reallocation rules:

* * * * * *

c. If preparation is under M045 and there are no 3-digit pallets, attempt to identify a 5-digit, 5-digit carrier routes, 5-digit scheme, or 5-digit scheme carrier routes pallet of adequate weight to support reallocation of one or more packages to bring the mail that would fall beyond the SCF pallet level back to the SCF level. If preparation is under M720 and there are no 3-digit pallets, attempt to identify a 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet of adequate weight to support reallocation of one or more packages to bring the mail that would fall beyond the SCF pallet level back to the SCF level. A sufficient volume of mail must remain on the applicable pallet after reallocation to meet the pallet weight minimum established by the mailer in compliance with applicable DMM standards. If a 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet, as applicable, of adequate weight is available, create an SCF pallet by combining the reallocated packages with the mail that would fall beyond the SCF pallet level.

d. If no single 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet, as applicable, within the SCF service area contains an adequate volume of mail to allow reallocation of a portion of the mail on a pallet as described in 5.3c, then no packages will be reallocated and an SCF pallet will not be prepared; the mail that falls beyond the SCF pallet level must be placed on the appropriate level pallet (ADC or BMC) or in the appropriate level sack.

5.4 Reallocation of Packages if Optional 3-digit Pallets Are Not Prepared

[Amend 5.4a and 5.4b to provide for new pallet levels to read as follows:]

Reallocation rules:

a. Attempt to identify a 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet of adequate weight to support reallocation of one or more packages to bring the mail that would fall beyond the SCF pallet level back to the SCF level. A sufficient volume of mail must remain on the 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet after reallocation to meet the pallet weight minimum established by the mailer in compliance with applicable DMM standards. If a 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet of adequate weight is available, create an SCF pallet by combining the reallocated packages with the mail that would fall beyond the SCF pallet level.

b. If no single 5-digit, 5-digit carrier routes, merged 5-digit, 5-digit scheme, 5-digit scheme carrier routes, or merged 5-digit scheme pallet within the SCF service area contains an adequate volume of mail to allow reallocation of a portion of the mail on a pallet as described in 5.4a, then no packages will be reallocated and an SCF pallet will not be prepared; the mail that falls beyond the SCF pallet level must be placed on the appropriate level pallet (ADC or BMC) or in the appropriate level sack.

* * * * * *

6.0 PALLETS OF PACKAGES, BUNDLES, AND TRAYS OF LETTER-SIZE MAIL

6.1 Periodicals

[Amend 6.1 by replacing the second sentence with the following to require placement of carrier route sorted mail on separate pallets from automation rate and Presorted rate mail at the 5-digit presort level to read as follows:]

* * * Carrier route sorted pieces must be prepared on separate 5-digit pallets (5-digit carrier routes or 5-digit scheme carrier routes pallets) from automation rate or Presorted rate pieces (prepared on 5-digit pallets or 5-digit scheme pallets). Exception: When non-letter-size Periodicals are prepared as packages and/or bundles on pallets under M720, carrier route sorted mail, automation rate mail, and Presorted rate mail may be placed on the same merged 5-digit pallet or on the same merged 5-digit scheme pallet for those 5-digit ZIP Codes for which the Carrier Route Indicators field in the City State Product indicates are eligible for such copalletization. * * *

6.2 Standard Mail (A)

[Amend 6.2 by replacing the second sentence with the following to require placement of carrier route rate mail on separate pallets from automation rate

and Presorted rate mail at the 5-digit presort level to read as follows:]

* * * Carrier route rate pieces must be prepared on separate 5-digit pallets (5-digit carrier routes or 5-digit scheme carrier routes pallets) from automation rate and/or Presorted rate pieces (prepared on 5-digit pallets or 5-digit scheme pallets). Exception: When flat-size pieces are prepared as packages and/or bundles on pallets under M720, carrier route rate mail, automation rate mail, and Presorted rate mail may be placed on the same merged 5-digit pallet or on the same merged 5-digit scheme pallet for those 5-digit ZIP Codes for which the Carrier Route Indicators field in the City State Product indicates are eligible for such copalletization. * * *

* * * * *

8.0 PALLETS OF COPALLETIZED PERIODICALS OR STANDARD MAIL (A) FLAT-SIZE PIECES

8.1 Basic Standards

[Amend 8.1 by adding the following after the first sentence to provide for preparation under M720 to read as follows:]

* * * In addition, if copalletized under M720, the provisions of M720 must be met. * * *

* * * * *

[Amend the heading and the contents of 8.4 to read as follows:]

8.4 Pallet Labels

Pallet labels for copalletized mailings must meet the provisions of M031, M045.4.0, and if applicable, M720.

* * * * *

M100 First-Class Mail (Nonautomation)

* * * * *

M130 Presorted First-Class

1.0 BASIC STANDARDS

1.1 All Pieces

[Amend 1.1 to provide for preparation under M720 to read as follows:]

Each Presorted First-Class mailing must meet the applicable standards in E130 and in M010, M020, and M030; flat-sized mail co-trayed with automation rate mail must be prepared under 1.6 and M720. All pieces must be in the same processing category, subject to 1.4, and must be sorted together and prepared under 2.0, 3.0, 4.0, or 5.0 as appropriate; automation rate First-Class Mail must be prepared under M710, M810, or M820, as applicable. Letter-size pieces (including card-size pieces) must be prepared in letter trays; flat-size pieces must be prepared in flat trays; parcels must be prepared in sacks. Subject to M012, all pieces must be marked ''Presorted'' and ''First-Class.''

* * * * *

[Add new 1.6 to read as follows:]

1.6 Co-Traying with Automation Rate Mail

Packages of flat-size mail prepared under 4.1 may be co-trayed with automation rate mail that is part of the same mailing job at all levels of trays if prepared under M710.

* * * * *

M200 Periodicals (Nonautomation)

1.0 BASIC STANDARDS

1.1 General Preparation

[Amend 1.1 to provide for preparation under M710 and M720 to read as follows:]

All pieces in each nonautomation rate Periodicals mailing must be in the same processing category and sorted together to the finest extent required under 2.0 and either 3.0 or 4.0 as appropriate; automation rate Periodicals must be prepared under M810 or M820, as applicable; nonletter-size mail co-sacked with automation rate mail must be prepared under 1.6 and M710, or under 1.7 and M720. Letter-size pieces must be prepared in trays; flat-size pieces must be prepared in sacks. Palletization of trays, sacks, or packages is permitted by M040, M045, and M720. Postmasters may authorize preparation of small mailings in nonpostal containers if they consist primarily of packages for local ZIP Codes, do not exceed 20 pounds, and do not require postal transportation for processing.

* * * * *

[Add new 1.6 and 1.7 to provide for preparation under M710 and M720 to read as follows:]

1.6 Co-Sacking with Automation Rate Mail

Packages of nonletter-size mail prepared under 2.4a and 2.4c through 2.4f may be co-sacked with automation rate mail that is part of the same mailing job under the standards in M710.

1.7 Merged Containerization of Carrier Route, Automation Rate, and Presorted Rate Mail

Under the standards in M720, nonletter-size firm and 5-digit packages at Presorted rates that are prepared under 1.0 and 2.4a and 2.4c may be co-sacked or copalletized with nonletter-size carrier route packages prepared under 1.0 and 2.4b and with nonletter-size 5-digit packages at automation rates prepared under M820 in merged 5-digit sacks or pallets and in merged 5-digit scheme sacks or pallets. Such co-sacking or copalletization may only be performed for those 5-digit ZIP Codes with an indicator in the Carrier Route Indicators field of the City State Product that shows such combination is permissible.

* * * * *

M600 Standard Mail (Nonautomation)

M610 Presorted Standard Mail (A)

1.0 BASIC STANDARDS

1.1 All Mailings

[Amend the first sentence of 1.1 and 1.1c to provide for preparation under M710 and M720 to read as follows:]

All mailings at Presorted Standard rates are subject to specific preparation standards in 2.0 through 6.0 and to these general standards (automation rate mail must be prepared under M710, M720, M810, or M820 as applicable):

* * * * *

c. All pieces must be sorted together and prepared under M045, or under M610 or, if flat-sized under M710 or 720.

* * * * *

[Add new 1.5 and 1.6 to provide for preparation under M710 and M720 to read as follows:]

1.5 Co-Sacking with Automation Rate Mail

Packages of flat-size mail prepared under 4.3 may be co-sacked with automation rate mail that is part of the same mailing job under the standards in M710.

1.6 Merged Containerization With Carrier Route and Automation Rate Mail

Under the standards in M720, flat-size 5-digit packages at Presorted rates prepared under 4.3a may be co-sacked or copalletized with flat-size carrier route rate packages prepared under M620 and with flat-size 5-digit packages at automation rates prepared under M820 in merged 5-digit sacks or pallets, or in merged 5-digit scheme sacks or pallets. Such co-sacking or copalletization may only be performed for those 5-digit ZIP Codes with an indicator in the Carrier Route Indicators field of the City State Product that shows such combination is permissible.

* * * * *

M620 Enhanced Carrier Route Standard

Mail 1.0 BASIC STANDARDS

1.1 All Mailings

[Amend 1.1 to provide for preparation under M720 to read as follows:]

All nonautomation rate Enhanced Carrier Route mailings are subject to these general standards (automation rate Enhanced Carrier Route mailings must be prepared under M810):

* * * * *

c. All pieces must be sorted together and prepared under M045 or M720 (if palletized), or under M620.

* * * * *

[Add new 1.6 to provide for preparation under M720 to read as follows:]

1.6 Merged Containerization with Automation Rate and Presorted Rate Mail

Under the standards in M720, flat-size carrier route rate packages prepared under 2.0 may be co-sacked or copalletized with flat-size 5-digit packages at Presorted rates prepared under M610 and with flat-size 5-digit packages at automation rates prepared under M820 in merged 5-digit sacks or pallets, or in merged 5-digit scheme sacks or pallets. Such co-sacking or copalletization may only be performed for those 5-digit ZIP Codes with an indicator in the Carrier Route Indicators field of the City State Product that shows such combination is permissible.

* * * * *

[Add new section M700 to provide for co-traying and co-sacking of automation rate and Presorted rate packages and co-sacking and copalletization of carrier route packages, 5-digit automation packages and 5-digit Presorted rate packages to read as follows:]

M700 Advanced Preparation Options

M710 Co-Traying and Co-Sacking of Automation Rate and Presorted Rate Mailings of Flat-Size Mail

1.0 FIRST-CLASS MAIL

1.1 Basic Standards

Packages of flat-size pieces in an automation rate mailing may be co-trayed with packages of flat-size pieces in a Presorted rate mailing under the following conditions:

a. The pieces in the automation rate mailing and in the Presorted rate mailing must be part of the same mailing job and reported on the same postage statement.

b. Pieces in the automation rate mailing must meet the criteria for a flat under C050.3.2 and C820. Pieces in the Presorted rate mailing must meet the criteria for a flat under C050.3.1.

c. The automation rate mailing must meet the eligibility criteria in E140, except that the traying criteria in 1.3 must be met rather than the traying criteria in M820.

d. The Presorted rate mailing must meet the eligibility criteria in E130, except that the traying and documentation criteria in 1.1 and 1.3 must be met rather than the traying and documentation criteria in M820.

e. The rates for pieces in the automation rate mailing are applied based on the level of package to which they are sorted under E140.2.0.

f. The automation rate pieces must be marked under M012. Pieces claimed at an automation rate must bear the ''First-Class'' marking or ''Presorted'' and ''First-Class'' markings and, except as provided in M012, ''AUTO.'' The Presorted rate pieces must be marked ''First-Class'' and ''Presorted.'' Presorted rate pieces must not bear the ''AUTO'' marking.

g. The packages from each separate mailing must be sorted together into trays as described in 1.3 using presort software that is PAVE-certified or MAC-certified.

h. A complete, signed postage statement, using the correct USPS form or an approved facsimile, must accompany each mailing job prepared under these procedures. In addition to the applicable postage statement, documentation produced by PAVE-certified or MAC-certified software must be submitted with each co-trayed mailing job that describes for each tray sortation level the number of pieces qualifying for each applicable automation rate and the number of pieces that qualify for the Presorted rate under P012.

i. Barcoded tray labels under M032 must be used to label the trays.

1.2 Package Preparation

The automation rate mailing must be packaged and labeled under M820. The Presorted rate mailing must be packaged and labeled under M130.

1.3 Tray Preparation and Labeling

Presorted rate and automation rate packages prepared under 1.2 must be presorted together into trays (co-trayed) in the sequence listed below. Trays must be labeled using the following information for Lines 1 and 2 and M032 for other sack label criteria.

a. 5-digit: required, full trays only (no overflow trays).

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''FCM FLTS 5D BC/NBC.''

b. 3-digit: required, full trays only (no overflow trays).

(1) Line 1: Use L002, Column A.

(2) Line 2: ''FCM FLTS 3D BC/NBC.''

c. Origin/entry 3-digit: required for each 3-digit ZIP Code served by the SCF of the origin (verification) office, optional for each 3-digit ZIP Code served by the SCF of an entry office other than the origin office, no minimum.

(1) Line 1: Use L002, Column A.

(2) Line 2: ''FCM FLTS 3D BC/NBC.''

d. ADC: required, full trays only (no overflow trays), use L004 to determine ZIP Codes served by each ADC.

(1) Line 1: Use L004.

(2) Line 2: ''FCM FLTS ADC BC/NBC.''

e. Mixed ADC: required, no minimum.

(1) Line 1: Use ''MXD'' followed by the city, state, and ZIP Code of the facility serving the 3-digit ZIP Code of the entry post office, as shown in L002, Column C.

(2) Line 2: ''FCM FLTS BC/NBC WKG.''

2.0 PERIODICALS

2.1 Basic Standards

Packages of nonletter-size pieces in an automation rate mailing may be co-sacked with packages of nonletter-size pieces in a Presorted rate mailing under the following conditions:

a. The pieces in the automation rate mailing and in the Presorted rate mailing must be part of the same mailing job and must be reported on the appropriate postage statement(s).

b. The pieces in the mailing job must all be nonletter-size and meet any other size and mailpiece design requirements applicable to the rate category for which they are prepared.

c. The automation rate mailing must meet the eligibility criteria in E240, except that the sacking and documentation criteria in 2.1, 2.3 and 2.4 must be met rather than the sacking and documentation criteria in M820.

d. The Presorted rate mailing must meet the eligibility criteria in E230, except that the sacking and documentation criteria in 2.1, 2.3 and 2.4 must be met rather than the sacking and documentation criteria in M820.

e. The rates for pieces in the automation rate mailing are applied based on the number of pieces in the package and the level of package to which they are sorted under E240. The rates for pieces in the Presorted rate mailing are based on the number of pieces in the package and the level of sack in which they are placed under E230.

f. The packages from each separate mailing must be sorted together into sacks as described in 2.3 and 2.4 using presort software that is PAVE-certified.

g. A complete, signed postage statement, using the correct USPS form

or an approved facsimile, must accompany each mailing job prepared under these procedures. In addition to the applicable postage statement, documentation prepared by PAVE-certified software must be submitted with each co-sacked mailing job that describes for each sack sortation level the number of pieces qualifying for each applicable automation rate and the number of pieces that qualify for each applicable Presorted rate under P012.

h. Barcoded sack labels under M032 must be used to label sacks.

2.2 Package Preparation

The automation rate mailing must be packaged and labeled under M820 (all package levels). The Presorted rate mailing must be packaged and labeled under M200 (excluding carrier route packages).

2.3 Low Volume Packages in Sacks or on Pallets

Five-digit, and 3-digit packages prepared under M200 and M820 that contain fewer than six pieces may be placed in 5-digit, 3-digit and SCF sacks when the publisher determines that such preparation improves service. Pieces in such low volume packages must claim the applicable basic Presorted rate, except for firm packages at Presorted rates as applicable under M200.1.4.

2.4 Sack Preparation and Labeling

Presorted rate and automation rate packages prepared under 2.2 and 2.3 must be presorted together into sacks (co-sacked) in the sequence listed below. Sacks must be labeled using the following information for Lines 1 and 2 and M032 for other sack label criteria. If, due to the physical size of the mailpieces, the automation rate pieces are considered flat-size under C820 and the carrier route sorted pieces and Presorted rate pieces are considered irregular parcels under C050, the processing category shown on the sack label must show ''FLTS.''

a. 5-digit: required at 24 pieces to same 5-digit, optional with fewer pieces.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable and ''FLTS 5D BC/NBC.''

b. 3-digit: required at 24 pieces to same 3-digit, optional with fewer pieces.

(1) Line 1: use L002, Column A.

(2) Line 2: ''PER'' or ''NEWS'' as applicable and ''FLTS 3D BC/NBC.''

c. SCF: required at 24 pieces, optional with fewer pieces.

(1) Line 1: use L002, Column C.

(2) Line 2: ''PER'' or ''NEWS'' as applicable and ''FLTS SCF BC/NBC.''

d. Origin/entry SCF: required for the SCF of the origin (verification) office, optional for the SCF of an entry office other than the origin office, no minimum.

(1) Line 1: use L002, Column C.

(2) Line 2: ''PER'' or ''NEWS'' as applicable and ''FLTS SCF BC/NBC.''

e. ADC: required at 24 pieces, optional with fewer pieces except that packages of fewer than 6 pieces are not permitted.

(1) Line 1: use L004.

(2) Line 2: ''PER'' or ''NEWS'' as applicable and ''FLTS ADC BC/NBC.''

f. Mixed ADC: required, no minimum, except that packages of fewer than 6 pieces at 5-digit, 3-digit, and ADC package levels are not permitted.

(1) Line 1: Use ''MXD'' followed by the city, state, and ZIP Code of the facility serving the 3-digit ZIP Code of the entry post office, as shown in L002, Column C.

(2) Line 2: ''PER'' or ''NEWS'' as applicable and ''FLTS BC/NBC WKG.''

3.0 STANDARD MAIL (A)

3.1 Basic Standards

Packages of flat-size pieces in an automation rate mailing may be co-sacked with packages of flat-size pieces in a Presorted rate mailing under the following conditions:

a. The pieces in the automation rate mailing and in the Presorted rate mailing must be part of the same mailing job and reported on the same postage statement or consolidated postage statement.

b. Pieces in the automation rate mailing must meet the criteria for a flat under C050.3.2 and C820. Pieces in the Presorted rate mailing must meet the criteria for a flat under C050.3.1.

c. The automation rate mailing must meet the eligibility criteria in E640, except that the sacking and documentation criteria in 3.1, 3.3 and 3.4 must be met rather than the sacking and documentation criteria in M820.

d. The Presorted rate mailing must meet the eligibility criteria in E620, except that the sacking and documentation criteria in 3.1, 3.3, and 3.4 must be met rather than the sacking and documentation criteria in M610.

e. The rates for pieces in the automation rate mailing are applied based on the number of pieces in the package and the level of package to which they are sorted under E640.1.0. The rates for pieces in the Presorted rate mailing are based on the number of pieces in the package and the level of sack in which they are placed under E620.1.0.

f. The automation rate pieces must be marked under M012. Pieces claimed at an automation rate must be marked ''Presorted Standard'' (or ''PRSRT STD'') or ''Nonprofit Organization'' (or ''Nonprofit Org.'' or ''Nonprofit'') and, except as provided in M012, ''AUTO.'' The Presorted rate pieces must be marked ''Presorted Standard'' (or ''PRSRT STD'') or ''Nonprofit Organization'' (or ''Nonprofit Org.'' or ''Nonprofit''). Presorted rate pieces must not bear the ''AUTO'' marking.

g. The packages from each separate mailing must be sorted together into sacks as described in 3.3 and 3.4 using presort software that is PAVE-certified or MAC-certified.

h. A complete, signed postage statement, using the correct USPS form or an approved facsimile, must accompany each mailing job prepared under these procedures. In addition to the applicable mailing statement, PAVE-certified or MAC-certified documentation must be submitted with each co-sacked mailing job that describes for each sack sortation level the number of pieces qualifying for each applicable automation rate and the number of pieces that qualify for each applicable Presorted rate under P012.

i. Barcoded sack labels under M032 must be used to label the sacks.

3.2 Package Preparation

The automation rate mailing must be packaged and labeled under M820. The Presorted rate mailing must be packaged and labeled under M610. Loose packing under M610 is not permitted.

3.3 Sacking Under 125-Piece or 15-Pound Rules

When the minimum quantity of 125-pieces or 15-pounds of mail is specified for a sack sortation level in 3.4, the provisions of M820.4.2 apply.

3.4 Sack Preparation and Labeling

Presorted rate and automation rate packages prepared under 3.2 must be presorted together into sacks (co-sacked) in the sequence listed below. Sacks must be labeled using the following information for Lines 1 and 2, and M032 for other sack label criteria.

a. 5-digit: required; 125-piece/15-pound minimum, smaller volume not permitted.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''STD FLTS 5D BC/NBC.''

b. 3-digit: required; 125-piece/15-pound minimum, smaller volume not permitted.

(1) Line 1: use L002, Column A.

(2) Line 2: ''STD FLTS 3D BC/NBC.''

c. Origin/entry 3-digit: required for each 3-digit ZIP Code served by the SCF of

the origin (verification) office, optional for each 3-digit ZIP Code served by the SCF of an entry office other than the origin office, no minimum.

(1) Line 1: use L002, Column A.

(2) Line 2: ''STD FLTS 3D BC/NBC.''

d. ADC: required; 125-piece/15-pound minimum, smaller volume not permitted. Use L004 to determine ZIP Codes served by each ADC.

(1) Line 1: use L004.

(2) Line 2: ''STD FLTS ADC BC/NBC.''

e. Mixed ADC: required, no minimum.

(1) Line 1: use L802 for mail entered by the mailer at an ASF or BMC, otherwise use L803.

(2) Line 2: ''STD FLTS BC/NBC WKG.''

M720 Merged Containerization of Periodicals and Standard Mail (A) Carrier Route, Automation, and Presorted Rate Mail Packages for the Same 5–Digit ZIP Code or 5–Digit Scheme

1.0 PERIODICALS MAIL

1.1 Basic Standards

Carrier route packages of nonletter-size pieces in a carrier route rate mailing may be placed in the same sack or on the same pallet (a merged 5-digit sack or pallet, or a merged 5-digit scheme sack or pallet) as nonletter-size 5-digit packages from an automation rate mailing and nonletter-size 5-digit packages from a Presorted rate mailing under the following conditions:

a. A carrier route mailing must be part of the mailing job.

b. Carrier route packages may be co-sacked or copalletized with automation rate 5-digit packages and Presorted rate 5-digit packages only for those 5-digit ZIP Codes listed in the Carrier Route Indicators field in the City State Product as eligible for such co-sacking or copalletization. Containers of mail sorted in this manner are called ''merged 5-digit'' sacks or pallets. Containers of mail sorted in this manner for which scheme sortation is also performed are called ''merged 5-digit scheme'' sacks or pallets.

c. If sortation under this section is performed, merged 5-digit sacks or pallets must be prepared for all 5-digit ZIP Codes with an indicator in the City State Product that permits such preparation when there is enough volume for the 5-digit ZIP Code to prepare such a sack under 1.4 or 1.5 or such a pallet under 1.6 or 1.7. In addition, if mailers also choose to sort to L001, all possible merged 5-digit scheme sacks must be prepared under 1.5 or all possible merged 5-digit scheme and 5-digit scheme pallets must be prepared under 1.7.

d. Mailers must use the Carrier Route Indicators field in the City State Product to prepare the mailing and enter the mailing no later than 90 days after the release date of the City State Product used.

e. The pieces in the carrier route mailing, the automation rate mailing and the Presorted rate mailing must be part of the same mailing job.

f. Pieces in the automation rate mailing must meet the criteria for a flat under C050.3.2 and C820. Pieces in the Presorted rate mailing and the carrier route mailing must be nonletter-size.

g. The carrier route mailing must meet the eligibility criteria in E230, the automation rate mailing must meet the eligibility criteria in E240, and the Presorted rate mailing must meet the eligibility criteria in E230.

h. For sacked mailings, the rates for pieces in the carrier route mailing are based on the criteria in E230, the rates for pieces in the automation rate mailing are applied based on the number of pieces in the package and the level of package to which they are sorted under E240, and the rates for pieces in the Presorted rate mailing are based on the number of pieces in the package and the level of sack to which they are sorted under E230.

i. For palletized mailings, the rates are based on the level of package and the number of pieces in the package under E230 and E240.

j. The packages from each separate mailing must be sorted together into sacks (co-sacked) under 1.4 and 1.5 or on pallets (copalletized) under 1.6 and 1.7 using presort software that is PAVE-certified.

k. A complete, signed appropriate postage statement(s), using the correct USPS form or an approved facsimile, must accompany each mailing job prepared under these procedures.

l. In addition to the applicable postage statement(s), documentation prepared by PAVE-certified software must be submitted with each co-sacked or copalletized mailing job that describes for each sack sortation level and sack or each pallet sortation level and pallet, the number of pieces qualifying for each applicable carrier route rate, each applicable automation rate, and each applicable Presorted rate under P012.

m. Barcoded sack labels under M032 must be used to label sacks.

1.2 Package Preparation

Packages must be prepared as follows:

a. Sacked Mailings. The carrier route mailing must be packaged and labeled under M200. The automation rate mailing must be packaged and labeled under M820. The Presorted rate mailing must be packaged and labeled under M200.

b. Palletized Mailings. Packages and bundles placed on pallets must be prepared under the standards in M045.

1.3 Low Volume Packages in Sacks or on Pallets

Carrier route and 5-digit packages prepared under M200 and M820 that contain fewer than six pieces must be placed in sacks under 1.4a through d or 1.5 a through e or in 3-digit and SCF sacks, or on pallets under 1.6a through e or 1.7a through h, when the publisher determines that such preparation improves service. Pieces in such low volume packages must claim the applicable basic rate, except that as provided under M200.1.4, some firm packages may be eligible for carrier route rates and for 5-digit and 3-digit Presorted rates.

1.4 Sack Preparation and Labeling Without Scheme Sort

Mailers must prepare sacks containing the individual carrier route and 5-digit packages from the carrier route, automation rate, and Presorted rate mailings in the mailing job in the following manner and sequence. All carrier route packages must be placed in sacks under 1.4a through c as described below. When sortation under this section is performed, merged 5-digit sacks must be prepared for all 5-digit ZIP Codes with an indicator in the City State Product that permits such preparation when there is enough volume for the 5-digit ZIP Code to prepare such a sack under 1.4. Mailers must label sacks according to the Line 1 and Line 2 information listed below and under M032. If, due to the physical size of the mailpieces, the automation rate pieces are considered flat-size under C820 and the carrier route sorted pieces and Presorted rate pieces are considered irregular parcels under C050, ''FLTS'' must be shown as the processing category shown on the sack label. If a mailing contains no automation rate pieces and the carrier route mailing and the Presorted rate mailing are irregular parcel shaped, use ''IRREG'' for the processing category on the contents line of the label.

a. Carrier Route. Required. May only contain carrier route packages. Must be prepared when there are 24 or more pieces for the same carrier route. Smaller volume not permitted.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CR'' for basic rate, ''WSH'' for high density rate, or ''WSS'' for saturation rate, followed by the route type and number.

b. Merged 5-Digit. Required. Must be prepared only for those 5-digit ZIP Codes that have an indicator in the City State Product that allows carrier route packages to be co-containerized with automation rate 5-digit and Presorted rate 5-digit packages. May contain carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages. Must be prepared if there is at least one carrier route package for the 5-digit. If there is no carrier route package(s) for a 5-digit destination, must be prepared when there are 24 or more pieces for the same 5-digit destination, optional with one six-piece package or at least one package of fewer pieces under 1.3.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CR/5D.''

c. 5-Digit Carrier Routes. Required. May contain only carrier route packages for a 5-digit ZIP Code that could not be sacked under 1.4a and 1.4b. No sack minimum. All carrier route packages remaining after preparing sacks under 1.4a and 1.4b must be sacked to this level.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by CR-RTS.''

d. 5-Digit. Required. May only contain automation rate 5-digit packages and Presorted rate 5-digit packages. Must be prepared at 24 or more pieces, optional with one six-piece package or at least one package of fewer pieces under 1.3.

(1) Line 1 labeling: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable and ''FLTS 5D BC/NBC; except if there are no automation rate packages in the mailing job, label under M200.3.2f.

e. 3-Digit through Mixed ADC Sacks. Any 5-digit packages remaining after preparing sacks under 1.4a through d, and all 3-digit, ADC, and Mixed ADC packages, must be sacked and labeled according to the applicable requirement under M710.2.0 for co-sacking of automation rate and Presorted rate packages, except if there are no automation rate packages in the mailing job, sack and label under M200.3.0.

1.5 Optional Sack Preparation and Labeling With Scheme Sort

When mailers choose to prepare mail under this option they must prepare sacks containing the individual carrier route and 5-digit packages from the carrier route, automation rate, and Presorted rate mailings in the mailing job in the following manner and sequence. All carrier route packages must be placed in sacks under 1.5a through d as described below. When sortation under this section is performed, merged 5-digit scheme sacks and merged 5-digit sacks must be prepared for all possible 5-digit schemes or 5-digit ZIP Codes as applicable, using L001 (merged 5-digit scheme sort only) and the Carrier Route Indicators field in the City State Product when there is enough volume for the 5-digit scheme or 5-digit ZIP Code to prepare such sacks under 1.5. Mailers must label sacks according to the Line 1 and Line 2 information listed below and under M032. If, due to the physical size of the mailpieces, the automation rate pieces are considered flat-size under C820 and the carrier route sorted pieces and Presorted rate pieces are considered irregular parcels under C050, ''FLTS'' must be shown as the processing category shown on the sack label. If a mailing job does not contain an automation rate mailing and the carrier route mailing and the Presorted rate mailing are irregular parcel shaped, use ''IRREG'' for the processing category on the contents line of the label.

a. Carrier Route. Required. May only contain carrier route packages. Must be prepared when there are 24 or more pieces for the same carrier route. Smaller volume not permitted.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CR'' for basic rate, ''WSH'' for high density rate, or ''WSS'' for saturation rate, followed by the route type and number.

b. Merged 5-Digit Scheme. Required. May contain carrier route packages for any 5-digit ZIP Code(s) in a single scheme listed in L001 as well as automation rate 5-digit packages and Presorted rate 5-digit packages for those 5-digit ZIP Codes in the scheme that are also identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages. Must be prepared if there are any carrier route package(s) for the scheme. If there is not at least one carrier route package for any 5-digit destination in the scheme, preparation of this sack is required at 24 pieces in 5-digit packages for any of the 5-digit ZIP Codes in the scheme that are identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages, and is optional with one six-piece 5-digit package or at least one 5-digit package of fewer pieces for the scheme in L001 under 1.3 (for any ZIP Codes that are identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages). For a 5-digit ZIP Code(s) in a scheme for which the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages, prepare a 5-digit sack(s) for the automation rate and Presorted rate packages under 1.5e. For 5-digit ZIP Codes not included in a scheme, prepare sacks under 1.5c through f.

(1) Line 1: use L001, Column B.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CR/5D SCH.''

c. Merged 5-Digit. Required. Must be prepared only for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that allows carrier route packages to be co-containerized with 5-digit packages. May contain carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages. Must be prepared if there are any carrier route packages for the 5-digit. If there is not at least one carrier route package for the 5-digit destination, preparation of this sack is required at 24 pieces in 5-digit packages for the same 5-digit destination, and is optional with one six piece package or at least one package of fewer pieces under 1.3.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CR/5D.''

d. 5-Digit Carrier Routes. Required. Contains only carrier route packages for a 5-digit ZIP Code that could not be sacked under 1.5a through c. No sack minimum. All carrier route packages remaining after preparing sacks under 1.5a through c must be sacked to this level.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CR–RTS.''

e. 5-Digit. Required. May only contain automation rate 5-digit packages and Presorted rate 5-digit packages. Must be prepared at 24 or more pieces, optional with one six-piece package or at least one package of fewer pieces under 1.3.

(1) Line 1 labeling: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS 5D BC/NBC'', except if there are no automation rate packages in the mailing job, label under M200.3.2f.

f. Three-digit through mixed ADC sacks. Any 5-digit packages remaining after preparing sacks under 1.5a through e, and all 3-digit, ADC, and Mixed ADC packages, must be sacked and labeled according to the applicable requirements under M710.2.0 for co-sacking of automation rate and Presorted rate packages, except if there are no automation rate packages in the mailing job, sack and label under M200.3.0.

1.6 Pallet Preparation and Labeling Without Scheme (L001) Sort

Mailers must prepare pallets of packages and/or bundles in the manner and sequence listed below and under M041. When sortation under this section is performed, merged 5-digit pallets must be prepared for all 5-digit ZIP Codes with an indicator in the City State Product that permits such preparation when there is enough volume for the 5-digit ZIP Code to prepare such a pallet under 1.6. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031. If, due to the physical size of the mailpieces, the automation rate pieces are considered flat-size under C820 and the carrier route sorted pieces and Presorted rate pieces are considered irregular parcels under C050, ''FLTS'' must be shown as the processing category shown on the sack label. If a mailing contains no automation rate pieces and the carrier route mailing and the Presorted rate mailing are irregular parcel shaped, use ''IRREG'' for the processing category on the contents line of the label.

a. Merged 5-Digit. Required. May be prepared only for those 5-digit ZIP Codes with an indicator in the City State Product that permits carrier route packages to be co-containerized with automation rate 5-digit packages and Presorted rate 5-digit packages. May contain carrier route packages and bundles, automation rate 5-digit packages and bundles, and Presorted rate 5-digit packages and bundles.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CR/5D.''

b. 5-Digit Carrier Routes. Required. May contain only carrier route packages and bundles for a 5-digit ZIP Code that does not have an indicator in the City State Product allowing merged 5-digit preparation.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CARRIER ROUTES'' or ''CR–RTS.''

c. 5-Digit. Required. May contain only automation rate and Presorted rate 5-digit packages and bundles for a 5-digit ZIP Code that does not have an indicator in the City State Product allowing co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''5D,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

d. 3-Digit. Optional. May contain carrier route, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column A.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''3D,'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if SCF rates are claimed, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

e. SCF. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column C.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''SCF,'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if SCF rates are claimed, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

f. ADC. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L004.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''ADC,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

1.7 Optional Pallet Preparation and Labeling With Scheme (L001) Sort

When mailers choose to prepare mail under this option they must prepare pallets of packages and/or bundles in the manner and sequence listed below and under M041. When sortation under this option is performed, mailers must prepare all merged 5-digit scheme, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001 and/or the City State Product as applicable. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031. If, due to the physical size of the mailpieces, the automation rate pieces are considered flat-size under C820 and the carrier route sorted pieces and Presorted rate pieces are considered irregular parcels under C050, ''FLTS'' must be shown as the processing category shown on the sack label. If a mailing contains no automation rate pieces and the carrier route mailing and the Presorted rate mailing are irregular parcel shaped, use ''IRREG'' for the processing category on the contents line of the label.

a. Merged 5-Digit Scheme. Required. May contain carrier route packages and bundles for all carrier routes in an L001 scheme as well as automation rate 5-digit packages and bundles and Presorted rate 5-digit packages and bundles for those 5-digit ZIP Codes in the scheme that also have an indicator in the City State Product that that permits carrier route packages to be co-containerized with automation rate 5-digit and Presorted rate 5-digit packages.

(1) Line 1: use L001, Column B.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CR/5D SCHEME.''

b. 5-Digit Scheme. Required. May contain only 5-digit packages and bundles of automation rate and Presorted rate mail for the same 5-digit scheme under L001 for ZIP Codes in the scheme that do not have an indicator in the City State Product that permits

carrier route packages to be co-containerized with 5-digit packages.

(1) Line 1: use L001, Column B.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''5D,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail, followed by ''SCHEME'' or ''SCH.''

c. Merged 5-Digit. Required. May contain carrier route packages and bundles, automation rate 5-digit packages and bundles, and Presorted rate 5-digit packages and bundles for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that allows co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or IRREG'' as applicable, followed by ''CR/5D.''

d. 5-Digit Carrier Routes. Required. May contain only carrier route rate packages and bundles for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''CARRIER ROUTES'' or ''CR–RTS.''

e. 5-Digit. Required. May contain only automation rate 5-digit packages and bundles and Presorted rate 5-digit packages and bundles for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''5D,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

f. 3-Digit. Optional. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column A.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or IRREG'' as applicable, followed by ''3D,'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if SCF rates are claimed, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

g. SCF. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column C.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''SCF,'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if SCF rates are claimed, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

h. ADC. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L004.

(2) Line 2: ''PER'' or ''NEWS'' as applicable, followed by ''FLTS'' or ''IRREG'' as applicable, followed by ''ADC,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

2.0 STANDARD MAIL (A)

2.1 Basic Standards

Carrier route packages of flat-size pieces in a carrier route rate mailing may be placed in the same sack or on the same pallet (a merged 5-digit sack or pallet, or a merged 5-digit scheme sack or pallet) as flat-size 5-digit packages from an automation rate mailing and flat-size 5-digit packages from a Presorted rate mailing under the following conditions:

a. A carrier route mailing must be part of the mailing job.

b. Carrier route rate packages may be co-sacked or copalletized with automation rate 5-digit packages and Presorted rate 5-digit packages only for those 5-digit ZIP Codes listed in the Carrier Route Indicators field in the City State Product as eligible for such co-sacking or copalletization. Containers of mail sorted in this manner are called ''merged 5-digit'' sacks or pallets. Containers of mail sorted in this manner for which scheme sortation is also performed are called ''merged 5-digit scheme'' sacks or pallets.

c. If sortation under this section is performed, merged 5-digit sacks or pallets must be prepared for all 5-digit ZIP Codes with an indicator in the City State Product that permits such preparation when there is enough volume for the 5-digit ZIP Code to prepare such a sack under 2.3 and 2.4 or 2.5 or such a pallet under 2.6 or 2.7. In addition, if mailers also choose to sort to L001, all possible merged 5-digit scheme sacks must be prepared under 2.5 or all possible merged 5-digit scheme and 5-digit scheme pallets must be prepared under 2.7.

d. Mailers must use the Carrier Route Indicators field in the City State Product to prepare the mailing and enter the mailing no later than 90 days after the release date of the City State Product used.

e. The pieces in the carrier route rate mailing, the automation rate mailing, and the Presorted rate mailing must be part of the same mailing job and all three mailings must be reported on the same postage statement or same consolidated postage statement.

f. Pieces in the automation rate mailing must meet the criteria for a flat under C050.3.2 and C820. Pieces in the Presorted rate mailing and the carrier route mailing must meet the criteria for a flat under C050.3.1.

g. The carrier route mailing must meet the eligibility criteria in E620, the automation rate mailing must meet the eligibility criteria in E640, and the Presorted rate mailing must meet the eligibility criteria in E620.

h. For sacked mailings, the rates for pieces in the carrier route mailing are based on the criteria in E620, the rates for pieces in the automation rate mailing are applied based on the number of pieces in the package and the level of package to which they are sorted under E640, and the rates for pieces in the Presorted rate mailing are based on the number of pieces in the package and the level of sack to which they are sorted under E620.

i. For palletized mailings, the rates are based on the level of package that the pieces are contained in under E620 and E640.

j. The packages from each separate mailing must be sorted together into sacks (co-sacked) under 2.3 and 2.4 or 2.5, or on pallets (copalletized) under 2.6 or 2.7 using presort software that is PAVE-certified or MAC-certified.

k. A complete, signed postage statement or consolidated postage statement, using the correct USPS form or an approved facsimile, must accompany each mailing job prepared under these procedures.

l. In addition to the applicable postage statement, documentation prepared by PAVE-certified or MAC-certified software must be submitted with each co-sacked or copalletized mailing job that describes for each sack sortation level and sack, or each pallet sortation level and pallet, the number of pieces qualifying for each applicable carrier route rate, each applicable automation

rate, and each applicable Presorted rate under P012.

m. Barcoded sack labels under M032 must be used to label sacks.

2.2 Package Preparation

Packages must be prepared as follows:

a. Sacked Mailings. The carrier route mailing must be packaged and labeled under M620. The automation rate mailing must be packaged and labeled under M820. The Presorted rate mailing must be packaged and labeled under M610.

b. Palletized Mailings. Packages and bundles placed on pallets must be prepared under the standards in M045.

2.3 Sacking Under 125-Piece or 15-Pound Rules

When the minimum quantity of 125-pieces or 15-pounds of mail is specified for a sack sortation level in 2.4, the provisions of M820.4.2 apply.

2.4 Sack Preparation and Labeling Without Scheme Sort

Mailers must prepare sacks containing the individual carrier route and 5-digit packages from the carrier route rate, automation rate, and Presorted rate mailings in the mailing job in the following manner and sequence. All carrier route packages must be placed in sacks under 2.4a through c as described below. When sortation under this section is performed, merged 5-digit sacks must be prepared for all 5-digit ZIP Codes with an indicator in the City State Product that permits such preparation when there is enough volume for the 5-digit ZIP Code to prepare such a sack under 2.4. Mailers must label sacks according to the Line 1 and Line 2 information listed below and under M032.

a. Carrier Route. Required. May only contain carrier route packages. Must be prepared when there are 125 pieces or 15 pounds of pieces for the same carrier route. Smaller volume not permitted.

(1) Line 1 labeling: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2 labeling: ''STD FLTS'' followed by ''ECRLOT,'' ''ECRWSH.'' or ''ECRWSS'' as applicable for basic, high density, and saturation rate mail, followed by the route type and number.

b. Merged 5–Digit. Required. Must be prepared only for those 5-digit ZIP Codes that have an indicator in the City State Product that allows carrier route packages to be co-containerized with automation rate 5-digit packages and Presorted rate 5-digit packages. May contain carrier route rate packages, automation rate 5-digit packages, and Presorted rate 5-digit packages. Must be prepared if there is at least one carrier route package for the 5-digit ZIP Code. If there is no carrier route package(s) for a 5-digit destination, must be prepared when there are at least 125 pieces or 15 pounds of pieces in 5-digit packages for the same 5-digit destination (smaller volume not permitted).

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''STD FLTS CR/5D.''

c. 5–Digit Carrier Routes. Required. May contain only carrier route packages for a 5-digit ZIP Code that could not be sacked under 2.4a and b. No sack minimum. All carrier route packages remaining after preparing sacks under 2.4a and b must be sacked to this level.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''STD FLTS CR–RTS.''

d. 5-Digit. Required. May only contain automation rate 5-digit packages and Presorted rate 5-digit packages. Must be prepared when there are at least 125 pieces or 15 pounds of pieces for the 5-digit ZIP Code. Smaller volume not permitted.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''STD FLTS 5D BC/NBC,'' except if there are no automation rate packages in the mailing job use ''STD FLTS 5D NON BC.''

e. Three-digit through Mixed ADC Sacks. Any 5-digit packages remaining after preparing sacks under 2.4a through d, and all 3-digit, ADC, and Mixed ADC packages, must be sacked and labeled according to the applicable requirements under M710.3.0 for co-sacking of automation rate and Presorted rate packages, except if there are no automation rate packages in the mailing job, sack and label under M610.

2.5 Optional Sack Preparation and Labeling With Scheme Sort

When mailers choose to prepare mail under this option they must prepare sacks containing the individual carrier route and 5-digit packages from the carrier route rate, automation rate, and Presorted rate mailings in the mailing job in the following manner and sequence. All carrier route packages must be placed in sacks under 2.5a through d as described below. When sortation under this section is performed, merged 5-digit scheme sacks and merged 5-digit sacks must be prepared for all possible 5-digit schemes or 5-digit ZIP Codes as applicable, using L001 (merged 5-digit scheme sort only) and the Carrier Route Indicators field in the City State Product when there is enough volume for the 5-digit scheme or 5-digit ZIP Code to prepare such sacks under 2.5. Mailers must label sacks according to the Line 1 and Line 2 information listed below and under M032.

a. Carrier Route. Required. May only contain carrier route packages. Must be prepared when there are 125 pieces or 15 pounds of pieces for the same carrier route. Smaller volume not permitted.

(1) Line 1 labeling: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2 labeling: ''STD FLTS'' followed by ''ECRLOT,'' ''ECRWSH.'' or ''ECRWSS'' as applicable for basic, high density, and saturation rate mail, followed by the route type and number.

b. Merged 5–Digit Scheme. Required. May contain carrier route packages for any 5-digit ZIP Code(s) in a single scheme listed in L001 as well as automation rate 5-digit packages and Presorted rate 5-digit packages for those 5-digit ZIP Codes in the scheme that are also identified in City State Product as eligible for co-containerization of carrier route packages and 5-digit packages. Must be prepared if there any carrier route packages for the 5-digit scheme. If there is not at least one carrier route package for any 5-digit destination in the scheme, preparation of this sack is required when there are at least 125 pieces or 15 pounds of pieces in 5-digit packages for any of the 5-digit ZIP Codes in the scheme that are identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages (smaller volume not permitted). For a 5-digit ZIP Code(s) in a scheme for which the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages, prepare a 5-digit sack(s) for the automation rate and Presorted rate packages under 2.5e. For 5-digit ZIP Codes not included in a scheme, prepare sacks under 2.5c through f.

(1) Line 1: use L001, Column B.

(2) Line 2: ''STD FLTS CR/5D SCH.''

c. Merged 5–Digit. Required. Must be prepared only for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that allows carrier route packages to be co-containerized with 5-digit packages. May contain carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages. Must be prepared if there are any carrier route packages for the 5-digit. If there is not at least one carrier route package for the 5-digit destination, must be prepared when there are at least 125 pieces or 15 pounds of pieces in 5-digit packages for the same 5-digit

destination (smaller volume not permitted).

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''STD FLTS CR/5D.''

d. 5-Digit Carrier Routes. Required. Contains only carrier route packages for a 5-digit ZIP Code that could not be sacked under 2.5a through c. No sack minimum. All carrier route packages remaining after preparing sacks under 2.5a through c must be sacked to this level.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''STD FLTS CR–RTS.''

e. 5-Digit. Required. May only contain automation rate 5-digit packages and Presorted rate 5-digit packages. Must be prepared when there are at least 125 pieces or 15 pounds of pieces for the 5-digit ZIP Code. Smaller volume not permitted.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: ''STD FLTS 5D BC/NBC,'' except if there are no automation rate packages in the mailing job use ''STD FLTS 5D NON BC.''

f. Three-digit through Mixed AADC Sacks. Any 5-digit packages remaining after preparing sacks under 2.5 a through e, and all 3-digit, ADC, and Mixed ADC packages, must be sacked and labeled according to the applicable requirements under M710.3.0 for co-sacking of automation rate and Presorted rate packages, except if there are no automation rate packages in the mailing job, sack and label under M610.

2.6 Pallet Preparation and Labeling Without Scheme (L001) Sort

Mailers must prepare pallets of packages and/or bundles in the manner and sequence listed below and under M041. When sortation under this option is performed, merged 5-digit pallets must be prepared for all 5-digit ZIP Codes with an indicator in the City State Product that permits such preparation when there is enough volume for the 5-digit ZIP Code to prepare such a pallet under 2.6. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

a. Merged 5-Digit. Required. May be prepared only for those 5-digit ZIP Codes with an indicator in the City State Product that permits carrier route packages to be co-containerized with automation rate 5-digit packages and Presorted rate 5-digit packages. May contain carrier route rate packages and bundles, automation rate 5-digit packages and bundles, and Presorted rate 5-digit packages and bundles.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS CR/5D.''

b. 5-Digit Carrier Routes. Required. May contain only carrier route rate packages and bundles for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS,'' followed by ''CARRIER ROUTES'' or ''CR–RTS.''

c. 5-Digit. Required. May contain automation rate 5-digit packages and bundles and automation rate 5-digit packages and bundles for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS 5D,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

d. 3-Digit. Optional. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column A.

(2) Line 2: ''STD FLTS 3D,'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if DSCF rates are claimed, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

e. SCF: Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column C

(2) Line 2: ''STD FLTS SCF;'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if DSCF rates are claimed; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

f. If DBMC rates are not claimed: Destination BMC. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles. Sort ADC packages and bundles to BMC pallets based on the ''label to'' ZIP Code shown for the ADC of the package or bundle in L004.

(1) Line 1: use L601.

(2) Line 2: ''STD FLTS BMC,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

g. If DBMC rates are claimed: Destination ASF/BMC. May contain carrier route rate, automation rate, and Presorted rate packages and bundles. Destination ASF sortation allowed and required only if DBMC rate is claimed for mail deposited at an ASF, otherwise sort to Destination BMC. Sort ADC packages and bundles to ASF/BMC pallets based on the ''label to'' ZIP Code shown for the ADC of the package or bundle in L004.

(1) Line 1: use L602.

(2) Line 2: ''STD FLTS,'' followed by ''ASF'' or ''BMC as applicable; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

2.7 Optional Pallet Preparation and Labeling With Scheme (L002) Sort

When mailers choose to prepare mail under this option they must prepare pallets of packages and/or bundles in the manner and sequence listed below and under M041. When sortation under this option is performed, mailers must prepare all merged 5-digit scheme, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001 and/or the City State Product as applicable. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

a. Merged 5-Digit Scheme. Required. May contain carrier route rate packages and bundles for all carrier routes in an L001 scheme as well as automation rate 5-digit packages and bundles and Presorted rate 5-digit packages and bundles for those 5-digit ZIP Codes in the scheme that also have an indicator in the City State Product that permits carrier route packages to be co-containerized with automation rate 5-digit and Presorted rate 5-digit packages. For 5-digit ZIP Codes in a scheme for which the indicator in the Carrier Route Indicators field does not allow co-containerization of carrier route and 5-digit packages, begin preparing pallets under 2.7b (5-digit scheme pallet). For 5-digit ZIP Codes not included in a scheme, begin preparing pallets for carrier route and 5-digit packages under 2.7c (merged 5-digit pallet).

(1) Line 1: labeling: use L001, Column B

(2) Line 2: ''STD FLTS CR/5D SCHEME.''

b. 5-Digit Scheme. Required. May contain 5-digit packages and bundles of automation rate and 5-digit Presorted rate mail for the same 5-digit scheme under L001 for ZIP Codes in the scheme that do not have an indicator in the City State Product that permits co-

containerization of carrier route packages and 5-digit packages.

(1) Line 1: use L001, Column B.

(2) Line 2: STD FLTS 5D,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail, followed by ''SCHEME'' or ''SCH.''

c. Merged 5-Digit. Required. May contain carrier route rate packages and bundles, automation rate 5-digit packages and bundles, and Presorted rate 5-digit packages and bundles for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that allows co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS CR/5D.''

d. 5-Digit Carrier Routes. Required. May contain only carrier route rate packages and bundles for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS,'' followed by ''CARRIER ROUTES'' or ''CR–RTS.''

e. 5-Digit. Required. May contain automation rate 5-digit packages and bundles and Presorted rate 5-digit packages and bundles for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS 5D,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

f. 3-Digit. Optional. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column A.

(2) Line 2: ''STD FLTS 3D,'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if DSCF rates are claimed, followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

g. SCF: Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column C

(2) Line 2: ''STD FLTS SCF;'' followed by ''DDU'' if DDU rates are claimed, followed by ''DSCF'' if DSCF rates are claimed; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

h. If DBMC rates are not claimed: Destination BMC. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles. Sort ADC packages and bundles to BMC pallets based on the ''label to'' ZIP Code shown for the ADC of the package or bundle in L004.

(1) Line 1: use L601.

(2) Line 2: ''STD FLTS BMC,'' followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail, and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

i. If DBMC rates are claimed: Destination ASF/BMC. May contain carrier route rate, automation rate, and Presorted rate packages and bundles. Destination ASF sortation allowed and required only if DBMC rate is claimed for mail deposited at an ASF, otherwise sort to Destination BMC. Sort ADC packages and bundles to ASF/BMC pallets based on the ''label to'' ZIP Code shown for the ADC of the package or bundle in L004.

(1) Line 1: use L602.

(2) Line 2: ''STD FLTS,'' followed by ''ASF'' or ''BMC'' as applicable; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

M800 All Automation Mail

* * * * *

M820 Flat-Size Mail

1.0 BASIC STANDARDS

[Revise the heading and contents of 1.9 to provide for preparation under M710 to read as follows:]

1.9 Co-Traying, Co-Sacking, or Co-Palletizing With Presorted Rate Mail

Packages prepared under M820 1.0 through 4.0 may be co-trayed or co-sacked with Presorted rate mail that is part of the same mailing job and mail class at all levels of tray or sack under the provisions of M710.

[Add new 1.10 to provide for preparation under M720 to read as follows:]

1.10 Merged Containerization With Carrier Route and Presorted Rate Mail

Under M720, 5-digit automation rate packages prepared under M820.1.0, M820.3.0 and M820.4.0 may be co-sacked or copalletized with both carrier route rate packages and 5-digit Presorted rate packages in merged 5-digit sacks or pallets, or in merged 5-digit scheme sacks or pallets, for those 5-digit ZIP Codes with an indicator in the Carrier Route Indicators field of the City State Product that shows such combination is permissible. Packages co-sacked or copalletized under M720 must be part of the same mailing job and mail class.

P012 Documentation

2.0 STANDARDIZED DOCUMENTATION—FIRST-CLASS MAIL, PERIODICALS, AND STANDARD MAIL (A)

2.4 Sortation Level

[Amend 2.4 by adding new indicator ''M5D'' to identify merged 5-digit sacks and pallets, by adding new indicator ''M5DS'' to identify merged 5-digit scheme sacks and pallets, and by adding ''and pallets'' to the description of the sortation level for 5-digit scheme carrier routes to read as follows:]

The actual sortation level (or corresponding abbreviation) is used for the package, tray, sack, or pallet levels required by 2.2 and shown below:

Sortation level	Abbreviation
* * *	* *
5-Digit Scheme Carrier Routes (sacks and pallets, Periodicals flats and irregular parcels, Standard Mail (A) flats).	CR5S
* * *	* *
Merged 5-Digit (sacks and pallets, Periodicals flats and irregular parcels, Standard Mail (A) flats).	M5D
Merged 5-Digit Scheme (sacks and pallets, Periodicals flats and irregular parcels, Standard Mail (A) flats).	M5DS

2.5 Combined, Copalletized, and Merged Mailings

[Amend 2.5 by amending the heading and by replacing ''M045'' with ''M045 and M720'' in the first sentence to read as follows:]

* * * * *

An appropriate amendment to 39 CFR 111.3 will be published to reflect these changes if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–4535 Filed 2–28–00; 8:45 am]

BILLING CODE 7710–12–P

Notices

Federal Register

Vol. 65, No. 40

Tuesday, February 29, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation will meet on Friday, March 10, 2000. The meeting will be held in the Horizon Room, Pointe Hilton Hotel at Squaw Peak, 7677 North Sixteenth Street, Phoenix, Arizona, beginning at 8:30 a.m.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470) to advise the President and the Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertaking having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Housing and Urban Development, and Transportation; the Administrators of the Environmental Protection Agency and General Services Administration; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor; a Native Hawaiian; and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

I. Chairman's Welcome
II. Chairman's Report
III. Millennium Discussion
  A. Follow up from Thursday's Discussion at Agua Fria National Monument—Action
  B. Council Millennium Report on Federal Stewardship: Outline of Proposed Recommendations—Discussion
  C. Proposed Executive Order on Federal Stewardship: Conceptual Outline—Action
IV. Proposed Council Policy Regarding Tribal Relations—Action
V. Executive Director's Report
VI. New Business
  Proposal to Recognize Federal Preservation Policy Leaders—Action
VII. Adjourn

Note: The meetings of the Council are open to the public. If you need special accommodations due to a disability, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., Room 809, Washington, D.C., 202–606–8503, at least seven (7) days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., #809, Washington, DC 20004.

Dated: February 22, 2000.

John M. Fowler,

Executive Director.

[FR Doc. 00–4665 Filed 2–28–00; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 23, 2000.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Application for Prospecting Permit.

OMB Control Number: 0596–0089.

Summary of Collection: The Application for Prospecting Permit, Form FS–2800–14, was developed by Region 1, Forest Service (FS) to obtain better information from applicants requesting permits to conduct geophysical activities on National Forest System lands. These activities are authorized according to 36 CFR Subpart E 228.100 and 228.101 for operations on a lease, 36 CFR 251 Subpart B for operations off a lease, and 36 CFR 251.15 for operations on reserved mineral rights. Geophysical operations are conducted to better understand the Earth's geology and mineral resources. Use of the form will ensure that a complete, concise, site-specific, description of all proposed geophysical activity is obtained. It will ensure timely and effective review and decision-making in compliance with the National Environmental Policy Act (NEPA; 42 USC 452–4347).

Need And Use Of The Information: FS collects the applicant name, address, and company project name and similar information about the geophysical contractor. The information is used by FS to ensure a thorough, accurate, and timely review of the proposed geophysical activity. If complete and accurate information is not collected the environmental analysis and related NEPA documents may be incomplete; permit issuance may be delayed; and, recordkeeping may be incomplete.

Description of Respondents: Business or other for-profit; Non-for-profit institutions.

Number of Respondents: 25.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 6.

Emergency approval has been requested by February 14, 2000.

Forest Service

Title: Recreation Fee Permit Envelope.

OMB Control Number: 0596–0106.

Summary of Collection: The Land and Water Conservation Fund Act of 1965, section 4(b), and Forest Service regulations at Title 36, Code of Federal Regulations (CFR), section 291.2 authorize the collection of fees at some of the National Forest and Grassland recreation sites. Every year millions of people visit National Forest System recreations sites. At some of these sites, the public is required to pay a fee to use the site. Fees are charged to cover, as nearly as possible, the costs of operating and maintaining fee sites, areas, and facilities such as campgrounds. The Forest Service (FS) used the Recreation Fee Permit Envelope for collection of these fees. The fee envelope is also used as a tool to collect information from visitors who will assist the FS in improving its facilities and services for future visitors.

Need and use of the Information: FS will collect information to be used for two purposes; First, the information pertaining to the fee (site number, length of stay, amount paid, etc.) will be used to verify the visitor has complied with the fee requirements. Second, visitors will be given the opportunity to provide comments about their visit, the condition of the facilities, and how the FS can improve services to the public. If a visitor elects not to complete the information related to the fee, there will be no way to verify they have paid the required fee.

Description of Respondents: Individuals or households; business or other for-profit; not-for-profit institutions.

Number of Respondents: 500,000.

Frequency of Responses: Reporting: Other (per visit).

Total Burden Hours: 20,000.

Rural Utilities Service

Title: Request for Approval to Sell Capital Assets.

OMB Control Number: 0572–0020.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA). It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. In addition to providing loans and loan guarantees, one of RUS' main objectives is to safeguard loan security until the loan is repaid. Accordingly, RUS manages loan programs in accordance with the Rural Electrification Act of 1936, 7 U.S.C. 901 *et. seq.,* as amended, (RE ACT) and as prescribe by Office of Management and Budget (OMB) Circular A–129, Policies for Federal Credit Programs and Non-Tax Receivables, which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance. RUS will collect information using form RUS 369.

Need and use of the Information: RUS will collect information to determine whether or not the agency should approve a sale and also to keep track of what property exists to secure the loan. If the information in Form 369 is not collected when capital assets are sold, the capital assets securing the Government's loans could be liquidated and the Government's security either eliminated entirely or diluted to an undesirable level.

Description of Respondents: Not-for-profit institutions; business or other for-profit.

Number of Respondents: 5.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 15.

Rural Utilities Service

Title: Review Rating Summary.

OMB Control Number: 0572–0025.

Summary of Collection: The Rural Utilities Service (RUS) manages loan programs in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.,* as amended. An important part of safeguarding loan security is to see that RUS financed facilities are being responsible used, adequately operated, and adequately maintained. Future needs have to be anticipated to ensure that facilities will continue to produce revenue and that loans will be repaid as required by the RUS mortgage. RUS will collect information using form 300 Review Rate Summary.

Need and Use of the Information: RUS will collect information to identity items that may be in need of additional attention; to plan corrective actions when needed; to budget funds and manpower for needed work; and to initiate ongoing programs as necessary to avoid or minimize the need for ''catch-up'' programs.

Description of Respondents: Not-for-profit institutions; Business or other for-profit;

Number of Respondents: 253.

Frequency of Responses: Reporting: On occasion; other (once every 3 years).

Total Burden Hours: 1,012.

Rural Housing Service

Title: 7 CFR 1951–E, ''Servicing of Community and Direct Business Programs Loans and Grants''.

OMB Control Number: 0575–0066.

Summary of Collection: Rural Development (including Farm Credit Programs of the Farm Service Agency), hereinafter referred to as Agency, is the credit agency for agricultural and rural development for the Department of Agriculture. The Agency offers supervised credit to build and operate family farms, modest housing, water and sewer systems, essential community facilities, and business and industrial operations in rural areas. Section 331 and 335 of the Consolidated Farm and Rural Development Act, as amended, authorize the Secretary of Agriculture, acting through the Agency, to establish provisions for security servicing policies for the loans and grants questions. If there is a problem which exits, a recipient of the loan, grant, or loan guarantee must furnish financial information which is used to aid in resolving the problem through reamortization, sale, transfer, debt restructuring, liquidation, or other means provided in the regulations. The Rural Housing Service (RHS) will collect information using forms RD 1951–15 and 1951–33.

Need and Use of the Information: RHS will collect information to determine applicant/borrower eligibility and project feasibility for various servicing actions. The information enables field staff to ensure that borrowers operate on a sound basis and use loan and grant funds for authorized purposes.

Description of Respondents: State, Local or Tribal Government; not-for-profit institutions.

Number of Respondents: 78.

Frequency of Respondents: Reporting: On occasion.

Total Burden Hours: 118.

Forest Service

Title: Bid For Advertised Timber.

OMB Control Number: 0596–0066.

Summary of Collection: Individuals, large and small businesses, and corporations who wish to purchase timber of forest products from the National Forest must enter into a timber sale contract or Forest product contract with the Forest Service (FS).

Information must be collected by FS in order to ensure that: National Forest System timber is sold at not less than appraised value; bidders meet specific criteria when submitting a bid; and anti-trust violations do not occur during the bidding process. Several statutes, regulations, and policies impose requirements on the Government and purchases in the bidding process. The FS will collect information using forms FS–2400–42a and FS–2400–14.

Need and Use of the Information: FS will collect information to determine bid responsiveness. The sale officer will ensure: the bidder has signed the bid form; provided a tax identification number; completed the unit rate, weighed average, or total sale value bid; entered the bid guarantee amount, type, and ensure the bid guarantee is enclosed with the bid, the bidder has provided the required information concerning Small Business Administration size and Equal Opportunity compliance on previous sale. The Timber Sale Contracting Officers will use the information to complete the contract prior to award to the highest bidder. Failure to include the required information may result in the bid being declared non-responsive or the Contracting Officer may be unable to make an affirmative finding of purchaser responsibility and not able to award the contract.

Description of Respondents: Business or other for-profit; individuals or households.

Number of Respondents: 5,500.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 38,672.

Farm Service Agency

Title: End-Use Certificate Program.

OMB Control Number: 0560–0151.

Summary of Collection: Public Law 103–181, Section 321(f) of the North American Free Trade Agreement Implementation Act mandates that the Secretary of Agriculture shall implement, in coordination with the Commissioner of Customs, a program requiring that end-use certificates be included in the documentation covering the entry into the United States of any wheat originating from Canada.

Need and Use of the Information: The end-use certificate program was designed to ensure that Canadian wheat does not benefit from USDA or CCC-assisted export program. The information collected on the end-use certificate is used in conjunction with USDA's domestic origin compliance review process during quarterly audits of contractors involved in foreign food assistance programs. The form FSA–750 ''End-Use Certificate for Wheat'' is used by approximately 200 importers of Canadian wheat to report entry into the United States. Approximately 225 millers, exporters, and other users of Canadian wheat to report final disposition of Canadian wheat in the United States use the FSA–751 ''Wheat Consumption and Resale Report''.

Description of Respondents: Business or other for-profit farms.

Number of Respondents: 421.

Frequency of Responses: Reporting: On occasion; quarterly.

Total Burden Hours: 4,520.

William McAndrew,

Departmental Clearance Officer.

[FR Doc. 00–4765 Filed 2–28–00; 8:45 am]

BILLING CODE 3410–01–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled a public hearing and its regular business meetings to take place in Arlington, Virginia on Monday and Wednesday, March 13 and 15, 2000, at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, March 13, 2000

9:30 a.m.–5:00 p.m. Public Hearing on Americans with Disabilities Act/ Architectural Barriers Act Accessibility Guidelines

Wednesday, March 15, 2000

9:00 a.m.–10:00 a.m. Planning and Budget Committee
10:00 a.m.–11:00 a.m. Technical Programs Committee
11:00 a.m.–Noon Executive Committee
1:30 p.m.–3:30 p.m. Board Meeting

ADDRESSES: The meetings will be held at the Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434, ext. 14 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items.

- Executive Director's Report
- Approval of the Minutes of the September 15, 1999 Board Meeting
- Executive Committee Report—Standard-Setting Agencies on Actions to Update Their Standards and Process for Reviewing Board's Goals
- Planning and Budget Committee Report—Rulemaking Plan, Fiscal Year 2000 Spending Plan, and Status of Work on the Agency Goals
- Technical Programs Committee Report—Status Report on Research and Technical Assistance Projects
- Election of Officers

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 00–4767 Filed 2–28–00; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DoC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Patent and Trademark Office (PTO).

Title: Public Key Infrastructure (PKI) Certificate Action Form.

Form Number: PTO–2042.

OMB Approval Number: None.

Type of Request: New collection.

Burden Hours: 5,000 hours per year.

Number of Respondents: 10,000 responses per year.

Average Hours per Response: The PTO estimates that it takes approximately 20 minutes for registered attorneys and 30 minutes for independent (Pro se) inventors to read the instructions, gather the necessary information, complete the form, read and sign the subscriber's agreement, read and sign any necessary user licenses, and submit the form and agreements to the PTO. The extra ten minutes accounts for the requirement for independent inventors to take two forms of identification to a notary and have the form notarized.

Needs and Uses: In order to access patent application information through the Patent Application Information Retrieval (PAIR) system and to take

advantage of electronic filing for the patent applications, applicants will need to obtain a digital certificate. PTO Form PTO–2042 was created for this purpose. Applicants can also use this form to request revocation of a digital certificate or to initiate proceedings for key recovery. In addition to the information collected from this form, the PTO also needs to ensure that applicants understand the regulations governing the use of the digital certificate and the software which creates and validates the encryption keys that is provided to the applicant. A subscriber agreement detailing the customer's obligations is also included with the form, in addition to a user's license for the PTO-provided software that customers load onto their computers. The public uses the PKI Certificate Action form (including the subscriber's agreements and the user licenses) to apply for a digital certificate or to request that the PTO revoke the certificate or initiate key recovery procedures. The subscriber's agreement and the user's license for the Entrust software are used by the public to acknowledge acceptance of the regulations, terms, and conditions governing the digital certificates and the Entrust software. The PTO uses these forms to issue digital certificates, to forward the Entrust software to the appropriate client, and to inform the public of the limitations on their right to use the software. The PTO considers the subscriber's agreement to be a legal binding document which demonstrates that the applicant has read the regulations governing the use of the digital certificate and agrees to abide by these regulations. The PTO uses the data collected from these forms to create the unique name that is needed to create the encryption keys and to communicate with the customer regarding the granting of the certificate and the distribution of the client software.

Affected Public: Individuals or households, businesses or other for-profit, not-for-profit institutions, farms, Federal, state, local, or tribal governments.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Peter Weiss, (202) 395–3630.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Departmental Forms Clearance Officer, (202) 482–3272, Office of the Chief Information Officer, Department of Commerce, Room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication to Peter Weiss, OMB Desk Officer, Room 10236, New Executive Office Building, 725 17th Street, NW, Washington, D.C. 20503.

Dated: February 24, 2000.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–4730 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Office of the General Counsel; Abusive Domain Name Registrations Involving Personal Names; Request for Public Comments on Dispute Resolution Issues Relating to Section 3002(b) of the Anticybersquatting Consumer Protection Act

AGENCY: Department of Commerce.

ACTION: Notice and request for public comments.

SUMMARY: The Department of Commerce requests written comments from any interested member of the public on the resolution of Internet domain name disputes involving the personal names of individuals. On November 29, 1999, President Clinton signed into law (as incorporated into Public Law 106–113) the ''Anticybersquatting Consumer Protection Act'' (or ''Act''). Generally, the Act is intended to protect the public from acts of Internet ''cybersquatting,'' a term used to describe the bad-faith, abusive registration of domain names, and section 3002(b) in particular contains a prohibition on certain acts of cybersquatting that involve the personal names of living persons.

Section 3006 of the Anticybersquatting Consumer Protection Act directs the Secretary of Commerce, in consultation with the Patent and Trademark Office and the Federal Election Commission, to conduct a study and report to Congress with recommendations on guidelines and procedures for resolving disputes involving personal names, the subject of section 3002(b). The required report is due to Congress no later than 180 days after enactment of the Act. This **Federal Register** notice is intended to solicit comments from interested parties for consideration by the Department of Commerce as it prepares the required report. The specific questions posed by section 3006 of the Act are reprinted in the portion of this notice called ''Supplemental Information.''

DATES: Written comments must be received by March 30, 2000.

ADDRESSES: Please address written comments to: Department of Commerce, Room 5876; 14th & Constitution Avenues, NW; Washington, DC 20230, marked as ''Public Comments'' to the attention of Sabrina McLaughlin, Office of General Counsel. If possible, paper submissions should be accompanied by disks formatted in WordPerfect, Microsoft Word, or ASCII. As an alternate means of submission, comments may be transmitted by facsimile to Sabrina McLaughlin at (202) 482–0512. Electronic submissions may be directed to DomainName@doc.gov. Any accompanying diskettes should be labeled with the name of the party submitting comment and the version of the word processing program used to create the document.

FOR FURTHER INFORMATION CONTACT: Sabrina McLaughlin by telephone at (202) 482–4265, by mail to her attention addressed to Department of Commerce, Room 5876; 14th & Constitution Avenues, NW; Washington, DC 20230, or by electronic mail at DomainName@doc.gov.

SUPPLEMENTARY INFORMATION: Section 3002(b) of the Anticybersquatting Consumer Protection Act (Public Law 106–113) creates the following protection for the domain names [1] of individuals:

(b) CYBERPIRACY PROTECTIONS FOR INDIVIDUALS—

(1) IN GENERAL—

(A) CIVIL LIABILITY—Any person who registers a domain name that consists of the name of another living person, or a name substantially and confusingly similar thereto, without that person's consent, with the specific intent to profit from such name by selling the domain name for financial gain to that person or any third party, shall be liable in a civil action by such person.

(B) EXCEPTION—A person who in good faith registers a domain name consisting of the name of another living person, or a name substantially and confusingly similar thereto, shall not be liable under this paragraph if such name is used in, affiliated with, or

[1] Domain names are a crucial component of the online world, and yet many online users may not know by what technical device even new computer users tend to easily navigate the Internet. A domain name functions much like a cyberspace address book.

Domain names are the familiar and easy-to-remember names for Internet computers that map to Internet Protocol (IP) numbers, which, in turn, serve as routing addresses on the Internet. The domain name system translates Internet names into the IP numbers needed for transmission of information across the network. See June 5, 1998 Statement of Policy on the Management of Internet Names and Addresses, also known as the ''White Paper'' at *http://www.ntia.doc.gov/ntiahome/domainanme/6__5__98dns.htm.*

related to a work of authorship protected under title 17, United States Code, including a work made for hire as defined in section 101 of title 17, United States Code, and if the person registering the domain name is the copyright owner or licensee of the work, the person intends to sell the domain name in conjunction with the lawful exploitation of the work, and such registration is not prohibited by a contract between the registrant and the named person. The exception under this subparagraph shall apply only to a civil action brought under paragraph (1) and shall in no manner limit the protections afforded under the Trademark Act of 1946 (15 U.S.C. 1051 et seq. or other provision of Federal or State law.

(2) REMEDIES—In any civil action brought under paragraph (1), a court may award injunctive relief, including the forfeiture or cancellation of the domain name or the transfer of the domain name to the plaintiff. The court may also, in its discretion, award costs and attorneys fees to the prevailing party.

The Internet has grown exponentially from its humble origins as a tool for researchers and scientists. As more and more people are using the Internet for business or recreational purposes, domain names have taken on increased significance as valuable Internet locators. Online users have become accustomed to being able to guess the domain name of a company or entity, with a good degree of success. For example, in the shorthand of domain names, ''the Department of Commerce'' (or DoC) translates into the domain name ''doc.gov''. Businesses and other entities rely on this ''seeking tendency'' of online users to establish domain names that are valuable to businesses because the names are predictable to users. However, the sheer number of domain names in use on the Internet today means that an organization may find that their desired domain name has already been registered by another party.

The Anticybersquatting Consumer Protection Act provides a minimalist, predictable legal framework to address domain name disputes that can result when different parties compete for the right to register an identical name. It is not meant to override, but instead facilitate other domain name dispute resolution mechanisms such as those recognized by the Internet Corporation for Assigned Names and Numbers (ICANN), the not-for-profit organization responsible for domain name management. On October 24, 1999, ICANN approved rules for an inexpensive, online alternative to litigation in the form of its uniform dispute resolution policy (UDRP). Under this UDRP, disputes alleged to arise from abusive registrations of domain names may be addressed by expedited administrative proceedings. Additional details about the ICANN policy may be found at *http://www.icann.org/udrp/udrp.htm*.

Many domain name disputes are the subject of court actions brought under federal trademark law (more precisely, under the Lanham Act) because the commercially valuable asset that is in dispute is a brand or other mark traditionally protected by trademark law. See, e.g., *Intermatic Inc.* v. *Toeppen*, 947 F. Supp. 1227, 1228–29 (N.D. Ill. 1996) (adopting the report and recommendation of the Magistrate and adding, ''by applying the law of trademarks to the Internet, [the Magistrate Judge] strikes an appropriate balance between trademark law and the attendant policy concerns raised by defendant''), subsequent proceeding 1998 U.S. Dist. LEXIS 15431 (N.D. Ill. 1998). By definition, a trademark is either a word, phrase, symbol or design, or combination of words, phrases, symbols or designs, which identifies and distinguishes the source of the goods or services of one party from those of others. A service mark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. See 15 U.S.C. § 1127.

The basic theories of trademark law that apply to non-personal name domain disputes provide some basis for addressing the problem of abusive domain name registration involving personal names. In traditional court cases of trademark infringement, the complaining party must show that the infringing use causes a ''likelihood of confusion.'' 15 U.S.C. 1114. This concept suggests that the harm suffered by the litigating plaintiff is one of deception. Trademarks serve an identifying function. By leading the consumer to think that a product originates from a source that it does not, an infringer is able to divert sales into his own pockets. A court's determination of whether there has been a likelihood of confusion turns on such factors as: (1) the area of concurrent sale, (2) the extent to which the products or services are related, (3) the extent to which the mark and the alleged infringing name are similar, (4) the strength or novelty of the plaintiff's mark, (5) evidence of bad faith or intention on the part of the defendant in selecting and using the disputed name with a view to obtaining some advantage from the goodwill that the plaintiff has built, and (6) evidence of actual confusion. See *Chopra* v. *Kapur*, 185 U.S.P.Q. 195, (N.D. Cal. 1974).

Dilution'' is another available cause of action under the Lanham Act. The term ''dilution'' means the lessening of the capacity of a famous mark to identify and distinguish goods or services...''. 15 U.S.C. 1127. The section of the Lanham Act that provides for remedies in cases involving the dilution of famous marks may also be illuminating as a basis for personal name domain name protection. 15 U.S.C. 1125.

Finally, the claim of ''unfair competition'' may be invoked in domain name disputes in which the trademark at issue has not been federally registered. Unfair competition is a commercial tort that evades precise definition. 1 J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition § 1.03 (3d ed. 1995). Courts have variously described the tort as one that exists ''[w]hen competition is engaged in beyond the boundaries of fair play'' or as a test that occurs if ''defendants have damaged plaintiff's legitimate business interest through acts which equity would consider unfair.'' *Johnson & Johnson* v. *Quality Pure Manufacturing, Inc.*, 484 F. Supp. 975 (D.C.N.J. 1979); and *Reinforced Earth Co.* v. *Neumann*, 201 U.S.P.Q. 205 (D.C. Md. 1978), respectively. Some states treat the unauthorized commercial use of another's identity as a form of unfair competition under a version of the theory of a ''right of publicity.'' Importantly, the right of publicity only exists as a concept under the common law or statutory laws of certain states; there is no parallel on the federal level.

The Anticybersquatting Consumer Protection Act provides for federal protection against the unauthorized use of personal names as domain names by individuals with a ''specific intent'' to profit from such name by selling the domain name for financial gain to that person or any third party. In passing this Act, Congress concluded that some form of federal protection was necessary to prevent acts of abusive domain name registration involving personal names. As a part of the legislation, Congress also directed the Department of Commerce, in consultation with the Patent and Trademark Office and the Federal Election Commission, to study and to recommend to Congress appropriate ''guidelines and procedures for resolving disputes involving the registration or use by a person of a domain name that includes the personal name of another person, in whole or in part, or a name confusingly similar thereto.'' In the required report that the Department of Commerce must prepare, the Department is being asked whether the protections afforded by the Anticybersquatting Consumer Protection Act are sufficient to address the problem. More specifically, section

3006 of the Act asks the Department to consider and to recommend guidelines and procedures for:

(1) protecting personal names from registration by another person as a second level domain name [2] for purposes of selling or otherwise transferring such domain name to such other person or any third party for financial gain;

(2) protecting individuals from bad faith uses of their personal names as second level domain names by others with malicious intent to harm the reputation of the individual or the goodwill associated with that individual's name;

(3) protecting consumers from the registration and use of domain names that include personal names in the second level domain in matters which are intended or are likely to confuse or deceive the public as to the affiliation, connection, or association of the domain name registrant, or a site accessible under the domain name, with such other person, or as to the origin, sponsorship, or approval of the goods, services, or commercial activities of the domain name registrant;

(4) protecting the public from registration of domain names that include the personal names of government officials, official candidates, and potential official candidates for Federal, State, or local political office in the United States, and the use of such domain names in a manner that disrupts the electoral process or the public's ability to access accurate and reliable information regarding such individuals;

(5) existing remedies, whether under State law or otherwise, and the extent to which such remedies are sufficient to address the considerations described in paragraphs (1) through (4); and

(6) the guidelines, procedures, and policies of the Internet Corporation for Assigned Names and Numbers and the extent to which they address the considerations described in paragraphs (1) through (4).''

So that the Department of Commerce can examine the full range of laws, policies, and regulations that may apply and may lend themselves to use in resolving personal name disputes, we are asking for public comments and input.

We note that on November 5, 1999, the Federal Election Commission printed in the **Federal Register** a Request for Comments on the Use of the Internet for Campaign Activity. Specifically, the Federal Election Commission asked for public comments ''in order to assess the applicability of the Federal Election Campaign Act and the Commission's current regulations to Internet activity.'' Notice of Inquiry and Request for Comments, 64 FR 60,360 (1999). Both the Federal Election Commission Request, and the responding comments, may be read at the Commission's Web site at *http://www.fec.gov/internet.html*. In the interests of focusing this Request for Comments, we would welcome public submissions on the use of the Internet for campaign activity only as such submissions relate to the more limited, fourth prong of the Act's study requirements.

Scope of this Request

Section 3006 of the ''Anticybersquatting Consumer Protection Act'' asks the Department of Commerce to study and recommend appropriate guidelines and procedures for dispute resolution in cases involving cyberpiracy of personal names. Information collected from responses to this **Federal Register** Notice will be considered when the Department of Commerce prepares the required report to Congress.

Therefore, we welcome comments that address the non-exhaustive list of laws presented in the supplemental information section, comments that assess the suitability of these laws for use in the context of abusive domain name registration of personal names, and suggestions of other frameworks that may be useful in considering approaches to resolution of personal name domain disputes. Respondents are also asked to provide comments on the degree to which the ICANN UDRP satisfactorily handles domain name disputes involving personal names. Comment is also invited concerning any legal or Constitutional issues raised by any new guidelines or procedures as they relate to personal name disputes, separate and apart from the legislative foundation established by the Anticybersquatting Consumer Protection Act.

More generally, we would be interested in comments and suggestions on the form that any new guidelines or procedures should take, and the degree to which additional protection may or may not be needed in this area. We encourage respondents to consider the extent to which individuals would avail themselves of protections offered in this area and to consider whether the appeal of such protections would be limited to only high-profile or famous individuals. Respondents should also consider the logistical problems that may attend implementation of new guidelines in this area, particularly as these problems relate to the current system of domain name registration. We would also like to hear comments from respondents with personal experience in unauthorized commercial appropriation involving a personal name.

Please be aware that all comments received pursuant to a solicitation for public comment are treated as public information. Respondents should not submit materials that they do not desire to be made public.

Dated: February 24, 2000.

Andrew J. Pincus,

General Counsel, Department of Commerce.

[FR Doc. 00–4857 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–BW–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Commerce.

ACTION: To Give Firms an Opportunity to Comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 01/20/2000–02/17/2000

Firm name	Address	Date petition accepted	Product
Hampton Research & Engineering, Inc	2670 West I–40 Oklahoma City, OK 73108.	24–Jan–2000	Dental equipment and supplies.

[2] A second level domain name is that part of the Internet address before the .com, .net, .org, or other generic top-level domain open for registration. For example, if the domain name is JaneDoe.com, the term ''JaneDoe'' is the second-level domain and the term ''.com'' is the top-level domain. (Footnote not in the original)

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 01/20/2000–02/17/2000—Continued

Firm name	Address	Date petition accepted	Product
Pennsylvania Machine Work, Inc	100 Bethel Road Aston, PA 19014	24–Jan–2000	Forged steel and alloy industrial pipe fittings.
Water Color Graphics, Inc	252 Bethlehem Pike Colmar, PA 18915.	02–Feb–2000	Water based inks.
Thompson Industries, Inc	4260 Arkansas Avenue, S. Russellville, AR 72802.	02–Feb–2000	Pressure treated lumber, posts and poles and ties and guardrails.
Dares Corporation	220 East Hersey St. Ashland, OR 97520.	03–Feb–2000	Sharpening machines and grinding wheels.
Osprey Packs, Inc	115 Progress Circle Cortez, CO 81321	03–Feb–2000	Backpacks of man-made fiber.
Pallets, Inc	99 1/2 East Street, Fort Edward, NY 12828.	04–Feb–2000	Wood pallets used to transport goods.
Rockford Powertrain, Inc	1200 Windsor Road Rockford, IL 61111.	04–Feb–2000	Torque converters, clutches and universal joints.
Dixie Packaging, Inc	915 Tanner Road Taylors, SC 29602	16–Feb–2000	Plastic bags made from polypropylene film.
Splash Marine, Inc	135 NE 38th Terrace Oklahoma City, OK 73105.	16–Feb–2000	Boats of reinforced plastic.
K & F Electronics, Inc	33041 Groesbeck Fraser, MI 48026	16–Feb–2000	Printed circuit boards.
McElroy Company, Inc	411 7th Street Snyder, OK 73566	16–Feb–2000	Trailers for agricultural use.
Twinplex Manufacturing Co	840 Lively Boulevard Wood Dale, IL 60191.	17–Feb–2000	Tubes and shells, drawn of alloy steel for consumer batteries, automotive, appliances, electronics, military ammunition and industrial applications.
Watangaa Inc., d.b.a. Coyote Found Candles.	31 Workman Street, Port Townsend, WA 98368.	17–Feb–2000	Candles.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: February 17, 2000.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 00–4719 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–815 (alloy), C–122–815 (pure)]

Alloy Magnesium and Pure Magnesium From Canada; Preliminary Results of Full Sunset Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Full Sunset Reviews: Alloy Magnesium and Pure Magnesium from Canada.

SUMMARY: On August 2, 1999, the Department of Commerce (''the Department'') initiated sunset reviews of the countervailing duty orders on alloy magnesium and pure magnesium from Canada (64 FR 41915) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate filed on behalf of the domestic industry and substantive comments filed on behalf of the domestic industry and respondent interested parties, the Department is conducting a full review. As a result of this review, the Department preliminarily finds that revocation of the countervailing duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the Preliminary Results of Reviews section of this notice.

EFFECTIVE DATE: February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Darla D. Brown or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, Washington, D.C. 20230; telephone: (202) 482–3207 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*'') and in 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

On August 2, 1999, the Department initiated sunset reviews of the countervailing duty orders on alloy magnesium and pure magnesium from

Canada (64 FR 41915), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of the Magnesium Corporation of America (''Magcorp'') on August 13, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. Pursuant to 19 U.S.C. 1677(9)(C), Magcorp claimed interested party status as a domestic producer of the subject merchandise. Moreover, Magcorp stated that it was a petitioner in the original countervailing duty investigations and has participated in all of the administrative reviews conducted by the Department. The Department received a complete substantive response from Magcorp on September 1, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i).

The Department also received a complete substantive response on behalf of NHCI on September 1, 1999, within the deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). NHCI claimed interested party status under 19 U.S.C. 1677(9)(A) as a manufacturer and exporter of the subject merchandise to the United States. In its substantive response, NHCI stated that it participated in the original investigation and all of the subsequent administrative reviews.

In addition, the Department received a substantive response on behalf of the Government of Quebec (''GOQ'') on September 1, 1999, within the deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). The GOQ claimed interested party status under 19 U.S.C. 1677(9)(B) as a provincial government of the country in which the subject merchandise is produced and from which it is exported. The GOQ also claimed interested party status under 19 U.S.C. 1677(3), as a political subdivision of Canada and, therefore, the ''country'' of Canada, where the subject merchandise is produced and from which it is exported.

The Department determined that NHCI's and the GOQ's responses constituted an adequate response to the notice of initiation. As a result, the Department determined, in accordance with section 351.218(e)(2) of the *Sunset Regulations*, to conduct full (240 day) reviews.[1]

On September 13, 1999, the Department received rebuttal comments from Magcorp NHCI, and the GOQ.[2]

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). On November 30, 1999, the Department determined that the sunset reviews of the countervailing duty orders on alloy magnesium and pure magnesium from Canada are extraordinarily complicated pursuant to section 751(c)(5)(C)(v) of the Act, and extended the time limit for completion of the preliminary results of these reviews until not later than February 18, 2000, in accordance with section 751(c)(5)(B) of the Act.[3]

Scope

The products covered by these orders are pure magnesium and alloy magnesium from Canada. Pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight with magnesium being the largest metallic element in the alloy by weight, and are sold in various ingot and billet forms and sizes. The merchandise is currently classifiable under items 8104.11.0000 and 8104.19.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope remains dispositive. Secondary and granular magnesium are not included in the scope of these orders.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to these sunset reviews are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Robert S. LaRussa, Assistant Secretary for Import Administration, dated February 18, 2000, which is hereby adopted and incorporated by reference into this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of a countervailable subsidy, the net countervailable subsidy likely to prevail were the orders revoked, and the nature of the subsidy. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import—admin/records/frn/, under the heading ''Canada.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

Preliminary Results of Reviews

As a result of these reviews, the Department preliminarily finds that revocation of the countervailing duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy is 1.84 percent *ad valorem* for NHCI and 4.48 percent *ad valorem* for ''all others.'' Timminco, which was found to have an estimated net subsidy of zero in the original investigations, remains excluded from the orders.[4]

Although the program included in our calculation of the net countervailable subsidy likely to prevail if the orders were revoked does not fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement, it may be a subsidy described in Article 6, if the net countervailable subsidy exceeds 5 percent, as measured in accordance with Annex IV of the Subsidies Agreement. The Department, however, has no information with which to make such a calculation, nor do we believe it appropriate to attempt such a calculation in the course of a sunset review.[5] Rather, we are providing the Commission the following program description.

Article 7 (''SDI'') Grants from the Quebec Industrial Development Corporation

Acting on special mandates from the GOQ, the SDI provides assistance under Article 7 in the form of loans, loan guarantees, grants, assumptions of costs on loans, and equity investments.

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR

[1] *See Memorandum to Jeffrey A. May, RE: Sunset Reviews of Alloy Magnesium and Pure Magnesium from Canada: Adequacy of Respondent Interested Party Response to the Notice of Initiation,* September 21, 1999.

[2] On September 3, 1999, the Department received and granted a request from Magcorp for a five working-day extension of the deadline for filing rebuttal comments in this sunset review. This extension was granted for all participants eligible to file rebuttal comments in this review. The deadline for filing rebuttals to the substantive comments therefore became September 13, 1999.

[3] *See Extension of Time Limit for Preliminary Results of Full Five-Year Reviews,* 64 FR 66879 (November 30, 1999).

[4] *See Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada*, 57 FR 30946 (July 13, 1992).

[5] Moreover, we note that as of January 1, 2000, Article 6.1 has ceased to apply (see Article 31 of the Subsidies Agreement).

351.310(c). Any hearing, if requested, will be held on April 19, 2000. Interested parties may submit case briefs no later than April 10, 2000, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than April 17, 2000. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than June 27, 2000.

Dated: February 18, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–4800 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–814]

Pure Magnesium from Canada; Preliminary Results of Full Sunset Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Full Sunset Review: Pure Magnesium from Canada.

SUMMARY: On August 2, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on pure magnesium from Canada (64 FR 41915) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate filed on behalf of domestic interested parties and adequate substantive comments filed on behalf of domestic and respondent interested parties, the Department determined to conduct a full review. As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels indicated in the Preliminary Results of Review section of this notice.

EFFECTIVE DATE: February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Darla D. Brown or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3207 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*'') and 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

On August 2, 1999, the Department initiated a sunset review of the antidumping order on magnesium from Canada (64 FR 41915), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of the Magnesium Corporation of America (''Magcorp'') on August 13, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* Pursuant to 19 U.S.C. 1677(9)(C), Magcorp claimed interested party status as a domestic producer of pure magnesium. Moreover, Magcorp stated that it was a petitioner in the original antidumping investigation and has participated in all of the administrative reviews conducted by the Department. The Department received a complete substantive response from Magcorp on September 1, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i).

The Department also received a complete substantive response on behalf of Norsk Hydro Canada Inc. (''NHCI''), on September 1, 1999, within the deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). NHCI claimed interested party status under 19 U.S.C. 1677(9)(A) as a manufacturer and exporter of pure magnesium to the United States. In its substantive response, NHCI stated that it participated in the original investigation and all of the subsequent administrative reviews. The Department determined that NHCI's response constituted an adequate response to the notice of initiation. As a result, the Department determined, in accordance with section 351.218(e)(2) of the *Sunset Regulations*, to conduct a full (240 day) review.

On September 13, 1999, the Department received rebuttal comments from Magcorp and NHCI.[1]

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). On November 30, 1999, the Department determined that the sunset review of the antidumping duty order on pure magnesium from Canada is extraordinarily complicated pursuant to section 751(c)(5)(C)(v) of the Act, and extended the time limit for completion of the preliminary results of this review until not later than February 18, 2000, in accordance with section 751(c)(5)(B) of the Act.[2]

Scope of Review

The merchandise subject to this antidumping duty order is pure magnesium from Canada. Pure magnesium is currently classifiable under item number 8104.11.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Granular and secondary magnesium are excluded from the scope of this review. Although the HTSUS subheading is provided for convenience and customs purposes, the written description remains dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Robert S. LaRussa, Assistant Secretary for Import Administration, dated February 18, 2000, which is hereby adopted and incorporated by reference into this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely

[1] On September 3, 1999, the Department received and granted a request from Magcorp for a five working-day extension of the deadline for filing rebuttal comments in this sunset review. This extension was granted for all participants eligible to file rebuttal comments in this review. The deadline for filing rebuttals to the substantive comments therefore became September 13, 1999.

[2] *See Extension of Time Limit for Preliminary Results of Full Five-Year Reviews*, 64 FR 66879 (November 30, 1999).

to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import__admin/records/frn/, under the heading ''Canada.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

Preliminary Results of Review

We preliminarily determine that revocation of the antidumping duty order on pure magnesium from Canada would be likely to lead to continuation or recurrence of dumping at the following weighted-average margins:

Manufacturer/exporter	Margin (percent)
Norsk Hydro Canada Inc	21.00
Timminco Limited	Excluded
All others	21.00

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held on April 19, 2000. Interested parties may submit case briefs no later than April 10, 2000, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than April 17, 2000. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than June 27, 2000.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: February 18, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–4799 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application to Amend an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 91–A0002.''

The original Certificate was issued to the Automotive Service Industry Association (''ASIA'') on March 1, 1994 (59 FR 11775, March 14, 1994). ASIA consolidated with the Automotive Parts and Accessories Association to form the Automotive Aftermarket Industry Association. A summary of the application for an amendment follows.

Summary of the Application

Applicant: Automotive Aftermarket Industry Association (''AAIA''), 4600 East-West Highway, Suite 300, Bethesda, Maryland 20814.

Contact: George W. Keeley, General Counsel.

Telephone: (312) 782–1829.

Application No.: 91–A0002.

Date Deemed Submitted: February 23, 2000.

Proposed Amendment: AAIA seeks to amend its Certificate to:

1. Change the name of the Certificate holder cited in this paragraph to the new name cited in this paragraph in parentheses as follows: Automotive Service Industry Association (Automotive Aftermarket Industry Association);

2. Change the listing of the ''Member'' cited in this paragraph to the new listing cited in this paragraph in parentheses as follows: Triangle Auto Parts Co., Inc. (Triangle Auto Parts Co.); and

3. Delete the following companies as ''Members'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 C.F.R. 325.2(1): Federal Mogul Corporation; A.E. Clevite, Inc.; JS Products, Inc.; KSG Industries, Inc.; Kwik-Way Manufacturing, Inc.; and Sealed Power Division of Sealed Power Technologies Limited Partnership.

Dated: February 24, 2000.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 00–4802 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Insular Affairs

[Docket No. 990813222–0035–03]

RIN 0625–AA55

Allocation of Duty-Exemptions for Calendar Year 2000 Among Watch Producers Located in the Virgin Islands

AGENCY: Import Administration, International Trade Administration, Department of Commerce; Office of Insular Affairs, Department of the Interior.

ACTION: Notice.

SUMMARY: This action allocates calendar year 2000 duty-exemptions for watch producers located in the Virgin Islands pursuant to Pub. L. 97–446, as amended by Pub. L. 103–465 (''the Act'').

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 482–3526.

SUPPLEMENTARY INFORMATION: Pursuant to the Act, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of duty exemptions among watch assembly firms in the United States insular possessions and the Northern Mariana Islands. In accordance with Section 303.3(a) of the regulations (15 CFR 303(a)), the total quantity of duty-free insular watches and watch movements for calendar year 2000 is 1,866,000 units for the Virgin Islands (65 FR 8048, February 17, 2000).

The criteria for the calculation of the calendar year 2000 duty-exemption allocations among insular producers are set forth in Section 303.14 of the regulations (15 CFR 303.14).

The Departments have verified and adjusted the data submitted on application form ITA–334P by Virgin Islands producers and inspected their current operations in accordance with Section 303.5 of the regulations (15 CFR 303.5).

In calendar year 1999 the Virgin Islands watch assembly firms shipped 627,703 watches and watch movements into the customs territory of the United States under the Act. The dollar amount of creditable corporate income taxes paid by Virgin Islands producers during calendar year 1999 plus the creditable wages paid by the industry during calendar year 1999 to residents of the territory was $3,100,676.

There are no producers in Guam, American Samoa or the Northern Mariana Islands.

The calendar year 2000 Virgin Islands annual allocations, based on the data verified by the Departments, are as follows:

Name of firm	Annual allocation
Belair Quartz, Inc	500,000
Hampden Watch Co., Inc	200,000
Progress Watch Co., Inc	300,000
Unitime Industries, Inc	500,000
Tropex, Inc	300,000

The balance of the units allocated to the Virgin Islands is available for new entrants into the program or producers who request a supplement to their allocation.

Robert S. LaRussa,

Assistant Secretary for Import Administration, Department of Commerce.

Ferdinand Aranza,

Director, Office of Insular Affairs, Department of the Interior.

[FR Doc. 00–4801 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–DS–P AND 4310–93–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011100D]

Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting Requirements; American Fisheries Act Reporting Requirements

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

ACTION: Notice of effectiveness of data collection.

SUMMARY: NMFS is announcing that information collection requirements were approved.

DATES: Effective February 16, 2000.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907–586–7228.

SUPPLEMENTARY INFORMATION: The information collection requirements contained in paragraphs 679.5(a)(4)(iv), 679.5(f)(3), 679.5(f)(4), 679.5(i)(1)(iii), 679.5(o), and 679.60(d), which were contained in the emergency interim rule to to implement major provisions of the American Fisheries Act (65 FR 4520, January 28, 2000), were approved by the Office of Management and Budget. These requirements are in effect as of February 16, 2000.

Dated: February 23, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–4693 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022200G]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Law Enforcement Advisory Panel (LEAP).

DATES: This meeting will be held on March 15, 2000, from 1:00 p.m. to 5:00 p.m.

ADDRESSES: This meeting will be held at the Perdido Beach Resort, 27200 Perdido Beach Boulevard, Orange Beach, AL 36561; telephone: 334–981–9811.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The LEAP will convene to review the Draft Gulf of Mexico Law Enforcement Strategic and Operations Plan, 2000–2005 that has been develop jointly by the LEAP and the Law Enforcement Committee (LEC) of the Gulf States Marine Fisheries Commission. This document contains a set of goals and objectives that the LEAP/LEC would like to accomplish during this 5-year period. The LEAP will also review the law enforcement data collection, tracking and dissemination procedures by state and federal law enforcement agencies involved with marine fisheries enforcement in the Gulf. The LEAP will also hold a conference-call discussion with law enforcement personnel on the Atlantic coast in pursuit of establishing a National Conservation Crime Information System. Reports on the status of fishery management plans, amendments, and other regulatory actions, as well as state and Federal law enforcement activities will also be received.

The LEAP consists of principal law enforcement officers in each of the Gulf states as well as NMFS, the U.S. Coast Guard, and the NOAA General Counsel. A copy of the agenda and related materials can be obtained by calling the Council office at 813–228–2815.

Although other non-emergency issues not on the agendas may come before the LEAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the LEAP will be restricted to those issues specifically identified in the agenda and any issues arising after

publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by March 8, 2000.

Dated: February 23, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–4772 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022200I]

Mid-Atlantic 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 Mid-Atlantic Fishery Management Council (Council) and its Monkfish Working Group, Dogfish Working Group, Comprehensive Management Committee, Surfclam and Ocean Quahog Committee and Industry Advisory Panel, Squid-Mackerel-Butterfish Committee, Information and Education Committee, and Executive Committee will hold public meetings.

DATES: The meetings will be held on Tuesday, March 14, 2000 to Thursday, March 16, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Wyndham Garden Hotel, 173 Jennifer Road, Annapolis, MD; telephone: 410–266–3131.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: *Tuesday, March 14th, 10:00 a.m. until noon*, the Monkfish Working Group will meet.

From 1:00–3:00 p.m., the Dogfish Working Group will meet.

From 3:00–5:00 p.m., the Comprehensive Management Committee will meet.

Wednesday, March 15th, from 9:00–10:00 a.m., there will be a Stock Assessment Workshop Presentation

From 10:00 a.m. until noon, the Surfclam and Ocean Quahog Committee together with the Industry Advisory Panel will meet.

From 1:00–3:00 p.m., the Squid, Mackerel, and Butterfish Committee will meet

From 3:00–5:00 p.m., the Council will convene to review and discuss the fishery management process as presented by the Information and Education Committee.

Thursday, March 16th, from 8:00–9:00 a.m., the Executive Committee will meet.

The Council will convene for a U.S. Coast Guard Presentation from 9:00–9:30 a.m., and then receive reports and possible motions from various committees. It is anticipated that the Council will adjourn by early afternoon.

Agenda items for this meeting are:

Discuss and recommend area adjustments through the amendment process to the Monkfish Fishery Management Plan; review 2000–2001 management measures for dogfish, i.e., quota, trip limits, sizes, and review treatment of discards from other fisheries; discuss research set aside amendment and summer flounder workshop(s) postponement; receive assessment information on Atlantic mackerel and surfclams; discuss 5-year quotas and new overfishing definition for surfclams; discuss mackerel limited entry, *Illex* real time management, overfishing definition for *Loligo*, area closures to protect *Loligo* egg masses, and consider distribution of *Loligo* squid quota into time periods.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at least 5 days prior to the meeting date.

Dated: February 23, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–4771 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022200F]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (NPFMC) Observer Committee will meet in Seattle, WA.

DATES: The meeting will be held on March 20–21, 2000. The meeting will begin at 9:00 a.m. on Monday, March 20, and continue through Tuesday, March 21.

ADDRESSES: The meeting will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE, Building 4, Room 2079, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Chris Oliver, NPFMC; telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The committee's agenda includes the following issues:

1. Receive an update from NMFS on current issues and initiatives.

2. Discuss the following near-term issues:

(a) rollover of the existing observer program;

(b) hardware requirements and associated rulemaking;

(c) an omnibus regulatory amendment package covering observer housing, sharing of observers, changing the threshold to determine plant coverage requirements;

(d) clarification of the definition of a fishing day; and

(e) distribution of personal information on observers.

3. Identify and discuss observer availability and training requirements

for observers under the Community Development Quota and American Fisheries Act fisheries.

4. Discuss long-term issues and establish timelines for further resolution. These issues include overall program funding, service delivery model, fee program development, cost distribution, and appropriate observer coverage levels, by fishery.

Although non-emergency issues not contained in this agenda may come before this committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the committee's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: February 23, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–4773 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021700D]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Ad-Hoc Groundfish Strategic Plan Development Committee will hold a telephone conference and a work session which are open to the public.

DATES: The telephone conference will be held March 21, 2000, from 10 a.m. until noon. The work session will be held Wednesday, June 14 at 10 a.m. and may go into the evening until business for the day is completed. The work session will reconvene at 8 a.m. on Thursday, June 15 and continue throughout the day until business for the day is completed.

ADDRESSES: Five listening stations for the March 21 telephone conference will be available. See **SUPPLEMENTARY INFORMATION** for specific locations for the telephone conference.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Glock, telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the telephone conference is to review data prepared by the Council's Groundfish Management Team, to develop a public comment process for the draft strategic plan document, and to prepare for the upcoming March Council meeting. The purpose of the June working session is complete a final review of the draft strategic plan document before it is presented to the Council at its June 26–30 meeting.

The listening stations are located at:

1. Washington Department of Fish and Wildlife, 1111 Washington Street, SE, Room 635, Olympia, WA 98501

Contact: Mr. Phil Anderson; (503) 902–2720

2. Oregon Department of Fish and Wildlife, 2040 SE Marine Science Drive, Newport, OR 97365

Contact: Mr. Neal Coenen; (541) 867–4741, Ext. 226

3. NMFS Northwest Region Office, Director's Conference Room, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115

Contact: Mr. Bill Robinson; (206) 526–6142

4. California Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, CA 90802

Contact: Ms. Patty Wolf; (562) 590–4873

5. Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201

Contact: Mr. Jim Glock; (503) 326–6352 Ext. 17

The June work session will be held at the Pacific States Marine Fisheries Commission, Large Conference Room, 45 SE 82nd Drive, Suite 100, Gladstone, OR; telephone: (503) 650–5400.

Although non-emergency issues not contained in this agenda may come before this Council 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: February 22, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–4774 Filed 2–28–00; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before March 30, 2000.

FOR FURTHER INFORMATION OR A COPY CONTACT: Barbara Gold, Division of Trading and Markets, CFTC, (202) 418–5450; FAX: (202) 418–5455; email: *bgold@cftc.gov* and refer to OMB Control No. 3038–0005.

SUPPLEMENTARY INFORMATION:

Title: Rules Relating to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants (OMB Control No. 3038–0005). This is a request for revision of a currently approved information collection.

Abstract: Existing Rule 4.7 provides exemptive relief from the disclosure, reporting and recordkeeping requirements applicable to registered commodity pool operators (CPOs) and commodity trading advisors (CTAs) with respect to pools and accounts owned solely by qualified eligible participants (QEPs) and qualified eligible clients (QECs), respectively. The

relief that is provided reduces the regulatory requirements that apply to registered CPOs and CTAs. The proposed amendments to Rule 4.7 would expand this relief by bringing within the QEP and QEC definitions persons not included in the existing rules. Thus, the proposed amendments, if adopted, would further reduce the regulatory burdens on registered CPOs and CTAs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981).

Burden statement: The respondent burden for this collection is estimated to average 7.25 hours per response. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Commodity Pool Operators, Commodity Trading Advisors, Futures Commission Merchants.

Estimated number of respondents: 7,362.

Estimated total annual burden on respondents: 100,018 hours.

Frequency of collection: On occasion, quarterly, monthly, annually.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0005 in any correspondence.

Barbara Gold, Division of Trading and Markets, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: February 23, 2000.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–4727 Filed 2–28–00; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before March 30, 2000.

FOR FURTHER INFORMATION OR A COPY CONTACT: Lawrence B. Patent, Division of Trading and Markets, CFTC, (202) 418–5439; FAX: (202) 418–5536; email: *Ipatent@cftc.gov* and refer to OMB Control No. 3038–0024.

SUPPLEMENTARY INFORMATION:

Title: Regulations and Forms Pertaining to the Financial Integrity of the Marketplace (OMB Control No. 3038–0024). This is a request for extension of a currently approved information collection.

Abstract: The commodity futures markets play a vital role in the furthering of global commerce by providing commercial users and speculators with a price discovery mechanism for the commodities traded on such markets and by providing commercial users of the markets with a mechanism for hedging their goods and services against price risks. The Commodity Futures Trading Commission is the independent federal regulatory agency charged with providing various forms of customer protection so that users of the markets can be assured of the financial integrity of the markets and the intermediaries that they employ in their trading activities. Among the financial safeguards the Commission has imposed on commodity brokerages, technically futures commission merchants (FCMs) and introducing brokers (IBs), are minimum capital standards and, for FCMs, a requirement that they segregate and separately account for the funds they receive from their commodity customers. In order to monitor compliance with such financial standards, the Commission has required FCMs and IBs to file financial reports with the Commission and with the self-regulatory organizations (SROs) of which they are members. (*See* Commission Rule 1.10, 17 CFR 1.10.)

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981).

Burden statement: The respondent burden for this collection is estimated to average 1.0 hours per response. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Futures Commission Merchants, Introducing Brokers.

Estimated Number of respondents: 2,529.

Estimated total annual burden or respondents: 28,442 hours.

Frequency of collection: On occasion, quarterly, monthly, annually, semi-annually.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0005 in any correspondence.

Lawrence B. Patent, Division of Trading and Markets, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: February 23, 2000.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–4728 Filed 2–28–00; 8:45 am]

BILLING CODE 6351–01–M

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, March 7, 2000, 2:00 p.m.

LOCATION: Room 410, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED: *Compliance Status Report*—The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: February 25, 2000.

Sadye E. Dunn,

Secretary.

[FR Doc. 00–4941 Filed 2–25–00; 2:46 pm]

BILLING CODE 6355–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Request for Input on Grants for Outreach to Individuals with a Disability

AGENCY: Corporation for National and Community Service.

ACTION: Request for input.

SUMMARY: Section 129(d)(5) of the National and Community Service Act authorizes grants to public or private nonprofit organizations to pay for the Federal share of conducting outreach to individuals with a disability concerning national service programs. The Corporation for National and Community Service (''Corporation'') requests input from the public on how we might best support this type of outreach. We will use this input in developing a notice of funds availability to be published in the Federal Register later this year.

DATES: Please submit your written comments by March 31, 2000.

ADDRESSES: Send comments to Thea Kachoris, Corporation for National Service, 1201 New York Avenue NW, Washington, DC 20525 or preferably via electronic mail at: tkachoris@cns.gov.

FOR FURTHER INFORMATION CONTACT: Nancy Talbot, (202) 606–5000, ext. 470. T.D.D. (202) 565–2799. If you need this notice in an alternative format, please contact Ms. Talbot.

SUPPLEMENTARY INFORMATION:

Background

The Corporation for National and Community Service (the Corporation) was established in 1993 to engage Americans of all ages and backgrounds in service to their communities. The Corporation's national and community service programs provide opportunities for participants to serve full-time and part-time, with or without stipend, as individuals or as part of a team. AmeriCorps*State, National, VISTA, and National Civilian Community Corps programs engage thousands of Americans on a full, or part-time basis, at over 1,000 locations to help communities meet their toughest challenges. Learn and Serve America integrates service into the academic life or experiences of nearly one million youth from kindergarten through higher education in all 50 states. The National Senior Service Corps utilizes the skills, talents and experience of over 500,000 older Americans to help make communities stronger, safer, healthier and smarter.

AmeriCorps*State and AmeriCorps*National programs, which involve over 40,000 Americans each year in results-driven community service, are grant programs managed by: (1) state commissions that select and oversee programs operated by local organizations; (2) national non-profit organizations that act as parent organizations for operating sites across the country; (3) Indian tribes; or (4) U.S. Territories. Learn and Serve America grants provide service-learning opportunities for youth through grants to state education agencies, community-based organizations, and higher education institutions and organizations. The National Senior Service Corps operates through grants to nearly 1,300 local organizations for the Retired and Senior Volunteer (RSVP), Foster Grandparent (FGP) and Senior Companion (SCP) programs to provide service to their communities.

In addition, the Corporation supports the AmeriCorps*VISTA (Volunteers in Service to America) and AmeriCorps*NCCC (National Civilian Community Corps) programs. More than 6,000 AmeriCorps*VISTA members develop grassroots programs, mobilize resources and build capacity for service across the nation. AmeriCorps*NCCC provides the opportunity for approximately 1,000 individuals between the ages of 18 and 24 to participate each year in ten-month residential programs located mainly on inactive military bases.

For additional information on the national service programs supported by the Corporation, go to http://www.nationalservice.org.

Outreach Grants

Section 129(d)(5) of the National and Community Service Act authorizes grants for two purposes related to increasing the participation of individuals with disabilities in national service: (1) grants to support the placement, reasonable accommodation, and auxilliary services for AmeriCorps members serving in what are commonly known as subtitle C AmeriCorps State competitive and National Direct programs; and (2) grants for outreach to individuals with a disability. This notice concerns only the second category. Outreach grants are available for public or private nonprofit organizations to pay for the Federal share of conducting outreach to individuals with a disability concerning national service programs. The Federal share may not exceed 75 percent of the cost of carrying out the activities under each grant. A grantee must provide a 25 percent match, either in cash or in kind. Under section 129(d)(5), outreach grant funds may support

- providing information about national service programs to individuals with a disability who wish to participate;
- undertaking other promotional activities that educate the public about opportunities for individuals with a disability to participate in national service programs;
- enabling individuals with a disability to participate in activities carried out through national service programs;
- assisting national service programs in developing ways to increase the participation of individuals with a disability in national service programs.

Based on past appropriations and allocations of funding, and projections for the future, we estimate that the total amount of funds available each year for these outreach grants will be between $2 million and $4 million.

We are particularly interested in receiving input on the following questions:

1. What are the most common and most significant barriers to greater participation by individuals with disabilities in national service programs?

2. What types of outreach activities would be most effective in increasing the participation in national service of persons with disabilities? Should we tailor grants to specific types of outreach activities or make grants for the general purpose of outreach?

3. Given the large number of potential applicants for these funds, how should we set priorities in making outreach grants?

4. How should we distribute funds? Should we rely on State Commissions and State Education Agencies as a principal conduit?

Dated: February 24, 2000.

Gary Kowalczyk,

Director, Office of Planning and Program Integration.

[FR Doc. 00–4792 Filed 2–28–00; 8:45 am]

BILLING CODE 6050–28–U

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness).

ACTION: Notice.

In compliance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed new public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 1, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Department of Defense Education Activity, ATTN: Ms. Kristin Medhurst, 4040 North Fairfax Drive, Arlington, VA 22203–1635, telephone (703) 796–4385.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 696–4471.

Title, and OMB Control Number: Department of Defense Education Activity (DoDEA) Customer Satisfaction Survey, OMB Number [to be determined].

Needs and Uses: This information collection requirement is necessary to provide stakeholders of the Department of Defense (DoD) schools an opportunity to express their level of satisfaction with various issues pertaining to the schools. These topics include equipment and facilities, computer technology, curriculum, administration, teachers, parent involvement, and communications. The information obtained will be used for program monitoring and strategic school improvement planning.

Affected Public: Individuals or households.

Annual Burden Hours: 522 hours for parents, 12,840 for students.

Number of Respondents: 1,045 parents, 25,680 students.

Responses Per Respondent: 1.

Average Burden Per Response: 30 minutes.

Frequency: biennially, beginning February 2001.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The DoDEA Customer Satisfaction Survey is a tool used to measure Goal 9: Accountability, Benchmark 4 of the DoD Education Activity (DoDEA) Community Strategic Plan. The DoDEA Community Strategic Plan was written to meet DoD Reform Initiative Directive #23: Defense Agency Performance Contracts which states: ''The Directors of the specified Agencies and Field Activities will submit a performance contract covering the period of the Future Years Defense Plan (FYDP), FY 2000 through FY 2005. Each performance contract shall include measures of customer satisfaction with the goods and services provided by the agency or Field Activity, including the timeliness of deliveries of products and services.

The parent questionnaire component of this program will give parents of students attending DoD schools an opportunity to comment on their level of satisfaction with various issues related to their child's education. Some of these topics include equipment and facilities, computer technology, curriculum, administration, teachers, parent involvement, and communications. Parents of students attending DoD schools will be provided an opportunity to respond to the DoDEA Customer Satisfaction Survey-Parent Questionnaire biennially. Respondents of this questionnaire will be parents of those students attending DoDEA schools, both in the continental United States and Overseas.

The student questionnaire component of this program will give students attending DoD schools an opportunity to comment on their level of satisfaction with various issues related to their education. Some of these topics include equipment and facilities, computer technology, curriculum, teachers, administration, and school buses. Questions will also be asked of the students that may be perceived as sensitive. The nature of these questions pertains to drugs, alcohol, and sexual issues. These questions are similar to questions found on nationwide surveys of students such as the National Health Interview Survey. It is imperative that the agency collect data in order to adequately prepare programs addressing these issues. Additionally, the military and other stakeholders frequently request comparisons between the perceptions of DoDEA students and students in public schools across the United States on these issues necessitating the need for this information. Students will be asked to respond to this questionnaire biennially, through an anonymous administration procedure. Questionnaire respondents will be students attending DoD schools, both in the continental United States and overseas.

Dated: February 23, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4671 Filed 2–28–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the United States Commission on National Security/21st Century

AGENCY: Department of Defense, Office of the Undersecretary of Defense (Policy).

ACTION: Notice of closed meeting.

SUMMARY: The United States Commission on National Security/21st Century will meet in closed session on 6 and 7 March 2000. The Commission was originally chartered by the Secretary of Defense on 1 July 1998 (charter revised on 18 August 1999) to conduct a comprehensive review of the early twenty-first century global security environment; develop appropriate national security objectives and a strategy to attain these objectives; and recommend concomitant changes to the national security apparatus as necessary.

The Commission will meet in closed session on 6 and 7 March to review a draft of its Phase Two report. By Charter, the Phase Two report is to be delivered to the Secretary of Defense no later than 14 April 2000.

In accordance with Section 10(d) of the Federal Advisory Committee Act,

Public Law 92–463, as amended [5 U.S.C., Appendix II], it is anticipated that matters affecting national security, as covered by 5 U.S.C. 552b(c)(1)(1988), will be presented throughout the meeting, and that, accordingly, the meeting will be closed to the public.

DATES: Monday, 6 March, 8:30 a.m.–5 p.m.; Tuesday, 7 March, 8:30 a.m.–4 p.m.

ADDRESSES: The CNA Corporation, 4401 Ford Avenue, Alexandria, VA 22302.

FOR FURTHER INFORMATION CONTACT: Contact Dr. Keith A. Dunn, National Security Study Group, Suite 532, Crystal Mall 3, 1931 Jefferson Davis Highway, Arlington, VA 22202–3805. Telephone 703–602–4175.

Dated: February 23, 2000.

L.M. Bynum,

OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 00–4674 Filed 2–28–00; 8:45 am]

BILLING CODE 5000–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 214. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 214 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: March 1, 2000.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 213. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

Locality	Maximum lodging amount (A)	+	M&IE rate (B)	=	Maximum per diem rate (C)	Effective date
The only changes in Civilian Bulletin 214 Updates Rates for Alaska and American Samoa.						
Alaska:						
Anchorge [Incl NAV RES]:						
05/01–09/15	161		68		229	01/01/2000
09/16–04/30	80		68		140	01/01/2000
Barrow	115		73		188	03/01/1999
Bethel	92		65		157	01/01/2000
Clear AB	80		54		134	01/01/2000
Cold Bay	140		73		213	01/01/2000
Coldfoot	135		71		206	10/01/1999
Cordova	80		72		152	03/01/2000
Craig:						
05/01–08/31	95		66		161	10/01/1998
09/01–04/30	79		64		143	10/01/1998
Deadhorse	80		67		147	03/01/1999
Denali National Park:						
06/01–08/31	125		56		181	01/01/2000
09/01–05/31	90		53		143	01/01/2000
Dillingham	100		58		158	01/01/2000
Dutch Harbor-Unalaska	110		71		181	03/01/1999
Eareckson Air Station	80		54		134	01/01/2000
Eielson AFB:						
05/01–09/15	149		62		211	01/01/2000
09/16–04/30	75		55		130	01/01/2000
Elmendorf AFB:						
05/01–09/15	161		68		229	01/01/2000
09/16–04/30	80		60		140	01/01/2000
Fairbanks:						
05/01–09/15	149		62		211	01/01/2000
09/16–04/30	75		55		130	01/01/2000
Ft. Richardson:						
05/01–09/15	161		68		229	01/01/2000
09/16–04/30	80		60		140	01/01/2000
Ft. Wainwright:						
05/01–09/15	149		62		211	01/01/2000
09/16–04/30	75		55		130	01/01/2000

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES—Continued

Locality	Maximum lodging amount (A)	+	M&IE rate (B)	=	Maximum per diem rate (C)	Effective date
Glennallen	94		54		148	01/01/2000
Healy:						
06/01–08/31	125		56		181	01/01/2000
09/01–05/31	90		53		143	01/01/2000
Homer:						
04/30–10/03	119		65		184	03/01/2000
10/04–04/29	69		60		129	03/01/2000
Juneau	95		66		161	01/01/2000
Kaktovik	165		75		240	01/01/2000
Kavik Camp	125		69		194	03/01/1999
Kenai-Soldotna:						
04/01–10/31	104		65		169	01/01/2000
11/01–03/31	67		61		128	01/01/2000
Kennicott	149		68		217	10/01/1998
Ketchikan:						
04/01–10/15	104		71		175	01/01/2000
10/16–03/31	80		69		149	01/01/2000
King Salmon:						
05/01–10/01	160		88		248	01/01/2000
10/02–04/30	100		82		182	01/01/2000
Klawock:						
05/01–08/31	95		66		161	10/01/1998
09/01–04/30	79		64		143	10/01/1998
Kodiak	90		68		158	01/01/2000
Kotzebue:						
05/01–08/31	137		63		200	01/01/2000
09/01–04/30	95		54		149	01/01/2000
Kulis AGS:						
05/01–09/15	161		68		229	01/01/2000
09/16–04/30	80		60		140	01/01/2000
McCarthy	149		68		217	10/01/1998
Metlakatla:						
05/30–10/01	85		52		137	03/01/1999
10/02–05/29	78		51		129	03/01/1999
Murphy Dome:						
05/01–09/15	149		62		211	01/01/2000
09/16–04/30	75		55		130	01/01/2000
Nome	85		58		143	01/01/2000
Nuiqsut	120		47		167	01/01/2000
Petersburg	87		57		144	03/01/1999
Point Hope	130		70		200	03/01/1999
Point Lay	105		67		172	03/01/1999
Prudhoe Bay	80		67		147	03/01/1999
Seward:						
05/01–09/15	119		75		194	03/01/2000
09/16–04/30	75		71		146	03/01/2000
Sitka-Mt. Edgecombe:						
05/16–09/16	139		73		212	01/01/2000
09/17–05/15	129		72		201	01/01/2000
Skagway:						
04/01–10/15	104		71		175	01/01/2000
10/16–03/31	80		69		149	01/01/2000
Spruce Cape	90		68		158	01/01/2000
Tanana	85		58		143	01/01/2000
Umiat	107		33		140	03/01/1999
Valdez:						
05/01–10/01	117		68		185	01/01/2000
10/02–04/30	99		66		165	01/01/2000
Wainwright	111		81		192	01/01/2000
Wasilla	95		60		155	01/01/2000
Wrangell:						
04/01–10/15	104		71		175	01/01/2000
10/16–03/31	80		69		149	01/01/2000
Yakutat	110		68		178	03/01/1999
[Other]	80		54		134	01/01/2000
American Samoa:						

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES—Continued

Locality	Maximum lodging amount (A)	+	M&IE rate (B)	=	Maximum per diem rate (C)	Effective date
American Samoa	85		67		152	03/01/2000
Guam:						
Guam (Incl All Mil Instal)	135		79		214	01/01/2000
Hawaii:						
Camp HM Smith	99		61		160	01/01/2000
Eastpack Naval Comp Tele Area	99		61		160	01/01/2000
Ft. Derussey	99		61		160	01/01/2000
Ft. Shafter	99		61		160	01/01/2000
Hickam AFB	99		61		160	01/01/2000
Honolulu (Incl NAV & MC Res Ctr)	99		61		160	01/01/2000
Isle of Hawaii: Hilo	71		50		121	01/01/2000
Isle of Hawaii: Other	89		50		139	01/01/2000
Isle of Kauai:						
05/01–11/30	103		58		161	01/01/2000
12/01–04/30	131		61		192	01/01/2000
Isle of Kure	65		41		106	05/01/1999
Isle of Maui	100		64		164	01/01/2000
Isle of Oahu	99		61		160	01/01/2000
Kaneohe Bay MC Base	99		61		160	01/01/2000
Kekaha Pacific Missile Range Fac:						
05/01–11/30	103		58		161	01/01/2000
12/01–04/30	131		61		192	01/01/2000
Kilauea Military Camp	71		50		121	01/01/2000
Lualualei Naval Magazine	99		61		160	01/01/2000
NAS Barbers Point	99		61		160	01/01/2000
Pearl Harbor [Incl All Military]	99		61		160	01/01/2000
Schofield Barracks	99		61		160	01/01/2000
Wheeler Army Airfield	99		61		160	01/01/2000
[Other]	72		61		133	01/01/2000
Johnston Atoll:						
Johnston Atoll	13		9		22	10/01/1998
Midway Islands:						
Midway Islands [Incl All Military]	150		47		197	02/01/2000
Northern Mariana Islands:						
Rota	88		69		157	01/01/2000
Saipan	140		87		227	01/01/2000
[Other]	55		62		117	01/01/2000
Puerto Rico:						
Bayamon:						
04/11–12/23	155		71		226	01/01/2000
12/24–04/10	195		75		270	01/01/2000
Carolina:						
04/11–12/23	155		71		226	01/01/2000
12/24–04/10	195		75		270	01/01/2000
Fajardo [Incl Ceiba & Luquillo]	82		54		136	01/01/2000
Ft. Buchanan [Incl GSA Svc Ctr:						
04/11–12/23	155		71		226	01/01/2000
12/24–04/10	195		75		270	01/01/2000
Humacao	82		54		136	01/01/2000
Luis Munoz marin IAP AGS:						
04/11–12/23	155		71		226	01/01/2000
12/24–04/10	195		75		270	01/01/2000
Mayaguez	85		59		144	01/01/2000
Ponce	96		69		165	01/01/2000
Roosevelt Rds & Nav Sta	82		54		136	01/01/2000
Sabana Seca [Incl all Military]:						
04/11–12/23	155		71		226	01/01/2000
12/24–04/10	195		75		270	01/01/2000
San Juan & NAV RES Sta:						
04/11–12/23	155		71		226	01/01/2000
12/24–04/10	195		75		270	01/01/2000
[Other]	62		57		119	01/01/2000
Virgin Islands (U.S.):						
St. Croix:						
04/15–12/14	93		72		165	01/01/2000
12/15–04/14	129		76		205	01/01/2000

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Locality	Maximum lodging amount (A)	+	M&IE rate (B)	=	Maximum per diem rate (C)	Effective date
St. John:						
04/15–12/14	219		84		303	01/01/2000
12/15–04/14	382		100		482	01/01/2000
St. Thomas:						
04/15–12/14	163		73		236	01/01/2000
12/15–04/14	288		86		374	01/01/2000
Wake Island:						
Wake Island	60		32		92	09/01/1998

Dated: February 23, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4675 Filed 2–28–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.344]

Office of Postsecondary Education, U.S. Department of Education; Inviting Applications for TRIO Dissemination Partnership Program New Awards for Fiscal Year (FY) 2000

Purpose of Program: The TRIO Dissemination Partnership (TRIO Dissemination) Program provides grants to TRIO Program grantees to enable them to work with institutions and organizations that are serving low-income and first-generation college students, but do not have TRIO Program grants. The purpose of the TRIO Dissemination Program is to replicate or adapt successful TRIO program components, practices, strategies, and activities for the institutions and organizations that are not TRIO Program grantees. The TRIO Programs are the Talent Search, Educational Opportunity Centers, Upward Bound, Student Support Services, McNair and Training Programs. For FY 2000, we encourage applicants to design projects that focus on the invitational priorities summarized in the priorities section of this application notice.

Eligible applicants: Institutions of higher education and private and public institutions and organizations that were carrying out a Federal TRIO grant before October 7, 1998, the date of enactment of the Higher Education Amendments of 1998.

Applications Available: March 17, 2000.

Deadline for Transmittal of Applications: May 15, 2000.

Deadline for Intergovernmental Review: July 14, 2000.

Available Funds: $5,000,000.

Estimated Range of Awards: $130,000 to $200,000 for Year 1 of the project period.

Estimated Average Size of Awards: $167,000.

Maximum Award: The Secretary will reject, without consideration or evaluation, an application that proposes a budget exceeding $200,000 for the Year 1 budget period. The Secretary may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 25 to 30.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Page Limit: Part III of the application, the application narrative, is where you, the applicant, address the selection criteria reviewers use in evaluating the application. You must limit Part III to the equivalent of no more than 75 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certification; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

If, to meet the page limit, you use a larger page or smaller print size, spacing, or margins than the standards in this notice, we will not consider your application for funding.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, 86, 97, 98 and 99.

Priorities

Invitational Priorities: The Secretary is particularly interested in applications that meet one or more of the invitational priorities in the next six paragraphs. However, under 34 CFR 75.105(c)(1) an application that meets one or more of the invitational priorities does not receive competitive or absolute preference over other applications.

Invitational Priority 1—Effective Use of Educational Technology

Projects designed to share effective strategies for using technology in a variety of ways, including innovative technology-based instructional programs; use of technology to provide better access to educational opportunities; and technology-based programs to equip disadvantaged students with the knowledge and skills to compete for jobs in the emerging world economy that require the use of new and sophisticated technologies.

Invitational Priority 2—Business and Community Partnerships and K–12 Collaborations

Projects to assist communities with large numbers of low-income, first-generation college students to develop effective business and community partnerships and K–12 collaborations.

Invitational Priority 3—Program Evaluation and Assessments of Student Outcomes

Projects to assist institutions and agencies in using or adapting successful strategies for operating performance-based programs.

Invitational Priority 4—Access Retention, and College Completion

Projects to assist institutions and agencies that do not have TRIO grants in replicating or adapting effective access and retention strategies for low-income, first-generation and disabled students.

Invitational Priority 5—Increased Participation of Underrepresented Groups in Graduate Study

Projects designed to share successful TRIO strategies for increasing the access, retention, and completion rates of low-income and minority students in graduate study.

Invitational Priority 6—Advance the Awareness of Underserved Groups in the Benefits of TRIO Programs

Projects that develop partnerships with institutions and organizations serving Hispanic American and American Indian students, especially Hispanic Serving Institutions and Tribally Controlled Colleges and Universities, for the purpose of increasing access, retention and completion rates of these students in postsecondary education. The term ''Hispanic Serving Institution'' has the meaning given the term in Title V, section 502(a)(5) of the Higher Education Act of 1965, as amended (HEA). The term ''Tribally Controlled College and University'' has the meaning given the term in Title III, section 316(b)(3) of the HEA.

FOR FURTHER INFORMATION CONTACT: Eileen S. Bland, Office of Federal TRIO Programs, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202–8510. Telephone: (202) 502–7600. The e-mail addresses for Ms. Bland is: eileen__bland@ed.gov Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Technical Assistance Workshops: We will conduct seven technical assistance workshops for the Dissemination Partnership Program. At these workshops, Department of Education staff will assist prospective applicants in developing proposals and will provide budget information regarding this program. The technical assistance workshops will be held as follows:

1. *Washington, DC:* April 13, 2000, 9:00 a.m.–3:00 p.m., U.S. Department of Education, 400 Maryland Avenue, SW, Room 1E110, Washington, DC 20202. Contact: Venus Blount at (202) 502–7600.

2. *New York:* April 17, 2000, 9:00 a.m.–3:00 p.m., at John Jay College of Criminal Justice, 445 West 59th Street, North Hall, Room 1311 New York, New York 10019. Contact: Karen Texiera at (212) 237–8274.

3. *San Diego:* April 17, 2000, 9:00 a.m.–3:00 p.m., at San Diego State University, 55500 Campanile Drive, Student Services Building, Room 1500, San Diego, CA 92182. Contact: Gretchen Mitchell at (619) 594–6451.

4. *Atlanta:* April 19, 2000, 9:00 a.m.–3:00 p.m., at Morehouse College, 830 Westview Drive, SW, The Kilgore Center, Room 201–203, Atlanta, Georgia 30314–3773. Contact: Rubye Byrd at (404) 215–2671.

5. *Denver:* April 19, 2000, 9:00 a.m.–3:00 p.m., at Metropolitan State College at Denver, Auraria Campus, 900 Auraria Parkway, Tivoli Building, Suite 444, Denver, Colorado 80204. Contact: Steve Pordon at (303) 556–2812.

6. *Miami:* April 21, 2000, 9:00 a.m.–3:00 p.m., at Miami-Dade Community College, Wolfson Campus, 300 NE 2nd Avenue, Room 3202, Miami, FL 33132–2204. Contact: Bernice Belcher at (305) 237–0940.

7. *San Antonio:* April 21, 2000, 9:00 a.m.–3:00 p.m. at University of Texas at San Antonio, 6900 North Loop 1604 West, Business Building, University Room 2.06.04, San Antonio, Texas 78249–0654. Contact: Rita Cortez at (210) 458–5852.

This information is also available at the following web site: http://www.ed.gov/offices/OPE/HEP/trio/dissem/

Assistance to Individuals with Disabilities at the Technical Assistance Workshops

The technical assistance workshop sites are accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the workshop (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled workshop date. Although we will attempt to meet a request we receive after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. Individuals who use a telecommunications device for the deaf (TDD) may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: http://www.ed.gov/pubs/edpubs.html or at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA 84.344.

Electronic Access To This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news/html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498, or in the Washington, DC area, at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Program Authority: 20 U.S.C. 1070a–18

Dated: February 23, 2000.

Maureen McLaughlin,

Acting Assistant Secretary Office of Postsecondary Education.

[FR Doc. 00–4768 Filed 2–28–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

[Docket No. EA–220]

Application to Export Electric Energy; NRG Power Marketing, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: NRG Power Marketing, Inc. (NRGPMI) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before March 30, 2000.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Rosalind Carter (Program Office) 202–586–7983 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On February 16, 2000, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from NRGPMI to transmit electric energy from the United States to Canada. NRGPMI, a Delaware corporation with its principal place of business in Minneapolis, MN, is a power marketer that does not own or control any electric generation or transmission facilities nor does it have any franchised electric service territory in the United States. NRGPMI will purchase the electric energy to be exported at wholesale from electric utilities and Federal Power Marketing Administrations in the United States.

NRGPMI proposes to arrange for the delivery of electric energy to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison Company, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company. The construction of each of the international transmission facilities to be utilized by NRGPMI, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the NRGPMI application to export electric energy to Canada should be clearly marked with Docket EA–220. Additional copies are to be filed directly with Leonard, Street and Deinard, Professional Association, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, Attn: Jim Bertrand.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on February 23, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00–4737 Filed 2–28–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, March 16, 2000: 5:30 p.m.—8:30 p.m.

ADDRESSES: Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, Kentucky.

FOR FURTHER INFORMATION CONTACT: John D. Sheppard, Site Specific Advisory Board Coordinator, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration and waste management activities.

Tentative Agenda:

5:30 p.m.—Informal Discussion
6:00 p.m.—Call to Order
6:10 p.m.—Approve Minutes
6:20 p.m.—Presentations/Board Response/Public Comments
7:20 p.m.—Sub Committee Reports/ Board Response/Public Comment
8:15 p.m.—Administrative Issues
8:30 p.m.—Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact John D. Sheppard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the end of the meeting.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday thru Friday or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001 or by calling him at (270) 441–6804.

Issued at Washington, DC on February 24, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–4739 Filed 2–28–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG98–6–003]

Natural Gas Pipeline Company of America; Notice of Filing

February 23, 2000.

Take notice that on February 14, 2000, Natural Gas Pipeline Company of America (Natural) filed its second update to its compliance plan in response to the Commission's January 16, 1998 Order. 82 FERC ¶ 61,038 (1998).

Natural states that it has served copies of its compliance plan upon each person on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC, 20426, in accordance with rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 9, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–4694 Filed 2–28–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG00–2–001]

Transwestern Pipeline Company; Notice of Filing

February 23, 2000.

Take notice that on February 14, 2000, Transwestern Pipeline Company (Transwestern) filed revised standards of conduct under Order Nos. 497 *et seq.,*[1] Order Nos. 566 *et seq.,*[2] and Order No. 599.[3]

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in the proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 9, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a motion to intervene in the proceeding. Copies of this filing is on file with the Commission and 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–4695 Filed 2–28–00; 8:45 am]

BILLING CODE 6717–01–M

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. 1986–1990 ¶ 30,820 (1988);l Order No. 497–A, *order in rehearing,* 54 FR 52781 (December 22, 1998), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date,* 55 FR 53291 (December 28, 1990), FERC Stats & Regs. 1986–1990 ¶ 30, 908 (1990); Order No. 497–C, *order extending sunset date,* 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), *rehearing denied,* 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas V. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date,* 57 FR 58978 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 309,958 (December 4, 1992); Order No. 497–E, *order on rehearing and extending sunset date,* 59 FR 243 (January 4, 1994), FERC Stats. & Regs. 1991–1996 ¶ 39,987 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification,* 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date,* 59 FR 32884 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing,* 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing,* 59 FR 65707, (December 21, 1994), 69 FERC ¶ 61,334 (December 14, 1994).

[3] Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet, Order No. 599, 63 FR 43075 (August 12, 1998), FERC Stats. & Regs. 31,064 (1998).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6542–4]

Agency Information Collection Activities: Continuing Collection: Subject of ICR: Obtaining Unbilled Grant Expenses From Grant Officials at Year-End

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Obtaining Unbilled Grant Expenses from Grant Recipients at Year-End, EPA ICR number 1810.02, OMB Control number 2030–0037, expiration date 9/30/2000. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 1, 2000.

ADDRESSES: Office of the Chief Financial Officer, Office of the Comptroller, Financial Management Division, Mail Code 2733F, 1200 Pennsylvania Ave NW Washington D. C. 20460. Interested persons may obtain a copy of the ICR without charge by contacting Mr. Larry Achter at the above address, or via e-mail at Achter.Larry@EPA.gov.

FOR FURTHER INFORMATION CONTACT: Larry Achter, 202–564–4931, Facsimile Number 202–565–2586, E-MAIL Address: achter.larry@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those grant recipients who are paid either through the Automated Clearing House (ACH) or Automated Standard Application for Payments (ASAP) process. EPA will use the Probability Proportionate to Size sampling method to select approximately 185 grants awarded by the Agency and paid through the process. EPA will send a confirmation

letter to each grant recipient to obtain information on unbilled grant expenses.

Title: Unbilled Grant Expenses from Grant Officials at Year-end (EPA ICR No. 1810.02., OMB Control Number 2030–0037) expiring 09/30/2000.

Abstract: EPA's Financial Management Division (FMD) prepares annual financial statements that present the financial position and results of operations for EPA. The financial statements must comply with the Statements of Federal Financial Accounting Standards (SFFAS) and other accounting requirements. EPA's Office of the Inspector General (OIG) audits these financial statements to determine whether they fairly and accurately reflect EPA financial conditions.

To meet the SFFAS requirements, EPA must report the estimated amount of its accrued liabilities. These accrued liabilities include: (1) Grant expenses incurred during the fiscal year that the grant recipient has paid and recorded in its accounting records but has not yet billed to EPA; and (2) grant expenses that vendors have billed the grant recipient between October 1 and November 15 (following the end of the Federal fiscal year) that relate to the prior fiscal year. EPA, working with its OIG, has evaluated the use of existing reports as a source of accrued liability information. However, grants paid through the ACH and ASAP electronic funds transfer mechanisms, do not report this information. Therefore, EPA can't obtain this information without contacting the grant recipients themselves. ASAP and ACH drawdown requests do not include period of performance data, which is essential for determining accruals. To minimize the amount of burden associated with gathering this data, EPA believes that information from a sample of approximately 185 grants would be sufficient to meet its financial statement needs. EPA would use estimation techniques to project the amount of grant accruals applicable to all EPA grants paid through ACH. The grant recipients selected in the sample would only be asked to report the accrual information on the specific grant, and not all EPA grants to that grantee. Further, other EPA grant recipients would not be affected by this information collection request.

Unless EPA is able to obtain this information from the selected grant recipients, and develop a reasonable estimate of accruals based on that data, EPA does not believe it will be able to obtain an unqualified (''clean'') audit opinion from the OIG on its financial statements. Thus the information is crucial for EPA to meet its fiduciary responsibilities. The grantees selected in the sampling process are not required to respond to our request, but the grantees' cooperation will enable EPA to fairly report the accrued liablility on the financial statement. The submitted information is not intended to be shared with other grantees or used in any other Agency program. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

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

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

(iii) enhance the quality, utility, and clarity of the information to be collected; and

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

Burden Statement: Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

EPA believes that a grant recipient should require no more than 6 hours to prepare the information requested, and the data collection will not require grant recipients to purchase new equipment or develop new procedures to compile and report the data. Thus, the total reporting burden would be 1100 hours, or a total estimated annual cost of $27,500.

Dated: February 18, 2000.

Juliette McNeil,

Acting Director, Financial Management Division.

[FR Doc. 00–4783 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–6544–8]

Electric Utility Steam Generating Units: Solicitation of Additional Information for Making Regulatory Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of solicitation of additional information.

SUMMARY: The EPA must determine whether hazardous air pollutant (HAP) emissions from electric utility steam generating units should be regulated under section 112 of the Clean Air Act (CAA), as amended, on or before December 15, 2000. In making this determination, the Agency is soliciting any additional information that the public may wish to provide to the EPA prior to the determination.

DATES: Any additional information must be submitted to the EPA no later than March 31, 2000.

ADDRESSES: Members of the public should submit additional information to Public Docket No. A–92–55 at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 401 M Street, SW, Washington, DC 20460. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor), and may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. William Maxwell, Combustion Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–5430, facsimile number: (919) 541–5450, e-mail *maxwell.bill@epa.gov.*

SUPPLEMENTARY INFORMATION: Section 112(n)(1)(A) of the CAA requires the EPA to perform a study (i.e., utility toxics study) of the hazards to public health reasonably anticipated to occur as a result of HAP emissions from electric utility steam generating units, after imposition of the requirements of the CAA, and to prepare a Report to Congress containing the results of the study. The Agency is to proceed with

rulemaking activities under section 112 to control HAP emissions from electric utility steam generating units if the EPA finds such regulation is appropriate and necessary after considering the results of the study. The utility toxics study was completed and the Final Report to Congress issued on February 24, 1998. The Agency is required to make a finding as to whether it is appropriate and necessary to control HAP emissions from electric utility steam generating units no later than December 15, 2000.

In the Final Report to Congress, the EPA stated that mercury is the HAP emission of greatest potential concern from coal-fired utilities and noted several areas where additional research and monitoring were merited. Among the additional research areas noted were: (1) Collection and assessment of additional data on the mercury content of various types of coal; (2) collection and assessment of additional data on mercury emissions; (3) collection and assessment of additional information on control technologies or pollution prevention options that are available, or will be available, and the costs of those options; and (4) further review of the available data on the health impacts associated with exposure to mercury.

The EPA has ongoing investigations and analyses pertaining to these research areas. Three efforts are prominent. First, following issuance of the Final Report to Congress, the EPA initiated an information collection request to gather, under the authority of section 114 of the CAA, data on the mercury content of the coals burned in, and the exhaust gases from, coal-fired utility units during 1999. In addition, the EPA, in conjunction with the U.S. Department of Energy and other parties, is collecting information to assess the effectiveness and costs of various mercury pollution control technologies and pollution prevention options. Finally, the EPA has an agreement with the National Academy of Sciences to perform a review of the available data on the health impacts associated with exposure to mercury. In addition, the EPA is conducting or supporting investigations into mercury transport, human exposure, and other areas.

As indicated above, section 112(n)(1)(A) of the CAA requires the Administrator to regulate electric utility steam generating units under section 112 if such regulation is found to be appropriate and necessary. The Administrator believes that in addition to considering the results of the utility toxics study, she may consider any other available information in making her decision. The activities noted above will provide some of this other information. The EPA is also soliciting any additional information that the public may consider appropriate for consideration during the decision-making process.

Dated: February 17, 2000.

Robert Perciasepe,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 00–4786 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6544–4]

Proposed Settlement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''EPA''), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree in litigation instituted against the United States Environmental Protection Agency (''EPA'') by the South Coast Air Quality Management District (''District'' or ''plaintiff''). This lawsuit, filed on November 4, 1998, concerns EPA's failure to act under section 110(k) of the Clean Air Act, 42 U.S.C. 7401 et seq., to approve or disapprove the District's proposed revisions to the state implementation plan (SIP) for the South Coast.

DATES: Written comments on the proposed consent decree must be received by March 30, 2000.

ADDRESSES: Written comments should be sent to Dave Jesson, Air Division (AIR-2), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105–3901, (415) 744-1288, jesson.david&epa.gov. Copies of the proposed consent decree are available from Kay Kovitch at the above address, (415) 744-1267, kovitch.kay@epa.gov. On January 11, 2000, the parties lodged the proposed consent decree with the Clerk of the United States District Court for the Central District of California.

SUPPLEMENTARY INFORMATION: In *South Coast Air Quality Management District* v. *EPA,* No. 98–9789 (C.D. CA), the plaintiff alleges, among other things, that EPA failed to approve or disapprove the District's proposed revisions to the State Implementation Plan (SIP). The proposed revisions in the District's claim include ozone and particulate matter (PM–10) plans adopted by the District on November 15, 1996, approved by the State on January 23, 1997, and submitted to EPA on February 5, 1997; and 46 rules submitted at various times by the District through the State to EPA for inclusion in its SIP.

In order to resolve this matter without protracted litigation, the plaintiff and EPA have reached agreement on a proposed consent decree that has been signed by the parties and was lodged with the District Court on January 11, 2000. The proposed consent decree provides that EPA shall take final action on the following SIP submittals as specified: (1) Ozone plan submitted on February 5, 1997, no later than 20 days after the District provides written notice to EPA requesting such actions; (2) District Rules 429, 2002, and 2005 on or before January 31, 2000; and (3) District Rules 518.2 and 1623 on or before February 15, 2000. In the proposed consent decree, the District agreed to file a voluntary dismissal without prejudice of that portion of its complaint challenging EPA's failure to take final action on all of the remaining rules identified in the District's claim.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Dated: February 18, 2000.

Gary S. Guzy,

General Counsel.

[FR Doc. 00–4781 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6544–3]

Proposed Settlement Agreement, Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), notice is hereby given of a proposed settlement agreement in the following case: *Chemical Manufacturers*

Association v. *U.S. Environmental Protection Agency*, Civ. No. 94–1778 (consol. with 96–1297) (C.A.D.C.). These actions were filed under section 307(b) of the Act, 42 U.S.C. 7607(b), contesting EPA's final regulations for Deposit Control Gasoline Additives, issued under sections 211 (l) and (c) of the Act. The final rules were published at 59 FR 54678 (November 1, 1994) and 61 FR 35310 (July 5, 1996). The Settlement Agreement concerns EPA undertaking a rulemaking to make certain amendments to portions of the Deposit Control Gasoline Additives Rules.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed agreement if the comments disclose facts or circumstances that indicate that such agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

A copy of the proposed settlement agreement is available from Phyllis J. Cochran, Air and Radiation Law Office (2344AR), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, (202) 564–5566. Written comments should be sent to Andrea Medici, Esq. at the above address and must be submitted on or before March 30, 2000.

Dated: February 18, 2000.

Gary S. Guzy,

General Counsel.

[FR Doc. 00–4782 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[NH–044–7171, FRL–6542–1]

Adequacy Status of the Nashua, New Hampshire and Manchester, New Hampshire Submitted Carbon Monoxide Redesignation Requests for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that we have found the motor vehicle emissions budgets for the New Hampshire cities of Nashua and Manchester, received on February 8, 1999 as part of the carbon monoxide redesignation requests for each of those areas, adequate for conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the New Hampshire Department of Transportation and the Federal Highway Administration are required to use the motor vehicle emissions budgets from the submitted carbon monoxide redesignation requests in future conformity determinations.

DATES: These budgets are effective March 15, 2000.

FOR FURTHER INFORMATION CONTACT: The finding and the response to comments will be available at EPA's conformity website: http://www.epa.gov/oms/traq, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity''). You may also contact Jeff Butensky, Environmental Planner, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114–2023; (617) 918–1665; butensky.jeff@epa.gov.

SUPPLEMENTARY INFORMATION: Today's notice is simply an announcement of a finding that we have already made. EPA New England sent a letter to the New Hampshire Department of Environmental Services on November 2, 1999 stating that the motor vehicle emissions budgets contained in the submitted carbon monoxide redesignation requests for Nashua and Manchester for the year 2010 were adequate for conformity purposes. This finding will also be announced on EPA's conformity website: http://www.epa.gov/oms/traq, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our adequacy determination.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 14, 2000.

Mindy S. Lubber,

Acting Regional Administrator, EPA New England.

[FR Doc. 00–4784 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–181073; FRL–6493–3]

Thiabendazole; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Washington and Idaho Departments of Agriculture to use the pesticide thiabendazole (CAS No. 148–79–8) to treat seed sufficient for planting up to 100,000 acres of lentils to control *Ascochyta blight*. The Applicants propose a use which has been requested in 3 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

DATES: Comments, identified by docket control number OPP–181073, must be received on or before March 15, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–181073 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Andrea Beard, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone

number: (703) 308–9356; fax number: (703) 308–5433; e-mail address: beard.andrea@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you petition EPA for emergency exemption under section 18 of FIFRA. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
State government	9241	State agencies that petition EPA for section 18 pesticide exemption

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. Other types of entities not listed in the table in this unit could also be regulated. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in 40 CFR 166. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

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

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

2. *In person*. The Agency has established an official record for this action under docket control number OPP–181073. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–181073 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–181073. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the proposed rule or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. Washington and

Idaho Departments of Agriculture have requested the Administrator to issue specific exemptions for the use of thiabendazole on lentils to control *Ascochyta blight*. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicants assert that a new strain of *Ascochyta blight*, capable of spreading quickly over great distances has become established in northwest lentil fields, which is not controlled by the registered alternatives. This disease is likely to lead to significant economic losses if not adequately controlled. Thiabendazole, as a seed treatment, has proven to prevent this disease from becoming established.

The Applicants propose to make no more than one application, to be applied as a seed treatment, at a rate of 1.7 to 3.0 fluid ounces per 100 pounds of seed. A maximum amount of seed sufficient to plant 100,000 acres could be treated (55,000 acres in Washington; 45,000 acres in Idaho). This would amount to a maximum of 1,289 gallons of formulated product.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing a use which has been requested in 3 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. The notice provides an opportunity for public comment on the applications.

The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Washington and Idaho Departments of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 17, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 00–4790 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6544–1]

Prospective Purchaser Agreement for Resolution of CERCLA Past Costs

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Notice; proposed CERCLA prospective purchaser agreement.

SUMMARY: U.S. EPA is proposing to execute a Prospective Purchaser agreement (PPA) under section 122 of CERCLA (and pursuant to the inherent authority of the Attorney General of the United States) for the arranged transfer of title of the Gary Lagoons Superfund Site property from a Potentially Responsible Party (PRP) Conant Land Limited (Conant) to the Indiana Department of Natural Resources (IDNR). In return for a covenant not to sue and contribution protection from U.S. EPA, and a covenant not to sue for federal and state Natural Resource Damages claims from the U.S. Department of the Interior (DOI) and the State of Indiana Department of Environmental Management (IDEM), IDNR will commit to maintaining the Site property in its pristine natural Dune and Swale ecological condition. U.S. EPA is today proposing to accept this arrangement because it forwards the Agency's public policy of protecting human health and the environment, and through the use of a PPA, it allows the State of Indiana to take control of the Site property for the public good. U.S. EPA will resolve outstanding costs of approximately $4,031,000 dollars, as against IDNR.

DATES: Comments on this proposed settlement must be received on or before March 30, 2000.

ADDRESSES: Copies of the proposed settlement are available at the following address for review. (It is recommended that you telephone Mr. Derrick Kimbough at (312) 886–9749 before visiting the Region V Office). Mr. Derrick Kimbrough, OPA (P19–J), Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604, (312) 886–9749.

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible). Mr. Derrick Kimbrough, Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604, (312) 886–9749.

FOR FURTHER INFORMATION CONTACT: Mr. Derrick Kimbrough, Office of Public Affairs, at (312) 886–9749.

SUPPLEMENTARY INFORMATION: The Site is a 7-acre vacant property located at 5622 and 5624–34 Industrial Highway in Gary, Indiana (Lake County). The Site consisted of two unlined and uncovered lagoons situated in a sandy environment and surrounded by marshes and wetlands. Pursuant to the terms of the prospective Purchaser Agreement, the Prospective Purchaser (IDNR) will receive this site free of CERCLA liability and Federal or State Natural Resource Damages claims, and EPA will release the federal CERCLA Lien currently placed on the site property. A 30-day period, beginning on the date of publication, is open pursuant to section 122(1) of CERCLA for comments on the proposed prospective Purchaser Agreement. Comments should be sent to Mr. Derrick Kimbrough of the Office of Public Affairs (P–19J), U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

William E. Muno,

Director, Superfund Division.

[FR Doc. 00–4780 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[PB–402404–IL–A; FRL–6399–4]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Illinois Interim Approval of Lead-Based Paint Activities Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; interim approval of the Illinois TSCA Section 402/404 Lead-Based Paint Accreditation and Certification Program.

SUMMARY: On April 16, 1999, the State of Illinois, through the Illinois Department of Public Health, completed an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). Illinois provided a self-certification letter stating that its program is at least as protective of human health and the environment as the Federal program and it has the legal authority and ability to implement the appropriate elements necessary to receive interim enforcement approval. In the **Federal Register** of September 1, 1999 (64 FR 47807) (FRL–6087–1), EPA published a notice announcing receipt of the State's application and requesting public comment and/or opportunity for a public hearing on the State's application. EPA did not receive any comments regarding any aspect of the

Illinois program and/or application. Today's notice announces the approval of the Illinois application, and the authorization of the Illinois Department of Public Health's Lead-Based Paint Activities Program to apply in the State of Illinois, effective April 16, 1999, in lieu of the corresponding Federal program under section 402 of TSCA. This authorization provides interim approval for the compliance and enforcement program portion of Illinois' lead-based paint program. All elements for final compliance and enforcement program approval must be fully implemented no later than April 16, 2002.

DATES: Based upon the State's self-certification, Lead-Based Paint Activities Program authorization was granted to the State of Illinois effective on April 16, 1999. Interim approval for the compliance and enforcement portion of the program will expire on April 16, 2002.

FOR FURTHER INFORMATION CONTACT: Marlyse Wiebenga, Project Officer, Environmental Protection Agency, Region V, 77 W. Jackson Blvd., DT-8J, Chicago, IL 60604. Telephone: 312–886–4437; e-mail address: wiebenga.marlyse@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to firms and individuals engaged in lead-based paint activities in Illinois. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

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

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

2. *In person*. The Agency has established an official record for this action under docket control number PB–402404–IL. The official record consists of the documents specifically referenced in this action, this notice, the State of Illinois' authorization application, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region V Office, Environmental Protection Agency, Waste, Pesticides and Toxics Division, Pesticides and Toxic Substances Branch, Toxic Programs Section, DT–8J, 77 West Jackson Blvd, Chicago, IL.

II. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681–92), entitled *Lead Exposure Reduction*. Section 402 of TSCA (15 U.S.C. 2682) authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges and other structures. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program. On August 29, 1996 (61 FR 45777) (FRL–5389–9), EPA promulgated final TSCA section 402/404 regulations (40 CFR part 745) governing lead-based paint activities in target housing and child-occupied facilities. States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (TSCA section 404(b), 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

Under these regulations, regarding interim compliance and enforcement approval (40 CFR 745.327(a)(1)), a State must demonstrate that it has the legal authority and ability to immediately implement certain elements, including legal authority for accrediting training providers, certification of individuals, work practice standards and pre-renovation notification, authority to enter, and flexible remedies. In order to receive final approval, the State must be able to demonstrate that it is able to immediately implement the remaining performance elements, including training, compliance assistance, sampling techniques, tracking tips and complaints, targeting inspections, follow up to inspection reports, and compliance monitoring and enforcement.

EPA believes that the State of Illinois' audit privilege statute (415 Illinois Compiled Statutes 5/52.2), may impair the State's ability to fully administer and enforce its lead-based paint program. Interim compliance and enforcement approval will provide the State the opportunity to address problems and issues associated with the State's audit privilege law as well as the development and implementation of required performance elements under 40 CFR 745.327(c). EPA will work with the State during this interim approval period to remedy any deficiencies in its laws or implementation of the required performance elements. Interim approval of the compliance and enforcement program portion of the State's program may be granted only once. EPA's interim approval of the compliance and enforcement program portion of the State's program expires on April 16, 2002.

If Illinois does not meet the requirements for final approval of its compliance and enforcement program by April 16, 2002, EPA may be compelled to initiate the process to withdraw Illinois' interim authorization pursuant to 40 CFR 745.324(i). If Illinois has made modifications to its audit privilege law necessary to meet the minimum requirements of its federally authorized environmental programs, this law will no longer present a barrier to final approval of its lead-based paint activities program. In order to maintain authorization, all program and enforcement elements, including all reporting requirements, must be met pursuant to the terms identified in Illinois' application.

III. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

IV. Withdrawal of Authorization

Pursuant to section 404(c) of TSCA, the EPA Administrator may withdraw a State or Tribal lead-based paint activities program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

V. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this document in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: February 4, 2000.

Francis X. Lyons

Regional Administrator, Region V.

[FR Doc. 00–4788 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 9:01 a.m. on Thursday, February 24, 2000, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate, supervisory, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than February 22, 2000, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: February 24, 2000.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 00–4855 Filed 2–25–00; 10:35 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other agencies to take this opportunity to comment on a proposed reinstatement without change of a previously approved information collection for which approval has expired. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning Temporary Housing Assistance for victims of a federally declared disaster.

SUPPLEMENTARY INFORMATION: Public Law 93–288, as amended by Public Law 100–707, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Section 408, authorizes the Federal Emergency Management Agency (FEMA) to provide Temporary Housing Assistance. This type of assistance could be in the form of mobile homes, travel trailers, or other readily fabricated dwelling. This assistance is used when required to provide disaster housing for victims of federally declared disasters. In the event this assistance is used, and other alternate housing is not available; the law provides for the sale of mobile homes to eligible disaster applicants at prices that are fair and equitable. A provision has been made which includes a formula for adjustments in the sale price when there is a need to purchase the unit as a primary residence because all other housing resources have been exhausted. This provision also takes into account that in addition to his/her own resources, the purchaser cannot obtain sufficient funds through insurance proceeds, disaster loans, grants, and commercial lending institutions to cover the sales price.

Collection of Information

Title: Request for Loan Information Verification.

Type of Information Collection: Reinstatement without change of a previously approved collection for which approval has expired.

OMB Number: 3067–0125.

Form Numbers: FEMA Form 90–68.

Abstract: Temporary Housing Assistance (Disaster Housing Assistance) uses mobile homes, travel trailers, or other forms of readily fabricated housing. FEMA Form 90–68 is used to obtain information required to determine a fair and equitable sales price of a mobile home to a disaster victim. The ability to borrow money commercially is an important factor in determining the final sales price.

Affected Public: Individuals or households; business or other for profit.

Number of Respondents: 520.

Frequency of Response: On occasion.

Hours Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 86.

Estimated Cost: $1,416.

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of

information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

FOR FURTHER INFORMATION CONTACT: Contact David L. Porter, Program Specialist (Emergency Response), RR–HS–PG, 202–646–3883 or Carl Hallstead, 202–646–3654 for additional information. Contact Ms. Anderson at (202) 646–2625 for copies of the proposed collection of information or email address muriel.anderson@fema.gov.

Dated: February 16, 2000.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 00–4678 Filed 2–28–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, 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 continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning data used to coordinate extracurricular training activities at the National Emergency Training Center (NETC).

SUPPLEMENTARY INFORMATION: In accordance with FEMA Instruction NETC 6900.1, Use of Facilities and Grounds at NETC, special groups, who are defined as Federal Government personnel or groups including those members of FEMA not duty stationed at NETC and groups or organizations sanctioned or sponsored by the Emergency Management Institute, U.S. Fire Administration, or other NETC occupant elements authorized to use the facility for training, meetings, conferences, etc., on a space available basis. Special groups may request authorization to use the recreational facilities, and public areas by submitting a FEMA Form 75–10 Request for Housing Accommodations and FEMA Form 75–11, Request For Use of NETC Facilities, to the Site Administration Branch, Attention: Special Groups Coordinator.

Collection of Information

Title: Approval and Coordination of Requirements to use the NETC for Extracurricular Training Activities.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0219.

Form Numbers: FEMA Form 75–10, Request for Housing Accommodations; FEMA Form 75–11, Request for Use of NETC Facilities

Abstract: The NETC is a FEMA facility which houses the Emergency Management Institute (EMI) and the National Fire Academy (NFA). The NETC provides training and educational programs for Federal, State, and local personnel in hazard mitigation, emergency preparedness, fire prevention and control, disaster response, and long-term disaster recovery. The training is carried out both through a residential program at a central campus facility located in Emmitsburg, Maryland, and through an outreach program which makes courses available at the State and local levels throughout the country. Special groups sponsored by the EMI or NFA may use NETC facilities to conduct activities closely related to and in direct support of the EMI or NFA. Such groups include other Federal departments and agencies, groups chartered by Congress such as the American Red Cross, State and local governments, volunteer groups and national and international associations representing State and local governments. FEMA's policy is to accommodate other training activities on a space available basis at the Emmitsburg, Maryland campus. The data will be used to coordinate extracurricular training activities and to assign housing for all training activities at the NETC, which must be provided by FEMA program offices.

Affected Public: Not for profit institutions, Federal Government, State, local or Tribal government.

Estimated Total Annual Burden Hours.

FEMA forms	No. of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (AxBxC)
75–11	100	100	.2	20
75–10	200	6	.7	130
Total	300	106	.9	150

Estimated Cost: $1,200 to $1,500 per year.

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW., Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524 or e:mail muriel.anderson@fema.gov.

FOR FURTHER INFORMATION CONTACT: Contact Darlyn Vestal, Admissions Specialist, Educational and Technology Services Branch, U.S. Fire Administration, (301) 447–1415 for additional information. Contact Ms. Anderson at (202) 646–2625 for copies of the proposed collection of information.

Dated: February 16, 2000.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 00–4679 Filed 2–28–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1315–DR]

Georgia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA–1315–DR), dated February 15, 2000, and related determinations.

EFFECTIVE DATE: February 15, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 15, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Georgia, resulting from severe storms and tornadoes on February 14, 2000, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended (''the Stafford Act'').

I, therefore, declare that such a major disaster exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, debris removal (Category A) and emergency protective measures (Category B), including direct Federal assistance, under Public Assistance, and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Tom P. Davies of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Georgia to have been affected adversely by this declared major disaster:

Colquitt, Grady, Mitchell, and Tift Counties for Individual Assistance and debris removal (Category A) and emergency protective measures (Category B), including direct Federal assistance, under Public Assistance.

All counties within the State of Georgia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–4677 Filed 2–28–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1314–DR]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–1314–DR), dated February 15, 2000, and related determinations.

EFFECTIVE DATE: February 15, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 15, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Louisiana, resulting from a severe winter storm on January 27–30, 2000, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended (''the Stafford Act'').

I, therefore, declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Joe D. Bray of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster:

Bienville, Claiborne, Lincoln, Ouachita, Union, Webster, and West Carroll Parishes for Public Assistance.

All counties within the State of Louisiana are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–4676 Filed 2–28–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 14, 2000.

A. Federal Reserve Bank of Dallas, (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. William Henry Terry, Jr., Tuscola, Texas; to acquire additional voting shares of South Taylor County Bancshares, Inc., Tuscola, Texas, and thereby indirectly acquire additional voting shares of First State Bank, Tuscola, Texas.

Board of Governors of the Federal Reserve System, February 23, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–4700 Filed 2–28–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 14, 2000.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. UBS Ag, Zurich, Switzerland; to acquire 24.9 percent of the voting shares of Prediction Company LLC, Santa Fe, New Mexico, and thereby engage in data processing and investment advisory activities, pursuant to § 225.28(b)(14) and (b)(6) of Regulation Y.

Board of Governors of the Federal Reserve System, February 23, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–4701 Filed 2–28–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

President's Council on Physical Fitness and Sports

AGENCY: Office of the Secretary, Office of Public Health and Science.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human services (DHHS) is hereby giving notice that the President's Council on Physical Fitness and Sports will hold a meeting. This meeting is open to the public. A description of the Council's functions is included also with this notice.

DATE AND TIME: April 10, 2000, from 9 am to 5 pm.

ADDRESSES: Department of Health and Human Services, Room 800 Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Sandra Perlmutter, Executive Director, President's Council on Physical Fitness and Sports, Room 738H Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, (202) 690–5187.

SUPPLEMENTARY INFORMATION: The President's Council on Physical Fitness and Sports (PCPHS) was established in 1956 by President Eisenhower after published reports indicted that American boys and girls were unfit compared to the children of Western Europe.

The Council has undergone two name changes and several reorganizations before arriving at its present status as a program office within the Office of Public Health and Science in the Department of Health and Human Services. It currently operates under directives issued in Executive Order 12345, as amended. PCPFS serves as a catalyst to promote, encourage, and motivate the development of physical fitness and sports participation for all ages. The primary functions of the Council include (1) to advise the President and Secretary concerning progress made in carrying out the provisions of the Executive Order and recommend to the President and Secretary, as necessary, actions to accelerate progress; (2) to advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports actions to extend and improve physical activity programs and services; and (3) to advise the Secretary of State, local, and private actions to extend and improve physical activity programs and services.

This meeting of the Council is being held to (1) administer the oath of office to newly appointed members; (2) provide Council members with the status of ongoing Council programs and activities; and (3) make plans for future directions.

Dated: February 18, 2000.

Sandra P. Perlmutter,

Executive Director, President's Council on Physical Fitness and Sports.

[JR Dos. 00–4685 Filed 2–28–00; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Translation Advisory Committee for Diabetes Prevention and Control Programs: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC)

announces the following committee meeting.

Name: Translation Advisory Committee for Diabetes Prevention and Control Programs.

Times and Dates: 9 a.m.–6 p.m., March 15, 2000, 9 a.m.–1 p.m., March 16, 2000.

Place: Atlanta Marriott Century, 2000 Century Boulevard, NE, Atlanta, Georgia 30345–3377, phone: 404/325–0000.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This committee is charged with advising the Director, CDC, regarding policy issues and broad strategies for diabetes translation activities and control programs designed to reduce risk factors, health services utilization, costs, morbidity, and mortality associated with diabetes and its complications. The Committee identifies research advances and technologies ready for translation into widespread community practice; recommends broad public health strategies to be implemented through public health interventions; identifies opportunities for surveillance and epidemiologic assessment of diabetes and related complications; and for the purpose of assuring the most effective use and organization of resources, maintains liaison and coordination of programs within the Federal, voluntary, and private sectors involved in the provision of services to people with diabetes.

Matters to Be Discussed: The Diabetes and Women's Health

Monograph. This is a publication which will take an analytical and public health perspective on diabetes among women in the United States. Through separate chapters devoted to specific stages of the life cycle of the woman(adolescence, childbearing age, middle age, and older age) the following topics will be covered: demographic information; epidemiologic analysis; the influence of psycho-social, cultural, behavioral, and socioeconomic factors on susceptibility to the disease or its many complications; cost concerns for patients and the public; assessment of gaps for patient, family, health care provider, and community in knowledge and care; and a discussion of public health considerations. A final chapter will consolidate the findings with recommendations for directing appropriate research and for developing effective programs and interventions. This meeting will focus on the reproductive and elderly years of women. A draft agenda is attached.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Norma Loner, Committee Management Specialist, Division of Diabetes Translation, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K–10, Atlanta, Georgia 30341–3717, telephone 770/488–5376.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 24, 2000.

John Burckhardt,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–4856 Filed 2–28–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Notice No. ACF/ACYF/HS 2000–03]

Fiscal Year 2000 Discretionary Announcement for Nationwide Expansion Competition of Early Head Start; Availability of Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), DHHS.

ACTION: Notice of Fiscal Year 2000 Early Head Start availability of financial assistance for nationwide expansion competition and request for applications.

SUMMARY: The Administration on Children, Youth and Families announces approximately $40 million in financial assistance to be competitively awarded to public and private non-profit and for-profit entities—including Early Head Start and Head Start grantees—to provide child and family development services for low-income families with children under age three and pregnant women. Early Head Start programs provide early, continuous, intensive and comprehensive child development and family support services on a year-round basis to low-income families. The purpose of the Early Head Start program is to enhance children's physical, social, emotional, and intellectual development; to support parents' efforts to fulfill their parental roles; and to help parents move toward self-sufficiency.

The funds available will be competitively awarded to eligible applicants to operate Early Head Start programs.

Grants will be awarded to establish or expand Early Head Start programs. Current Early Head Start grantees may apply to expand the number of children they enroll within the areas they currently serve or to initiate services in other local areas that are not currently being served. Other applicants may not apply to operate programs in the areas that are already served by current Early Head Start grantees, but may apply to establish an Early Head Start program in an area which is currently unserved (see Appendix A for the list of geographic areas currently being served and unavailable for new grantees).

DATES: The closing date and time for receipt of applications is 5:00 p.m. EDT on May 1, 2000.

Note: Applications should be submitted to the ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, VA 22209. However, prior to preparing and submitting an application, in order to satisfactorily compete under this announcement, it will be necessary for potential applicants to read the full announcement which is available through the addresses listed below.

ADDRESSES: A copy of the program announcement, necessary application forms, and appendices can be obtained by contacting: Early Head Start, ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arlington, Virginia 22209. The telephone number is 1–800–351–2293.

Or email to: *ehs@lcgnet.com.*

Copies of the program announcement and necessary application forms can be downloaded from the Head Start web site at: *www.acf.dhhs.gov/programs/hsb*

FOR FURTHER INFORMATION CONTACT: ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, VA 22209 or telephone: 1–800–351–2293 or email to: *ehs@lcgnet.com*

SUPPLEMENTARY INFORMATION:

ELIGIBLE APPLICANTS: Applicants eligible to apply to become an Early Head Start program are public and private non-profit and for-profit agencies. Early Head Start and Head Start grantees are eligible to apply.

PROJECT DURATION: For new Early Head Start grantees, the competitive awards made through this announcement will be for one-year budget periods and an indefinite project period. Subsequent year budget awards will be made non-

competitively, subject to availability of funds and the continued satisfactory performance of the applicant. However, any current Early Head Start grantee which is successful in this competition will not be funded for an indefinite project period, but rather will be given a supplement to its current, time limited grant. A grantee, for example, currently funded for $200,000 with a project period ending September 30, 2002 which is awarded another $100,000 through this announcement would then be funded as a $300,000 Early Head Start grantee with a project period that still ends on September 30, 2002. This would be true regardless of whether the new funds are to expand services within the grantee's current service area or to expand into another currently unserved area. Prior to the end of an Early Head Start grantee's current project period (*i.e.,* September 30, 2002 in the above example), ACF will announce a competition for those areas served by each EHS grantee whose project period is nearing an end. In such a competition, current EHS grantees in good standing, who submit acceptable applications, will be given priority in funding decisions.

FEDERAL SHARE OF PROJECT COSTS: In most cases, the Federal share will not be more than 80 percent of the total approved costs of the project.

MATCHING REQUIREMENTS: Grantees that operate Early Head Start programs must, in most instances, provide a non-Federal contribution of at least 20 percent of the total approved costs of the project.

AVAILABLE FUNDS: See Appendix B for the list of the approximate amount of funds available for States. These estimates have been developed based primarily on: (1) The statutory formula which determines the distribution of all Head Start program funds among the States, and (2) the existing distribution of funds.

ANTICIPATED NUMBER OF PROJECTS TO BE FUNDED: It is estimated that there will be 100–125 awards.

STATUTORY AUTHORITY: The Head Start Act, as amended, 42 U.S.C. 9831 *et seq.*

EVALUATION CRITERIA: Competing applications for financial assistance will be reviewed and evaluated on the six criteria which are summarized below. The point values following each criterion indicate the numerical weight each criterion will be accorded in the review process.

Criterion 1. Objectives and Need for Assistance (15 points)

The extent to which, based on community assessment information, the applicant identifies any relevant physical, economic (e.g., poverty in the community), social, financial, institutional, or other issues which demonstrate a need for the Early Head Start program.

The extent to which the applicant lists relevant program objectives that adequately address the strengths and needs of the community.

The extent to which the applicant describes the population to be served by the project and explains why this population is most in need of the services to be provided by the program.

The extent to which the applicant gives a precise location and rationale for the project site(s) and area(s) to be served by the proposed project. If the applicant is a current grantee planning to expand its program it needs to demonstrate that the geographic area is currently underserved or, where applicable, unserved by Early Head Start Programs. If the applicant is new, it needs to demonstrate that the proposed service area is currently unserved by Early Head Start programs.

Criterion 2. Results or Benefits Expected (10 points)

The extent to which the applicant identifies the results and benefits to be derived from the project and links these to the stated objectives.

The extent to which the applicant describes the kinds of data to be collected and how they will be utilized to measure progress towards the stated results or benefits.

Criterion 3. Approach (25 points)

The extent to which the applicant demonstrates a thorough knowledge and understanding of the Head Start Program Performance Standards.

The extent to which the applicant explains why the approach chosen is effective in light of the needs, objectives, results and benefits described above.

The extent to which the approach is grounded in recognized standards and/or guidelines for high quality service provision or is defensible from a research or ''best practices'' standpoint.

Criterion 4. Staff and Position Data and Organization Profiles (15 points)

The extent to which the proposed program director, proposed key project staff, the organization's experience, including experience in providing early, continuous, and comprehensive child and family development services, and the organization's history with the community demonstrate the ability to effectively and efficiently administer a project of this size, complexity and scope.

The extent to which the applicant's management plan demonstrates sufficient management capacity to implement a high quality Early Head Start program.

The extent to which the organization demonstrates an ability to carry out continuous improvement activities.

Criterion 5. Third Party Agreements/Collaboration (15 points)

The extent to which the applicant presents documentation of efforts (letters of commitment, interagency agreements, etc.) to establish and maintain ongoing collaborative relationships with community partners.

The extent and thoroughness of approaches to combining Early Head Start resources and capabilities with those of other local child care agencies and providers to provide high quality child care services to infants and toddlers which meet the Head Start Program Performance Standards.

Criterion 6. Budget and Budget Justification (20 points)

The extent to which the program's costs are reasonable in view of the planning and activities to be carried out and the anticipated outcomes.

The extent to which the program has succeeded in garnering cash or in-kind resources, in excess of the required Federal match, from local, State, other Federal or private funding sources. The extent to which costs for facilities are reasonable and cost effective.

The extent to which the salaries and fringe benefits reflect the level of compensation appropriate for the responsibilities of staff.

The extent to which assurances are provided that the applicant can and will contribute the non-Federal share of the total project cost.

Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon,

Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these jurisdictions need not take action regarding Executive Order 12372.

Applications for projects to be administered by Federally recognized Indian Tribes are also exempt from the requirements of Executive Order 12372. Otherwise, applicants should contact their SPOC as soon as possible to alert them to the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to the ACF, they should be addressed to: *William Wilson,* Head Start Bureau, Grants Officer, 330 C Street S.W., Room 2220, Washington, D.C. 20447. *Attn: Early Head Start Nationwide Competition/Expansion.*

A list of the Single Points of Contact for each State and Territory can be found on the following web site: *http://www.hhs.gov/progorg/grantsnet/laws-reg/spoc999.htm*

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: February 22, 2000.

Patricia Montoya,

Commissioner, Administration on Children,Youth and Families.

Appendix A—Early Head Start Expansion, FY 2000 Service Areas

State	County	Local community
Alabama	Blount.	
	Clay.	
	Jefferson	(1) Birmingham, Bessemer, Tarrant City, Centerpoint, Adamsville, Grayville, Brookville, Sayre, Roebuck, Ensley, Forrestdale, Gardendale, and other small unincorporated areas; and (2) Referrals from the county welfare agency for teen mothers and mothers with chemical addictions and at risk of child abuse.
	Lawrence.	
	Lee.	
	Morgan.	
	Russell.	
	St. Claire	Pell City.
	Tuscaloosa	Tuscaloosa.
	Walker	Jasper.
Alaska	Lower Yukon	Villages of: Pilot Station and St. Mary's.
	Kuskokwin	Villages of: Akiak, and Nunapitchuk.
Arizona	Coconino	Flagstaff.
	Maricopa	(1) *City of Phoenix:* the area bounded by Camelback Road on the North, Elliot Road on the South, 40th Street on the East, and 43rd Avenue on the West. (2) Chandler, Guadelupe, Mesa, Glendale and Dysart.
	Navajo	Holbrook.
	Pima	School Districts: Amphitheater, Flowing Wells, Tucson and Sunnyside.
	Yavapai	Cottonwood.
Arkansas	Calhoun	Cities of Hampton, Harrell and Thornton.
	Clay	Cities of Rector and Corning.
	Conway.	
	Franklin.	
	Johnson.	
	Lawrence	City of Walnut Ridge.
	Logan.	
	Mississippi	The townships of Leachville, Kaiser, Gosnell, Manila, and Luxora; City of Blytheville; City of Osceola.
	Newton.	
	Pope	Southern part.
	Pulaski	The townships of College Station, Sweet Homes, Higgins, and Wrightsville; the township of Granite Mountain; *City of Little Rock*:Interstate 30 South, Scott Hamilton Road, Baseline Rd. and Geyer Springs Rd; North of Roosevelt Road, West of Main Street, East of University Avenue, and South of Interstate 630.
	Randolph	City of Pocahontas.
	Sebastian	Fort Smith: Wards #1 and #2.
	Union	Cities of: Calion, El Dorado, Huttig, Felthensal, Junction City, Norphlet, Smackover, Strong.
	Yell.	
California	Alameda	(1) Albany, Berkeley, San Leandro, Castro Valley, Union City, Fremont, San Lorenzo, Hayward (Cherryland), and Newark; (2) Livermore, Dublin and Pleasanton; (3) West Oakland, Chinatown, Central Downtown, San Antonio, Fruitvale, Central East Oakland and Elmhurst.

State	County	Local community
	Calaveras	San Andreas, Valley Springs and Angels Camp.
	Contra Costa	Concord, Pleasant Hill, Antioch, Brentwood, Oakley, Richmond, San Pablo, Pittsburg.
	Del Norte	The cities of Crescent City, Fort Dick, Smith River and surrounding areas.
	El Dorado	Shingle Springs, El Dorado, El Dorado Hills, Cameron Park, Placerville, Georgetown/Kelsey, Camino/Polock Pines, Tahoe Basin.
	Fresno	West Fresno and Southeast Fresno areas.
	Humboldt	The cities of Arcata, Eureka, Fortuna, Rio Dell, McKinleyville, and surrounding areas.
	Kern	(1) Northeast Bakersfield, Arvin, Lamont; (2) Metro Bakersfield—Central and Southeast.
	Kings	Corcoran and Hanford.
	Lake.	
	Lassen.	
	Los Angeles	*City of Los Angeles:* (1) 3rd and Temple on the north, to Hoover, to Vermont, to 7th, to Wilshire, to Hoover and Central on the South border in the downtown L.A. (2) Koreatown, Echo Park, Pico/Union area, Mid-city area and Westlake area. (3) Baldwin Park USD North: Oak Ave. and Arrow Hwy, South: Farnell East: Azusa Canyon, La Serna, Willow, Ardilla, Mayland, West: San Gabriel River. (4) City of South El Monte: North: Garvey Ave, Fern St., Elliot Ave., and Schmidt Rd., South: Whittier Narrows Recreation Area, East: San Gabriel River, Fruitvale Ave. (5) El Monte City border; West to Whittier Narrows Recreation Area and Rio Hondo River; North: Century Blvd.; 104th Street; 103rd Street; South: Anderson Fwy (105); East: Prairie Ave.; West: La Cienega Blvd. (6) Gardena: North: El Segundo Blvd.; South: 182 St., Artesia Blvd. and Redondo Beach Blvd; East: Vermont Ave; West: Crenshaw Blvd. and Gramercy Blvd. (7) North: Century Blvd., 104th Street, 103rd Street, South: Anderson Freeway (105), East: Prarie Ave., and West: Crenshaw and Gramercy Blvds. (8) Plaza De La Raza North: A.T.& S.F. Railroad and Washington Blvd. South: Lakeland Rd. and Imperial Hwy. East: Shoemaker, Carmenita and Mulberry West: San Gabriel River (605 Freeway). (9) Plaza De La Raza: North: Imperial Hwy; South: Excelsior Dr., Alondra Blvd. and Santa Ana Frwy; East: Valley View Ave., Marquardt Ave.; West: Shoemaker Ave., Bloomfield Ave., Best Ave. and Norwalk City border. (10) Pomona USD: North: Foothill Blvd., Lewis Ave., Oak Dr., Parkwood Ln., Harrison Ave., Arrow Ave. and American Ave.; South: Pomona Frwy (60) and Riverside Dr.; East: San Bernardino County Line, Mountain Ave., Carnegie Ave., and Towne Ave.; West: Fulton Rd., L.A. County Fairplex, Fairplex Dr., San Bernardino Frwy (10), and Campus Dr. (11) North Hollywood service area: North: Saticoy St.; South: Universal City Border, Acama St. and Riverside Dr.; East: Clybourn Ave., Burbank Airport, and Burbank City border; West: Tujunga Ave., Fulton Ave., Coldwater Canyon Ave., and Hollywood Frwy. (170). (12) Parts of the greater Hollywood area. (13) Harbor City service area: North: Sepulveda Blvd., Lomita Blvd.; South: Palo Verdes Dr., Anaheim St.; East: Harbor Frwy (110) and Normandie Ave.; West: Western Ave., City of Torrance border, and City of Lomita border. (14) City of Venice; and (15) *City of Long Beach,* central area.
	Marin	San Rafael, Novato, Corte madera, Greenbrae, San Anselmo.
	Mendicino	Ukiah, Willits.
	Modoc.	
	Nevada	N. San Juan, Grass Valley, Nevada City.
	Placer	Kings Beach, Trukee, Rockland, Forresthill, and Lincoln.
	Riverside	Banning Beaumont and Morongo Band Indian Reservation.
	Sacramento	(1) *The City of Sacramento:* the communities of Del Paso Heights, North Sacramento/Gardenland, Midtown, Oak Park, South Sacramento, Meadowview, Natomas, Land Park and Arden/Howe. (2) the cities of Citrus Heights and Galt and; (3) the towns of Rio Linda/Everta, North Highlands, Foothill Farms, Orangevale, Carmichael, Fair Oaks, Rancho Cordova, South Sacramento, Franklin/Laguna, Elk Grove, and Antelope; and (4) Woodland, Winters, Davis and West Sacramento.
	San Diego	Central San Diego, Penninsula, National City, Southeast San Diego, Mid-City, Coastal Poway, Sweetwater, Chula Vista, and South Bay.
	San Francisco	Chinatown, Tenderloin, Visitation Valley; and parts of Northbeach, Civic Center, and Bayview Hunters Point.
	San Joaquin	Lodi, Stockton, Manteca, Lathrop.

State	County	Local community
	San Mateo	Half Moon Bay.
	Santa Barbara	Santa Maria, Lompoc, Santa Barbara and Summerland.
	Santa Clara	Northwest and central San Jose.
	Santa Cruz	Watsonville.
	Shasta	Anderson, Redding, and Cottonwood.
	Siskitou	Yreka South to Dunsmuir, and Weed.
	Stanislaus	Westside of county areas of Westley and Patterson.
	Sutter	Live Oak, Lakeport, Clear Lake, Kelseyville, Nice, Lucerne and Cobb.
	Trinity	Weaverville to Hayfolk.
	Tulare.	
	Ventura	Oxnard, Hueneme, Santa Paula, Fillmore and Piru.
	Yolo.	
	Yuba	Live Oak, Linda, Yuba City, Marysville, Olivehurst.
Colorado	Adams	*City of Aurora:* North to the city limits of Aurora; South to Mississippi St, East of Yosemite St, and West of Chambers Rd.
	Arapahoe.	
	Crowley	Manzanola.
	Denver	*City of Denver:* (1) SW portion of the city, defined as within Federal Blvd to the East, Sheridan Blvd on the west, Hampden Ave to the south and Alameda Ave to the north. (2) NW Denver is bordered by Federal Blvd on the west, Interstate 25 on the east, 52nd Ave to the north and 38th Ave to the south; and (3) W Central Denver, defined by I–25 on the east, Sheridan Blvd on the west, 26th Ave on the north and 6th Ave to the South. (4) NE Denver: defined as 38th Ave. to the North, Park Ave. to the South, York Street to the East and I–25 to the West.
	Eagle.	
	El Paso	The boundaries of School Districts #2 and #11.
	Fremont.	
	Otero	LaJunta.
	Poudre	Cities of Fort Collins, LaPorte, Timnath and Wellington School district boundaries.
Connecticut	Fairfield	Neighborhoods of (1) The Hollow, (2) West End, (3) South End, (4) North End, (5) East End, (6) East Side; and The cites of Bridgeport; and Stamford.
	Hartford	Cities of Manchester and Vernon.
	Litchfield	Towns of Torrington, Winston, Canaan, & New Milford.
	Middlesex	Towns of Middletown, Essex, Portland, Clinton and Westbrook.
	New Haven	City of Waterbury.
	Windham	Towns of Brooklyn, Danielson and Willimantic.
Delaware	New Castle.	
	Sussex	Georgetown.
Florida	Alachua	Communities of Majestic Oaks, Sugarfoot Oaks, Tower Oaks, Cedar Ridge, Clayton Estates, Magnolia Plantation.
	Apalachicola.	
	Baker.	
	Bay	Panama City.
	Brevard	
	Broward	Pompano Beach, Hollywood.
	Collier.	
	Columbia	Lake City.
	Dade	(1) Homestead, Southern Area School District; (2) City of Homestead and towns of Brownsville, Scott Carver, Liberty City, Winwood, Goulds, Leisure City, Carol City and OpaLocka.
	Desoto.	
	Gadsden	Quincy, Havana, Gretna.
	Glades.	
	Gulf	Wewahitchka, Port St. Joe.
	Hardee.	
	Hendry.	
	Highlands.	
	Hillsboro	Tampa, Plant City.
	Jefferson.	
	Lake	Clermont, Eustis, Leesburg, Mount Dora, Montclair Village, Groveland.
	Leon	Tallahassee.
	Madison	Madison, Greenville.
	Marion.	
	Martin	Hobe Sound, Port Salerno, Gomez Golden Gate, Stuart.
	Okaloosa	Crestview— 20 mile radius.
	Palm Beach	Pahokee, South Bay and Belle Glade-Western region of county, West Palm Beach Hispanic Community, West Palm Beach, North-South West Palm Beach.
	Sarasota	Sarasota, Newton.

State	County	Local community
Georgia	Chatham	Savannah.
	Chattooga	
	Clayton	Jonesboro.
	Cobb	Marrietta.
	Dekalb	Decatur, City of Decatur, Ellenwood, Lithonia, Stone Mountain, Whiteford Community, Chamblee, City of Atlanta.
	Douglas	Douglasville.
	Emanuel	Swainsboro, Twin City, Summertown, Adrian, Oak Park, Lexsy, Garfield, Stillmore.
	Fulton	East Point, Fulton Cabbagetown, Bankhead Courts, Centennial Courts.
	Gwinnett	Lawrenceville.
	Murray.	
	Sumter	Americus.
	White.	
	Whitfield.	
	Hall.	
Hawaii	Hawaii	South Kona & North Kona, South Kohala & North Kahala.
	Maui	Lanai, Makawao/Upcountry, Hana/East Maui, Lahaina/West Maui Wailuku & Kahulu-Central Maui and Kihei-South Maui.
	Oahu	(1) Waipahu to Hawaii Kai; (2) Honolulu vicinity defined by Hawaii Kai (Koolauloa): Kaaawa, Hau'ula, Laie, Kahuku, Pupukea (North Shore) Sunset, and Kahana Valley. (3) Leeward Oahu: Waianae Coast, Windward Oahu: Kailua Waimanalo, Central Oahu: Makalapa and Wahiawa & Honolulu: Palama area.
Idaho	Bonner	Community of Sand Point.
	Kootenai	Coer d'Alene/Post Falls.
	Nez Perce.	
Illinois	Champaign.	
	Clinton.	
	Cook County	(1) South Chicago/Lower West Side; Near South/Armour Square; New City/ West Englewood/Englewood ; (2) Cicero/Berwyn, Maywood, and Bellwood; Uptown; Rogers Prk; (3) Humboldt Park; Evanston Township; (4) community of Grand Boulevard; (5) communities of Oakland, Albany, Park, North Lawndale, Gage Park, Fuller Park, Near West Side, Roseland, West Town, Austin, Logan Square, West Pullman, Chatham, Woodlawn, Washington Heights, Near North Side, Garfield Park, and Douglas.
	Edwards.	
	Franklin.	
	Gallatin.	
	Hamilton.	
	Kane	Towns of Elgin, Aurora, and Carpentersville.
	Madison	Towns of Alton, Granite City, Pontoon Beach, Venice, Collinsville and E. Alton.
	Peoria	City of Peoria.
	Saline.	
	Sangamon.	
	St. Clair	District 1/East St. Louis; District 3/ Cahokia-Centreville.
	Wabash.	
	Washington.	
	Wayne.	
	White.	
	Will	Town of Joliet.
	Williamson.	
Indiana	Blackford.	
	Clay.	
	DeKalb.	
	Grant.	
	Howard.	
	Lawrence.	
	Madison.	
	Marion	Pike, Washington, Lawrence, Wayne, Center, and Warren Townships.
	Marshall.	
	Martin.	
	Miami.	
	Orange.	
	Owen.	
	Putnam.	
	Starke.	
	Tippecanoe.	
	Vanderburg	Town of Evansville.
	Vigo.	
	Washington.	

State	County	Local community
Iowa	Audubon.	
	Blackhawk.	
	Buena Vista.	
	Calhoun.	
	Carroll.	
	Chariton.	
	Cherokee.	
	Clark.	
	Clay.	
	Clayton.	
	Dallas.	
	Decatur.	
	Des Moines	*City of Des Moines:* an area bordered on the west by the county line from Raccoon River to 9400 North; from 9400 N to NW 58th to NW 110th Place to NE 22nd Street to NE 118th Street; East Border (North to South)—NE 29th to I–80 to NE 120th Street to East University to NE 64th Street to SE 6th to SE 60th to the Des Moines River to I–65 to 80th SW. South Border (East to West)—80th SW/county line (from Des Moines River to 9800 W).
	Dickinson.	
	Emmet.	
	Green.	
	Guthrie.	
	Hamilton.	
	Hardin.	
	Henry.	
	Humboldt,.	
	Ida.	
	Lee.	
	Linn.	
	Louisa.	
	Lyon.	
	Marshall.	
	Monroe.	
	O'Brien.	
	Osceola.	
	Pala Alto.	
	Plymouth.	
	Pocahontas.	
	Poweshiek.	
	Sac.	
	Scott	*City of Davenport:* an area bounded by: The west side of I-280 on the west edge of Davenport continuing from the Mississippi River north to the north side of I–80 on the north edge of Davenport; North boundary: From a point where I–280 meets I–80 continuing east to the east side of I–74 on the east edge of Davenport; East boundary: From the north starting point of I–74 where it meets I–80, continuing south of I–74 to the Mississippi River; South boundary: East from the east side of I–74 west along the Mississippi River to the west edge of I–280 where I–280 meets the river.
	Sioux.	
	Story.	
	Tama.	
	Wayne.	
	Webster.	
	Woodbury.	
	Wright.	
Kansas	Atchinson.	
	Brown.	
	Cherokee.	
	Clay.	
	Crawford.	
	Dickerson.	
	Ellis.	
	Elsworth.	
	Ford.	
	Jackson.	
	Jefferson.	
	Labette.	
	Leavenworth.	
	Lyon.	
	Montgomery.	
	Republic.	
	Riley.	
	Rush.	

State	County	Local community
	Russell.	
	Saline.	
	Sedgwick	*City of Witchita:* an area bounded by Murdock Street on the North, 47th South Street on the South, Woodlawn Street on the East and Main Street on the West.
	Shawnee	North of I–435 to 47th Street, West of State Line Road to Lackman Road. NE Johnson County.
	Sumner.	
	Washington.	
	Wyandotte	*City of Kansas City:* North, South, and East to County Line, South to 78th St.
Kentucky	Ballard.	
	Bourbon.	
	Breckinridge.	
	Calloway.	
	Carlisle.	
	Christian	Hopkinsville.
	Clay.	
	Daviess	Owensburg.
	Fayette.	
	Fulton.	
	Graves	The towns of Mayfield, Fancy Farm, Lowes, Sedalia, Symsonia and Wingo.
	Grayson	
	Harlan.	
	Harrison.	
	Hickman.	
	Jefferson	(1) *City of Louisville;* and (2) Northwest, Southwest, Southeast and Northeast quadrant of the county.
	Knox	Hindman, West Caney.
	Letcher	Jenkins, Fleming.
	Lincoln.	
	Marshall.	
	McCracken	The towns of Paducah, Concord, Farley, Heath, Hendron and Loneoak.
	Nicholas.	
	Ohio.	
	Owsley.	
	Scott.	
	Warren	The towns of Bowling Green, Rockfield, Albaton, Rich Panel, and Plano.
Louisiana	East Baton Parish	*City of Baton Rouge:* the area located in North Baton Rouge on Winbourne Avenue which includes the area West to Louisiana Arkansas Railroad track, East to Airline Highway, North to Airline Highway and South to Choctaw Drive.
	Bossier Parish.	
	Orleans Parish	*City of New Orleans:* (1) South Claiborne to the North, Jefferson Avenue to the West, St. Charles Avenue to the South and Louisiana Avenue to the East; (2) Jackson Avenue to the West, Tchoupitoulas to the South, M.L. King to the East and St. Charles Avenue to the North; (3) Napoleon Ave to the West, Tchoupitoulas to the South, Louisiana Avenue to the East and St. Charles Avenue to the North; (4) I–10 to the West, Wilson Avenue to the East, Dwyer Road to the North and Chef Menteur Highway to the South.
	Rapides Parish St. Helena Parish.	*City of Alexandria*
	St. Martin Parish.	
	St. Tammany Parish	The Northern portion of Parish bordered on the North by the St. Tammany/Washington Parish Line, bordered on the East by the Pearl River/Mississippi State Line, bordered on the South by US Highway 190, and bordered on the West by the St. Tammany-Tangipahoa Parish.
	Tangipahoa Parish	South portion of Tangipahoa Parish bordered on the North by Louisiana State Highway 16, bordered on the East by the Tangipahoa-St. Tammany Parish Line, bordered on the South by State Highway 22, and bordered on the West by the Tangipahoa-Livingston Parish Line.
	West Feliciana Parish.	
Maine	Androscoggin.	
	Cumberland.	
	Franklin.	
	Lewiston.	
	Northern Kennebec.	
	Somerset.	
	Southern Oxford.	
Maryland	Alleghany.	
	Baltimore	*City of Baltimore:*

State	County	Local community
		(1) The communites of Edmondson Village, Sandtown/Winchester, Reservoir Hill, Park Heights (upper and lower), Washington Village/Pigtown, Mid-east, Forest Heights, Mondawmin, Howard Park, Rosemount, Franklin Square/Poppletown, Penn/Druid/Uppertown, Green Mount East, Hopkins Middleast, Madison East End, Cherry Hill, Brooklyn/Curtis Bay, Claremount Armstead, Beechfield/Irvington, Belair/Edison, Waverly, Govans, Hampden/Woodbury, and Barclay; (2) an area bounded on the North by Monument Street, on the South by the Waterfront, on the East by the City Line and on the West by Broadway Street; Caroline County; and Southern Anne Arundel County, including the towns of Harwood, West River, Galesville, Lothian, Churchton, Deale, Shady Side and Traceys Landing.
	Harford	East of Route 1 & West of the Susquehanna River.
	Montgomery	(1) Rockville South of Route 28, Silver Spring and Tacoma Park; (2) Gaithersburg and Germantown.
	Prince George's	Hyattsville, Riverdale and Langley Park.
Massachusetts	Bristol	City of Fall River, and the Towns of Somerset, Swansea, Rehoboth, Dighton, Freetown, Berkley, Lakeville, and Seekonk.
	Essex	Cities/Towns of Lawrence, Methuen, Andover and N. Andover.
	Franklin	Towns of Greenfield, Orange and Turners Falls.
	Hampden	Cities of Holyoke, Chicopee and Springfield.
	Middlesex	Cities of Somerville and Lowell.
	Suffolk	City of Boston.
	Worcester	Towns of Southbridge, Webster and Oxford.
Michigan	Alger.	
	Alpena.	
	Antrim.	
	Baraga,.	
	Bay.	
	Benzie.	
	Charlevoix.	
	Chippewa City.	
	Clare.	
	Delta.	
	Emmet.	
	Genesse	(1) Carman-Ainsworth School District and Bendel School District; (2) Eligible families enrolled in the Michigan Job Corp, Mott Community College, U of MI—Flint, and the Career Alliance Program (Sylvester Broome Training Center); (3) Flint School District including service areas of Holmes and Whittier; and (4) School Districts of Clio, Montrose, Mt. Morris, Genesee, Kearsley, West Wood Heights and Flushing.
	Gladwin.	
	Gogebic.	
	Grand Traverse.	
	Gratiot.	
	Hillsdale.	
	Houghton,.	
	Huron.	
	Ionia.	
	Iosco.	
	Isabella.	
	Jackson.	
	Kalkaska.	
	Kent	*North Boundary*—3 Mile Road; *East Boundary*—East Beltline Ave (except East Grand Rapids); *South Boundary*-28th Street; *West Boundary*-Byron Center Road/Covell Avenue/Walker Avenue.
	Keweenaw.	
	Lake.	
	LaPeer.	
	Leelanau.	
	Luce.	
	Mackinac.	
	Manistee.	
	Marquette.	
	Mason.	
	Mecosta.	
	Mecosta.	
	Menominee.	
	Missaukee.	
	Montcalm.	
	Newaygo.	
	Ontonagon.	
	Osceola.	

State	County	Local community
	Ottawa	Towns of Ferrysburg, Grand Haven Township, Spring Lake Township, Crockery Township, and Robinson Township.
	Roscommon.	
	Sanilac.	
	Schoolcraft.	
	Tuscola.	
	Wayne	Oakland Blvd./Byron/ Warren/ Woodland; W.Grand Blvd./ Byron/Holmur/Fullerton Thomson/ Puritan/ Fullerton/ Myers; Southfield/Puritan/8 Mile Rd./ Five Points; Telegraph/ Fullerton/ Southfield/ Puritan.
	Wexford.	
Minnesota	Anoka.	
	Becker.	
	Beltrami.	
	Benton.	
	Cass.	
	Crow Wing.	
	Hennepin	City of N. Minneapolis.
	Hubbard.	
	Kittson.	
	Lake of the Woods.	
	Mahnomen.	
	Marshall.	
	Morrison.	
	Ramsey	Western half of county including two school districts from the East (Moundview/ Roseville School District and North St. Paul-Maplewood-Oak Dale School District, and White Bear Lake School District) Boundaries: City of St. Paul, Interstate 35, Interstate 94 and Lafayette Road.
	Roseau.	
	Sherburne.	
	Stearns.	
	Todd.	
Mississippi	Adams.	
	Copiah	Job Corps site in Crystal Springs.
	Grenada	Grenada.
	Harrison	Biloxi.
	Hinds.	Jackson and all county areas.
	Holmes	Lexington, Ebenezer, Bowling Green.
	Jones	City of Laurel and Towns of Ellisville and Soso.
	Lafayette	Oxford.
	Leake	Walnut Grove.
	Lee	Tupelo.
	Leflore	Greenwood.
	Marshall.	Byhalia, Holly Springs.
	Panola	Batesville
	Pontotoc.	
	Tallahatchie	Glendoro.
	Tate	Senatobia
	Tunica.	
	Washington	Hollandale, Arcola, Tralake, Murphy.
Missouri	Benton.	
	Buchanan.	
	Cedar.	
	Cooper.	
	Greene	*City of Springfield:* Bordered to the North by I-44, to the South by Battlefield Road, to the West by Haseltine Road (Farm Road 115) and to the East by Highway 65.
	Henry.	
	Jasper.	
	Lincoln.	
	Moniteau.	
	Montgomery.	
	Morgan.	
	Newton.	
	Pettis.	
	St. Charles	*City of St. Charles:* an area bordered from south, east and west city limit boundary to the Hunters Ridge cutoff to the north. City of St. Peters: an area bordered from the south, west and north city limit to the Kimberly Street cutoff to the east.
	St. Clair.	
	St. Louis	(1) *City of Kinloch*—an area bordered to the North by Highway 70; to the East by Highway 170; West by Bermuda Rd. and South by Highway 270;

State	County	Local community
		(2) *City of Maplewood—an area bordered to the North by Watson Road; East by141; West by McCausland; and South by Highway 40;* (3) *University City—an area bordered to the North by Highway 40; East by Lindbergh; West by Skinker; and South by Page;* (4) *City of Jennings—an area bordered to the North by Hord; East by Lucas & Hunt; West by Jennings St. Rd., and South by Halls Ferry Rd., the Southern border of Cozens;* (5) *North County—an area bordered to the North by North West Florissant, North of Highway 70 (on the East side of 170); to the East by Bermuda/ Elizabeth North of 270; to the South by the Missouri River,; and to the West by Riverview;* (6) *City of Pagedale: an area bordered to the South by Natural Bridge: to the East by Ashby; to the West by Skinker or Keinlen; and to the North by Delmar;* (7) *City of Pinelawn—an area bordered to the North by Natural Bridge; to the East by Lucas & Hunt; to the West by Snow; and to the South by Highway 70 (includes Colony North);* (8) *City of Overland—an area bordered to the South by Highway 70; to the East by Highway 270; to the West by Woodson Rd; and to the North by Ladue Rd.;* (9) *City of Lemay—an area bordered North of River Rd., East of Susan Rd. West of River Des Peres, South of Watson Rd.*
	Warren.	
Montana	Beaverhead.	
	Lincoln	*City of Libby:* School District #4.
	Missoula.	
	Silver Bow.	
	Yellowstone	Cities of Billings and Lockwood: School District #2.
Nebraska	Adams.	
	Box Butte.	
	Clay.	
	Colfax.	
	Dawes.	
	Douglas	*City of Omaha:* an area bordered North—I–680; South-Harrison Street (Sarpy County Line); East–Iowa State Line; West by 72nd Street.
	Franklin.	
	Gage.	
	Garfield.	
	Greeley.	
	Holt.	
	Howard.	
	Lancaster	City of Lincoln.
Nuckolls	Platte.	
	Saline.	
	Scotts Bluff.	
	Sherman.	
	Valley.	
	Webster.	
Nevada	Clark	Las Vegas, North Las Vegas and Henderson.
	Elko	Elko, Spring Creek, Carlin, Wells, Jackpot.
	Washoe	Cities of Reno and Sparks.
	Whitepine	Ely (Northern Nevada/Little People).
New Hampshire	Belknap.	
	Hillsborough	City of Manchester.
	Strafford.	
New Jersey	Atlantic.	
	Camden	City of Camden.
	Cape May,.	
	Cumberland.	
	Essex	(1) City of East Orange; (2) Newark Central Ward; West Ward; North Ward (Verona Avenue to Orange Street and Lake Street to McCarter Highway); and Bakery Village.
	Glouster.	
	Hudson	Union City. North Bergen, West N.Y, Weehawken, Guttenberg, Seacaucus.
	Ocean	Lakewood.
	Passaic County	West Milford, Wayne, Ringwood, Bloomingdale, Little Falls, Haledon, Pompton Lakes, Hawthorne, Patterson, Prospect Park, and Clifton.
	Salem.	
	Sussex.	
	Warren.	
New Mexico	Bernalillo	City of Albuquerque: Communities of: (1) La Mesa/New Futures— (a) Lomas (North) to Gibson (South), Carlisle (West) to Wyoming (East); (b) Far Southeast Heights boundary is North to I-40, South to Central, East to Eubank, and West to Louisiana.

State	County	Local community
		(2) Trumbull, (3) La Madrugada Center— (a) Spain (North) to Candelaria (South), Tramway (East) to Wyoming (West); (b) West to San Mateo, North to Osuna, East to Eubank, and South to I–40. (4) Pedro Baca (5) Mileston, (6) Rio Grande GRADS, (7) Almosa, MacArthur. (8) Northwest to Central Avenue, South to Bridge Boulevard, and East to Sunset Boulevard (9) East to 12th street, West to Rio Grande Blvd, and South to Candelaria (10) North Valley bounded to the West to 12th street, South to Central, North to Griegos and East to Broadway: (11) West to San Mateo, North to Central, South to Gibson, East to Louisiana.
	Dona Ana	City of Las Cruces.
	Lea	Hobbs and Lovington.
	San Juan.	
	Santa Fe.	
	Torrance.	
New York	Alleghany.	
	Bronx	(1) 3rd Ave. and Courtland Ave. through E.161st Street; Grand Ave. through East Featherbed Lane; University Ave through West 182nd Street; (2) East 146 Street through 156 Street; West on St Anns Ave and Union Ave; (3) Fulton Ave. to Park Ave.; (4) East 171st Street and Prospect Ave, through East 182nd; (5) East 183rd Street and East 187th St. to East Mosholu; (6) North on Longwood Ave. and Boston Rd and Jennings St.; (7) Charlotte St. and White Plains Rd; (8) Sedwick Ave. and Goulden Ave through West 242 St.; (9) West 183rd St. and Grand Concourse through Mosholu to Bruckner Blvd; (10) Mott Haven and Hunts Point (Community Board #1 & 2); (11) Spuyten Duyvil (Community Board #8); (12) University Heights (Community Board #7); (13) Fordham (Community Board #5); (14) Riverdale (Community Board #8); (15) Morris Heights (Community Board #5); (16) Highbridge (Community Board #4).
	Cattaraugus.	
	Chautauqua.	
	Chenango.	
	Dutchess	
	Erie	In the *City of Buffalo*: Teen mothers and pregnant women attending the following High Schools: Bennett, Lafayette, Grover Cleveland, Emmerson Vocational, South Park, Riverside, Seneca, Kensington, Alternative, City of Schools, Performing Arts, Buffalo Traditional, Hutch Technical, McKinley, Burgard, and City Honors.
	Herkeimer	City of Herkeimer
	Kings	Borough Park, Williamsburg, Crown Heights, and Flatbush * * * Staten Island: Park Hill, Clifton, and Stapleton; Ft. Green (Housing Projects—Ingersol, Whitman, Farraget)
	New York	125 St. to 218 St, Riverside Drive to Harlem River, Edgecomb Ave, St Nicholas Ave; Washington Hgts: FDR Drive east, to Binery to the south; 14th Street to the West, North is bounded by East of Broad Street and South of 14th Street; and Lower East Side: East River across Delancey St. to Allen St., South on Allen St to Pike St to East River.
	Monroe	City of Rochester.
	Oneida	City of Rome.
	Onondaga	Syracuse.
	Queens	Rockaway Peninsula.
	Rensselaer.	
	Rockland	Spring Valley.
	Saratoga.	
	Schenectady	City of Schenectady.
	Steuben.	
	Suffork (or Nassau)	Central Brookhaven, including Coram, Medford, No, Bellport, Seldon, and Ridge.
	Sullivan.	
	Washington	School Districts.
	Wayne	Wolcott, Butller, Savannah, Huron, Rose Galen, Sodus, Lyons, Newark.
	Westchester.	
	Wyoming.	
North Carolina	Buncombe	City of Ashville; Towns of Woodson, Emma, and Johnstown.

State	County	Local community
	Carteret.	
	Caswell	Yanceyville and all county areas.
	Craven.	
	Davidson.	
	Guilford	Greensboro.
	Jones.	
	Macon.	
	McDowell.	
	Montgomery.	
	Moore.	
	Orange.	
	Pamlico.	
	Rowan.	
	Stanley.	
	Transylvannia.	
	Union	Monroe.
	Wayne.	
North Dakota	Barnes.	
	Benson	Spirit Lake Reservation.
	Dickey.	
	Eddy.	
	Foster.	
	Griggs.	
	Kitsap	Port Gamble S'Klallam Reservation.
	LaMoure.	
	Logan.	
	McIntosh.	
	Ramsey	Devils Lake.
	Stutsman.	
	Ward	*Minot,* including Minot Air Force Base.
	Wells.	
Ohio	Adams.	
	Auglaize.	
	Brown.	
	Champaign.	
	Clermont.	
	Cuyahoga	*(1) City of Cleveland:* Neighborhoods of: Glenville, Hough, Detroit-Shoreway, Clark-Fulton; and (2) *City of East Cleveland.*
	Darke.	
	Greene.	
	Hamilton	*City of Cincinatti:* Communities of Over-the-Rhine and Mount Auburn.
	Lake.	
	Lawrence.	
	Logan.	
	Lorain	Towns of Lorain, Elyria, Oberlin, Wellington, Columbia Station, and South Amherst.
	Medina.	
	Miami.	
	Montgomery	City of Dayton.
	Morgan.	
	Pike.	
	Preble.	
	Richland.	
	Shelby.	
	Summit	*City of Akron:* Communities of N. Akron, S. Akron, W. Akron, E. Akron.
	Van Wert.	
	Washington.	
	Wayne.	
Oklahoma	Choctaw.	
	Cleveland.	
	Creek	Pawnee.
	Logan.	
	Mays.	
	McCurtain.	
	Oklahoma	*Oklahoma City:*—an area bounded by Meridian Avenue on the West, North 50th on the North, Bryant Avenue on the East, and South 44th on the South.
	Payne.	
	Pottawatomie.	
	Pushmataha.	
	Rogers.	
	Seminole.	
	Wagner.	
Oregon	Hood River.	

State	County	Local community
	Jackson	City of Medford and metropolitan area; and the Illinois Valley.
	Josephine.	
	Multnomah	*City of Portland:* (1) bounded by N.E. Skidmore to the North, N.E. Tillamook to the South, 82nd Street to the East and the Willamette River to the West; (2) bounded by the Willamette River on the West, the Columbia River on the North, Holgate Blvd on the South and N.E. 122nd Ave to the East (excluding the Enterprise Zone between N.E. Skidmore and N.E. Tillamook Streets); (3) bounded by: Holgate Ave on the North; the Multnomah County line to the South, S.E. 45th St. to the West and 122nd Ave., to the East. After 122nd, the service area extends North to Burnside and out to S.E 162nd Avenue. (Lents Junction).
	Umatilla	The communities of Pendleton, Hermiston, Umatilla and Stanfield.
	Wasco	The Dalles.
Pennsylvania	Allegheny	Towns of Terrace Village, Clairton, West Miflin, Elizabeth, McKees Rocks, and Stowe Township in the City of Pittsburgh.
	Beaver.	
	Bedford.	
	Bradford.	
	Butler.	
	Centre.	
	Clearfield.	
	Fayette.	
	Fulton.	
	Huntingdon.	
	Indiana.	
	Lackawanna.	
	Lehigh.	
	Luzerne.	
	Mercer.	
	Mifflin.	
	Philadelphia	*City of Philadelphia:* (1) Area enclosed by the Schuylkill River north to Girard Avenue, west on Girard to Parkside Avenue, north on Parkside Avenue to Belmont Avenue, south on Belmont to Westminster Avenue, west on Wesminster to 50th Street, south on 50th Street to Spruce Street, east on Spruce to 45th Street and south on 45th Street to the Schuykill River. (2) Pine Street on the north; Broad Street on the east, Philadelphia Naval Base on the South, Schuykill River on the west (3) North Central Philadelphia Empowerment Zone—6th Street to 23rd Street and from Montgomery Street to Poplar Street; (4) an area bounded on the North by Allegheny Avenue, on the South by Norris Street, on the East by 5th Street and on the West by 17th Street, excluding the North Philadelphia Empowerment Zone area.
	Pike.	
	Snyder.	
	Susquehanna.	
	Tioga.	
	Union.	
	Venango.	
	Washington.	
	Wayne.	
	Westmoreland.	
Rhode Island	Bristol	Bristol, Warren.
	Kent	Towns of Coventry and W. Warwick.
	Newport.	
	Providence	Towns of: Burrillville, Johnston, N. Providence, Smithfield, N. Smithfield, Glocester, Scituate and Foster.
South Carolina	Bamberg	Olar, Bamberg City, Denmark, Ehrhardt.
	Charleston	West Ashley, Downtown Charleston, and Charleston Nech Area.
	Greenville	*City of Greenville:* Communities of Nicholtown (including the Jesse Jackson Town Homes), Woodland-Pierce Homes, and Parker District (including Monaghan, San Souci).
	Lancaster.	
	Spartanburg.	
	Sumter	*City of Sumter:* Sumter School District.
South Dakota	Brookings.	
	Butte	Towns of Belle Fourche, Fruitdale, Newell, Nisland and Vale.
	Codington.	
	Hamlin.	
	Harding	Towns of Buffalo and Reva.
	Hughes.	
	Hyde.	

State	County	Local community
	Jones.	
	Lake.	
	Meade	Black Hawk.
	Mellette.	
	Minnehaha.	
	Moody.	
	Pennington	The communities of Box Elder, Ellsworth Air Force Base, Rapid City, & Rapid Valley.
	Perkins	Towns of Bison and Lemmon.
	Stanley.	
	Sully.	
Tennessee	Anderson	Andersonville, Briceville, Claxton, Clinton, Dutch Valley, Fairview, Grand Oaks, Lake City, Norris, Norwood.
	Bedford	Shelbyville city limits and 10 miles around Shelbyville.
	Cannon	Woodbury.
	Cheatham	Ashland City.
	Gibson.	
	Giles	Pulaski city limits and 10 miles around Pulaski.
	Hamilton	Communities of Soddy-Daisy, and Cedar Hill.
	Henry.	
	Knox	North Knoxville
	Lawrence	Lawrenceburg city limits and 10 miles around Lawrenceburg.
	Loudon.	
	Roane.	
	Robertson	Springfield.
	Rutherford	Murfresboro.
	Shelby	Frayse, North Memphis, South Memphis, Midtown; Vincent, Alabaster, Columbiana.
	Sumner	Gallagin.
	Trousdale	Hartsville.
	Weakley.	
	Williamson	Franklin.
	Wilson	Lebanon.
TEXAS	Bexar	*The City of San Antonio,* (1) an area on the Westside bounded by Woodlawn on the North, U.S. Highway 90 on the South, by Interstate 35 on the East and by Callahan on the West; and (2) the communities of Fredericksburg II, Circle North, New Westwood, Terrell Plaza, Fort Sam and Mount Zion.
	Brazos	*City of Bryan:* bounded by an area on the North by West 28th Street, on the South by Beck Bryan, Texas (Brazos Street, on the East by Sims Street and on the West by Palasota Street
	Brooks	Falfurrias: (1) bordered by San Saba Street to the South, West Garret Street to the North, North Center Street to the East and North Chester Street to the West. (2) area bordered by East Lamar on the North, East Forrest Street on the South, North Lincoln on the East and North Williams Street on the West.
	Brown.	
	Burnet	City of Burnet.
	Cameron	*City of Harlingen:* an area bounded by Harrison Street on the South, by Expressway 77 on the West, by F.M. 507 on the North and by F.M. 509 on the East.
	Collin	McKinney Independent School District.
	Dallas	*City of Dallas:* the communities of: (1) Pleasant Grove—an area bounded by I–635 on the North and East, I–45 on the South and I–30 on the West); and (2) South Oak Cliff an area bounded by I–35 on the North, I–20 on the South, I–45 on the East and I–30 on the West.
	Duval	San Diego.
	El Paso	Rural communities of Fabens, San Elizario, Clint and the following areas in the *City of El Paso:* (1) Sparks: an area bounded by Bufford Road to the East, I–10 to the South, Horizon City to the North and Avenue of the Americas to the West; (2) Northeast: an area bounded by Chaparral, New Mexico on the North, Montana Avenue on the South, Loop 375 on the East, and Patriot on the West.
	Fort Bend	Cities of Richmond and Missouri City.
	Gray	City of Pampa.
	Harris	*City of Houston;* service areas bordered by: (1) Tidwell on the North, Hardy and Maury on the East, Yale and Studewood on the West and IH–10 on the South;

State	County	Local community
		(2) North to Montgomery County line, East to the middle of Lake Houston, South to Beltway 8, and West to McKay Boulevard up to Spring Creek where it intersects the Montgomery County line; (3) North to East Fork of the San Jacinto River, East to Liberty County, South to the Northside of Indian Shores and West to the middle of Lake Houston; (4) Clinton Drive on the South, Lockwood on the East, Cavalcade on the North, and I–59 on the West; (5) North from the intersection of Green's Bayou and Highway 90 extending Eastward to Carpenter's Bayou, on the East by Carpenter's Bayou, on the South by the Houston Ship Channel, also known as Buffalo Bayou. West from the Houston Ship Channel Northward along Fidelity Road, turning Eastward to intersect with Oates Road, proceeding North on Oates Road to the T&NO Railroad line, then East along the T&NO Railroad parallel to Market Street, to Green's Bayou and Northward along Green's Bayou to intersect Highway 90. (6) area bounded by Highway 59 to the North, Chimney Rock Road to the East, Bellaire Blvd. to the South and Hillcroft Street to the West
	Hays	(1) San Marcos: an area encompassed by the San Marcos CISD (Consolidated Independent School District); (2) Hayes, an area encompassed by the Hays City CISD.
	Hood	Cities of: Granbury, Cresson, Lipan and Paluxy.
	Hutchinson	City of Borger.
	Jim Hogg	Hebbronville.
	Jim Wells	*City of Alice:* an area bordered by Loma Street on the North, on the East by Texas Blvd., on the South by Hill Street and on the West by Cameron Street; an area bounded by Sain Street on the North, Sea Breeze on the South, Texas Blvd. on the West and Stadium Road on the East.
	Kleberg	*City of Kingsville:* (1) an area bordered by Corral Road on the South, Armstrong Road on the East, University Blvd. on the West and Avenue F on the North; (2) W. General Cavos on the South, Sixth Street to the West, Fourteen Street to the East and Ailsle Avenue to the North.
	Lubbock	*City of Lubbock:* The Cherry Point neighborhood bordered by Loop 289 and East Municipal Drive in the North, East Broadway on the South, East Idalou Road on the East, and Yellowhouse Canyon on the West.
	Nacogdoches	Nacogdoches.
	Potter	*City of Amarillo:* (1) Amarillo Independent School District. (2) an area bounded on the North by Hastings Avenue; on the South by 37th Avenue, on the East by Eastern Street; and on the West by Coulter Road. (3) an area bounded on the North by 37th Avenue; on the Southwest by Arden Road; on the Southeast by West 58th Avenue; on the East by the Atchison, Topeka, and Santa Fe Railway; and on the West by Coulter Road.
	Starr	Rio Grande City.
	Tarran.	
	Taylor	Abilene Independent School District.
	Tom Green	City of San Angelo.
	Travis	*City of Austin:* an area bounded by Lamar Street on the West, Highway 183 on the East, Highway 290 on the North and William Cannon Drive on the South.
	Uvalde	Uvalde.
	Williamson	Cities of Taylor and Leander.
	Zapata	Zapata City.
	Zavala	LaPryor.
Utah	Carbon.	
	Davis.	
	Grand.	
	San Juan	Blanding.
	Utah.	
Vermont	Caledonia.	
	Essex.	
	Lamoille.	
	Orange.	
	Orleans.	
	Washington.	
	Windham.	
Virginia	Buchanan.	
	Dickenson.	
	Fairfax	(1) Cities of Fairfax and Falls Church; (2) *City of Alexandria:* Rt.1 Corridor.
	Isle of Wight	City of Franklin.

State	County	Local community
	James City	City of Williamsburg and James City.
	Prince William	Manassas and Manassas Park.
	Roanoke	City of Roanoke.
	Russel.	
	Southampton.	
	Surry	*City of Newport News:* from Jefferson Street east.
	Washington	City of Bristol.
	Wise	Towns of Esserville and Appalachia.
	York.	
Washington	Chelan.	
	Clark.	
	Douglas.	
	Ferry	The communities of: Metaline Falls, Newport, Loon Lake, Colville, Kettle Falls, Northport and Republic.
	Grant.	
	Island.	
	King	*City of Seattle:* (1) Ballard, and West Seattle; East: Lake Washington, West: Puget Sound, North: 145th Street, Southwest: Roxbury Street, Southeast: Juniper Street. This service area excludes the garden communities of Holly Park, Yesler Terrace, Rainer Vista and High Point. (2) Central District of Seattle bounded on the North by East Madison St and Lake Washington Blvd, on the South by Interstate 90, on the East by Lake Washington and on the West by Rainier Avenue South, South Main Street, Interstate 5, James Street and 12th Avenue.
	Kitsap	South Kitsap School District (Discovery High School) and Olympic College.
	Klickitat.	
	Pend Oreille.	
	Pierce	School Ddistricts: Clover Park School District; the Bethel School District; Pennisula School District; the Tacoma School District (Oakland Alternative High School) and the Woman's Correctional Center in Purdy, Washington.
	Skagit.	
	Snohomish	*The City of Everett:* (1) Area #1: North of 42nd Street, West of Marine View Drive, South of Highway 529 and East of Puget Sound; (2) Area #2: South of Casina Road, West of Mukulteo Speedway, East of Meridian Drive and North of Stickney Drive.
	South King.	
	Spokane	Community College students in the metropolitan area of the city of Spokane.
	Steven.	
	Walla Walla.	
	Whatcom.	
	Yakima	Towns of Grandview, Sunnyside, Mabtou, Granger, Toppenish, and White Swan.
West Virginia	Booke	
	Cabel	Cities of Huntington and Barboursville.
	Lincoln	Towns of Harts and Ranger.
	Marion	City of Fairmont.
	Marshall.	
	Monagalia.	
	Preston.	
	Randolph.	
	Tucker.	
	Wayne County	Towns of Crum and Fort Gay.
	Wetzel.	
	Wyoming.	
Wisconsin	Adams	
	Barron.	
	Brown.	
	Chippewa.	
	Columbia.	
	Dane.	
	Dodge.	
	Dunn.	
	Forest.	
	Grant.	
	Green.	
	Juneau.	
	Kenosha	*City of Kenosha:* Neighborhoods of: Wilson Heights and Bain.
	Manitowac.	
		Milwaukee.
	Oneida.	
	Pepin.	
	Pierce.	

State	County	Local community
	Polk.	
	Richland.	
	Sauk.	
	St. Croix.	
	Vilas.	
	Waukesha.	
Wyoming	Big Horn	Basin and Grable.
	Converse	Douglas and Glenrock.
	Gillette.	
	Goshen	Torrington.
	Hot Springs.	
	Natrona	Casper.
	Niobrara,	Lusk.
	Platte	Guernsey and Wheatl.
	Washakie.	
District of Columbia		(1) In *Ward One* an area enclosed by: Northeast—Spring Road, Northwest—Piney Branch Parkway, East—Michigan Avenue to Florida Avenue, Southeast—S Street, West—Rock Creek; (2) In *Ward Two* an area enclosed by: Northeast—New Jersey, Florida Avenue and S Street, Northwest—Florida Avenue, East—Florida Avenue and Southwest Freeway, Southeast—Anacostia River, West—Potomac River; (3) In *Ward Four* an area enclosed by: Northeast—Eastern Avenue, Northwest—Western Avenue, Southeast—Michigan Avenue, Southwest—Rock Creek; (4) In *Ward Five* an area enclosed by: Northeast—Eastern Avenue, Northwest—South Dakota, Southeast—Anacostia River, Southwest—Florida Avenue, West—Harewood Road; (5) *Wards One, Two and Four*, which includes the areas of Shepherd Park, Upper Cordoza, Adams Morgan and Mount Pleasant.
Commonwealth of Puerto Rico	Municipality of Aibonito	
	Municipality of Arecibo.	
	Municipality of Baja Santa Isabel.	
	Municipality of Bayamon.	
	Municipality of Canovanas.	
	Municipality of Canto	Cucharillas.
	Municipality of Carolina.	
	Municipality of Cayey.	
	Municipality of Ceiba.	
	Municipality of Cidra.	
	Municipality of Coamo	Las Flores.
	Municipality of Humacao.	
	Municipality of Junco.	
	Municipality of Loiza.	
	Municipality of Luquillo.	
	Municipality of Ponce.	
	Municipality of Rio Grande.	
	Municipality of San Juan	Cantera.
	Municipality of Toa.	
	Municipality of Trujillo Alto.	
	Municipality of Vega Alta	Muachauchal and Santa Ana.

Appendix B—State Allocation Estimates

State	Allocation
Alabama	$1,033,000
Arizona	1,086,000
Arkansas	332,000
California	6,359,000
Florida	2,620,000
Georgia	1,926,000
Illinois	780,000
Indiana	391,000
Kentucky	307,000
Louisiana	1,329,000
Massachusetts	250,000
Michigan	735,000
Mississippi	524,000
Missouri	666,000
New Jersey	459,000
New York	2,151,000
North Carolina	662,000
Ohio	1,478,000
Oklahoma	504,000
Pennsylvania	566,000
Puerto Rico	2,113,000
South Carolina	672,000
Tennessee	860,000
Texas	5,953,000
Virginia	617,000
Washington	296,000
American Indian Programs	1,100,000
Total	$35,765,000

The following States will compete in a multi-state pool of $3,000,000: Alaska, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Iowa, Kansas, Maine, Maryland, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Outer Pacific, Rhode Island, South Dakota, Utah, Vermont, Virgin Islands, West Virginia, Wisconsin, Wyoming, and Migrant Programs.

[FR Doc. 00–4532 Filed 2–28–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–4329]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Filing Objections and Requests for a Hearing on a Regulation or Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by March 30, 2000.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Filing Objections and Requests for a Hearing on a Regulation or Order

Under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)(2)), within 30 days after publication of a regulation or order, any person adversely affected by such regulations or order may file objections and request a public hearing. The implementing regulations for these statutory requirements are found at 21 CFR 12.22, which sets forth the format and instructions for filing objections and requests for a hearing. Each objection for which a hearing has been requested must be separately numbered and specify with particularity the provision of the regulation or the proposed order objected to. In addition, each objection must include a detailed description and analysis of the factual information to be presented in support of the objection as well as any report or other document relied on, with some exceptions. Failure to include this information constitutes a waiver of the right to a hearing on that objection. FDA uses the description and analysis only for the purpose of determining whether a hearing request is justified. The description and analysis do not limit the evidence that may be presented if a hearing is granted. Respondents to this information collection are those parties that may be adversely affected by an order or regulation.

In the **Federal Register** of October 25, 1999 (64 FR 57467), the agency requested comments on the proposed collections of information. No significant comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
12.22	60	1	60	20	1,200

[1] There are no capital or operating and maintenance costs associated with this collection of information.

The burden estimate for this collection of information is based on agency data received on this administrative procedure for the past 3 years. Agency personnel responsible for processing the filing of objections and requests for a public hearing on a specific regulation or order, estimate approximately 60 requests are received by the agency annually, with each requiring approximately 20 hours of preparation time.

Dated: February 23, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–4669 Filed 2–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Pregnancy Labeling Subcommittee of the Advisory Committee for Reproductive Health Drugs; 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: Pregnancy Labeling Subcommittee of the Advisory Committee for Reproductive Health Drugs.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 28, 2000, 9 a.m. to 5 p.m. and on March 29, 2000, 8 a.m. to 5 p.m.

Location: Hilton Hotel, Crystals Ballroom, 620 Perry Pkwy., Gaithersburg, MD.

Contact: Jayne E. Peterson or Robin M. Spencer, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, e-mail: petersonj@cder.fda.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–44–30572 in the Washington, DC area), code 12537. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 28, 2000, the subcommittee presentations and discussions will include the following topics: (1) The status of proposed pregnancy labeling changes, (2) the status of activities related to preclinical assessment of reproductive toxicity, and (3) FDA draft guidance for industry entitled ''Establishing Pregnancy Registries'' (see 64 FR 30041, June 4, 1999, including solicitation for comments [Docket No. 99D–1541], see also the FDA Internet at www.fda.gov.cder/guidance/index.htm under the heading ''Clinical/Medical

(Draft)''). The subcommittee will also address the methodological and operational challenges in developing and running a pregnancy registry. On March 29, 2000, the subcommittee presentations and discussions will address strategies for monitoring drug risks in pregnant women.

Procedure: Interested persons may present data, information, or views, orally or in writing on issues pending before the subcommittee. Written submissions may be made to the contact person by March 14, 2000. On March 28, 2000, oral presentations from the public will be scheduled between approximately 10:15 a.m. and 10:45 a.m. and 2:45 p.m. and 3 p.m. On March 29, 2000, oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 14, 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.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 18, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–4666 Filed 2–28–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1127–N]

Medicare Program; Open Public Meeting on March 15, 2000 To Provide an Overview of Data Requirements for Collection of Physician and Hospital Outpatient Encounter Data From Medicare+Choice Organizations for Risk Adjustment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting to provide Medicare+Choice organizations, providers, practitioners, and other interested parties an overview of data requirements for physician and hospital outpatient encounter data. The meeting will address the following topics:

- Basic data requirements for physician encounter data.
- Basic data requirements for hospital outpatient encounter data.
- Update on training and customer support services.

DATES: The meeting is scheduled for March 15, 2000 from 9 a.m. until 4 p.m., e.s.t.

ADDRESSES: The meeting will be held in the HCFA Auditorium, 7500 Security Boulevard, Baltimore, Maryland, 21244–1850.

FOR FURTHER INFORMATION CONTACT: Ann Barcome, (301) 519–6700, encounterdata@aspensys.com.

SUPPLEMENTARY INFORMATION:

Background

The Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33) established the Medicare+Choice program. Under the BBA, HCFA must implement a risk adjustment methodology that accounts for variations in per capita costs based on health status and other demographic factors for payment to Medicare+Choice organizations (M+COs). Risk adjustment implementation must start no later than January 1, 2000.

The BBA also gives HCFA the authority to collect inpatient hospital data for discharges on or after July 1, 1997, and additional data for services occurring on or after July 1, 1998. The schedule for physician and hospital outpatient encounter data submission is as follows:

- October 1, 2000: Submission of physician data begins.
- January 1, 2001: Submission of hospital outpatient data begins with dates of services retroactive to October 1, 2000.

This notice announces a public meeting to provide an opportunity for M+COs, providers, practitioners, and other interested parties to obtain basic information on the data requirements for the collection of physician and hospital outpatient encounter data. HCFA intends to provide additional information on our data collection efforts, systems processes, training approach, and customer services. HCFA will also follow-up this meeting with intensive training in the areas of physician and hospital outpatient encounter data that will occur in June and September, respectively.

HCFA is announcing this public meeting to provide an overview of physician and hospital outpatient data and to allow for individuals and organizations familiar with issues related to physician and hospital outpatient data collection to raise questions that can be answered in subsequent training. The agenda will include short presentations by HCFA staff and Aspen Systems Corporation, the encounter data training contractor, on related topics and will conclude with a question-and-answer session.

Registration

Registration for this public meeting is required and will be on a first-come, first-serve basis, limited to two attendees per organization. A waiting list will be available for additional requests. Registration will be done via the Internet at www.hcfa.gov/events or by paper forms available at the aforementioned Internet address. A confirmation notice will be sent to attendees upon finalization of registration.

Attendees will be provided with meeting materials at the time of the meeting. We will accept written questions or requests for meeting materials either before the meeting or up to 14 days after the meeting. Written submissions must be sent to: Aspen Systems Corporation, ATTN: Ann Barcome, 2277 Research Boulvevard, Rockville, Maryland 20850. You may contact Ann Barcome at: Telephone Number: (301) 519–6700, Fax Number: (301) 519–6360, E-mail: encounterdata@aspensys.com.

(Authority: Sections 1851 through 1859 of the Social Security Act (42 U.S.C. 1395w–21 through 1395w–28))

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 18, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 00–4670 Filed 2–28–00; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities; Proposed Collection; Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries

of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The Health Education Assistance Loan (HEAL) Program: Forms (OMB No. 0915–0034) Extension. This clearance request is for extension of approval for four HEAL forms: the Lender's Application for Contract of Federal Loan Insurance (used by lenders to make application to the HEAL insurance program); the Lender's Manifest (used by the lender to report recent HEAL loan activity); the Loan Transfer Statement (used by the lender to report the transfer of a HEAL loan); and the Borrower Status Request (completed by the borrower and the borrower's employer and used by the lender to determine eligibility for deferment). The reports assist the Department in protecting its investment in this loan insurance program.

The estimate of burden for the forms are as follows:

HRSA form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Lender's application for contract of Federal loan insurance.	32	1	32	8 min	4
Lender's manifest	9	331	2,979	5 min	247
Loan transfer statement	32	265	8,480	10 min	1,408
Borrower status request:					
Borrowers	12,180	1	12,180	10 min	2,022
Employers	7,550	1.613	12,180	5 min	1,011
Total	19,803		35,851		4,692

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 23, 2000.

Jane Harrison,

Director Division of Policy Review and Coordination.

[FR Doc. 00–4732 Filed 2–28–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: The Uniform Progress Report (UPR) for HRSA Continuation Training Grants (OMB No. 0915–0061)—Revision

The HRSA Progress Reports for Continuation Training Grants are used for the preparation and submission of continuation applications for Title VII and VIII health professions and nursing education and training programs. The Bureau of Health Professions (BHPr) Uniform Progress Report measures grantee success in meeting (1) the objectives of the grant project and (2) the cross-cutting outcomes developed for BHPr's education and training programs. The first part of the progress report is designed to collect information to determine whether sufficient progress has been made on the approved project objectives, as grantees must demonstrate satisfactory progress to warrant continuation of funding. The second part of the progress report contains selected tables from the Comprehensive Performance Management System (CPMS) reflecting the seven indicators that have been identified. Progress will be measured based on the objectives of the grant project and outcome measures and indicators developed by BHPr to meet requirements of the Government Performance and Results Act (GPRA).

To respond to the requirements of GPRA, BHPr developed goals, outcomes and indicators that provide a framework for collection of outcome data for its Titles VII and VIII programs. An outcome based performance system is critical for measuring whether program support is meeting national health workforce objectives. At the core of the performance measurement system are found cross-cutting goals with respect to workforce quality, supply, diversity and distribution of the health professions workforce. A demonstration project to assess availability of the data needed to support the indicators was conducted, and data from this project are currently being analyzed. The progress report will be completely automated in fiscal year 2000, allowing the grantees to obtain, complete, and submit the report electronically.

The burden estimate is as follows:

Form:

Progress Report.

Number of Respondents: 626.

Response per Respondent: 1.

Total Responses: 626.

Hours per Response: 21.5.

Total Burden Hours: 13,459.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Wendy A. Taylor, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 25, 2000.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–4891 Filed 2–28–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Delaware & Lehigh National Heritage Corridor Commission Meeting

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Delaware & Lehigh National Heritage Corridor Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING DATE AND TIME: Friday, March 10, 2000; 1:30–4:00 p.m.

ADDRESSES: City of Bethlehem, Town Hall, 10 E. Church Street, Bethlehem PA 18018.

The agenda for the meeting will focus on implementation of the Management Action Plan for the Delaware and Lehigh National Heritage Corridor and State Heritage Park. The Commission was established to assist the Commonwealth of Pennsylvania and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historic and natural resources. The Commission reports to the Secretary of the Interior and to Congress.

SUPPLEMENTARY INFORMATION: The Delaware & Lehigh National Heritage Corridor Commission was established by Public Law 100–692, November 18, 1988 and extended through Public Law 105–355, November 13, 1998.

FOR FURTHER INFORMATION CONTACT: C. Allen Sachse, Executive Director, Delaware & Lehigh National Heritage Corridor Commission, 10 E. Church Street, Room A–208, Bethlehem, PA 18018, (610) 861–9345.

Dated: February 23, 2000.

C. Allen Sachse,

Executive Director, Delaware & Lehigh National Heritage Corridor Commission.

[FR Doc. 00–4720 Filed 2–28–00; 8:45 am]

BILLING CODE 6870–PE–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Comprehensive Conservation Plan and Summary for Browns Park National Wildlife Refuge, Maybell, CO

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the Refuge Improvement Act of 1997, the U.S. Fish and Wildlife Service has published the Browns Park National Wildlife Refuge Comprehensive Conservation Plan. This Plan describes how the FWS intends to manage the Browns Park NWR for the next 10–15 years.

ADDRESSES: A copy of the Plan or Summary may be obtained by writing to U.S. Fish and Wildlife Service, Browns Park NWR, 1318 Highway 318, Maybell, CO 81640; or download from http://www.r6.fws.gov/larp/.

FOR FURTHER INFORMATION CONTACT: Allison Banks, U.S. Fish and Wildlife Service, P.O. Box 25486 DFC, Denver, CO 80225, 303/236–8145 extension 626; fax 303/236–4792.

SUPPLEMENTARY INFORMATION: Browns Park NWR is located in northwest Colorado. Implementation of the Plan will focus on adaptive resource management of riparian, wetland, grassland, and semidesert shrubland habitats and improved opportunities for compatible wildlife-dependent recreation. Habitat monitoring and evaluation will be emphasized as the Plan is implemented. Opportunities for compatible wildlife-dependent recreation will continue to be provided.

Dated: February 16, 2000.

Terry T. Terrell,

Deputy Regional Director, Denver, Colorado.

[FR Doc. 00–4724 Filed 2–28–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability

SUMMARY: Pursuant to the Refuge Improvement Act of 1997, the U.S. Fish and Wildlife Service has published the final Fort Niobrara National Wildlife Refuge Comprehensive Conservation Plan and Summary and the final Valentine National Wildlife Refuge Comprehensive Conservation Plan and Summary. These Plans and Summaries describe ho the FWS will mange the Fort Niobrara and Valentine NWRs for the next 10–15 years.

ADDRESSES: A Summary of the Plans or the complete Plans may be obtained by writing to U.S. Fish and Wildlife Service, Ft. Niobrara/Valentine NWR, Hidden Timber Route, HC 14 Box 67, Valentine, NE 69201. The complete Plan may also be downloaded at the following internet site: http://www.r6.fws.gov/larp/.

FOR FURTHER INFORMATION CONTACT: Bernardo Garza, U.S. Fish and Wildlife Service, P.O. Box 25486, DFC, Denver, CO 80225, telephone 303/236–8145 extension 672; fax 303/236–4792.

SUPPLEMENTARY INFORMATION: The Fort Niobrara NWR Comprehensive Conservation Plan describes the reasons and the process for the removal of longhorn cattle from the Refuge; restructured use of the Wild and Scenic portion of the Niobrara River through the Fort Niobrara Wilderness Area through a participatory process; the expansion of prairie dog colonies in the Refuge; and overall less forage removal by large animal use with more residual cover for native birds, which is the primary mission of the Refuge.

The Valentine NWR Plan describes the reintroduction of bison to a portion of the proposed wilderness area through a 10-year phased-in process and relocation of the station headquarters. Existing fishing, hunting, wildlife observation, and photography opportunities will remain in place on Valentine NWR.

Dated: February 18, 2000.

Ralph O. Morgenweck,

Regional Director, Denver, Colorado.

[FR Doc. 00–4723 Filed 2–28–00; 8:45 am]

BILLING CODE 4310—55—M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. TE–022329

Applicant: Mike Warton and Associates, Cedar Park, Texas

Applicant requests authorization to conduct presence/absence surveys for the Bee Creek Cave harvestman (*Texella*

reddelli), Bone Cave harvestman (*Texella reyesi*), Tooth Cave pseudoscorpion (*Tartarocreagris texana*), Tooth Cave spider (*Neoleptoneta myopica*), Tooth Cave ground beetle (*Rhadine persephone*), Kretchmarr Cave mold beetle (*Texamaurops reddelli*), and to survey and collect the Coffin Cave mold beetle (*Batrisodes texanus*) primarily in Travis and Williamson Counties, Texas.

Permit No. TE–22628

Applicant: Stephanie Smallhouse, Benson, Arizona

Applicant requests authorization to conduct presence/absence surveys for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), and the southwestern willow flycatcher (*Empidonax traillii extimus*) in Pima, Pinal, and Cochise Counties, Arizona.

Permit No. TE–022190

Applicant: Arizona-Sonora Desert Museum, Tucson, Arizona

Applicant requests authorization to salvage the Pima pineapple cactus (*Coryphantha scheeri var. robustispina*) in various sites in Pima County for scientific research and recovery purposes.

Permit No. TE–776123

Applicant: Texas A & M University at Galveston, Dept. of Marine Biology, Galveston, Texas

Applicant requests authorization to take, transport, hold on land, then release Kemp's ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), green (*Chelonia mydas*), and loggerhead (*Caretta caretta*) sea turtles for attachment of radio/sonic tags, and for ultrasound or laparoscopic examination for the purpose of enhancement of the species.

Permit No. TE–827367

Applicant: Bureau of Land Management, Lake Havasu City, Arizona

Applicant requests authorization to conduct presence/absence surveys for the Mohave desert tortoise (*Gopherus agassizii*) and Yuma clapper rail (*Rallus longirostris yumanensis*) in Arizona, Nevada, and California.

Permit No. TE–22582

Applicant: Marilyn Murov, Flagstaff, Arizona

Applicant requests authorization to conduct presence/absence surveys for the Mohave desert tortoise (*Gopherus agassizii*), cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), and southwestern willow flycatcher (*Empidonax traillii extimus*) in Arizona, New Mexico, and Texas.

DATES: Written comments on these permit applications must be received on or before March 30, 2000.

ADDRESSES: Written data or comments should be submitted to the Legal Instruments Examiner, Division of Endangered Species/Permits, Ecological Services, P.O. Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: The U.S. Fish and Wildlife Service, Ecological Services, Division of Endangered Species/Permits, P.O. Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when requesting copies of documents. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the address above.

Bryan Arroyo,

Programmatic Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 00–4722 Filed 2–28–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability, Restoration Plan and Environmental Assessment for Natural Resources Injured by Releases of Pesticides From the United Heckathorn Superfund Site

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service, on behalf of the Department of the Interior, the National Oceanic and Atmospheric Administration, and the State of California, announces the release for public review of the Final Tubbs Island Restoration Plan and Environmental Assessment (Plan/Assessment) for a wetland restoration project at Lower Tubbs Island, Sonoma County, California. The Tubbs Island Restoration Project was selected by the United Heckathorn Natural Resource Trustee Council (Trustees), consisting of representatives of the agencies listed above, as the preferred alternative to compensate the public for impairment of fish and wildlife habitat resulting from releases of dichlorodiphenoltrichloroethane (DDT) at the United Heckathorn Superfund Site in Richmond, California. Funds to carry out the restoration program were obtained via Consent Decrees between the government and the responsible parties in July 1996, and the Final Tubbs Island Restoration Plan and Environmental Assessment was completed in August 1998, along with a Finding of No Significant Impact (FONSI) under the National Environmental Policy Act (NEPA). The Plan/Assessment describes the approach, schedule, and budget for completing and monitoring the restoration project. A public hearing will be held to present the Trustees' proposal to fund the Tubbs Island Restoration Project with funds from the United Heckathorn settlement, and all interested parties are invited to submit comments on the proposal.

DATES: The public hearing will be held from 6:30 until 8:00 p.m., Wednesday, March 22, 2000, Richmond, California. The comment period closes March 30, 2000.

ADDRESSES: The public hearing will be held at the Martin Luther King Community Center, 360 Harbor Way South, Richmond, California. Written comments and materials should be sent to: Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, CA 85825 (facsimile 916/414–6713). Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. The Plan/Assessment is available for review on the internet at *http://www.r1.fws.gov.* The Plan/Assessment is also on file at the U.S. Fish and Wildlife Service, San Pablo Bay National Wildlife Refuge P.O. Box 2012, 1404 Mesa Road, Mare Island, CA 94952; (707) 562–3000. It is available for public inspection during normal business hours, by appointment, at that address.

FOR FURTHER INFORMATION CONTACT: James Haas, Fish and Wildlife Service, Sacramento Fish and Wildlife Office (see **ADDRESSES** section) at (916) 414–6604.

SUPPLEMENTARY INFORMATION:

Background

Between approximately 1947 and 1966, several operators formulated and packaged DDT and other pesticides at the United Heckathorn Site in

Richmond Harbor, Contra Costa County, California. These operations resulted in releases of DDT and dieldrin into the Lauritzen Channel, a water body that is physically connected to Richmond Harbor and San Francisco Bay via the Santa Fe Channel. Investigations supervised by the U.S. Environmental Protection Agency (EPA) documented concentrations of DDT as high as 633,000 micrograms per kilogram (ug/kg) in sediments of the Lauritzen Channel (White *et al.* 1994). Dieldrin concentrations as high as 16,000 ug/kg were also detected (White *et al.* 1994). Concentrations of DDT and dieldrin exhibited a gradient with highest concentrations in the Lauritzen Channel at the United Heckathorn Site and lower concentrations with increasing distance from the site. The nearby Parr Canal also contained elevated concentrations of pesticides. Extensive contamination of upland soils was also detected by EPA and State of California investigations, and the site was listed on the National Priorities List (NPL List) in 1990.

EPA's Ecological Risk Assessment for the United Heckathorn NPL Site (Lee *et al.* 1994) noted that concentrations of DDT in sediments were elevated to acutely toxic levels in the Lauritzen Channel and structure and abundance of organisms in the benthic community were affected. Water quality criteria for DDT and dieldrin were violated in the Lauritzen and Santa Fe Channels. High concentrations of DDT were detected in tissues of fish, transplanted mussels, and resident invertebrates from the Lauritzen Channel. Concentrations of DDT in fish exceeded by orders of magnitude levels that may cause adverse impacts to sensitive fish-eating birds. Overall, the results of the Ecological Risk Assessment indicated that the gross contaminant levels in the Lauritzen Channel threatened a variety of ecological receptors at various trophic levels, including benthic and water column organisms and fish-eating birds. While the Santa Fe Channel was less contaminated, DDT concentrations there were still significantly higher than levels which may threaten sensitive fish-eating birds.

In its Record of Decision, EPA selected a cleanup alternative that involved dredging and off-site disposal of all soft bay mud (approximately 65,000 cubic yards) in the Lauritzen Channel and Parr Canal, placement of clean sediment after dredging, capping of terrestrial areas around the former United Heckathorn facility, a deed restriction or notice limiting use of the Levin-Richmond terminal to its current industrial classification, and marine monitoring to determine the effectiveness of the remedy. The remedy was implemented in 1996 and marine monitoring is in progress.

The remedy selected by EPA should provide overall protection of human health and the environment and should enable natural recovery of the benthic and water column communities in the dredged area. However, the degradation of the habitat during the decades between the pesticide releases and the cleanup resulted in a cumulative loss of ecological services in the Lauritzen Channel. These lost ecological services were estimated by the Natural Resource Trustees using Habitat Equivalency Analysis and formed the basis of settlements with the responsible parties for natural resource damages. The $365,000 settlement was based on estimates of the cost of restoration of habitat that would provide comparable services to fish, benthic invertebrates and fish-eating birds.

The restoration funds were recovered under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A Trustee Council was established to review and select restoration projects to be funded with the settlement money and any interest it earns. The Trustee Council is responsible for ensuring that the funds are spent in an appropriate and cost-effective manner to compensate the public for the loss of ecological services of habitat affected by the pesticide releases from the United Heckathorn NPL Site. The selected projects must restore, replace, rehabilitate, or acquire the equivalent of natural resources or resource services that were injured by the pesticide releases.

The loss of ecological services resulting from the contamination of sediments in the Lauritzen Channel was estimated using a Habitat Equivalency Analysis (HEA). Assuming that 10.3 acres of soft-bottom habitat were 100% impaired from 1981 to 1996, and that EPA's remediation project would result in natural recovery of the affected community by 2015, the HEA model estimates that the pesticide releases resulted in a loss of approximately 256 acre-years of services.

The Trustees used the HEA model to estimate the size of a restoration project that would compensate for the loss of 256 acre-years of habitat services. A scenario in which soft bottom habitat would be restored at a site other than the Lauritzen Channel to compensate for the habitat service losses in the Lauritzen Channel was modeled. In this model, the restoration project was assumed to increase the value of the restored habitat by a factor of two over a 20 year period and to provide this increased level of services in perpetuity. Under this scenario, each restored acre would provide 9.56 discounted acre-years of services, measured in terms of baseline level of services provided by the injured habitat in the Lauritzen Channel. Thus, a project involving restoration of 26.7 acres of soft bottom habitat (or 2.6 acres of restoration project per injured acre) would compensate for the interim lost services resulting from the pesticide releases.

In selecting restoration alternatives, the Trustees must decide whether feasible alternatives exist for the affected organisms (in-kind restoration) in the area affected by the releases (on-site restoration), or whether compensatory projects involving other organisms (out-of-kind restoration) or other sites (off-site restoration) are more appropriate. For United Heckathorn, the Trustees concentrated their damage assessment and restoration planning efforts on the types of natural resources that were most likely to have been affected by the pesticide releases. These resources include fish and benthic invertebrates that inhabit soft bottom habitats and fish-eating birds that forage in the vicinity of the site. Restoration of alternative species or communities was not considered because the Trustees felt that feasible restoration alternatives could be developed for the types of organisms that were affected by the releases.

The Trustees considered whether to attempt restoration of soft bottom habitat in the Lauritzen Channel after completion of the dredging project. Since the United Heckathorn Site and adjacent areas of the harbor will, in all-likelihood, remain industrial, the Trustees felt that attempting restoration projects in the affected area would be less beneficial than implementing projects in less industrial areas of the bay. Therefore, the Trustees focused their on-site efforts on coordinating with EPA to achieve a protective remedy for the contaminated sediments. The dredging of the contaminated sediments, the application of clean sediment over the dredged area, and the monitoring program that is in place are intended to allow the natural recovery of the benthic and water column communities in the Lauritzen Channel. The interim losses in resource services can best be compensated for through off-site restoration projects that benefit the same types of organisms that were affected by the releases (*i.e.,* restoration projects that are in-kind but off-site).

Restoration of subtidal soft-bottom habitat in San Francisco Bay was

viewed by the Trustees as an infeasible option for use of the settlement money for several reasons. Subtidal soft-bottom habitat in the bay typically is restricted to shipping lanes and industrial areas that are periodically dredged to maintain adequate depth. Disturbance from dredging, vessel traffic, and industrial and municipal discharges would make it difficult to maintain the ecological value of any restoration projects that could be implemented in these areas. In subtidal areas that are not in shipping lanes, dredging may actually be necessary in order to rehabilitate contaminated sediments. However, the $365,000 that the Trustees received in the settlement would not be sufficient to cover costs of dredging and off-site disposal of contaminated sediments.

The Trustees regard creation of soft bottom habitat through restoration of tidal slough/salt marsh complexes as a more feasible and cost effective way of providing comparable soft bottom habitat services to those that were lost due to the pesticide releases. Soft bottom habitat is prevalent in the early years of a marsh restoration project as the salt marsh vegetation takes years to establish and become dominant. Prior to maturation of the salt marsh vegetation, the area restored to tidal action must fill with silt, a process that can take several years. The silt filled area functions as soft bottom habitat until marsh vegetation gets established. Tidal sloughs also form during this time and persist even after the marsh vegetation becomes established. Slough bottoms provide many of the same ecological services to fish, aquatic invertebrates, and fish eating birds as the subtidal soft bottom habitats that were affected by the pesticide releases. Restoration of tidal slough/salt marsh complexes is the alternative the Trustees have selected to compensate for the ecological services lost at the United Heckathorn NPL site.

The Trustees developed a list of criteria to consider in selecting wetland restoration projects for funding. The criteria included:

(1) Replacement of lost ecological services (foraging, nursery, and spawning habitat for estuarine fish and invertebrates and fish-eating birds).

(2) Restoration of fully tidal salt marsh habitat containing open water sloughs.

(3) Projects located within the North Bay or San Pablo Bay (*i.e.,* projects located north of the Bay Bridge).

(4) Projects that can be implemented fairly easily in one year with little additional cost for long-term operation and maintenance.

(5) Projects that will develop resource services relatively quickly.

(6) Projects that are situated on uncontaminated property.

(7) Projects that do not involve costs of acquiring land (*i.e.,* projects that are on land that is already in public ownership).

(8) Projects that are consistent with the goals for San Francisco Bay-wide planning, particularly projects that have been identified in Regional Restoration Plans or equivalent documents that are products of multi-agency planning efforts.

(9) Projects that have already been designed and have begun to complete required environmental documents and to obtain necessary permits and do not appear likely to experience lengthy delays in completing these requirements.

(10) Projects that have sources of matching funds or services that can be applied toward the projects along with the damage settlement money.

The site of the selected project is Lower Tubbs Island, which consists of the most southern 72 acres of Tubbs Island, situated between Tolay Creek and Sonoma Creek at the west end of San Pablo Bay National Wildlife Refuge. The site was formerly tidal flat or marsh but it was enclosed by levees at the turn of the century and converted to agricultural use, especially production of oats and hay. The property was leased to the Fish and Wildlife Service by the State of California in 1976 and agricultural activities ceased in 1983. Since then the site has reverted to upland habitat containing sparse grasses and weeds that provides a limited amount of ecological habitat services to terrestrial wildlife species.

Restoration of Lower Tubbs Island is part of the Fish and Wildlife Service's long term plan for San Pablo Bay National Wildlife Refuge but funding has not been available to perform the necessary restoration work.

The Lower Tubbs Island project consists of construction of a new interior levee approximately 2,000 feet in length, followed by reinforcement and breaching of the existing levee that separates the property from San Pablo Bay. Other work may include ditch excavation and installation of two culverts with gates to improve water circulation. Materials for construction of the new interior levee would be excavated on site. Natural sedimentation would be relied on to gradually fill in the area and permit establishment of salt marsh vegetation. The project design is not complex and completion of the environmental compliance and permitting process is not expected to create unanticipated delays. The Fish and Wildlife Service determined that an Environmental Assessment was the appropriate form of documentation of the project's environmental affects required under the National Environmental Policy Act. An Environmental Assessment was completed, and a Finding of No Significant Impact signed, in August 1998.

Lower Tubbs Island has a number of attractive aspects that have resulted in its selection as the top candidate for restoration of habitat services injured at the United Heckathorn NPL Site. The project will restore the site to full tidal action and will result in the development of a salt marsh/tidal slough complex that will provide habitat for fish, aquatic invertebrates, and fish-eating birds. The proximity of Lower Tubbs Island to other restoration projects on San Pablo Bay National Wildlife Refuge and adjacent State lands contributes to the re-creation of a semblance of the salt marsh ecosystem that existed in the North Bay prior to extensive agricultural and industrial development. This complex of interconnected restored areas may provide much greater ecological services than an equivalent number of restored acres scattered around the bay in isolated pockets.

Preliminary project designs have already been completed by the Fish and Wildlife Service and the preliminary estimate of the project cost, not including monitoring, is $815,000. Matching funds and services have been obtained from several sources to complement the funding provided by the Trustees. These funding partnerships will enable the Trustees to contribute towards a larger project than would otherwise be possible if the damage settlement was the only source of money.

The Trustees selected the Lower Tubbs Island project after developing a list of approximately 30 other sites for potential wetland restoration projects. This initial list was reduced to about 10 sites after an initial screening that eliminated projects that did not seem to provide a good match to the resources and services that were injured at the United Heckathorn NPL site. Besides Lower Tubbs Island, the sites considered were the following:

(1) Tolay Creek

This project is adjacent to Lower Tubbs Island on San Pablo Bay National Wildlife Refuge and consists of restoration of tidal flow to Tolay Creek by excavating approximately 4 miles of sediment from the channel. Opening of

the channel would allow tidal flow to deepen and widen the creek to its original dimensions. The increased tidal flow would enhance 300 acres of marsh and provide habitat for all species that utilize salt marshes in the North Bay, including juvenile fishes. During the time the Trustees were reviewing projects the Fish and Wildlife Service obtained funding for this project from other sources, and the project was implemented.

(2) Cullinan Ranch

This project is located north of Highway 37 near the city of Vallejo and consists of restoring tidal flow to approximately 1,493 acres of former diked oat and hay farmland now designated as the Napa Marsh Unit of the San Pablo Bay National Wildlife Refuge. During the time the Trustees were reviewing projects the Fish and Wildlife Service obtained funding for this project from other sources, and the project is in the process of being implemented.

(3) Burdell Unit

This project is located on the west side of the Petaluma River, about 5 miles upstream from the mouth and south of the Petaluma Marsh, and consists of restoring about 500 acres of tidal wetland on an old farm field. Because the area has subsided, the marsh elevation would have to be raised with dredge spoils to restore tidal action, and there are potential flooding problems for adjacent land owners.

(4) Skaggs Island

This project is located on the former Naval Security Group Facility on Skaggs Island, and consists of restoring approximately 3,310 acres of former tidal marsh through breaching of levees. Acquisition by the U.S. Fish and Wildlife Service has not been completed, and there is a need to evaluate whether buildings need to be demolished and whether there are contaminant-related issues theat would affect restoration activities.

(5) Napa-Sonoma Marshes

This project is located in former Cargill salt ponds located primarily north of Highway 37, recently acquired by the Department of Fish and Game, and consists of restoring approximately 5,000–6,000 acres of salt ponds to tidal marsh. Present high salinity from salt evaporation will have to be addressed, and might be prohibitively expensive for the amount of money available from the United Heckathorn settlement.

(6) City of Petaluma Marsh

This project is located on the Petaluma River adjacent to the city of Petaluma, and north of the Petaluma Marsh, and consists of restoring approximately 100–150 acres of subsided, diked historic wetland to tidal marsh. Because of the distance upriver that the site is located, there is uncertainty as to whether the restoration will provide significant benefit to tidal marsh species.

(7) Bruener Property

This project is located Point Pinole Regional Park in north Richmond and consists of restoring approximately 217 acres of diked former tidal marsh. Restoration would be constrained by the need to protect vernal pools already existing on the site.

(8) Hamilton Army Airfield

This project is located on the former Hamilton Army Airfield near the city of Novato and would restore approximately 500–700 acres of diked historic tidal marsh now covered by runway areas to tidal action. Contaminant cleanup is a concern at this site, and is currently being addressed by the Army Corps of Engineers; the Crops of Engineers is also working with the California Coastal Commission to achieve wetlands restoration. However, the cleanup time line does not make this project feasible for funding by the United Heckathorn Trustee Council in the near term.

(9) West End Duck Club

This project is located adjacent to Sonoma Creek and would consist of restoring approximately 774 acres of former Cargill property to tidal action. The site is currently functioning as a muted tidal wetland, making the benefit of restoration to full tidal action questionable in relation to the expense of the project. In addition, management responsibility for the property has not yet been transferred to a resource agency.

The Trustees intend to allocate the $365,000 damage settlement and the interest it has earned, to the U.S. Fish and Wildlife Service for implementation of the Lower Tubbs Island project by May 2000. The project will be implemented in the summer of 2000 if all permits and matching funds are obtained by that date. A ten year monitoring plan will be developed and monitoring will begin within a year of completion of the project(s).

The Fish and Wildlife Service (Service), acting in its capacity as lead trustee for the United Heckathorn Trustee Council (Council), will host a public hearing from 6:30 until 8:00 p.m., Wednesday, March 22, 2000, at the Martin Luther King Community Center, 360 Harbor Way South, Richmond, California. The purpose of the hearing is to receive comments on the decision by the United Heckathorn Trustee Council to fund the restoration of Lower Tubbs, Island, San Pablo Bay, California, to compensate the public for impairment of fish and wildlife habitat resulting from releases of DDT at the United Heckathorn Superfund Site in Richmond, California. Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement to be presented to the Service at the start of the hearing. In the event there is a large attendance, the time allocated for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the hearing are being published in newspapers concurrently with this **Federal Register** notice.

Written comments may be submitted until March 30, 2000, to the Service office in the **ADDRESSES** section.

National Environmental Policy Act

The Fish and Wildlife Service and any other agencies that may receive funds from the Trustees must agree to obtain and comply with any applicable permits or authorizations from environmental regulatory agencies. In addition, recipients of funds must complete all environmental documentation and public review requirements under the National Environmental Policy Act (NEPA) and/or California Environmental Quality Act (CEQA). NEPA compliance has been documented in the form of an Environmental Assessment and Finding of No Significant Impact, completed in August 1998. NEPA documentation is included in the Restoration Plan.

References Cited

Lee II, H.; A. Lincoff; B.L. Boese; F.A. Cole; S.F. Ferraro; J.O. Lamberson; R.J. Ozretich; R.C. Randall; K.R. Rukavina; D.W. Schults; K.A. Sercu; D.T. Specht; R.C. Swartz; and D.R. Young. 1994. Ecological risk assessment of the marine sediments at the United Heckathorn Superfund Site. Final Report to Region IX; Pacific Ecosystems Branch, ERL-Narragansett, U.S. EPA, Newport, Oregon; 391 p. Available from: Superfund Records Center, EPA Region IX, San Francisco, CA; ERL–N–269.

White, P.J.; N.P. Kohn; W.W. Gardner; and J.Q. Word. 1994. The remedial

investigation of marine sediment at the United Heckathorn Superfund Site. Pacific Northwest Laboratory, U.S. Department of Energy, Richland, Washington; 466 p. Available from: NTIS, Springfield, VA; PNL–9383.

Author

The primary authors of this notice are Daniel Welsh and James Haas (see **ADDRESSES** section).

Authority

The authority for this action is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 *et seq.*).

Dated: February 18, 2000.

Elizabeth H. Stevens,

Deputy Manager, California-Nevada Operations Office, Sacramento, California.

[FR Doc. 00–4432 Filed 2–28–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Ballast Water and Shipping Committee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Ballast Water and Shipping Committee of the Aquatic Nuisance Species Task Force. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION.**

DATES: The Committee will meet from 10:00 a.m. to 3:00 p.m., on Wednesday, March 1, 2000.

ADDRESSES: The meeting will be held at the Coast Guard Headquarters, Room 2415, 2100 Second Street, SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: LT Mary Pat McKeown, U.S. Coast Guard, Chair, Ballast Water and Shipping Committee, at 202–267–0500 or by email at *mmckeown@comdt.uscg.mil* or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308 or by e-mail at: *sharon__gross@fws.gov*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Ballast Water and Shipping Committee. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701–4741).

Topics to be addressed at this meeting include briefings and updates on the inaugural meeting of the National Invasive Species Committee, a discussion of the efforts to address environmental soundness of technologies, and a discussion of how aquatic nuisance species removal efficiency values will be developed.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 851, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and the Chair of the Ballast Water and Shipping Committee at the Environmental Standards Division, Office of Operations and Environmental Standards, U.S. Coast Guard (G–MSO–4), 2100 Second Street, SW, room 1309, Washington, D.C. 20593–0001. Minutes for the meetings will be available at these locations for public inspection during regular business hours, Monday through Friday.

Dated: February 23, 2000.

Rowan Gould,

Acting Go-Chair, Aquatic Nuisance Species Task Force, Acting Assistant Director—Fisheries.

[FR Doc. 00–4698 Filed 2–28–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020-XU; GP0–0136]

Notice of Meeting of the Eastern Washington Resource Advisory Council

ACTION: Meeting of the Eastern Washington Resource Advisory Council; March 16, 2000, in Spokane, Washington.

SUMMARY: A meeting of the Eastern Washington Resource Advisory Council will be held on March 16, 2000. The meeting will convene at 9:00 a.m., at the Spokane District Office of the Bureau of Land Management, 1103 N. Fancher Road, Spokane, Washington, 99212–1275. The meeting will adjourn upon conclusion of business, but no later than 4:00 p.m. Public comments will be heard from 10:00 a.m. until 10:30 a.m. If necessary to accommodate all wishing to make public comments, a time limit may be placed upon each speaker. At an appropriate time, the meeting will adjourn for approximately one hour for lunch. Topics to be discussed include: Status of the Interior Columbia Basin Ecosystem Management Project, Central Washington Land Exchange and several Forest Service issues such as the reorganization of the Colville and Okanogan National Forests and the roadless initiatives.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212; or call 509–536–1200.

Dated: February 23, 2000.

Gary J. Yeager,

Acting District Manager.

[FR Doc. 00–4725 Filed 2–28–00; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–030–00–1610–00]

Grand Staircase-Escalante National Monument Approved Management Plan and Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1550.2), and the Federal Land Policy and Management Act of 1976, the Department of the Interior, Bureau of Land Management (BLM), Grand Staircase-Escalante National Monument (GSENM) provides notice of the availability of the Approved Management Plan and Record of Decision (ROD) for GSENM. The Approved Management Plan/ROD was signed by the Secretary of the Interior on November 15, 1999 and will be in effect upon publication of this notice. This Approved Management Plan/ROD supersedes the existing Vermilion Management Framework Plan (MFP), Escalante MFP, and the Paria MFP and other related documents for managing BLM-administered lands within GSENM. GSENM is responsible for management of BLM-administered lands and minerals within the boundaries of the Monument in Kane and Garfield Counties, Utah and is administratively responsible for approximately 1,870,800 acres. The major management emphases in the Approved Plan includes: (1) Management of uses to protect and prevent damage to Monument resources. (2) Facilitation of appropriate scientific research activities. (3) Designation of a transportation system for the Monument and prohibition of all cross-country vehicle travel. (4) Identification of protection measures for special status

plant and animal species, riparian areas, and other special resources. (5) Identification of measures to ensure water is available for the proper care and management of objects in the Monument. (6) Accommodation of recreation by providing minor recreation facilities for visitors. Major visitor facilities will be located in surrounding communities in order to protect resources and promote economic development in the communities. (7) Establishment of a Monument Advisory Committee (chartered under the Federal Advisory Committee Act) to advise managers via an adaptive management strategy for implementing the Plan. (8) Commitments to work with local and State governments, Native American Indian tribes, organizations, and Federal agencies to manage lands or programs for mutual benefit consistent with other Plan decisions and objectives. (9) Recommendation of approximately 252 miles of river segments as suitable for designation as Wild and Scenic Rivers (WSR).

ADDRESSES: Copies of the Approved Management Plan/ROD are available upon request from the GSENM Office, 180 W 300 N, Kanab, UT 84741, (435) 644–4300; Information Access Center (4th Floor), Utah BLM State Office, 324 S. State Street, Salt Lake City, Utah, 84111; Cedar City District Office, 176 East DL Sargent Drive, Cedar City, Utah 84720; GSENM Office, Escalante, Utah 84726; or on the Internet at http://www.ut.blm.gov/monument.

FOR FURTHER INFORMATION CONTACT: Kate Cannon, Monument Manager, GSENM, 180 W 300 N, Kanab, UT 84741 or by telephone at (435) 644–4300.

SUPPLEMENTARY INFORMATION: The GSENM Approved Management Plan/ROD is similar to the Proposed Management Plan and Final Environmental Impact Statement (PMP/FEIS) that was completed in July, 1999. The **Federal Register** notice for the PMP/FEIS was dated July 29, 1999, Volume 64, Number 145, Pages 41129–41130.

The following modifications to the Proposed Plan are a result of protests BLM received to the Proposed Plan or as a result of recommendations made during the Governor's consistency review. (1) The Proposed Plan stated that recreation allocations would not be used in the Frontcountry Zone since it is the focal point for visitation. This decision has been modified to allow for allocations in the Frontcountry Zone in limited circumstances where other tools to protect resources prove ineffective. Since the Frontcountry Zone is the focal point for visitation, social encounters would not trigger such action. (2) The fuelwood cutting policy has been revised to clarify access provisions for this activity. As stated in the Proposed Plan, access off of designated routes will generally be allowed within 50 feet of the designated route, in designated fuelwood cutting areas. However, because fuelwood cutting is controlled by a permit and permits are issued to further overall management objectives, the BLM could authorize access on administrative routes and, in some cases, in areas more than 50 feet away from designated routes. These areas/provisions would be delineated in the permit prior to its issuance. (3) The Wildlife Services (Animal Damage Control) decisions in the Plan were clarified to emphasize that such provisions do not diminish the responsibility and authority of the State of Utah for management of fish and wildlife as required by the Proclamation. The provisions in the Plan apply to the operations of the Animal and Plant Health Inspection Service (Wildlife Services) agency and are taken under the terms of the National agreement between the BLM and Wildlife Services, which states that ''Animal and Plant Health Inspection Service (APHIS)—Animal Damage Control (ADC) shall conduct activities on BLM lands in accordance with APHIS—ADC policies, wildlife damage management plans, applicable State and Federal laws and regulations, and consistent with BLM Resource or Management Framework Plans.'' Control actions taken by the State of Utah, or actions taken under State law by private citizens, are not affected by this provision. (4) The WSR provisions in the Plan have been clarified with respect to the management of streams found suitable for recommendation to the National Wild and Scenic Rivers System (NWSRS). Streams recommended as suitable will be managed for protection of the resources associated with the stream. Such action will not entail any additional State water rights and will not result in a Federal reserved water right unless and until the Congress acts to officially designate the stream or stream segment as part of the NWSRS. Upon such designation, if any, the Federal reserved water right thus established would, by law, be established with the priority date of the designation and would be junior to all preexisting water rights, in accordance with the existing State priority. Senior rights in any stream designated would be unaffected. In addition, if an agreement on water is reached between the BLM and the State of Utah similar to the agreement reached with Zion National Park, or if any other water agreement is reached with the State, segments of the rivers determined suitable for WSR designation in this Plan would be managed in accordance with this agreement. (5) The utility rights-of-way and water provisions in the Plan were modified with regard to the Town of Henrieville's culinary water supply, because the Town accesses upstream lands within the Monument for its culinary water. There is an existing small-scale diversion of groundwater out of the Monument for domestic water supply for Henrieville.

The Plan does not prohibit the continuation of this diversion, nor its expansion, if necessary, to meet the municipal needs of population growth in Henrieville. Any proposed new groundwater diversion to meet Henrieville's municipal needs could be approved consistent with the Plan if the BLM and the State water engineer complete a joint analysis to determine that such development would not adversely impact springs or other water resources within the Monument, and the BLM completes the required NEPA analysis. Exceptions could be considered for other local community culinary needs if the applicant could demonstrate that the diversion of water will not damage water resources within the Monument or conflict with the objectives outlined in the Plan. (6) During the protest period, several requests were made to modify decisions for specific routes. Every route mentioned was reviewed and reevaluated by the BLM. The following modifications were made as a result of this review: (a) Grand Bench route (Route 262, approximately 3 miles)—will be open to the public for street legal motorized vehicle use to access the open route on Glen Canyon National Recreation Area (GCNRA) and associated destinations. (b) Sooner Rocks route (approximately 1 mile)—will be open to the public for street legal motorized vehicle use to access the camping destinations at Sooner Rocks. (c) Chimney Rock route (approximately 3 miles)—will be open to the public for street legal motorized vehicle use to access the destination of Chimney Rock. (d) Allen Dump route (off of the Egypt route, approximately 2 miles)—will be open to the public to GCNRA boundary for street legal motorized vehicle use. This route will be open to allow the public to access the National Park Service trailhead on GCNRA. (e) Timber Mountain loop (approximately 7 miles)—a loop off of the Timber Mountain road will be open to the

public for motorized use, including all terrain vehicles (ATVs). This is consistent with the desire to provide appropriate ''loop'' ATV routes in the Outback Zone. (f) Horse Canyon (approximately 1 mile)—a mapping error was corrected to show the route open to motorized use up to the choke point in the canyon. The remainder of the route will continue to be available for administrative use only.

The Grand Bench route, the Sooner Rocks route, the Allen Dump route, and the Horse Canyon route were identified as open to administrative use only in the Proposed Plan. The Chimney Rock route and the Timber Mountain loop were not identified for motorized use in the Proposed Plan, but will now be open as described above. The discussion of R.S. 2477 assertions in footnote 1 of Chapter 2 of the Approved Plan has also been clarified to emphasize that nothing in the Plan extinguishes any valid existing rights-of-way in GSENM. Nothing in this Plan alters in any way any legal rights the Counties of Garfield and Kane or the State of Utah has to assert and protect R.S. 2477 rights, and to challenge in Federal court, or any other appropriate venue, any BLM road closures that they believe are inconsistent with their rights. (7) A clarification has been made that authorizations for overnight camping and exceptions to group size limits could be provided for in valid grazing permits if the activity does not involve outfitter and guide operations or special events. These provisions may be necessary for the proper operation of a valid grazing permit and are more appropriately authorized within the terms of that permit rather than in recreational visitor permits. Campfire restrictions and other zone provisions will apply. (8) As in the Proposed Plan, new water developments are restricted in the Approved Plan to the following purposes: for better distribution of livestock when deemed to have an overall beneficial effect on Monument resources or to restore or manage native species or populations. The Proposed Plan also stated that such developments could be done ''only when there is no other means to achieve the above objectives.'' For clarification purposes, this wording has been modified in the Approved Plan to state that developments could be done when ''a NEPA analysis determines this tool to be the best means of achieving the above objectives.'' (9) Filming provisions have been changed from allowing filming, by permit, that meets the ''minimum impact'' standards to allowing filming, by permit, if it complies with zone requirements and other Plan provisions. The zone requirements have restrictions that are similar to the minimum impact standards, and thus are the appropriate means of managing filming within the Monument. This treats filming similarly to other activities with similar resource impacts.

Wild and Scenic Rivers

Through this planning effort approximately 252 miles of river segments have been determined suitable and will be recommended for Congressional designation into the NWSRS. The suitable river segments include: Escalante River 1, 2, 3; Harris Wash; Lower Boulder Creek; Slickrock Canyon; Lower Deer Creek 1, 2; The Gulch 1, 2, 3; Steep Creek; Lower Sand Creek and tributary Willow Patch Creek; Mamie Creek and west tributary; Death Hollow Creek; Calf Creek 1, 2, 3; Twenty-five Mile Wash; Upper Paria River 1, 2; Lower Paria River 1, 2; Deer Creek Canyon; Snake Creek; Hogeye Creek; Kitchen Canyon; Starlight Canyon; Lower Sheep Creek; Hackberry Creek; Lower Cottonwood Creek; and Buckskin Gulch.

Transportation and Access

The Approved Plan designates the route system for the Monument. Cross-country motorized travel will be prohibited in accordance with 43 CFR 8340 Off-Road Vehicle (OHV) regulations. Vehicles may pull off routes no more than 50 feet for parking and camping where allowed. No off-highway vehicle (OHV/ATV) play areas will be designated in the Monument. Use of bicycles is limited to designated routes and cross-country travel is not allowed. Street legal motorized vehicles, including four-wheel-drive and mechanized vehicles (including bicycles), will be allowed on approximately 908 miles of routes designated open. Non-street legal ATVs and dirt bikes will be allowed on approximately 553 miles of the 908 miles of routes designated open to street legal vehicles. Non-street legal all-terrain vehicles (ATVs) and dirt bikes will be restricted to those routes designated as open for their use.

The Director's office has issued final decisions, dismissing or resolving, each of the 111 protests received, thus allowing for immediate implementation of the Approved Management Plan.

Sally Wisely,

State Director, Utah.

[FR Doc. 00–4726 Filed 2–28–00; 8:45 am]

BILLING CODE 4310–DQ–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

DATE: Comments must be received on or before April 29, 2000.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: Carol Brock, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527; 202/336–8563.

SUMMARY OF FORM UNDER REVIEW:

Type of Request: Revision of a currently approved collection.

Title: Self-Monitoring Questionnaire for Investment Fund Projects.

Form Number: OPIC–217.

Frequency of Use: Annually.

Type of Respondents: Business or other individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies assisted by OPIC.

Reporting Hours: 3 hours per form.

Number of Responses: 190 per year.

Federal Cost: $5,700 per year.

Authority for Information Collection: Sections 231(k)2, of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The questionnaire is completed by OPIC-assisted investors annually. The questionnaire allows OPIC's assessment of effects of OPIC-assisted fund projects on the U.S. economy and employment, as well as on the environment and economic development abroad.

Dated: February 24, 2000.

Ralph Kaiser,

Senior Counsel for Administration, Department of Legal Affairs.

[FR Doc. 00–4807 Filed 2–28–00; 8:45 am]

BILLING CODE 3210–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

DATES: Comments must be received on or before April 29, 2000.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: Carol Brock, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527; 202/336–8563.

SUMMARY OF FORM UNDER REVIEW:

Type of Request: Revision of a currently approved collection.

Title: Self Monitoring Questionnaire for Insurance and Finance Projects.

Form Number: OPIC–162.

Frequency of Use: Annually.

Type of Respondents: Business or other individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies assisted by OPIC.

Reporting Hours: 3 hours per form.

Number of Responses: 200 per year.

Federal Cost: $6,000 per year.

Authority for Information Collection: Sections 231 (k) 2, of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The questionnaire is completed by OPIC-assisted investors annually. The questionnaire allows OPIC's assessment of effects of OPIC-assisted projects on the U.S. economy and employment, as well as on the environment and economic development abroad.

Dated: February 24, 2000.

Ralph Kaiser,

Senior Counsel for Administration, Department of Legal Affairs.

[FR Doc. 00–4808 Filed 2–28–00; 8:45 am]

BILLING CODE 3210–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

DATES: Comments must be received on or before April 29, 2000.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: Carol Brock, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527; 202/336–8563.

SUMMARY OF FORM UNDER REVIEW:

Type of Request: Reinstatement, without change, of a previously approved collection for which approval is expiring.

Title: OPIC Expedited Screening Questionnaire—Downstream Investments.

Form Number: OPIC–168.

Frequency of Use: Once per project submission.

Type of Respondents: OPIC on-lending facilities.

Standard Industrial Classification Codes: All.

Description of Affected Public: OPIC on-lending facilities.

Reporting Hours: 1 hour per form.

Number of Respondents: 30 per year.

Federal Cost: $160 per year.

Authority for Information Collection: Section 231(a–1) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): This application will be sent to OPIC's on-lending facilities. The on-lending facilities will complete the information for companies in which the facility proposes to invest. The information collected will be reviewed to determine the expected effects of the projects on the U.S. economy and employment, as well as on the environment, economic development, and worker rights abroad.

Dated: February 24, 2000.

Ralph Kaiser,

Senior Counsel for Administration, Department of Legal Affairs.

[FR Doc. 00–4809 Filed 2–28–00; 8:45 am]

BILLING CODE 3210–01–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: interagency record of individual requesting change/adjustment to or from A or G status or requesting A, G, or NATO dependent employment authorization.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on October 27, 1999 at 64 FR 57907, allowing for a 60-day public comment period. The INS received no comments on the proposed information collection.

The purpose of this notice is to notify the public that INS is reinstating with change this information collection and to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 30,

2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

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

Overview of this information collection:

(1) Type of Information Collection: Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Interagency Record of Individual Requesting Change/Adjustment to or from A or G Status or Requesting A, G, or NATO Dependent Employment Authorization.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–566. Office of Adjudications, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form facilitates processing of applications for benefits filed by dependents of diplomats, international organizations, and NATO personnel by the Immigration and Naturalization Service and the Department of State.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 4,400 responses at 15 minutes (.25) hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,100 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: February 23, 2000.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 00–4691 Filed 2–28–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: Petition for alien relative

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on October 27, 1999 at 64 FR 57906, allowing for a 60-day public comment period. The INS received no comments on the proposed information collection.

The purpose of this notice is to notify the public that INS is reinstating with change this information collection and to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 30, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

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

Overview of this information collection.

(1) *Type of Information Collection*:Extension of a currently approved collection.

(2) *Title of the Form/Collection*:Petition for Alien Relative.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–130. Office of Adjudications, Immigration and Naturalization Service. .

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information collected on this form will be used to determine eligibility for benefits sought for relatives of United States citizens and lawful permanent residents.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to*

respond: 183,034 responses at 30 minutes (.50) hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 91,517 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: February 23, 2000.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 00–4692 Filed 2–28–00; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–99–11]

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Occupational Safety and Health Administration.

ACTION: Notice.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that a collection of information regarding occupational injuries and illnesses has been approved by the Office of Management (OMB) under the Paperwork Reduction Act of 1995. This document announces the OMB approval number and expiration date.

FOR FURTHER INFORMATION CONTACT: Joseph J. DuBois, Directorate of Information Technology, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3507, 200 Constitution Avenue, NW, Washington, D.C. 20210, telephone (202) 693–1875.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 2, 1999 (64 FR 36049), the Agency announced its intent to request an extension of approval for the OSHA Data Collection System. This data collection will request occupational injury and illness data and employment and hours worked data from selected employers in the following Standard Industrial Classifications (SICs):

20–39 Manufacturing
0181 Ornamental Floriculture and Nursery Products
0182 Food Crops Grown Under Cover
0211 Beef Cattle Feedlots
0212 Beef Cattle, Except Feedlots
0213 Hogs
0214 Sheep and Goats
0219 General Livestock, Except Dairy and Poultry
0241 Dairy Farms
0251 Broiler, Fryer, and Roaster Chickens
0252 Chicken Eggs
0253 Turkeys and Turkey Eggs
0254 Poultry Hatcheries
0259 Poultry and Eggs, NEC
0291 General Farms, Primarily Livestock and Animal Specialities
0782 Lawn and Garden Services (North Carolina only)
0783 Ornamental Shrub and Tree Services
1721 Painting and Paper Hanging (California only)
1751 Carpentry Work (California only)
1752 Floor Laying and Other Floor Work, NEC (California only)
1761 Roofing, Siding, and Sheet Medal Work (California only)
4212 Local Trucking Without Storage
4213 Trucking, Except Local
4214 Local Trucking With Storage
4215 Courier Services, Except Air
4221 Farm Product Warehousing and Storage
4222 Refrigerated Warehousing and Storage
4225 General Warehousing and Storage
4226 Special Warehousing and Storage, NEC
4231 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311 United States Postal Service
4491 Marine Cargo Handling
4492 Towing and Tugboat Services
4493 Marinas
4499 Water Transportation Services, NEC
4512 Air Transportation, Scheduled
4513 Air Courier Services
4581 Airports, Flying Fields, & Airport Terminals Services
4783 Packing and Crating
4952 Sewerage Systems (California only)
4953 Refuse Systems
4959 Sanitary Services, NEC (California only)
5012 Automobiles and Other Motor Vehicles
5013 Motor Vehicle Supplies and New Parts
5014 Tires and Tubes
5015 Motor Vehicle Parts, Used
5031 Lumber, Plywood, Millwork, and Wood Panels
5032 Brick, Stone, and Related Construction Materials
5033 Roofing, Siding and Insulation Materials
5039 Construction Materials, NEC
5051 Metal Service Centers and Offices
5052 Coal and Other Minerals and Ores
5093 Scrap and Waste Materials
5141 Groceries, General Line
5142 Packaged Frozen Food Products
5143 Dairy Products, Except Dried or Canned
5144 Poultry and Poultry Products
5145 Confectionery
5146 Fish and Seafoods
5147 Meats and Meat Products
5148 Fresh Fruits and Vegetables
5149 Groceries and Related Products, NEC
5181 Beer and Ale
5182 Wine and Distilled Alcoholic Beverages
5211 Lumber and Other Building Materials Dealers
5311 Department Stores (Pilot collection)
5411 Grocery Stores (Maryland only)
8051 Skilled Nursing Care Facilities
8052 Intermediate Care Facilities
8059 Nursing and Personal care Facilities, NEC
8062 General Medical and Surgical Hospitals (Pilot collection)
8063 Psychiatric Hospitals (Pilot collection)
8069 Specialty Hospitals, Except Psychiatric (Pilot Collection)

In addition, OSHA will collect data from establishments that were visited by OSHA during Fiscal years 1998 and 1999 (October 1, 1997 through September 30, 1999) that are required to maintain the OSHA Log. Information will also be collected from Public Sector establishments in certain State Plan States.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB has renewed its approval for the information collection and assigned OMB control number 1218–0209. The approval expires 01/31/2001. Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection

of information unless the collection displays a valid control number.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 00–4804 Filed 2–28–00; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Exemption Application No. D–10676, et al.]

Prohibited Transaction Exemption 2000–08; Grant of Individual Exemptions; Anvil Construction Company, Inc. Employee's Money Purchase Pension Plan (the Money Purchase Plan), Anvil Construction Co., Employee Profit Sharing Plan (the Profit Sharing Plan), William Andreassi, Mark Andreassi, Michael Andreassi, and Wayne Campbell

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Anvil Construction Company, Inc. Employee's Money Purchase Pension Plan (the Money Purchase Plan), Anvil Construction Co., Employee Profit Sharing Plan (the Profit Sharing Plan), William Andreassi, Mark Andreassi, Michael Andreassi, and Wayne Campbell, Located in Philadelphia, Pennsylvania

[Prohibited Transaction Exemption 2000–08; Exemption Application No. D–10676 and D–10677]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale (the Sale) of a certain parcel of unimproved real property (the Property) from certain accounts (the Accounts) in the Money Purchase Plan and the Profit Sharing Plan (collectively, the Plans) to the Anvil Construction Company, Inc. (Anvil), a party in interest and disqualified person with respect to the Accounts, provided that the following conditions are met:

(a) The terms and conditions of the Sale will be at least as favorable to the Accounts as those obtainable in an arm's length transaction with an unrelated party;

(b) Anvil will purchase the Property from the Accounts for the greater of the Property's current fair market value or $433,531, an amount comprised of the Property's appraised value of $397,000 (the Appraised Value) as determined by a qualified, independent appraiser and $36,531 which represents the excess of the Property's holding costs over appreciation from the time of the Property's acquisition;

(c) The Sale will be a one-time transaction for cash; and

(d) The Accounts will pay no fees or commissions in connection with the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on November 9, 1999 at 64 FR 61132.

FOR FURTHER INFORMATION CONTACT: J. Martin Jara of the Department, telephone (202) 219–8883 (this is not a toll free number).

The FINA, Inc. Capital Accumulation Plan (the Plan), Located in Dallas, Texas

[Prohibited Transaction Exemption 2000–09; Exemption Application No. D–10763]

Exemption

The restrictions of sections 406(a), 406(b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply, as of June 4, 1999, to the acquisition, holding, and exercise by the Plan of certain warrants that were issued by Total, S.A. (Total),[1] pursuant to a tender offer (the Exchange Offer) made on May 6, 1999 to all shareholders of PetroFina S.A. (PetroFina), including the Plan, provided that the following conditions were satisfied:

(a) The Plan's acquisition and holding of the warrants issued by Total (the Total Warrants) in connection with the Exchange Offer occurred as a result of an independent act of Total as a corporate entity;

(b) All shareholders of PetroFina, including the Plan, were treated in a like manner with respect to all aspects of the Exchange Offer; and

(c) An independent fiduciary made the determination whether, and to what extent, the Plan should participate in the Exchange Offer.

EFFECTIVE DATE: This exemption is effective as of June 4, 1999.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on January 5, 2000 at 65 FR 526.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Weng of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

[1] The applicant states that the warrants issued by Total do not constitute ''qualifying employer securities,'' as defined in section 407(d)(5) of the Act.

Bankers Trust Company (BTC), Located in New York, New York

[Prohibited Transaction Exemption 2000–10; Exemption Application No. D–10837]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to: (1) the granting to BTC (a) by Aslan Realty Partners, L.P. (the LP), and by Aslan GP, LLC (the General Partner) of security interests in the capital commitments of certain employee benefit plans (the Plans) investing in the LP, (b) by the LP of a borrower account funded by the Plans' capital contributions, and (c) by the LP and the General Partner of the right to make capital calls (Capital Calls), and provide notice thereof under the agreement under which the LP is organized and operated (the Agreement), where BTC is the representative of certain lenders (the Lenders) that will fund a so-called ''credit facility'' providing loans to the LP and where the Lenders are parties in interest with respect to the Plans; and (2) the execution of an agreement and estoppel (the Estoppel) under which the Plans agree to honor Capital Calls made to the Plans by BTC, provided that (i) the proposed grants and agreements are on terms no less favorable to the Plans than those which the Plans could obtain in arm's-length transactions with unrelated parties; (ii) the decisions on behalf of each Plan to invest in the LP, and to execute such grants and agreements in favor of BTC, are made by a fiduciary which is not included among, and is independent of and unaffiliated with, the Lenders and BTC; (iii) with respect to Plans that have invested or may invest in the LP in the future, such Plans have or will have assets of not less than $100 million and not more than 5% of the assets of any such Plan are or will be invested in the LP. For purposes of this condition (iii), in the case of multiple plans maintained by a single employer or single controlled group of employers, the assets of which are invested on a commingled basis (e.g., through a master trust), this $100 million threshold will be applied to the aggregate assets of all such plans; and (iv) the general partner of the LP must be independent of BTC, the Lenders and the Plans.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on January 5, 2000 at 65 FR 528.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 24th day of February, 2000.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 00–4734 Filed 2–28–00; 8:45 am]

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DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10654, et al.]

Proposed Exemptions; Fish Lake Beach, Inc. Profit Sharing Plan (the Plan)

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. Attention: Application No., stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5638, 200 Constitution Avenue, NW, Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice

shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Fish Lake Beach, Inc. Profit Sharing Plan (the Plan), Located in Round Lake, Illinois

[Application No. D–10654]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32826, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash sale (the Sale) of a certain parcel of real property (the Plan Parcel) from the Plan to the trust of Emilie Keil (the Keil Trust), a party in interest with respect to the Plan, provided the following conditions are met:

(a) The Sale is a one-time transaction for cash;

(b) The terms and conditions of the Sale are at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party;

(c) The Plan receives the greater of $547,080 [1] or the fair market value of the Plan Parcel as of the date of the Sale; and

(d) The Plan is not required to pay any commissions, costs or other expenses in connection with the Sale.

Summary of Facts and Representations

1. Fish Lake Beach, Inc. (Fish Lake Beach) is a resort located in Volo, Illinois. Fish Lake Beach is the sponsor of the Plan, a profit sharing plan located in Round Lake, Illinois having 19 participants and $1,659,702 in total assets as of December 31, 1998. The sole trustees of the Plan are Delmar Maassel and Yvonne Maassel (collectively, the Plan Trustees).

The applicant represents that three of the participants in the Plan, Yvonne Maassel, Delmar Maassel, and Yvonne Crow, are minority owners of Fish Lake Beach. In this regard, Yvonne Maassel, Delmar Maassel, and Yvonne Crow own approximately 16.7%, 3.7%, and 12%, respectively, of Fish Lake Beach.

2. Yvonne Maassel is also the trustee of the Emilie Keil Trust (the Keil Trust). The Keil Trust is a trust established on behalf of Emilie Keil, the mother of Yvonne Maassel, providing Yvonne Maassel with certain powers to be exercised in a fiduciary capacity with respect to the disposition of the Keil Trust's assets. The applicant represents that, as trustee of the Keil Trust, Yvonne Maassel has the power to invest the Keil Trust's assets in real property such as the Plan Parcel.

3. The Plan owns the Plan Parcel, a 20 acre parcel of unimproved real property located in Volo, Illinois. The Plan purchased the Plan Parcel from the L.B. Anderson Construction Company (the Anderson Company), an unrelated party, on March 3, 1994. The applicants represent that the Plan purchased the Plan Parcel for short-term investment purposes.

The applicants represent that, prior to the Plan's purchase of the Plan Parcel, the Plan Parcel was a portion of a 40 acre parcel of unimproved real property owned by the Anderson Company (the Original Property). The applicants represent that the Anderson Company divided the Original Property into two parcels of roughly the same size and value, the Plan Parcel and a parcel also comprising approximately 20 acres of unimproved real property (the Maassel Parcel). The applicants represent that the Anderson Company sold each parcel (the Anderson Sales) on March 3, 1994. The Plan purchased the Plan Parcel for $330,330 and a group of investors related to the Maassels purchased the Maassel Parcel for $330,330. In this regard, the applicants represent that of the Maassel Parcel's purchase price of $330,330: Delmar Maassel and Yvonne Maassel contributed $50,530; Yvonne Crow, a daughter of Delmar Maassel and Yvonne Maassel, contributed $40,300; Desiree Maassel, a daughter of Delmar and Yvonne Maassel, contributed $40,300; and Emilie Keil contributed $199,200.

Upon completion of the Anderson Sales, the Plan Parcel lay adjacent to the Maassel Parcel and bordered the Maassel Parcel to the north and the Maassel Parcel lay adjacent to Fish Lake Beach which bordered the Maassel Parcel to the south. Additionally, after the Anderson Sales were completed the Plan Trustees and Yvonne Crow each had an ownership interest in both the Plan Parcel and the Maassel Parcel.

The applicant represents that the related investors purchased the Maassel Parcel in anticipation of the expansion of Fish Lake Beach's operations. The Plan Trustees represent that since its acquisition by the Plan, the Plan Parcel has accounted for 57.4% of the Plan's unrealized appreciation and 2.5% of the Plan's realized income, as of December 31, 1997. [2]

4. The Plan Trustees represent that the Plan Parcel has generated income for the Plan. The Plan Trustees represent that from 1994 to 1998, the Plan leased the Plan Parcel to Ronald Weidner, an unrelated party (the Lease). The Plan Trustees represent that Mr. Weidner used the Plan Parcel for farming purposes. As a result, the Plan Trustees represent that the Plan has received income totaling $5,864 from the Lease.

The Plan Trustees further represent that the Plan has incurred certain holding costs associated with the Plan's ownership of the Plan Parcel. The Plan Trustees represent that the total amount of real estate taxes on the Plan Parcel was $327.27 since the Plan's acquisition. Of this amount, the Plan Trustees represent that Plan has paid $103.02 and Fish Lake Beach has paid $224.25.

5. The Plan Parcel was appraised by Robert Schroeder (Mr. Schroeder), the owner of Robert P. Schroeder Appraisals. Mr. Schroeder represents that he is a certified real estate appraiser and is independent of the Plan. In his appraisal of the Plan Parcel, Mr. Schroeder compared the Plan Parcel to five similar properties (the Comparable Properties) which were the subject of recent sales. Based on his analysis of these recent sales, Mr. Schroeder estimated the value of the Plan Parcel to

[1] Appraised value of the property is $485,000, plus a 12.5% assemblage value premium ($62,080).

[2] The Department expresses no opinion as to whether the purchase and holding of the Plan Parcel by the Plan meets the requirements of section 404 of the Act.

be $485,000 (the Appraised Value), as of September 10, 1999.

Mr. Schroeder additionally represents that the Sale should include a price above the Appraised Value because of the ownership by the Maassels and Emilie Keil of the Maassel Parcel located adjacent to the Plan Parcel (the Assemblage Value). In this regard, Mr. Schroeder determined that a premium of 12.5%, or $62,080, should reflect the Assemblage Value.

6. Therefore, the applicant proposes the sale of the Plan Parcel to the Keil Trust for the greater of $547,080 ($485,000 + $62,080) or the Plan Parcel's fair market value as of the date of the transaction (i.e, the Sale). The applicant represents that the Sale is necessary due to a liquidity problem facing the Plan in the event the proposed Sale is not granted. In this regard, the applicant represents that the Plan is facing a potential liquidity problem due to the approaching retirement of two of the Plan's participants, Delmar Maassel and Yvonne Maassel.

The applicant represents that the proposed exemption, if granted, is feasible since the Sale would be a one-time transaction for cash. The applicant additionally represents that the Sale is in the best interests of the Plan's participants and beneficiaries since the Sale will provide the Plan with liquidity which will enable the Trustees to allocate Plan assets in more suitable investments. The applicant represents further that the proposed Sale is appropriate for the Plan since the Plan will receive the current fair market value of the Plan Parcel without incurring the substantial marketing costs associated with a Sale to unrelated third-parties.

8. In summary, the applicants represent that the subject transactions satisfy the statutory criteria contained in section 408(a) of the Act and section 4975(c)(2) of the Code for the following reasons:

(a) The Sale is a one-time transaction for cash;

(b) The terms and conditions of the Sale are at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party;

(c) The Plan receives the greater of $547,080 or the fair market value of the Plan Parcel as of the date of the Sale; and

(d) The Plan is not required to pay any commissions, costs or other expenses in connection with the Sale.

FOR FURTHER INFORMATION CONTACT: Mr. J. Martin Jara of the Department, telephone (202) 219–8883 (this is not a toll free number).

Earl R. Waddell & Sons, Inc. Profit Sharing Plan and Trust (the Plan), Located in Fort Worth, Texas

[Application No. D–10730]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975 (c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the arrangement between the Plan and Earl R. Waddell & Sons, Inc. (The Waddell Company) involving the sale (the Sale) by the Plan of 5,183.840 shares of the Waddell Holdings Stock to the Waddell Company, provided the following conditions are satisfied:

(A) The Sale price is the greater of $280.29 per share or the Waddell Holdings Stock's current fair market value as of the date of the Sale;

(B) The current fair market value of the Waddell Holdings Stock is determined by a qualified, independent appraiser;

(C) The Plan incurs no commissions or expenses associated with the Sale;

(D) The Waddell Company pays in cash to the Plan an additional $191,126, an amount equal to an eight percent (8%) per annum rate of return on the Waddell Holdings Stock, as converted, for each year the Plan owned the Waddell Holdings Stock (the Interest Payment); and

(E) The Plan's Trustees will not receive any portion of the Interest Payment.

Summary of Facts and Representations

1. The Plan is a defined contribution profit sharing plan having 31 participants and $221,000 in assets as of June 30, 1999.[3] The Plan was created on July 1, 1962 by the Waddell Company, a manufacturer's representative company founded by Earl R. Waddell (Mr. Waddell) and located in Fort Worth, Texas. On April 28, 1992, the Waddell Company underwent a corporate reorganization (the Reorganization) and the Waddell Company became a wholly-owned subsidiary of Waddell Holdings, Inc. (Waddell Holdings), a holding company incorporated in the State of Texas. In addition to the Waddell Company, Waddell Holdings owns subsidiaries engaged in the sales of industrial cutting tools, equipment, and supplies, and in the ownership of real estate and investment property. After the Reorganization, Waddell Company became, and remains, the Plan's sponsor.

2. On December 20, 1988, the Plan purchased 5,719 shares of stock (the Original Stock) from the Waddell Company for $280.29 per share (the Purchase).[4] The Original Stock was common stock issued by the Waddell Company. The price of the Stock was based on an independent appraisal by Clyde Crum (Mr. Crum), a Texas-certified appraiser, for Clyde Crum Appraisal Consultants, an appraisal company independent of the Plan and the Waddell Company. In his appraisal, Mr. Crum analyzed the assets and liabilities of the Waddell Company and determined the fair market value of the Waddell Company to be $11,354,000, as of October 31, 1988. The applicant represents that, at the time of the Plan's acquisition of the Original Stock, the Waddell Company had 40,507 shares of common stock outstanding resulting in a $280.29 per share price for the Original Stock.

3. The applicant represents that after the Reorganization the Original Stock was exchanged for stock (the Exchange) issued by Waddell Holdings (i.e., the Waddell Holdings Stock). As a result, after the Reorganization, the Plan held 5,719 shares of the Waddell Holdings Stock. In this regard, it is represented that the Original Stock and the Waddell Holdings Stock are ''qualifying employer securities,'' as defined in section 407(d)(5) of the Act.

On June 30, 1993, the Plan sold 535.160 shares of the Waddell Holdings Stock at $280.29 per share to Waddell Holdings (the Prior Sale). The applicant represents that the Plan sold the Waddell Holdings Stock to enable the Plan to pay benefits to the Plan's participants. The applicant states that the Waddell Holdings was unable to obtain an appraisal at that time because a pending litigation prevented valuations of the Waddell Holdings Stock. Waddell Holdings was able to obtain an appraisal as of June 30, 1996,

[3] In this regard, the applicant represents that the Plan has 5183.840 shares of common stock of the Waddell Holdings Stock and $187 in cash. The Waddell Holdings Stock was valued at $42.60 as of June 30, 1999. As such the Plan has a total of $221,000 in Plan assets [(5183.840 * 42.60) + 187 = 220,999.84)].

[4] The applicant represents that, at the time of the Purchase the Original Stock comprised approximately 77% of the Plan's assets. The Department expresses no opinion as to whether the acquisition of the Original Stock by the Plan meets the requirements of section 404(a)(1)(B) of the Act.

valuing the Waddell Holding Stock at $46.50 per share. It is represented that the sale by the Plan to Waddell Holdings of the Waddell Holdings Stock satisfied the criteria of section 408(e) of the Act.[5]

After this sale, the Plan held, and continues to hold, 5,183.840 shares of the Waddell Holdings Stock.

4. The applicant proposes the sale by the Plan of the Plan's 5,183.840 shares of the Waddell Holdings Stock to the Waddell Company (i.e., the Sale) for the greater of $1,453,000 ($280.29 per share) or the Waddell Holdings Stock's current fair market value as determined by an independent appraisal.[6] The applicant represents that the Waddell Holdings Stock currently comprises approximately 100% of the Plan's assets and the proposed Sale is necessary for the Plan to pay benefits to the Plan's participants and beneficiaries. The applicant represents that the proposed Sale is in the best interests of the Plan's participants and beneficiaries since the Waddell Holdings Stock currently comprises approximately 100% of the Plan's assets and the Sale will enable the Plan to diversify its assets. The applicant additionally represents that the proposed Sale is administratively feasible since the proposed Sale is a one-time transaction for cash in which the Plan will not incur any fees or expenses. Finally, the applicant represents that the proposed Sale is protective of the Plan since the Plan will receive cash equal to the greater of the Waddell Holdings Stock's current fair market value or $1,453,000.

The applicant additionally proposes an Interest Payment in cash from the Waddell Company to the Plan. In this regard, the applicant represents that it is anticipated that the Sale will occur at a price which results in a zero rate of return to the Plan despite the Plan's ownership of the Waddell Holdings Stock for approximately 11 years. The applicant represents that, in the event this proposed transaction is granted, the Plan will receive from the Waddell Company cash in the amount of $191,126, a sum equal to an 8% rate of return on the Waddell Holdings Stock for each Plan year, beginning July 1, 1989. The applicant represents that the Interest Payment is due to the Sale occurring at a price which provides for a zero percent rate of return to the Plan as a result of the Plan's investment in the Waddell Holdings Stock. The applicant represents that the Interest Payment will be distributed to the account balances of all of the Plan's participants with the exception of Marsha Waddell Moller, Mark Waddell, Earl R. Waddell, Juanita Waddell, and Allen Waddell.

5. In summary, the applicant represents that the subject transactions satisfy the statutory criteria contained in section 408(a) of the Act for the following reasons:

(A) The Sale price is the greater of $280.29 per share or the Waddell Holdings Stock's current fair market value as of the date of the Sale;

(B) The current fair market value of the Waddell Holdings Stock is determined by a qualified, independent appraiser;

(C) The Plan incurs no commissions or expenses associated with the Sale; and

(D) The Waddell Company pays in cash to the Plan an additional $191,126, an amount equal to an eight percent (8%) per annum rate of return on the Waddell Holdings Stock, as converted, for each year the Plan owned the Waddell Holdings Stock (the Interest Payment); and

(E) The Plan's Trustees will not receive any portion of the Interest Payment.

FOR FURTHER INFORMATION CONTACT: J. Martin Jara of the Department, telephone (202) 219–8883 (this is not a toll free number).

Rhode Island Carpenters Local No. 94 Pension Fund (the Pension Plan), Rhode Island Carpenters Local No. 94 Apprenticeship Fund (the Apprenticeship Plan; Collectively, the Plans), and Rhode Island Carpenters Local No. 94 (the Union), Located in Warwick, Rhode Island

[Application Nos. D–10739 and L–10740]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975 (c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) the cash sale (the Parking Lot Sale) of improved real property (the Parking Lot) by Rhode Island Carpenters Apprenticeship Fund (the Apprenticeship Plan) to the Carpenters Local No. 94 (the Union) for the greater of (a) $173,000 or (b) the fair market value of the Parking Lot as of the date of the Parking Lot Sale; and (2) the cash sale (the Building Sale) of improved real property (the Building) by the Rhode Island Carpenters Local No. 94 Pension Fund (the Pension Plan) to the Union, for the greater of (a) $777,000 or (b) the fair market value of the Building as of the date of the Building Sale, provided the following conditions are satisfied:

(A) the Parking Lot Sale occurs at a price not less than the fair market value of the Parking Lot, as determined by a qualified independent appraiser;

(B) the Building Sale occurs at a price not less than the fair market value of the Building, as determined by a qualified independent appraiser;

(C) The Building Sale and the Parking Lot Sale (collectively, the Sales) are one-time transactions for cash; and

(D) The Plans pay no fees or commissions in connection with the Sales.

Summary of Facts and Representations

1. The Union is a labor organization located in Warwick, Rhode Island. The Union is a sponsor of the Plans.

2. The Plans are comprised of the Apprenticeship Plan and the Pension Plan. The Apprenticeship Plan is a multi-employer apprenticeship plan which educates and trains apprentice carpenters in Rhode Island. The Apprenticeship Plan had approximately 61 apprentices and $636,730 in assets as of December 31, 1998. The Pension Plan is a multi-employer pension plan which provides pension benefits to carpenters in Rhode Island. The Pension Plan had approximately 2,096 participants and approximately $102,239,790 in assets as of December 31, 1998.

3. On May 22, 1974, the trustees of the Pension Plan (the Pension Plan Trustees) established a corporation, Jefferson Park Building, Inc. (Jefferson Park), for the purpose of purchasing and owning real estate in Rhode Island. On May 29, 1974, the Pension Plan Trustees caused Jefferson Park to purchase the Pension Plan Building for $480,000 from the Springdale Enterprising Company, an unrelated third party.

[5] The Department is expressing no opinion as to whether the Original Stock and the Waddell Holdings Stock constitute qualifying employer securities as defined in Section 407(d)(5) of the Act. Further, the Department, herein, expresses no opinion as to whether the Purchase, the Exchange, or the Prior Sale satisfied the conditions, as set forth under section 408(e) of the Act. Accordingly, the Department is not proposing relief for the aforementioned transactions.

[6] The applicant represents that a recent independent appraisal on the Waddell Holdings Stock determined its current fair market value to be $42.60 per share as of June 30, 1999. As a result, the applicant anticipates the Sale to occur at a price exceeding the Waddell Holdings Stock's current fair market value. In this regard, the applicant represents that the Sale does not violate the requirements set forth in section 415 of the Code.

The Pension Plan Building is located at 14 Jefferson Park Road in Warwick, Rhode Island. The Pension Plan Building consists of a 12,600 square foot, two-story office building located on a 58,172 square foot lot. The applicants represent that, since its acquisition, the Pension Plan has used a portion of the Pension Plan Building as an administrative facility. In addition, the applicants represent that the Pension Plan also has leased, and continues to lease, space in the Pension Plan Building to the Apprenticeship Plan for use in the following: workshops, training, classrooms, and offices. The applicants also represent that the Pension Plan leases space in the Pension Plan Building to the Union and other related and unrelated parties. [7]

The applicants represent that the Pension Plan Building has generated rental income for the Pension Plan. In this regard, the applicants represent that the Pension Plan has generated approximately $80,000 per year in rental income since 1974. As a result, the applicants represent that the Pension Plan has received a total of approximately $2,000,000 in rental income since the Pension Plan acquired the Pension Plan Building.

The applicants additionally represent that the Pension Plan has incurred certain expenses as a result of its ownership of the Pension Plan Building. These expenses include real estate taxes imposed on the Pension Plan Building. In this regard, the applicants represent that the Pension Plan has incurred an average of approximately $20,000 per year in real estate taxes since 1974. As a result, the applicants represent that the Pension Plan has incurred approximately $500,000 in real estate taxes since the Pension Plan acquired the Pension Plan Building.

The applicants also represent that the liability insurance on the Pension Plan Building for the last twenty-five years averaged approximately $4,000 per year, totaling $100,000.

The Pension Plan additionally incurred certain repair expenses associated with the Pension Plan's ownership of the Pension Plan Building. In this regard, the applicants represent that although the Pension Plan Building has not been expanded, the Pension Plan has incurred various expenses in maintaining the Pension Plan Building's habitability. These expenses include the replacement of the Pension Plan Building's roof in 1989 in the amount of $27,000, and the installation of a new heating system in 1988 in the amount of $86,000. The applicants represent that other miscellaneous maintenance expenses averaged approximately $4,000 per year.

The applicants represent that the rental income generated from the Pension Plan Building far exceeds the sum of the repair costs, real estate taxes and liability insurance.[8]

4. On October 21, 1974, the trustees of the Apprenticeship Plan (the Apprenticeship Plan Trustees) established a company, Apprenticeship Properties, for the purpose of purchasing and owning real estate located in Rhode Island. On October 24, 1974, Apprenticeship Properties purchased the Parking Lot from Jay Gar, Inc., an unrelated party, for $43,220. The Parking Lot is a 28,812 square foot rectangular-shaped asphalt parking lot located adjacent to the Pension Plan Building. [9] The applicants represent that the Apprenticeship Plan Trustees purchased the Parking Lot in anticipation of the Apprenticeship Plan's construction of an apprentice training facility.

Since its acquisition, the Apprenticeship Plan has incurred certain expenses (the Holding Costs) associated with its ownership of the Apprenticeship Plan Parking Lot. The Holding Costs are comprised of property taxes imposed on the Parking Lot and improvements made to the Parking Lot. In this regard, the applicants represent that the Apprenticeship Plan has incurred a total of $52,500 in property taxes as a result of its ownership of the Parking Lot. With respect to the costs incurred by the Apprenticeship Plan for improvements made to the Parking Lot, the applicants represent that the Apprenticeship Plan has paid $11,829. The applicants represent that the total cost to the Apprenticeship Plan associated with the Apprenticeship Plan's ownership of the Parking Lot is $107,549, the sum of the Parking Lot's acquisition price ($43,220) and the total Holding Costs ($64,329).

5. The applicants represent that in 1997 the Pension Plan Trustees determined that the Pension Plan Building was not appreciating at a satisfactory rate. The applicants represent that the Pension Plan Trustees decided to sell the Pension Plan Building and invest the proceeds in assets more suitable to the needs of the Pension Plan. The applicants represent that on August 18, 1998 the Pension Plan Trustees decided to sell the Pension Plan Building to the Union for a price equal to the Pension Plan Building's fair market value.

The applicants additionally represent that the Apprenticeship Plan Trustees determined that the Parking Lot was no longer needed for the construction of an apprentice training facility. [10] The applicants represent that, due to a downturn in the industry and a decrease in apprentices in Rhode Island, the Apprenticeship Plan Trustees determined that the construction of an apprenticeship training facility should be postponed. The applicants further represent that in July 1996, the Union became part of the New England Regional Council of Carpenters and shortly thereafter the Apprenticeship Plan Trustees decided that their apprentices could receive high quality training in a cost effective manner at the modern, existing facility of the Massachusetts Carpenters Training Program in Milbury, Massachusetts.

The void filled by the existing facility, the applicants represent, prompted the Apprenticeship Plan Trustees to invest in a more liquid asset than real estate. Accordingly, the applicants further represent that on September 8, 1998, the Apprenticeship Plan Trustees decided to sell the Parking Lot to the Union for a price equal to the Parking Lot's fair market value.

6. The Pension Plan Building was appraised by three different appraisers. Each appraiser represented that he was independent of the Pension Plan and the Union and that his employment and compensation were not contingent on the appraised value of the Pension Plan Building. Each appraiser additionally represented that he was a Rhode Island-certified real estate appraiser.

The first appraisal was completed on February 3, 1998 by Mr. J. Timothy Reiter (Mr. Reiter) for Andolfo Appraisal Associates, an appraisal company independent of the Pension Plan, the

[7] The Pension Plan Trustees represent that the leasing of the office space to the Union and Union-sponsored employee benefit plans is in accordance with Prohibited Transaction Class Exemption (PTCE) 76–1, (41 FR 12740, March 26, 1976) and PTCE 77–10 (42 FR 33918, July 1, 1997). The Department expresses no opinion herein as to whether such transaction complies with the terms and conditions of PTCEs 76–1 and 77–10. The Pension Plan Trustees additionally represent that the rents at the Pension Plan Building are based on a market survey of similar commercial properties in the Warwick, Rhode Island area.

[8] Rental Income ($2,000,000)—Taxes ($500,000)+Liability Insurance ($100,000)+Other Expenses ($27,000+$86,000+$100,000)]=$1,187,000.

[9] The applicants represent that the Pension Plan Building has sufficient parking spaces available for the Pension Plan Building's tenants and any use of the Apprenticeship Plan Parking Lot by the Pension Plan Building's tenants did not result in a benefit to the Union or any other party in interest to the Apprenticeship Plan.

[10] The Department expresses no opinion as to whether the retention of the Pension Plan Building and Parking Lot for such period of time by the Plans meets the requirements of 404(a) of the Act.

Apprenticeship Plan, and the Union. Mr. Reiter used both the income approach and the sales comparison approach and determined the fair market value of the Pension Plan Building to be $777,000 as of February 3, 1998. The second appraisal was completed by Mr. Joseph Accetta (Mr. Accetta) for Joseph W. Accetta & Associates, Inc., an appraisal company independent of the Pension Plan and the Union. Mr. Accetta used the sales comparison approach and compared the Pension Plan Building to three similar properties. Based on these comparisons, Mr. Accetta determined the fair market value of the Pension Plan Building to be $700,000 as of April 6, 1998. The third appraisal was completed by Mr. Andrew Carbone (Mr. Carbone) for Carbone & Shand Appraisal, LLC, an appraisal company independent of the Pension Plan, the Apprenticeship Plan, and the Union. Mr. Carbone used the sales comparison approach and compared the Pension Plan Building to four similar properties. Based on these comparisons, Mr. Carbone determined the fair market value of the Pension Plan Building to be $720,000 as of April 7, 1998.

Mr. Reiter additionally appraised the Apprenticeship Plan Parking Lot. Mr. Reiter used the income approach and determined the fair market value of the Apprenticeship Plan Parking Lot to be $173,000 as of February 3, 1998. Mr. Carbone also appraised the Apprenticeship Plan Parking Lot. Mr. Carbone used the sales comparison approach and determined the fair market value of the Apprenticeship Plan Parking Lot to be $95,000 as of April 7, 1998.

7. The applicants proposed the sale of the Pension Plan Building from the Pension Plan to the Union (i.e., the Pension Plan Building Sale) for $732,333, the average of the three appraisals performed on the Pension Plan Building. Additionally, the applicants propose the sale of the Apprenticeship Plan Parking Lot from the Apprenticeship Plan to the Union (i.e., the Apprenticeship Plan Parking Lot Sale) for $134,000, the average of the two appraisals performed on the Apprenticeship Plan Parking Lot.

8. The Department requested that the applicants obtain new or updated appraisals due to the disparate range of the various appraisals originally submitted by the applicants. Accordingly, the applicants retained the services of Mr. Thomas S. Andolfo, MAI, for Andolfo Appraisal Associates, an appraisal company independent of the Plans and the Union. Mr. Andolfo, in updating the valuation, relied on the direct sales comparison approach and determined the fair market value of the Pension Plan Building to be $777,000 as of November 1, 1999. Mr. Andolfo also updated the appraisal of the Apprenticeship Plan Parking Lot. Mr. Andolfo, considered market sales and performed a Land Residual Analysis and determined the fair market value of the Apprenticeship Plan Parking Lot to be $173,000 as of November 1, 1999. The applicants state that these latest figures, which represent the highest appraisal values for the Parking Lot and Building, will be used in the Sales.

9. The applicants represent that, if granted, the proposed Sales will be administratively feasible since the Sales will be one-time transactions for cash. Additionally, the applicants represent that the proposed Sales will be protective of the Plans since the Apprenticeship Plan will receive the fair market value of the Apprenticeship Plan Parking Lot and the Pension Plan will receive the fair market value of the Pension Plan Building. Finally, the applicants represent that the proposed Sales are in the best interest of the Plans since the Sales will enable the Plans to invest in assets more suitable for the needs of the participants and beneficiaries of the Plans.

10. In summary, the Applicants represent that the proposed transaction satisfies the criteria of section 408(a) of the Act because:

(A) the Parking Lot Sale occurs at a price not less than the fair market value of the Parking Lot, as determined by a qualified independent appraiser;

(B) the Building Sale occurs at a price not less than the fair market value of the Building, as determined by a qualified independent appraiser;

(C) The Building Sale and the Parking Lot Sale (collectively, the Sales) are one-time transactions for cash; and

(D) The Plans pay no fees or commissions in connection with the Sales.

FOR FURTHER INFORMATION CONTACT: J. Martin Jara at the United States Department of Labor, telephone (202) 219–8883 (this is not a toll free number).

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 24th day of February, 2000.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 00–4733 Filed 2–28–00; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–020)]

Agency Information Collection: Submission for OMB Review, Comment Request

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of agency report forms under OMB review.

SUMMARY: The National Aeronautics and Space Administration has submitted to the Office of Management and Budget

(OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this proposal should be received on or before March 30, 2000.

ADDRESSES: All comments should be addressed to Mr. John Yadvish, Code RW, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Carmela Simonson, Office of the Chief Information Officer, (202) 358–1223.

Reports: None.

Title: NASA Small Business Innovative Research Commercial Metrics.

OMB Number: 2700–0095.

Type of Review: Extension.

Need and Uses: Collection is to assess the contribution of NASA funded SBIR Technology to the national economy in accordance with NASA's obligations under the Government Performance and Results Act of 1993 to contribute to the nation's economic well being and to measure that contribution.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 897.

Responses Per Respondent: 1.

Estimated Annual Responses: 200.

Estimated Hours Per Request: 1 hrs.

Estimated Annual Burden Hours: 200.

Frequency of Report: Annually.

David B. Nelson,

Deputy Chief Information Officer, Office of the Administrator.

[FR Doc. 00–4736 Filed 2–28–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–021)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

DATES: Thursday, March 16, 2000, 8:30 a.m. to 5:00 p.m.; and Friday, March 17, 2000, 8:30 a.m. to 2:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 9H40, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Dakon, Code Z, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0732.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Shuttle Safety Upgrades
—Mars Polar Lander Committee Report
—Faster-Better-Cheaper Report
—Shuttle Wiring Report
—Mars Climate Orbiter Committee Review
—Committee/TaskForce/Working Group Reports
—Discussion of Findings and Recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 24, 2000.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 00–4811 Filed 2–28–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–022)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Structure and Evolution of the Universe Subcommittee

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Structure of Evolution of the Universe Subcommittee.

DATES: Thursday, March 16, 2000, 8:30 a.m. to 5:30 p.m., Friday, March 17, 2000, 8:30 a.m. to 3:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Conference Room 7H46, 300 E Street, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Alan Bunner, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

—Structure and Evolution of the Universe Subcommittee Update from Headquarters
—Strategic Plan Overview
—Chandra Update
—Structure and Evolution of the Universe Subcommittee Technology Status
—Structure and Evolution of the Universe Subcommittee Strategic Plan Status

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 24, 2000.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 00–4812 Filed 2–28–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–023)]

Centennial of Flight Commission

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the Centennial of Flight Commission.

DATES: Tuesday, March 21, 2000, 9:00 a.m. to 11:00 a.m.

ADDRESSES: Smithsonian National Air and Space Museum, 7th and Independence Avenue, SW, Director's Conference Room, 3rd Floor, Washington, DC 20560. Attendees must check in at the Information Desk to be cleared to the 3rd floor.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Farmarco, Code Z, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1903.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Welcome and Introductions
—Election of Permanent Chair
—Review of Statutory Commission Duties, Identify short term and long term priorities
—Selection of Logo
—Selection of Website Design
—Action on Advisory Board
—Adjourn

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 24, 2000.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 00–4813 Filed 2–28–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–019)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Intergraph Federal Systems, with headquarters in Huntsville, Alabama, has applied for an exclusive license within a field of use to practice the invention described and claimed in NASA Case No. MFS–31243–1 entitled ''Video Image Stabilization and Registration (VISAR)'' which has been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The invention may be practiced by Intergraph Federal Systems only for the design, manufacture, and sale of software products that imbed the VISAR method; and such software products must only be capable of performing on company's proprietary hardware platform(s). Written objections to the prospective grant of a license should be sent to Mr. James J. McGroary, Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812.

DATES: Responses to this notice must be received by May 1, 2000.

FOR FURTHER INFORMATION CONTACT: Sammy Nabors, Technology Transfer Department/CD30, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226.

Dated: February 22, 2000.

Edward A. Frankle,

General Counsel.

[FR Doc. 00–4735 Filed 2–28–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules for Electronic Copies Previously Covered by General Records Schedule 20; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal.

This request for comments pertains solely to schedules for electronic copies of records created using word processing and electronic mail where the recordkeeping copies are already scheduled. (Electronic copies are records created using word processing or electronic mail software that remain in storage on the computer system after the recordkeeping copies are produced.)

These records were previously approved for disposal under General Records Schedule 20, Items 13 and 14. The agencies identified in this notice have submitted schedules pursuant to NARA Bulletin 99–04 to obtain separate disposition authority for the electronic copies associated with program records and administrative records not covered by the General Records Schedules. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a). To facilitate review of these schedules, their availability for comment is announced in the **Federal Register** notices separate from those used for other records disposition schedules.

DATES: Requests for copies must be received in writing on or before April 14, 2000. On request, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums concerning a proposed schedule. These, too, may be requested. Requesters will be given 30 days to submit comments.

Some schedules submitted in accordance with NARA Bulletin 99–04 group records by program, function, or organizational element. These schedules do not include descriptions at the file series level, but, instead, provide citations to previously approved schedules or agency records disposition manuals (see Supplementary Information section of this notice). To facilitate review of such disposition requests, previously approved schedules or manuals that are cited may be requested in addition to schedules for the electronic copies. NARA will provide the first 100 pages at no cost. NARA may charge $.20 per page for additional copies. These materials also may be examined at no cost at the National Archives at College Park (8601 Adelphi Road, College Park, MD).

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports and/or copies of previously approved schedules or manuals should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301)713–7110. E-mail: records.mgt@arch2.nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs the records to conduct its business.

Routine administrative records common to most agencies are approved for disposal in the General Records Schedules (GRS), which are disposition schedules issued by NARA that apply Government-wide.

On March 25, 1999, the Archivist issued NARA Bulletin 99–04, which told agencies what they must do to schedule electronic copies associated with previously scheduled program records and certain administrative records that were previously scheduled under GRS 20, Items 13 and 14. On December 27, 1999, the Archivist issued NARA Bulletin 2000–02, which suspended Bulletin 99–04 pending NARA's completion in FY 2001 of an overall review of scheduling and appraisal. On completion of this review, which will address all records, including electronic copies, NARA will determine whether Bulletin 99–04 should be revised or replaced with an alternative scheduling procedure. However, NARA will accept and process schedules for electronic copies prepared in accordance with Bulletin 99–04 that are submitted after December 27, 1999, as well as schedules that were submitted prior to this date.

Schedules submitted in accordance with NARA Bulletin 99–04 only cover the electronic copies associated with previously scheduled series. Agencies that wish to schedule hitherto unscheduled series must submit separate SF 115s that cover both recordkeeping copies and electronic copies used to create them.

In developing SF 115s for the electronic copies of scheduled records, agencies may use either of two scheduling models. They may add an appropriate disposition for the electronic copies formerly covered by GRS 20, Items 13 and 14, to every item in their manuals or records schedules where the recordkeeping copy has been created with a word processing or electronic mail application. This approach is described as Model 1 in Bulletin 99–04. Alternatively, agencies may group records by program, function, or organizational component and propose disposition instructions for the electronic copies associated with each grouping. This approach is described as Model 2 in the Bulletin. Schedules that follow Model 2 do not describe records at the series level.

For each schedule covered by this notice the following information is provided: name of the Federal agency and any subdivisions requesting disposition authority; the organizational unit(s) accumulating the records or a statement that the schedule has agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency; the control number assigned to each schedule; the total number of schedule items; the number of temporary items (the record series proposed for destruction); a brief description of the temporary electronic copies; and citations to previously approved SF 115s or printed disposition manuals that scheduled the recordkeeping copies associated with the electronic copies covered by the pending schedule. If a cited manual or schedule is available from the Government Printing Office or has been posted to a publicly available Web site, this too is noted.

Further information about the disposition process is available on request.

Schedules Pending

1. Social Security Administration, Office of the Commissioner (N9–47–00–1, 4 items, 4 temporary items). Electronic copies of records created using electronic mail and word processing accumulated by the Office of the Commissioner. Included are electronic copies of correspondence, logs, minutes, and executive issuances. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job No. NC1–47–76–6.

2. Social Security Administration, Agency-wide (N9–47–00–2, 6 items, 6 temporary items). Electronic copies of records created using electronic mail and word processing that relate to disability insurance. Included are electronic copies of records pertaining to disability insurance programs and policies, Vocational Rehabilitation programs, Black Lung programs, and disability determination services. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC–174–258, NC1–47–77–20, NC1–47–80–11, NC1–47–81–9, NC1–47–81–19, NC1–47–82–2, N1–47–86–2, N1–47–87–4, N1–47–88–2, NC–47–89–1, and N1–47–95–2.

3. Social Security Administration, Agency-wide (N9–47–00–3, 1 item, 1 temporary item). Electronic copies of records created using electronic mail and word processing that relate to the establishment of accounts and the issuance of social security numbers and cards. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NN–168–51, NC1–47–76–32, NC1–47—77–21, NC1–47–79–10, NC1–47–80–6, NC1–47–81–11, NC1–47–82–10, and N1–47–94–2.

4. Social Security Administration, Agency-wide (N9–47–00–4, 8 items, 8 temporary items). Electronic copies of records created using electronic mail and word processing that relate to earnings matters. Included are electronic copies of such records as reports of wages paid, employer reports, tax waiver exemptions, balancing discrepancies listings, black lung consents, adjustments, and state coverage agreements. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Record-keeping copies of these files are included in Disposition Job Nos. NN–168–51, NC–47–75–1, NC1–47–79–10, NC1–47–79–11, NC1–47–80–5, NC1–47–80–16, NC1–47–81–9, NC1–47–82–10, NC1–47–83–1, NC1–47–84–9, and N1–47–96–1.

5. Social Security Administration, Agency-wide (N9–47–00–5, 5 items, 5 temporary items). Electronic copies of records created using electronic mail and word processing that relate to financial management, budget management, and accounting operations. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NN–174–258, NC1–47–79–13, NC1–47–81–7, NC1–47–81–9, and NC1–47–81–13.

6. Social Security Administration, Agency-wide (N9–47–00–6, 11 items, 11 temporary items). Electronic copies of records created using electronic mail and word processing that relate to administrative matters common to most offices. Included are electronic copies of records pertaining to such subjects as administrative instructions, management surveys and reports, committee management, conferences, emergency planning, and administrative planning. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Jobs Nos. NC–47–75–7, NC1–47–78–12, and NC1–47–81–9.

7. Social Security Administration, Agency-wide (N9–47–00–7, 5 items, 5 temporary items). Electronic copies of records created using electronic mail and word processing that are common to multiple benefit programs. Included are electronic copies of records pertaining to such matters as management of claims, payments, collection of overpayments, audits, and

exemption processing. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Jobs Nos. NC1–47–76–17, NC1–47–81–9, NC1–47–83–8, NC1–47–84–1, NC1–47–85–2, N1–47–86–1, N1–47–87–2, N1–47–96–4, and N1–47–98–1.

8. Social Security Administration, Agency-wide (N9–47–00–8, 27 items, 27 temporary items). Electronic copies of records created using electronic mail and word processing that relate to hearings and appeals. Included are electronic copies of such records as court transcripts, medical advisory files, published summary reports, operations files, field operations files, appeals operations files, and hearing records. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Record-keeping copies of these files are included in Disposition Job Nos. NC–47–75–3, NC–47–75–7, NC1–47–76–1, NC1–47–76–34, NC1–47–77–4, NC1–47–78–2, NC1–47–80–1, NC1–47–80–6, NC1–47–80–10, NC1–47–81–1, NC1–47–81–8, NC1–47–81–16, NC1–47–81–17, NC1–47–82–9, NC1–47–83–10, and NC1–47–84–8.

9. Social Security Administration, Agency-wide (N9–47–00–9, 10 items, 10 temporary items). Electronic copies of records created using electronic mail and word processing that relate to information management and publications. Included are electronic copies of records that relate to such matters as information resource management, the preparation and distribution of publications, reprographic management, and the distribution of legislative materials. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC–47–75–6, NC–47–75–8, NC–47–75–10, NC–47–75–11, NC1–47–76–12, NC1–47–81–3, NC–47–81–5, NC1–47–81–9, NC1–47–81–10, NC1–47–83–5, and NC1–47–84–10.

10. Social Security Administration, Agency-wide (N9–47–00–10, 10 items, 10 temporary items). Electronic copies of records created using electronic mail and word processing that relate to the use of government motor vehicles. Included are electronic copies of such records as monthly mileage reports, government motor vehicle reports, motor vehicle operator reports, and parking suspension listings. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Record-keeping copies of these files are included in Disposition Job Nos. NC1–47–76–5, NC1–47–76–12, and NC1–47–81–19.

11. Social Security Administration, Office of the General Counsel (N9–47–00–11, 10 items, 10 temporary items). Electronic copies of records created using electronic mail and word processing that are accumulated by the Office of the General Counsel. Included are electronic copies of records pertaining to litigation cases, legal opinion precedents, draft legislation, numbered bills, public laws, congressional correspondence, and related matters. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job No. N1–47–96–3.

12. Social Security Administration, Office of the Inspector General (N9–47–00–12, 4 items, 4 temporary items). Electronic copies of records created using electronic mail and word processing that are accumulated by the Office of the Inspector General. Included are electronic copies of records pertaining to investigations and other office activities. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Record-keeping copies of these files are included in Disposition Job No. N1–47–96–2.

13. Social Security Administration, Agency-wide (N9–47–00–13, 4 items, 4 temporary items). Electronic copies of records created using electronic mail and word processing that relate to program issuances. Included are electronic copies of records pertaining to circulars, manuals and directives, and regional issuances. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job No. NC–47–75–1.

14. Social Security Administration, Agency-wide (N9–47–00–14, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing that relate to personnel management, including promotion listings and chronological journals. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC–47–74–7, NC–47–75–7, NC–47–75–20, NC–47–75–22, NC1–47–76–6, NC1–47–76–12, NC1–47–76–13, NC1–47–77–5, NC1–47–79–7, NC1–47–80–4, and NC1–47–81–9.

15. Social Security Administration, Agency-wide (N9–47–00–15, 4 items, 4 temporary items). Electronic copies of records created using electronic mail and word processing that relate to policy matters. Included are electronic copies of records that relate to such subjects as actuarial benefits studies, welfare reform proposals, advisory councils, international policy studies, and legislative matters. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC1–47–76–3, NC1–47–76–9, NC1–47–78–21, NC1–47–82–6, and N1–47–88–4.

16. Social Security Administration, Agency-wide (N9–47–00–16, 5 items, 5 temporary items). Electronic copies of records created using electronic mail and word processing that relate to property. Included are electronic copies of such records as supply requisitions, distribution lists and reports, and cataloging records. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC–47–75–18, NC1–47–76–10, NC1–47–76–12, NC1–47–78–26, NC1–47–79–1, and NC1–47–83–7.

17. Social Security Administration, Agency-wide (N9–47–00–17, 1 item, 1 temporary item). Electronic copies of records created using electronic mail and word processing that relate to procurement. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC1–47–76–10, NC1–47–78–10, and NC1–47–81–13.

18. Social Security Administration, Agency-wide (N9–47–00–18, 18 items, 18 temporary items). Electronic copies of records created using electronic mail and word processing that relate to payroll and time-and-attendance. Included are electronic copies of such records as timekeeper cards, payroll liaison files, W–2 listings, allotment authorizations, and other pay related files. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC–47–75–16, NC–47–75–22, NC1–47–78–25, NC1–47–80–3, NC1–47–80–6, NC1–47–81–9, NC1–47–81–13, NC1–47–82–1, and NC1–47–82–14.

19. Social Security Administration, Agency-wide (N9–47–00–19, 6 items, 6 temporary items). Electronic copies of records created using electronic mail and word processing that relate to quality assurance and performance assessment. Included are electronic

copies of such records as quality assurance case files, periodic reports, studies, data input files, and hearing disposition quality reviews. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC1–47–76–25, NC1–47–79–5, NC1–47–80–20, NC1–47–81–9, NC1–47–82–12, NC1–47–84–5, NC1–47–84–7, and NC–47–88–2.

20. Social Security Administration, Agency-wide (N9–47–00–20, 1 item, 1 temporary item). Electronic copies of records created using electronic mail and word processing that relate to regulations. Included are electronic copies of policy and precedent files, regulation notices, history files, rulings, and handbooks. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC1–47–80–7 and N1–47–95–4.

21. Social Security Administration, Agency-wide (N9–47–00–21, 5 items, 5 temporary items). Electronic copies of records created using electronic mail and word processing that relate to research and statistics. Included are electronic copies of such records as trust fund advisory committee minutes and reports and tabulations pertaining to such subjects as trust fund grants and contracts, earnings and employment, and to Old Age, Survivors, and Disability Insurance programs. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC1–47–78–21, NC–174–172, and NC1–47–81–6.

22. Social Security Administration, Agency-wide (N9–47–00–22, 4 items, 4 temporary items). Electronic copies of records created using electronic mail and word processing that relate to retirement and survivors insurance. Included are electronic copies of such records as policy and precedent files, claims files, benefit and certification reports, data processing modification schedules, and claims validation files. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Record-keeping copies of these files are included in Disposition Job Nos. NC–47–75–1, N1–47–86–2, N1–47–88–2, N1–47–94–1, and N1–47–95–3.

23. Social Security Administration, Agency-wide (N9–47–00–23, 6 items, 6 temporary items). Electronic copies of records created using electronic mail and word processing that relate to occupational safety and health. Included are electronic copies of such records as health and safety files, employee medical folders, claims files, and compensation cases. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Record-keeping copies of these files are included in Disposition Job Nos. NC–47–75–20, NC1–47–76–13, and NC1–47–81–9.

24. Social Security Administration, Agency-wide (N9–47–00–24, 1 item, 1 temporary item). Electronic copies of records created using electronic mail and word processing that relate to security. Included are electronic copies of such records as criminal misconduct cases, pre-employment assessments, and files relating to facilities security. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC–47–75–1, NC1–47–76–12, NC1–47–76–25, NC1–47–76–34, NC1–47–78–4, NC1–47–79–10, NC1–47–NC1–47–80–17, and NC1–47–82–4.

25. Social Security Administration, Agency-wide (N9–47–00–25, 5 items, 5 temporary items). Electronic copies of records created using electronic mail and word processing that relate to systems planning and development. Included are electronic copies of records pertaining to such subjects as validation and quality control, system changes, and non-budget system reviews. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC–47–75–13 and NC1–47–79–2.

26. Social Security Administration, Agency-wide (N9–47–00–26, 5 items, 5 temporary items). Electronic copies of records created using electronic mail and word processing that relate to supplemental security income. Included are electronic copies of such records as claims files, state profile data, redetermination transmittal forms, online claims data, and advance payment files. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC1–47–76–17, NC1–47–79–15, NC1–47–79–19, NC1–47–81–9, NC1–47–82–7, NC1–47–84–1, NC1–47–85–1, N1–47–87–3, and N1–47–89–1.

27. Social Security Administration, Agency-wide (N9–47–00–27, 5 items, 5 temporary items). Electronic copies of records created using electronic mail and word processing that relate to training and career development. Included are electronic copies of employee training plans, agreements, training materials, and evaluations. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. NC–47–75–5, NC–47–75–20, NC1–47–78–21, and NC1–47–81–9.

Dated: February 16, 2000.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 00–4684 Filed 2–28–00; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Anthropological and Geographic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following seven meetings of the Advisory Panel for Anthropological and Geographic Sciences (#1757);

1. Date/Time: April 9–10, 2000 8:30 a.m.–6:00 p.m.

Place: Suite #1 Philadelphia Marriott 1201 Market Street, Philadelphia, PA 19107.

Contact Person: John Yellen, Program Director of Archaeology and Archaeometry Program, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 306–1759.

Agenda: To review and evaluate Archaeology proposals as part of the selection process for awards.

2. Date/Time: April 3–4, 2000; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 390, Arlington, VA.

Contact Person: Mark Weiss, Program Director for Physical Anthropology, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Physical Anthropology proposals as part of the selection process for awards.

3. Date/Time: April 20–21, 2000; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 370, Arlington, VA.

Contact Person: Victoria Lockwood, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230, Telephone: (703) 306–1758.

Agenda: To review and evaluate Cultural Anthropology proposals as part of the selection process for awards.

4. Date/Time: April 17–18, 2000; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 370, Arlington, VA.

Contact Person: Victoria Lockwood, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Cultural Anthropology dissertation proposals as part of the selection process for awards.

5. Date/Time: April 8–9, 2000 8:30 a.m.–5:00 p.m.

Place: Double Tree Hotel 1000 Penn Avenue Pittsburgh, PA 15222–3873.

Contact Person: Nina Lam, Program Director for Geography and Regional Science, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Geography and Regional Science dissertation proposals as part of the selection process for awards.

6. Date/Time: April 27–28, 2000; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 920, Arlington, VA.

Contact Person: Nina Lam, Program Director for Geography and Regional Science, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Geography and Regional Science proposals as part of the selection process for awards.

7. Date & Time: April 6, 2000; 8:30 a.m.–6:00 p.m.

Place: Suite #1 Philadelphia Marriott 1201 Market Street, Philadelphia, PA 19107.

Contact Person: John Yellen, Program Director for Archaeology and Archaeometry Program, National Science Foundation, 4201 Wilson Blvd, Suite 995, Arlington, VA 22230. Telephone: (703) 306–1759.

Agenda: To review and evaluate Archaeometry proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4702 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Sciences: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological Sciences (1754).

Date/Time: April 27, 2000, 8:00 a.m.–5:00 p.m. thru April 28, 2000, 8:00 a.m.–Adjourn.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 320, Arlington, VA 2230.

Type of Meeting: Closed.

Contact Person: Dr. Scott Collins, Program Officer, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230, Telephone: (703) 306–1480.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning proposals to the National Science Foundation (NSF) for financial support.

Agenda: To review and evaluate proposals submitted in to the Long-Term Ecological Research program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4704 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Sciences: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological Sciences (1754).

Date/Time: March 28, 2000, 8:00 a.m.–5:00 p.m. thru March 29, 2000, 8:00 a.m.–Adjourn.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 340, Arlington, VA 2230.

Type of Meeting: Closed.

Contact Person: Elizabeth Lyons, Program Officer, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230, Telephone: (703) 306–1480.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning proposals to the National Science Foundation (NSF) for financial support.

Agenda: To review and evaluate proposals submitted in response to the Undergraduate Mentoring in Environmental Biology solicitation NSF 00–8.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4706 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biomolecular Processes; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Biomolecular Processes—(5138) (Panel A).

Date/Time: April 26–28, 2000, 9:00 a.m.–6:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 340, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Hector Flores, Program Director, and Dr. Susan Porter Ridley, Assistant Program Manager, for Metabolic Biochemistry, Room 655, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1441.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Metabolic Biochemistry Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4705 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Bimolecular Processes; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Biomolecular Processes (5138) (Panel B).

Date/Time: May 1–3, 2000, 8:30 A.M. to 5:00 P.M.

Place: National Science Foundation, 4201 Wilson Blvd. Room 370, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Joanne Tornow, Program Director, or Susan Porter Ridley, Assistant Program Manager for Biochemistry of Gene Expression, Room 655, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230, (703) 306–1441.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including, technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Office.

[FR Doc. 00–4713 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cell Biology: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Cell Biology—(1136) (Panel B).

Date/Time: April 26–28, 2000, 8:30 a.m.–6:00 p.m.

Place: National Science Foundation, Room 120, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Eve Barak and Randolph Addison, Program Directors, Cell Biology, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1442.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Cellular Organization Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4710 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport System; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:Q P='04

Name: Special Emphasis Panel in Chemical and Transport System (1190).

Date and Time: April 3–4, 2000, 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 330, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Farley Fisher, Program Director for the Combustion & Plasma Systems Program, Division of Chemical and Transport Systems (CTS), Room 525, (703) 306–1371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY 2000 Plasma & Science Engineering Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4715 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date/Time: March 20–21, 2000, 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Geoffrey Prentice, Program Director for Kinetics & Catalysis Program, Division of Chemical and Transport Systems (CTS), Room 525, (703) 306–1371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate nominations for the FY 2000 XYZ Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4716 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport System; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Chemical and Transport System (1190).

Date and Time: April 2–3, 2000, 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 330, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Farley Fisher, Program Director for the Combustion & Plasma Systems Program, Division of Chemical and Transport Systems (CTS), Room 525, (703) 306–1371.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY 2000 Plasma & Science Engineering Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including, technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Office.

[FR Doc. 00–4717 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation (1194).

Date/Time: March 14 and 15, 2000, 8:30 a.m.–5:00 p.m.

Place: Rooms 330 and 365, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Lawrence Seiford, Program Director, Operations Research and Productions Systems, Division of Design, Manufacture, and Industrial Innovation, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1330.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Scalable Enterprise proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4703 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications System (1196).

Date/Time: March 6–7, 2000: 8:30 a.m. to 5:00 p.m.

Place: Room 365, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Gernot Pomrenke, Program Director, Electronics, Photonics and Device Technologies, Division of Electrical and Communications Systems, National Science Foundations, 4201 Wilson Boulevard, Room 675, Arlington, VA 22230. Telephone: (703) 306–1339.

Purpose: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals in the Electronics, Photonics, and Device Technologies program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b.(c)(4) and (6) the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4711 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Electrical and Communications Systems (1196).

Date and Time: March 8–9, 2000, 8:30 AM to 5:00 PM.

Place: Room 365, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Gernot Pomrenke, Program Director, Room 675, Division of Electrical and Communications Systems, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1339.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted in response to the program announcement (NSF 99–02).

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4712 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Experimental & Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Experimental & Integrative Activities (1193).

Date and Time: March 10, 2000, 8:00 a.m.–5:00 p.m.

Place: Room 1150, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Michael J. Foster, CISE Advanced Distributed Resources for Experiments, Experimental and Integrative Activities, Room 1160, National Science Foundation, 4201 Wilson Boulevard, VA 22230 Telephone: (703) 306–1981.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to National Science Foundation for financial support.

Agenda: To review and evaluate CISE Advanced Distributed Resources for Experiments proposals submitted in response to the program announcemnt (NSF 98–127).

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4718 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel for the Experimental Program to stimulate Competitive Research (EPSCoR): Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel for the Experimental Program to Stimulate Competitive Research (EPSCoR) #1198.

Dates: March 31, 2000.

Times: 8:00 a.m. until 5:00 p.m.

Place: Hilton Hotel, 950 N. Stratford, Arlington, VA 22230 (703) 528–6000.

Type of Meeting: Closed.

Contact person: Richard J. Anderson, Senior Science Advisory, Office of Experimental Program to Stimulate

Competitive Research (EPSCoR), National Science Foundation, Suite 875, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1683.

Purpose of Meeting: To provide advice and recommendations concerning EPSCoR Grants proposals submitted to the NSF EPSCoR for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4714 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Genetics: Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Genetics (1149) Panel A.

Date/Time: May 3–4, 2000, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 360, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Philip Harriman or Philip Youderian, Program Directors, Molecular and Cellular Biosciences Division, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1439.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Microbial Genetics Proposals as part of the selection process for awards.

Reasons for Closing: The proposals being reviewed include informaton of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4707 Filed 2–28–00; 8:45 am]

BILLING CODE 2555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Genetics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Genetics (1149) Panel B.

Date/Time: April 24–25, 2000, 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: DeLill Nasser, Program Director, Molecular and Cellular Biosciences Division, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1439.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Eukaryotic Genetics Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–4709 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

National Science Board

NSB Public Service Award Committee; Notice of Meeting

In accordance with the Federal Advisory committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: NSB Public Service Award Committee (5195).

Date/Time: Tuesday, March 7, 2000, 1:00–3:00 p.m. EST (teleconference meeting).

Place: National Science Foundation, Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703/306–1096.

Purpose of Meeting: To provide advice and recommendations in the selection of the NSB Public Service Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reason for Closing: the nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: February 23, 2000.

Karen J. York,

Committee Management Officer,

[FR Doc. 00–4708 Filed 2–28–00; 8:45 am]

BILLING CODE 7555–01–M

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its annual meeting and its regular monthly meeting to consider matters relating to administration and enforcement of the price regulation, including the annual reports and monthly reports and recommendations of the Commission's standing Committees. The Commission will also hold its deliberative meeting to consider whether to implement technical amendments to the over-order price regulation to conform to recent amendments to the federal milk price regulations and whether to amend the definition of producer to specify every December since 1996 as a condition of qualification.

DATES: The annual meeting will begin at 10:30 a.m. on Wednesday, March 1, 2000 and will be followed immediately by the regular monthly meeting.

ADDRESSES: The meeting will be held at The Centennial Inn, Armenia White Room, 96 Pleasant Street, Concord, New Hampshire (I–93 Exit 14).

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, VT 05602. Telephone (802) 229–1941.

Authority: 7 U.S.C. 7256.

Dated: February 17, 2000.

Kenneth M. Becker,

Executive Director.

[FR Doc. 00–4697 Filed 2–28–00; 8:45 am]

BILLING CODE 1650–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–22]

CBS Corporation, Test Reactor at Waltz Mill, PA; Notice of Consideration of Approval of Transfer of Facility License and Conforming Amendment and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility License No. TR–2 currently held by CBS Corporation (CBS) as the owner and responsible licensee. The facility is presently being decommissioned in accordance with a decommissioning plan approved by the Commission. The transfer would be to Viacom Inc. (Viacom) in connection with a proposed merger of CBS with and into Viacom. Alternatively, the transfer may be to a subsidiary of Viacom, Viacom/CBS LLC, depending upon certain rulings by other governmental agencies. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer. The facility is located near Waltz Mill in Westmoreland County, Pennsylvania.

According to an application for approval filed by CBS, following approval of the proposed transfer of the license, Viacom would become responsible for decommissioning the facility and terminating the license. There will be no effective change in the personnel who are responsible for completion of the TR–2 License decommissioning effort as described in the TR–2 Decommissioning Plan.

The proposed amendment would replace references to CBS in the license with references to Viacom and make other changes for administrative purposes to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By March 30, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Barton Z. Cowan, Esq., Eckert Seamans Cherin & Mellott, LLC, 600 Grant Street, 44th Floor, Pittsburgh, PA. 15219; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: *OGCLT@NRC.gov);* and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by April 10, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of the **Federal Register** notice.

For further details with respect to this action, see the application dated February 14, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site *http://www.nrc.gov.*

Dated at Rockville, Maryland this 23rd day of February 2000.

For the Nuclear Regulatory Commission.

Theodore S. Michaels,

Senior Project Manager, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 00–4756 Filed 2–28–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–454, STN 50–455, STN 50–456 and STN 50–457]

Commonwealth Edison Company, Byron Station, Units 1 and 2, Braidwood Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating Licenses Nos. NPF–37, NPF–66, NPF–72 and NPF–77 issued to Commonwealth Edison Company (ComEd or the licensee), for operation of Byron Station, Units 1 and 2 (Byron),

located in Ogle County, Illinois, and Braidwood Station, Units 1 and 2 (Braidwood), located in Will County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed action would increase the number of fuel assemblies that can be stored in the Byron and Braidwood spent fuel pools (SFPs) from 2,870 fuel assemblies per SFP to 2,984 fuel assemblies per SFP, an increase of approximately 4 percent. In addition, the new spent fuel storage racks will use Boral as the neutron absorber material, replacing the present neutron absorber material, Boraflex, which is continuing to degrade.

The proposed action is in accordance with the licensee's application for amendments dated March 23, 1999, as supplemented by letters dated October 21 and December 15, 1999.

The Need for the Proposed Action

The existing racks utilize Boraflex as the neutron absorber material. Degradation of Boraflex has caused water chemistry and clarity problems and has also resulted in the need to rely on soluble boron in the SFPs to maintain the plants' design bases. The new spent fuel storage racks utilize Boral as the neutron absorber material, which has been used successfully at a number of plants. In replacing the SFP racks, the licensee decided not to include failed fuel cells. That change, in addition to differences in cell design between the existing and new racks, will result in the capacity of the SFP being changed from 2,864 normal fuel cells and six failed fuel cells to 2,984 normal fuel cells.

Environmental Impacts of the Proposed Action

Radioactive Waste Treatment

Byron and Braidwood use waste treatment systems designed to collect and process gaseous, liquid, and solid waste that might contain radioactive material. These radioactive waste treatment systems were evaluated in the Final Environmental Statements (FESs) dated April 1982 (Byron) and June 1984 (Braidwood). The proposed changes to the SFP will not involve any change in the waste treatment systems described in the FESs.

Gaseous Radioactive Wastes

The storage of additional spent fuel assemblies in the pools is not expected to affect the releases of radioactive gases from the spent fuel pools. Gaseous fission products such as Krypton-85 and Iodine-131 are produced by the fuel in the core during reactor operation. A small percentage of these fission gases is released to the reactor coolant from the small number of fuel assemblies that are expected to develop leaks during reactor operation. During refueling operations, some of these fission products enter the pools and are subsequently released into the air. Since the frequency of refueling (and, therefore, the number of freshly offloaded spent fuel assemblies stored in the pools at any one time) will not increase, there will be no increase in the amounts of these types of fission products released to the atmosphere as a result of the increased pool fuel storage capacity.

The increased heat load on the pools from the storage of additional spent fuel assemblies will potentially result in an increase in the pools' evaporation rate. However, this increased evaporation rate is not expected to result in an increase in the amount of gaseous tritium released from the pool. The overall release of radioactive gases from Byron and Braidwood will remain a small fraction of the limits of 10 CFR 20.1301.

Solid Radioactive Wastes

Spent resins are generated by the processing of SFP water through the pools' purification system. These spent resins are disposed of as solid radioactive waste. Resin replacement is determined primarily by the requirement for water clarity and is normally done approximately once per year. No significant increase in the volume of solid radioactive waste is expected with the expanded storage capacity. During reracking operations, small amounts of additional waste resin may be generated by the pools' cleanup systems on a one-time basis. Additional solid radwaste will consist of the old spent fuel rack modules themselves, as well as any interferences of pool hardware that may have to be removed from the pool to permit installation of the new rack modules. The old racks will be washed down in preparation for packaging and shipment. Shipping containers and procedures will conform to Federal regulations as specified in 10 CFR Part 71, ''Packaging and Transportation of Radioactive Material,'' and to the requirements of any state through which the shipment may pass, as set forth by the state department of transportation.

Liquid Radioactive Wastes

The release of radioactive liquids will not be affected directly as a result of the SFP modifications. The SFP ion exchanger resins remove soluble radioactive materials from the pool water. When the resins are replaced, the small amount of resin sluice water that is released is processed by the radwaste systems. As previously stated, the frequency of resin replacement may increase slightly during the installation of the new racks. However, the increase in the amount of radioactive liquid released to the environment as a result of the proposed SFP expansion is expected to be negligible.

Occupational Dose Consideration

Radiation protection personnel at Byron and Braidwood will monitor the doses to the workers during the SFP expansion operations. The total occupational dose to plant workers as a result of the SFP is estimated to be between 6 and 12 person-rem which includes an estimated dose for potential diver exposure, if one is needed, and estimates of person-rem exposures associated with washdown and preparation of the existing racks for shipping. The dose estimate is comparable to doses for similar SFP modifications performed at other nuclear plants. The SFP rack installations will follow detailed procedures prepared with full consideration of as low as reasonably achievable (ALARA) principles.

On the basis of its review of the licensee's proposal, the NRC staff concludes that the Byron and Braidwood SFP reracking operations can be performed in a manner that will ensure that doses to workers will be maintained ALARA. The estimated dose of 6 to 12 person-rem to perform the proposed SFP reracking operations is a small fraction of the annual collective dose accrued at Byron and Braidwood.

Accident Considerations

The licensee evaluated five spent fuel drop accidents, a spent fuel cask drop accident, and a change in the SFP water temperature. Because of the similarity between the new racks and the existing ones, and the small increase (4 percent) in the spent fuel capacity of the new racks, the consequences of the spent fuel and fuel cask drop accidents were either bounded by the previous accident analyses as incorporated in the plants' design bases or unaffected by the changeout of the SFP racks.

The change in temperature of the SFP water was evaluated for the potential increase in reactivity. Because the reactivity coefficient in the SFP is negative, a temperature increase will result in a decrease in reactivity. The initiators of this event are unaffected by the SFP rack replacement because there are no features of the design change

affecting the SFP cooling system or that would prompt a SFP water temperature decrease.

As a consequence of the analyses, the NRC staff concludes that increases in the capacity of the SFPs at Byron and Braidwood will not be accompanied by an associated increase in the radiological consequences of fuel-handling accidents. The potential offsite doses will not be increased over the values given in the updated Final Safety Analysis Report.

Alternatives to the Proposed Action

Shipping Fuel to a Permanent Federal Fuel Storage/Disposal Facility

Shipment of spent fuel to a high-level radioactive storage facility is an alternative to increasing the onsite spent fuel storage capacity. However, the U.S. Department of Energy's (DOE's) high-level radioactive waste repository is not expected to begin receiving spent fuel until approximately 2010, at the earliest. To date, no location has been identified and an interim federal storage facility has yet to be identified in advance of a decision on a permanent repository. Therefore, shipping the spent fuel to the DOE repository is not considered an alternative to increased onsite fuel storage capacity at this time.

Shipping Fuel to a Reprocessing Facility

Reprocessing of spent fuel from Byron and Braidwood is not a viable alternative since there are no operating commercial reprocessing facilities in the United States. Therefore, spent fuel would have to be shipped to an overseas facility for reprocessing. However, this approach has never been used and it would require approval by the Department of State as well as other entities. Additionally, the cost of spent fuel reprocessing is not offset by the salvage value of the residual uranium; reprocessing represents an added cost.

Shipping the Fuel Offsite to Another Utility or Another ComEd Site

The shipment of fuel to another utility or transferring fuel to another of the licensee's facilities would provide short-term relief from the problems at Byron and Braidwood. The Nuclear Waste Policy Act of 1982, Subtitle B, Section 131(a)(1), however, clearly places the responsibility for the interim storage of spent fuel with each owner or operator of a nuclear plant. The SFPs at the other reactor sites were designed with capacity to accommodate spent fuel from those particular sites. Therefore, transferring spent fuel from Byron or Braidwood to other sites would create storage capacity problems at those locations. The shipment of spent fuel to another site or transferring it to another ComEd site is not an acceptable alternative because of increased fuel handling risks and additional occupational radiation exposure, as well as the fact that no additional storage capacity would be created.

Alternatives Creating Additional Storage Capacity

Alternative technologies that would create additional storage capacity include rod consolidation, dry cask storage, modular vault dry storage, and constructing a new pool. Rod consolidation involves disassembling the spent fuel assemblies and storing the fuel rods from two or more assemblies into a stainless steel canister that can be stored in the spent fuel racks. Industry experience with rod consolidation is currently limited, primarily due to concerns for potential gap activity release due to rod breakage, the potential for increased fuel cladding corrosion due to some of the protective oxide layer being scraped off, and because the prolonged consolidation activity could interfere with ongoing plant operations. Dry cask storage is a method of transferring spent fuel, after storage in the pool for several years, to high capacity casks with passive heat dissipation features. After loading, the casks are stored outdoors on a seismically qualified concrete pad. Concerns for dry cask storage include the need for special security provisions and high cost. Vault storage consists of storing spent fuel in shielded stainless steel cylinders in a horizontal configuration in a reinforced concrete vault. The concrete vault provides missile and earthquake protection and radiation shielding. Concerns for vault dry storage include security, land consumption, eventual decommissioning of the new vault, the potential for fuel or clad rupture due to high temperatures, and high cost. The alternative of constructing and licensing new spent fuel pools is not practical for Byron and Braidwood because such an effort would require about 10 years to complete and would be an expensive alternative.

The alternative technologies that could create additional storage capacity involve additional fuel handling with an attendant opportunity for a fuel handling accident, involve higher cumulative dose to workers effecting the fuel transfers, require additional security measures that are significantly more expensive, and would not result in a significant improvement in environmental impacts compared to the proposed reracking modifications.

Reduction of Spent Fuel Generation

Generally, improved usage of the fuel and/or operation at a reduced power level would be an alternative that would decrease the amount of fuel being stored in the SFPs and, thus, increase the amount of time before the maximum storage capacities of the SFPs are reached. However, operating the plant at a reduced power level would not make effective use of available resources, and would cause unnecessary economic hardship on the licensee and its customers. In addition, the primary reason for the licensee reracking the SFPs is to replace the degrading Boraflex with a stable neutron absorber, Boral. The increase in fuel storage capacity is primarily the result of the differences in design between the existing and the new spent fuel racks. Therefore, reducing the amount of spent fuel generated by increasing burnup further or reducing power is not considered a practical alternative.

The No-Action Alternative

The NRC staff also considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no significant change in current environmental impacts. The environmental impacts of the proposed action and the alternative actions are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2.

Agencies and Persons Contacted

In accordance with its stated policy, on December 20, 1999, the NRC staff consulted with Illinois State official, Frank Niziolec of the Illinois Department of Nuclear Safety, 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 March 23, 1999, as supplemented by letters dated October 21 and December 15, 1999, which are available

for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Electronic Reading Room).

Dated at Rockville, Maryland, this 23rd day of February, 2000.

For the Nuclear Regulatory Commission.

Anthony J. Mendiola,

Chief, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–4757 Filed 2–28–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–260 and 50–296]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact

Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from 10 CFR Part 50.54(o) and 10 CFR Part 50, Appendix J, for Facility Operating Licenses Nos. DPR–52 and DPR–68, issued to the Tennessee Valley Authority (TVA) for operation of the Browns Ferry Nuclear Plant (BFN) Units 2 and 3, located in Limestone County, Alabama.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt TVA from requirements to include main steam isolation valve (MSIV) leakage in (a) the overall integrated leakage rate test measurement required by Section III.A of Appendix J, Option B, and (b) the sum of local leak rate test measurements required by Section III.B of Appendix J, Option B.

The proposed action is in accordance with the licensee's application dated September 28, 1999, for exemption from certain requirements of Title 10, Code of Federal Regulations (10 CFR), Section 50.54(o) and 10 CFR Part 50, Appendix J.

The Need for the Proposed Action

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J specifies the leakage test requirements, schedules, and acceptance criteria for tests of the leak tight integrity of the primary reactor containment and systems and components which penetrate the containment. Option B, Section III.A requires that the overall integrated leak rate must not exceed the allowable leakage (La) with margin, as specified in the Technical Specifications (TS). The overall integrated leak rate, as specified in the 10 CFR Part 50, Appendix J definitions, includes the contribution from MSIV leakage. By letter dated September 28, 1999, the licensee has requested an exemption from Option B, Section III.A, requirements to permit exclusion of MSIV leakage from the overall integrated leak rate test measurement. Option B, Section III.B of 10 CFR Part 50, Appendix J requires that the sum of the leakage rates of Type B and Type C local leak rate tests be less than the performance criterion (La) with margin, as specified in the TS. The licensee's September 28, 1999 letter also requests an exemption from this requirement, to permit exclusion of the MSIV contribution to the sum of the Type B and Type C tests.

The above-cited requirements of Appendix J require that MSIV leakage measurements be grouped with the leakage measurements of other containment penetrations when containment leakage tests are performed. These requirements are inconsistent with the design of the Browns Ferry facilities and the analytical models used to calculate the radiological consequences of design basis accidents. At Browns Ferry, and similar facilities, the leakage from primary containment penetrations, under accident conditions, is collected and treated by the secondary containment system, or would bypass the secondary containment. However, the leakage from MSIVs is collected and treated via an Alternative Leakage Treatment (ALT) path having different mitigation characteristics. In performing accident analyses, it is appropriate to group various leakage effluents according to the treatment they receive before being released to the environment, *i.e.,* bypass leakage is grouped, leakage into secondary containment is grouped, and ALT leakage is grouped, with specific limits for each group defined in the TS. The proposed exemption would permit ALT path leakage to be independently grouped with its unique leakage limits.

Environmental Impacts of the Proposed Action

The proposed action will not significantly increase the probability or consequences of accidents. The NRC Staff has completed its evaluation of the proposed action and finds that the proposed exemption involves a slight increase in the total amount of radioactive effluent that may be released off site in the event of a design basis accident. However, the calculated doses remain within the acceptance criteria of 10 CFR Part 100 and Standard Review Plan Section 15 and there is no significant increase in occupational or public radiation exposure. The NRC Staff thus concludes that granting the proposed exemption would result in no significant radiological environmental impact.

The proposed action does not affect non-radiological plant effluents or historical sites, and has no other environmental impact. Therefore there are no significant non-radiological impacts associated with the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternative to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no action'' alternative). Denial of the exemption 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 dated September 1, 1972 for BFN Units 2 and 3.

Agencies and Persons Consulted

In accordance with its stated policy, on October 21, 1999, the NRC staff consulted with the Alabama State official, Mr. Kirk E. Whatley of the Alabama Office of Radiation Control, regarding the environmental impact of the proposed action. Mr. Walter had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the licensee's letter dated September 28, 1999, which is available

for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Electronic Reading Room) and from the Agencywide Documents Access and Management System.

Dated at Rockville, Maryland, this 22nd day of February 2000.

For the Nuclear Regulatory Commission.

William O. Long,

Senior Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–4758 Filed 2–28–00; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Reclearance of an Expiring Information Collection: Reemployment of Annuitants, 5 CFR 837.103

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for reclearance of an information collection. Section 837.103 of Title 5, Code of Federal Regulations, requires agencies to collect information from retirees who become employed in Government positions. Agencies need to collect timely information regarding the type and amount of annuity being received so the correct rate of pay can be determined. Agencies provide this information to OPM so a determination can be made whether the reemployed retiree's annuity must be terminated.

Comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

We estimate 3,000 reemployed retirees are asked this information annually. It takes each reemployed retiree approximately 5 minute to complete for an annual estimated burden of 250 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before May 1, 2000.

ADDRESSES: Send or deliver comments to Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415–3540.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Cyrus S. Benson, Sr. Management Analyst, Budget & Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–4687 Filed 2–28–00; 8:45 am]

BILLING CODE 6325–01–P

OFFICE OF PERSONNEL MANAGEMENT

[RI 92–22]

Submission for OMB Review: Comment Request for Review of a Revised Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. RI 92–22, Annuity Supplement Earnings Report, is used annually to obtain the amount of personal earnings from annuity supplement recipients to determine if there should be a reduction in benefits paid to the annuitant.

Approximately 180 RI 92–22 forms are completed annually. Each form requires approximately 15 minutes to complete. The annual estimated burden is 45 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before March 30, 2000.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management & Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION; CONTACT: Donna G. Lease, Budget & Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–4686 Filed 2–28–00; 8:45 am]

BILLING CODE 6325–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–8309]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Price Communications Corporation, Voting Common Stock, $.01 Par Value, and Common Stock Purchase Rights)

February 23, 2000.

Price Communications Corporation (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw the securities specified above (''Securities'') from listing and registration on the American Stock Exchange LLC (''Amex'').

In addition to being listed on the Amex, the Securities recently became listed on the New York Stock Exchange, Inc. (''NYSE''), pursuant to a Registration Statement on Form 8–A filed with the Commission on February 8, 2000. Trading in the Company's Common Stock commenced on the NYSE, and was simultaneously suspended on the Amex, at the opening of business on February 17, 2000.

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

The Company has complied with Amex Rule 18 by filing with the Amex a certified copy of the preambles and resolutions adopted by the Company's Board of Directors authorizing the withdrawal of its Securities from listing and registration on the Amex and by setting forth in detail to the Amex the reasons for such proposed withdrawal and the facts in support thereof. The Amex has in turn informed the Company that it has no objection to the proposed withdrawal of the Company's Securities from listing and registration on the Amex.

In making the decision to withdraw the Securities from listing and registration on the Amex, the Company hopes to avoid the direct and indirect costs of maintaining listings simultaneously on two exchanges. The Company does not see any particular advantage to having its Securities trade on two exchanges and believes that this dual trading would result in a fragmentation of the market for its Securities.

The Company's application relates solely to the withdrawal of the Securities from listing and registration on the Amex and shall have no effect upon the Securities' continued listing and registration on the NYSE. By reason of Section 12(b) of the Act [3] and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports with the Commission under Section 13 of the Act.[4]

Any interested person may, on or before March 15, 2000, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–4696 Filed 2–28–00; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78m.

[5] 17 CFR 200.30–3(a)(1).

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends Part TB of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). It realigns work within the Office of the Deputy Commissioner, Legislation and Congressional Affairs (ODCLCA). The Disability Insurance Program Staff (TBB), the Supplemental Security Income (SSI) Program Staff (TBE), the Old Age and Survivors Insurance (OASI) Benefits Staff (TBG), and the Program Administration and Financing Staff (TBH) are all abolished. The functions of these staffs are transferred to a new Office of Legislative Development. Also, legislative liaison activities in the Immediate Office of the Deputy Commissioner are consolidated in a new Office of Legislative Relations. In addition, the legislative reference function is transferred from the immediate Office of the Deputy Commissioner to the Congressional Relations Staff, which is being retitled the Legislative Research and Congressional Constituent Relations Staff (TBC). Because this is a major realignment, the entire chapter is being reissued.

TB.00 Mission
TB.10 Organization
TB.20 Functions

Section TB.00 The Office of the Deputy Commissioner, Legislation and Congressional Affairs—(Mission): The Office of the Deputy Commissioner, Legislation and Congressional Affairs develops and conducts the legislative program of SSA, serves as the focal point for all legislative activity in SSA, analyzes legislative and regulatory initiatives and develops specific positions and amendments. The Office evaluates the effectiveness of programs administered by SSA in terms of legislative needs, and analyzes and develops recommendations on related income maintenance, social service and rehabilitation program proposals, particularly those which may involve coordination with SSA-administered programs, and on other methods of providing economic security. It provides advisory service to SSA officials on legislation of interest to SSA pending in Congress. It also provides legislative drafting to officials within the Executive Branch, congressional committees, individual Members of Congress and private organizations interested in Social Security legislation. It establishes and maintains a working relationship with all Members of Congress. It serves as SSA's information gathering and dissemination staff on congressional activities affecting SSA programs and handles certain claims and administrative matters that are particularly urgent or sensitive to Members of Congress.

Section TB.10 *The Office of the Deputy Commissioner, Legislation and Congressional Affairs*—(Organization): The Office of the Deputy Commissioner, Legislation and Congressional Affairs, under the leadership of the Deputy Commissioner for Legislation and Congressional Affairs, includes:

A. The Deputy Commissioner for Legislation and Congressional Affairs (TB).

B. The Assistant Deputy Commissioner for Legislation and Congressional Affairs (TB).

C. The Immediate Office of the Deputy Commissioner for Legislation and Congressional Affairs (TBA).

D. The Office of Legislative Development (TBJ).

E. The Office of Legislative Relations (TBH).

F. The Legislative Research and Congressional Constituent Relations Staff (TBC).

Section TB.20 *The Office of the Deputy Commissioner, Legislation and Congressional Affairs*—(Functions)

A. The Deputy Commissioner for Legislation and Congressional Affairs (TB) is directly responsible to the Commissioner for carrying out DCLCA's mission and providing general supervision to the major components of DCLCA.

B. The Assistant Deputy Commissioner for Legislation and Congressional Affairs (TB) assists the Deputy Commissioner in carrying out his/her responsibilities and performs other duties as the Deputy Commissioner may prescribe.

C. The Immediate Office of the Deputy Commissioner for Legislation and Congressional Affairs (TBA) provides the Deputy Commissioner and Assistant Deputy Commissioner with staff assistance on the full range of their responsibilities.

D. The Office of Legislative Development (TBJ) develops and evaluates legislative proposals for changes in the Social Security program. Reviews regulations dealing with the Social Security program including inter-program relationships to assure cross-program consistency with policy requirements and decisions. Provides technical and advisory services to other agencies within the Executive Branch, congressional committees, State officials and private organizations having an

interest in Social Security programs or emerging legislative issues. Provides analytical support on broad programmatic issues. Identifies and analyzes far-reaching economic, political and societal issues that impact/influence the development and modification of Social Security program policies and procedures. Recommends methods for coordinating the protection afforded under Social Security with that afforded under other public and private benefit programs.

E. The Office of Legislative Relations (TBH). Serves as consultant to the Deputy Commissioner, Office of Legislation and Congressional Affairs with regard to establishing and maintaining effective congressional relationships. Focuses on legislative relationships for planning and coordination among Executive Branch offices/Agencies and Hill components. Establishes and maintains liaison functions with the White House, other Executive Branch Agencies, and with congressional committees and Members' offices. Networks with counterparts in other agencies to foster a coordinative approach to legislative strategy. Directs the activities of the Washington, D.C., DCLCA staff in carrying out activities related to liaison with the Congress and coordination with other Agencies.

F. The Legislative Research and Congressional Constituent Relations Staff (TBC).

1. Develops and preserves working relationships with Members of Congress, on behalf of the Agency, covering the full range of program and administrative constituent matters. Conducts dialogue on a routine basis, and participates in negotiations on highly sensitive constituent matters with Members.

2. Tracks legislative bills, highlights items of interest from the Congressional Record and other publications for DCLCA and SSA's Executive Staff and provides support for other DCLCA and SSA components at congressional hearings. Assists individual Members of Congress and their staffs and congressional committee staffs by responding to requests for information on pending and proposed Social Security legislation, related legislative proposals and the legislative history of the Social Security program. Reviews legislative proposals for consistency with existing program goals, philosophy and program requirements.

Dated: February 2, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 00–4755 Filed 2–28–00; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Free Trade Area of the Americas: Request for Identification of Private Sector Experts Related to Electronic Commerce

AGENCY: Office of the United States Trade Representative

ACTION: Identification of private sector experts in electronic commerce who may wish to participate in the work of the Free Trade Area of the Americas (FTAA) Joint Government-Private Sector Committee of Experts on Electronic Commerce (Joint Committee).

SUMMARY: The Joint Committee was established by the 34 countries in the Western Hemisphere participating in the Free Trade Area of the Americas to make recommendations on how to increase and broaden the benefits to be derived from the electronic marketplace. The Trade Policy Staff Committee (TPSC) seeks to identify U.S. private sector experts on issues related to electronic commerce who may be interested in participating in the work of the Joint Committee. Interested members of the public are invited to submit written notice of their interest and their qualifications.

DATES: Written expressions of interest in participating in the work of the Joint Committee should be submitted no later than March 24, 2000.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, (202) 395–3475. All other questions concerning the Joint Committee may be directed to Regina Vargo, Deputy Assistant Secretary for the Western Hemisphere, U.S. Department of Commerce (202) 482–5324, Regina__Vargo@ita.doc.gov

SUPPLEMENTARY INFORMATION: At the Second Summit of the Americas in April 1998, in Santiago, Chile, the 34 democratically elected Western Hemisphere leaders initiated negotiations to create the FTAA no later than the year 2005. They established nine initial negotiating groups, a consultative group, and two committees, one of which is the Joint Committee, which began its work in August 1998. The trade ministers mandated that both government and private sector experts meet as the Joint Committee to make recommendations on how to increase and broaden the benefits of electronic commerce; the Joint Committee is not a negotiating group. Inclusion of the private sector on the committee is consistent with President Clinton's principle that the private sector should take the lead in global electronic commerce.

The Joint Committee was chaired by the Government of Barbados during the initial 18-month period and will be chaired by an Uruguayan private sector representative and vice chaired by a Canadian government representative through April 2001. Ms. Regina Vargo, Deputy Assistant Secretary for the Western Hemisphere, U.S. Department of Commerce, leads the joint U.S. government-pride sector delegation to the Joint Committee.

Status of Work in the Joint Committee: At the FTAA Ministerial meeting in Toronto in November 1999, trade minister received, and released to the public, a report prepared by the Joint Committee reflecting the culmination of its discussions over the preceding 18 months on a broad range of electronic commerce issues; its recommendations on increasing and broadening the benefits of electronic commerce were drafted with the full participation of government and private sector experts from every region in the Hemisphere. FTAA trade ministers committed to share the report and its recommendations with other relevant authorities within their governments. They also requested that the Joint Committee continue its work as a non-negotiating group and produce further recommendations over the next 18-month period. The full report (Report with Recommendations to Ministers,'' FTAA.ecom/01) is available in English and Spanish on the official FTAA website (*http://www.ftaa–alca.org*) and the U.S. Government Electronic Commerce website (*http://www.ecommerce.gov*).

The Joint Committee met most recently on January 25–26, 2000 in Miami. At this meeting, the Joint Committee's private sector and government representatives identified issues to be discussed during the next phase of its work. The Joint Committee will focus on issues related to access and infrastructure, small and medium-sized enterprises, authentication, and online payments, and consider developments in other areas such as intellectual property, taxation and consumer protection. The Joint Committee will make further recommendations to trade ministers for their consideration at the next FTAA Ministerial meeting in April 2001.

Private Sector Participation: During the first 18-month period, 13 U.S. private sector representatives, reflecting a balance of interests and electronic commerce issue expertise, participated

in the work of the Joint Committee. All had responded to notices in the **Federal Register** (63 FR 42090 August 6, 1998 and 64 FR 26811, May 17, 1999) or to request to official trade advisors inviting expressions of interest and qualifications to participate in the work of the Joint Committee.

Public Comments

As the Joint Committee enters the second phases in the FTAA process, the TPSC is seeking to solicit anew U.S. private sector interest in participation on the Joint Committee, taking into consideration its current work plan. In order to assist the TPSC in identifying U.S. private sector experts on issues related to electronic commerce, members of the public are invited to submit written notice of their interest and describe their qualifications. Qualifications of interest include: demonstrated expertise in one or more aspects of electronic commerce; knowledge of the Western Hemisphere, including established contacts with foreign private sector interests in the region; an ability and willingness to broadly solicit views from and disseminate information to private sector interests; and familiarity with U.S. and foreign trade and investment policies and obligations and developments in electronic commerce fora.

Those persons wishing to make written submissions should provide twenty (20) typed copies (in English) no later than noon, Friday, March 24, 2000 to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the U.S. Trade Representative, Room 122, 600 17th Street, NW, Washington, D.C., 20508.

Written submissions in connection with this request will be available for public inspection in the USTR Reading Room, Room 101, Office of the United States Trade Representative, 600 17th St., N.W., Washington, D.C. An appointment to review the file may be made by calling Brenda Webb (202) 395–6186. The Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m. Monday through Friday.

Carmen Suro-Bredie,

Acting Chairman, Trade Policy Staff Committee.

[FR Doc. 00–4805 Filed 2–28–00; 8:45 am]

BILLING CODE 3901–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–6949]

Navigation Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Navigation Safety Advisory Council (NAVSAC) and its Committees on Navigation Equipment, Prevention Through People, High Speed Craft, and the Marine Transportation System will meet to discuss various issues relating to the safety of navigation. All meetings are open to the public.

DATES: NAVSAC's Committees on Navigation Equipment, Prevention Through People, High Speed Craft, and the Marine Transportation System will meet on Thursday, March 30, 2000, from 9:00 a.m. to 5 p.m. The full Council will meet on Friday, March 31, 2000, from 8:00 a.m. to 5:00 p.m. and on Saturday, April 1, 2000, from 8:00 a.m. to 4:00 p.m. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before March 24, 2000. Requests to have a copy of your material distributed to each member of the council or committee should reach the Coast Guard on or before March 20, 2000.

ADDRESSES: NAVSAC will meet at the Sheraton Four Points Hotel (soon to be ''W New Orleans''), 333 Poydras Street, New Orleans, LA. Committee meetings will be held at the same location. Send written material and requests to make oral presentations to Ms. Margie G. Hegy, Commandant (G–MW), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Margie G. Hegy, Executive Director of NAVSAC, telephone 202–267–0415, fax 202–267–4700.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of Meetings

Navigation Safety Advisory Council (NAVSAC). The agenda includes the following:

(1) Report on the Ports and Waterways Safety System (PAWSS) and Ports and Waterways Safety Assessments (PAWSA).

(2) Progress report on the New Orleans Automatic Identification System (AIS) Based Vessel Traffic Services (VTS) project.

(3) Report on the future of AIS Implementation.

(4) Overview of Electronic Chart Display and Information System (ECDIS) and Electronic Chart System (ECS)—the basics.

Committee on Navigation Equipment. The agenda includes the following:

(1) RTCM Standards for ECDIS.

(2) Technology and ''all-weather 24 hour ports''.

Committee on Prevention Through People (PTP). The agenda includes the following:

(1) Standardized tug commands as they apply to assist and escort tugs.

(2) Ergonomics and bridge design.

(3) Fatigue Awareness Campaign

Committee on High Speed Craft. The agenda includes the following:

(1) Review of Inland and International Rules of the Road.

(2) Review of international proposals to revise Rules to address high speed craft.

Committee on the Marine Transportation System. The agenda includes the following:

(1) Review of previous NAVSAC Resolutions.

(2) Review of Harbor Safety Committee guidance and advise on implementation.

Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chairs' discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than March 24, 2000. Written material for distribution at a meeting should reach the Coast Guard no later than March 24, 2000. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of a meeting, please submit 25 copies to the Executive Director no later than March 20, 2000.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: February 22, 2000.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–4744 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Acceptance of Noise Exposure Maps and Request for Review of Noise Compatibility Program for Waime-Kohala Airport, Kamuela, Hawaii

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the State of Hawaii, Department of Transportation for the Waimea-Kohala Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Waimea-Kohala Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before August 12, 2000.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is February 14, 2000. The public comment period ends April 14, 2000.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Airport Planner, Honolulu Airports District Office, Federal Aviation Administration, P.O. Box 50244, Honolulu, Hawaii 96850, Telephone: (808) 541–1243. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Waimea-Kohala Airport are in compliance with applicable requirements of Part 150, effective February 14, 2000. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 12, 2000. This notice also announces the availability of this program for public review and comment.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulation (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The State of Hawaii, Department of Transportation, submitted to the FAA on December 8, 1998 (original submittal) and January 25, 2000 (revised pages), noise exposure maps, descriptions and other documentation which were produced during the preparation of the Waimea-Kohala Airport Noise Compatibility Study dated November, 1998, Revised December, 1999. It was requested that the FAA review this material as the noise exposure maps, as described in Section 103(a) (1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the State of Hawaii, Department of Transportation. The specific maps under consideration are Figures 4–1, ''1999 (Existing) Base Year Noise Exposure Maps'' and 5–1 ''2004 (Forecast) Five Year Noise Exposure Maps in the submission. The FAA has determined that these maps for Waimea-Kohala Airport are in compliance with applicable requirements. This determination is effective on February 14, 2000. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Waimea-Kohala Airport, also effective on February 14, 2000. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 12, 2000.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591
Federal Aviation Administration, Western-Pacific Region, Airports Division, AWP–600, 15000 Aviation Blvd., Room 3012, Hawthorne, California 90261
Federal Aviation Administration, Honolulu Airports District Office, 300 Ala Moana Boulevard, Room 7–128, Honolulu, Hawaii 96813
State of Hawaii, Department of Transportation, Airports Division, Honolulu International Airport, 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96819
State of Hawaii, Department of Transportation, Airports Division, District Office Manager, Kona International Airport, Kailua-Kona, Hawaii 96745

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on February 14, 2000.

Ellsworth L. Chan,

Acting Manager, Airports Division, AWP–600, Western-Pacific Region.

[FR Doc. 00–4754 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 00–05–C–00–DSM To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Des Moines International Airport, Des Moines, Iowa

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Des Moines International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 30, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Central Region, Airports Division, 901 Locust, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. William F. Flannery, Aviation Director, at the following address: City of Des Moines, 5800 Fleur Drive, Suite 201, Des Moines, IA 50321.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Des Moines, under §158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, PFC Program Manager, FAA, Central Region, 901 Locust, Kansas City, MO 64106, (816) 329–2641. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Des Moines International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 11, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Des Moines, Iowa, as substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 12, 2000.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: May, 2006.

Proposed charge expiration date: November, 2006.

Total estimated PFC revenue: $1,150,000.

Brief description of proposed project: South passenger apron expansion and rehabilitation and terminal elevator—C Concourse.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Des Moines International Airport.

Issued in Kansas City, Missouri on February 11, 2000.

George A. Hendon,

Manager, Airports Division, Central Region.

[FR Doc. 00–4753 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application (00–03–C–00–IDA) To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Fanning Field, Submitted by the City of Idaho Falls, Fanning Field, Idaho Falls, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Fanning Field under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR 158).

DATES: Comments must be received on or before March 30, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. J. Wade Bryant, Manager, Seattle Airports District Office, SEA–ADO, Federal Aviation Administration, 1601 Lind Avenue SW, Suite 250, Renton, Washington 98055–4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. M.R. Humberd, Director of Aviation, at the following address: 2140 North Skyline Drive, Idaho Falls, Idaho 83402–4906.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Fanning Field, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne Lee-Pang, (425) 227–2654, Seattle Airports District Office, SEA–ADO, Federal Aviation Administration, 1601 Lind Avenue SW, Suite 250, Renton, Washington 98055–4056. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application (00–03–C–00–IDA) to impose and use PFC revenue at Fanning Field, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 23, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Idaho Falls, Fanning Field, Idaho Falls, Idaho, was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 26, 2000.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: July 1, 2000.

Proposed charge expiration date: May 1, 2009.

Total requested for use approval: $2,640,000.

Brief description of proposed project: Terminal Renovation and Expansion.

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: None.

Any person may inspect the application in person at the FAA Office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue S.W., Suite 315, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Fanning Field.

Issued in Renton, Washington on February 23, 2000.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 00–4752 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–1999–6404]

Petition for Grandfathering of Non-compliant Equipment; National Railroad Passenger Corporation; Extension of Comment Period

On October 18, 1999, the National Railroad Passenger Corporation (Amtrak) petitioned the Federal Railroad Administration (FRA) for grandfathering of non-compliant passenger equipment manufactured by Renfe Talgo of America (Talgo) for use on rail lines between Vancouver, British Columbia and Eugene, Oregon; between Las Vegas, Nevada and Los Angeles, California; and between San Diego, California and San Luis Obispo, California. Notice of receipt of such petition was published in the **Federal Register** on November 2, 1999, at 64 FR 59230. Interested parties were invited to comment on the petition before the end of the comment period of December 2, 1999.

Through published notice in the **Federal Register**, FRA has extended the comment period in this proceeding and explained the reasons therefor. FRA most recently extended the comment period until February 22, 2000. See 65 FR 5723; Feb. 4, 2000. By this notice, FRA announces that the comment period in this proceeding will remain open to permit the resolution of issues involving an ongoing Freedom of Information Act (FOIA) request for information related to this proceeding. See 65 FR 2223; Jan. 13, 2000. By separate notice, FRA will publicly announce in the **Federal Register** the final closing date of the comment period in this proceeding. FRA will set that closing date at least ten days after the date such notice is published to permit the requester and any others sufficient time in which to analyze any further documents that may be released by FRA. FRA will place in the docket a copy of any documents provided to the FOIA requester.

Amtrak's petition, documents inserted in the docket, and all written communications concerning this proceeding are available for examination during regular business hours (9:00 a.m. to 5:00 p.m.) at DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 Seventh, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Issued in Washington, D. C. on February 22, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–4742 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applications for Modification of Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Requests for modifications of exemptions (e.g., to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before March 15, 2000.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at http://dms.dot.gov.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 22, 2000.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
11202–M		Newport News Shipbuilding and Dry Dock Company, Newport News, VA [1]	11202
12056–M	RSPA–1998–3730	Department of Defense (MTMC), Falls Church, VA [2]	12056

Application No.	Docket No.	Applicant	Modification of exemption
12178–M	RSPA–1999–5050	STC Technologies, Inc., Bethlehem, PA [3]	12178
12378–M	RSPA–1999–6568	Federal Express Corporation, Memphis, TN [4]	12378
12384–M	RSPA–1999–6561	Oilair Hydraulics, Inc., Houston, TX [5]	12384

[1] To modify the exemption to allow for an expanded route for the intra-plant transportation, which utilizes a public street, of certain hazardous materials in quantities not to exceed 55 gallons to be transported as non-regulated.
[2] To modify the exemption to eliminate the private carrier provision and provide for an additional movement location for the transportation of Dinitrogen tetroxide, liquefied and Division 6.1 materials in propellant tanks designed to a military specification.
[3] To modify the exemption to expand the relief granted in paragraph 6 to include exportation.
[4] To modify the exemption to eliminate the recordkeeping requirements outlined in the exemption for the transportation of dry ice not meeting the exceptions identified in Section 175.10.
[5] To reissue the exemption originally issued on an emergency basis authorizing the transportation of non-flammable gas in non-DOT specification hydraulic accumulators.

[FR Doc. 00–4740 Filed 2–28–00; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Application for Exemptions

AGENCY: Research and Special Programs Administration, DOT

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor Vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before March 30, 2000.

ADDRESSES COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif building, 400 7th Street, SW. Washington, DC 20590 or at http://dms.dot.gov.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 23, 2000.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12413–N	RSPA–2000–6912	CP Industries, Inc., McKeesport, PA.	49 CFR 17.34(e)(3), 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.302(c)(5), 173.334(e), 173.334(e)(1)(i) & (ii), 173.334(e)(4), 173.334(e)(5), 173.334(e)(6), 173.334(e)(7).	To authorize acoustic emission and ultrasonic retest of DOT–3AA, 3AAX or 3T cylinders for use in transporting presently authorized hazardous materials. (Modes 1, 2, 3, 4.)
12414–N	RSPA–2000–6813	Med-Flex, Inc., Mt. Holly, NJ.	49 CFR 173.134	To authorize the transportation in commerce of solid regulated medical waste in non-DOT specification packaging consisting of a bulk outer packaging and non-bulk inner packagings. (Mode 1.)
12415–N	RSPA–2000–6914	Canberra Industries, Meriden, CT.	49 CFR 172, 173.302, 175.3.	To authorize the manufacture, mark, sale and use of non-DOT specification containers described as hermetically-sealed electron tube devices for use in transporting various Division 2.2 material. (Modes 1, 2, 3, 4, 5.)
12422–N	RSPA–2000–6918	Connecticut Yankee Atomic Power Co., East Hampton, CT.	49 CFR 173.403, 173.427(b)(1).	To authorize the transportation in commerce of a specially designed device for use in transporting radioactive material, Class 8. (Modes 1, 2.)
12423–N	RSPA–2000–6920	Reagent Chemical & Research, Inc., Houston, TX.	49 CFR 179.13	To authorize the transportation in commerce of DOT 111A100W5 tank cars that exceed the authorized load capacity for use in transporting hydrochloric acid, Class 8. (Mode 2.)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12424–N	RSPA–2000–6919	PEMAC Aviation Supply, Inc., Valenica, CA.	49 CFR 178.55	To authorize the manufacture, marking and sale of a specially designed device equipped with a DOT 4B240ET cylinder for use in transporting nonflammable compressed gas, Division 2.2. (Modes 1, 2, 3, 4, 5.)
12427–N	RSPA–2000–6963	Chubb Fire Ltd., England	49 CFR 173.301(j)	To authorize the transportation in commerce of non-DOT specification cylinders for use in transporting non-flammable compressed gas, Division 2.2. to UL facility for testing. (Mode 4.)
12429–N	RSPA–2000–6973	National Aeronautics & Space Administration (NASA), Washington, DC.	49 CFR 173.309	To authorize the transportation of flight certified, cylindrical portable fire extinguishers as part of a specially designed device for the Space Station Program. (Mode 1.)

[FR Doc. 00–4741 Filed 2–28–00; 8:45 am]

BILLING CODE 4910–60–M

Federal Register

Tuesday,

February 29, 2000

Part II

Department of Agriculture

Food and Nutrition Service

7 CFR Parts 272, 273, 274, and 277

Food Stamp Program: Noncitizen Eligibility, and Certification Provisions of Pub. L. 104–193, as Amended by Public Laws 104–208, 105–33 and 105–185; Proposed Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272, 273, 274, and 277

[Amendment Number]

RIN 0584–AC40

Food Stamp Program: Noncitizen Eligibility, and Certification Provisions of Pub. L. 104–193, as Amended by Public Laws 104–208, 105–33 and 105–185

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend Food Stamp Program (Program) regulations to implement several provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and subsequent amendments to these provisions made by the Omnibus Consolidated Appropriations Act of 1996, the Balanced Budget Act of 1997, and the Agricultural Research Extension and Education Reform Act of 1998. This action proposes options related to matching activities, fair hearing and recipient services. This action proposes provisions which would increase State agency flexibility in processing applications for the Program and allow greater use of standard amounts for determining deductions and self-employment expenses. This action also proposes revisions to the requirements for determining alien eligibility and the eligibility and benefits of sponsored aliens, and to require certain transitional housing payments and most State and local energy assistance to be counted as income, exclude the earnings of students under 18 from income, and require proration of benefits following any break in certification.

Other provisions of this proposed action would establish ground rules for implementing the Simplified Food Stamp Program, allow State agencies options to issue partial allotments for households in treatment centers, count all, part or, in some cases, none of the income of an ineligible alien in determining the benefits of the rest of the household, issue combined allotments to certain expedited service households, and certify elderly or disabled households up to 24 months and other households up to 12 months. The action also proposes several changes to existing regulations in response to the President's reform initiative to remove overly prescriptive, outdated, and unnecessary regulatory provisions.

We are also taking this opportunity to add vehicles to the assets which may be covered under the inaccessible resources provisions of the Food Stamp Act of 1977, to clarify what constitutes an adequate notice of adverse action period, and to make a change to exclude from income on-the-job training payments received under the Summer Youth Employment and Training Program as required by Section 702 of the Job Training Reform Amendments of 1992.

DATES: Comments must be received on or before May 1, 2000 to be assured of consideration.

ADDRESSES: Comments should be submitted to Patrick Waldron, Program Analyst, Certification Policy Branch, Program Development Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305–2805. Comments may also be faxed to the attention of Mr. Waldron at (703) 305–2486. The internet address is: Patrick.Waldron@FNS.USDA.GOV. All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, Room 720.

FOR FURTHER INFORMATION CONTACT: Questions regarding the proposed rulemaking should be addressed to Mr. Waldron at the above address or by telephone at (703) 305–2805.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be economically significant and was reviewed by the Office of Management and Budget in conformance with Executive Order 12866.

Executive Order 12372

The Food Stamp Program (Program) is listed in the Catalog of Federal Domestic Assistance under Number 10.551. For the reasons set forth in the final rule in 7 CFR 3015, Subpart V and related Notice (48 FR 29115), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Shirley R. Watkins, Under Secretary for Food, Nutrition and Consumer Services, has certified that this rule will not have a significant economic impact on a substantial number of small entities. State and local welfare agencies will be the most affected to the extent that they administer the Program.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the ''Effective Date'' paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted.

Unfunded Mandate Analysis

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) which impose costs on State, local, or tribal governments or to the private sector of $100 million or more in any one year. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Civil Rights Impact Analysis

FNS has reviewed this proposed rule in accordance with the Department Regulation 4300–4, ''Civil Rights Impact Analysis'' to identify and address any major civil rights impacts the proposed rule might have on minorities, women, and persons with disabilities. After a careful review of the rule's intent and provisions, and the characteristics of

food stamp households and individuals participants, FNS has determined that there is no way to soften their effect on any of the protected classes. FNS has no discretion in implementing many of these changes. The changes required to be implemented by law, have been implemented.

All data available to FNS indicate that protected individuals have the same opportunity to participate in the Food Stamp Program as non-protected individuals. FNS specifically prohibits the State and local government agencies that administer the program from engaging in actions that discriminate based on race, color, national origin, gender, age, disability, marital or family status. Regulations at 7 CFR 272.6 specifically state that ''State agencies shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of coupons, the conduct of fair hearings, or the conduct of any other program service for reasons of age, race, color, sex, handicap, religious creed, national origin, or political beliefs.'' Discrimination in any aspect of program administration is prohibited by these regulations, the Food Stamp Act, the Age Discrimination Act of 1975 (Pub. L. 94–135), the Rehabilitation Act of 1973 (Pub. L. 93–112, section 504), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Enforcement action may be brought under any applicable Federal law. Title VI complaints shall be processed in accordance with 7 CFR part 15. Where State agencies have options, and they choose to implement a certain provision, they must implement it in such a way that it complies with the regulations at 7 CFR 272.6.

Regulatory Impact Analysis

Need for Action

This action is needed to implement provisions of Pub. L. 104–193 (PRWORA) which would: (1) Remove specific requirements for State agency processing of food stamp applications; (2) revise requirements for determining the eligibility of aliens; (3) count as income certain State and local energy assistance; (4) allow State agencies to count all or part of an alien's income in determining the benefits of the rest of the household; (5) require that the full amount of a sponsor's income and resources be counted in determining the eligibility of a sponsored alien; (6) allow State agencies to certify households consisting entirely of elderly or disabled members up to 24 months; (7) exclude the earnings of students under age 18; (8) make use of a homeless shelter deduction optional; (9) allow State agencies to mandate use of a standard utility allowance if they have at least one standard that includes heating and cooling costs and one that does not; (10) eliminate the exclusion for vendored transitional housing payments for homeless households; (11) allow use of standard amounts in determining self-employment expenses; (12) make optional the issuance of combined allotments to expedited service households that apply after the 15th of the month; (13) allow State agencies to issue partial allotments to households in treatment centers; (14) require proration of benefits following any break in certification; (15) allow State agencies to accept an oral withdrawal from the household for a fair hearing; (16) revise requirements for producing or displaying nutritional education materials; (17) eliminate mandated training standards; (18) eliminate requirement for reviewing and reporting on office hours; (19) revise mail issuance requirements in rural areas; (20) prohibit Federal reimbursement for recruitment activities and recruitment activities from being approved as part of a State agency's optional Outreach plan; (21) make optional rather than mandatory the use of the Income Eligibility and Verification System and the Systematic Alien Verification for Entitlements match programs; and (22) establish ground rules for implementing the Simplified Food Stamp Program (SFSP) . In addition, this action is needed to implement a Departmental initiative to revise the current policy on determining the resource value of licensed vehicles.

PRWORA Provisions

Benefits

State agencies will benefit from this rule to the extent that it increases State agency flexibility and simplifies Program requirements.

Costs

The food stamp changes made in this rule would reduce Program costs for the 5-year period Fiscal Year (FY) 2000 through FY 2004 by approximately $2.75 billion, primarily as a result of the provisions that make many aliens ineligible to participate (section 402) and the provision that requires that most State and local energy assistance be counted as income for food stamp purposes (section 808). The Program realizes smaller savings from the following provisions: Section 807, earnings of children; section 809, standard utility allowances; section 811, transitional housing payments; and section 827, proration of benefits at recertification. The SFSP authorized under section 854 may result in savings or increased Program costs with respect to individual households; however, the net impact of SFSP implementation must be cost neutral. The Departmental initiative to revise the treatment of inaccessible resources produces a cost which slightly lowers the total savings from this rule. The savings from the remaining provisions in the rule are negligible; therefore, we will not discuss them in this analysis.

Section 402—Alien Eligibility

Section 402 of the PRWORA significantly reduces the number of legal aliens who are eligible for food stamps. Effective August 22, 1996, for applicants and August 22, 1997, for current recipients, many aliens legally admitted for permanent residence who were previously eligible became ineligible. The exceptions are those admitted as refugees, asylees, Cubans, Haitians, Amerasians, and those who have had removal withheld who retain eligibility for the first 5 years (later changed to 7 years by the Agricultural Research Extension and Education Reform Act of 1998 (AREERA) after admission; lawful permanent residents who have earned at least 40 quarters of coverage as defined by the Social Security Administration; and those who are serving or have served in the U.S. armed forces and their spouses and children. Effective November 1, 1998, AREERA made certain Hmong, Highland Laotians, and American Indians born in Canada eligible for food stamps. It also made aliens who were lawfully living in the U.S. on August 22, 1996, eligible for food stamps if they are under 18 or are disabled, or were 65 or older on August 22, 1996.

Those aliens who lost eligibility will contribute to smaller State agency caseloads. However, determining the eligibility of individuals will be more complicated. For certain categories of aliens, State agencies will have to determine when the individuals were admitted. For other categories, State agencies will have to obtain information regarding the applicant's work history. Thus, there may be no significant savings in caseworker time.

In FY 2000, without taking into account the cost of restoring benefits to selected aliens through AREERA, we estimate that the savings would have been $500 million. We estimate that in 1998, approximately 790,000 participants lost eligibility with an average benefit loss of $75 a month and

another 285,000 people remained eligible but lost an average of $15 a month. About 685,000 people living in households with ineligible aliens received a slightly larger per person benefit for those still eligible and participating in the Program, on average $15 per month. This is because of economies of scale in the allotment tables which are by household size, *e.g.,* a two-person household based on no income would receive a larger per person allotment than a three-person household based on no income. It is important to realize that all of these ''gainers'' lived in households where the total food stamp benefit available to the household declined.

Based on information from a simulation model using 1996 Food Stamp Quality Control data, together with information from the Immigration and Naturalization Service on immigration and naturalization patterns and the Survey of Income and Program Participation (SIPP) on the work histories of aliens, we estimate that 20 percent of permanent residents meet the 40-quarters work exemption. Using information from the Current Population Survey on the veteran status of aliens, we estimate that less than 1 percent meet the veteran's exemption. Moreover, because applications for naturalization have increased dramatically over the last two years, it is anticipated that naturalizations will increase through FY 2001, reducing somewhat the number of persons losing eligibility and benefits through that time period compared to FY 1998.

The enactment of AREERA on November 1, 1998 restored benefits to an estimated 210,000 legal aliens, costing an additional $185 million in 2000 and $775 million for the 5-year period FY 2000–FY 2004.

PRWORA does not address how or whether to count the income or resources of the aliens made ineligible by PRWORA for purposes of determining eligibility or allotment amounts for the rest of the household. Alternatives were considered including counting ineligible aliens' resources and all income; counting resources and a pro-rated share of income; not counting the ineligible aliens' income, but capping the resulting allotment for the eligible members at the allotment a similarly situated all citizen household would receive; or counting neither income nor resources. The alternative chosen under the proposed rule would be to allow the State agency to pick one State-wide option for determining the eligibility and benefit level of households with members who are aliens made ineligible under PRWORA. State agencies may either: (1) Count the resources and a pro-rated share of the ineligible aliens' income; or (2) count the resources, not count the ineligible aliens' income, but cap the resulting allotment for the eligible members at the allotment amount the household would receive were it not for the PRWORA eligibility restrictions.

Using a simulation based on the 2000 baseline version of the 1996 QC Minimodel, we estimate that the option of excluding the income of PRWORA-ineligible aliens increases costs by an estimated $0 million for FY 2000 and $20 million for FY 2000–FY 2004. These estimates take into account current State practices and an expected shift of some States from the first option.

As a result, the combined effect of these changes will cause savings to fall through FY 2002, and then rise after that with the expected increases in the average benefit. After accounting for increased naturalization, AREERA, and changes in the counting of PRWORA-ineligible aliens' income being implemented starting in FY 2001, savings are estimated at $315 million in FY 2000, $320 million in FY 2001, $360 million in FY 2002, $380 million in FY 2003, and $410 million in FY 2004. Savings related to the alien provisions for the 5-year period FY 2000–FY 2004 are estimated to be $1.785 billion.

Section 807—Earnings of Children

This provision revises the current exclusion from income of the earnings of elementary or secondary school students under age 22 to exclude the earnings of these students if they are under 18. Based on the 1996 Quality Control data, it is estimated that the benefits of approximately 2,700 students will be reduced an average of $89 per month. FY 2000 savings are estimated at $5 million and a 5-year savings of $25 million.

Section 808—Energy Assistance

This provision eliminates the exclusion from income of most State and local energy assistance payments. Federal, State, or local one-time payments for weatherization and replacement or repair of heating or cooling devices are excluded. All federal energy assistance payments are excluded, except those provided under Title IV–A of the Social Security Act. State agencies are required to count as income the portion of the public assistance grant previously excluded as energy assistance. Using 1996 food stamp QC data on the number of AFDC/FSP households in each State and 1996 Green Book data on the average AFDC disregard for state-provided energy assistance, we estimated that benefits for approximately 3.959 million participants will be reduced, with each person losing an average of $4.42 a month. This results in a savings of $210 million for FY 2000 and a 5-year savings of $1.05 billion.

Section 811—Transitional Housing Payments

This provision removes the statutory exclusion from consideration as household income any State PA or GA payments made to a third party on behalf of a household residing in transitional housing for the homeless. State agencies may continue to exclude PA housing payments from income if they are emergency or special payments over and above the regular grant or are provided for migrant or seasonal farmworker households while they are in the job stream. GA housing payments may be excluded if they are provided by a State or local housing authority, are emergency or special payments, or the assistance is provided under a program in a State in which no GA payments may be made directly to the household in the form of cash. State agencies will have to notify affected households that their benefits will be reduced. Based on estimates derived from data on AFDC and shelter payments made to the number of food stamp households estimated to be living in welfare hotels, approximately 76,000 recipients will lose benefits, for a savings of $10 million in FY 2000 and a 5-year savings of $50 million. The average benefit loss per person is about $11 a month.

Section 809—Standard Utility Allowances

This provision allows State agencies to mandate use of a standard utility allowance that includes heating or cooling costs, provided the State agency has another standard allowance that does not include heating or cooling costs and the mandatory standards will not increase Program costs. The PRWORA also provides that in a State that does not choose to make standards mandatory, households are allowed to switch between actual expenses and a standard only at recertification.

The proposed rule provides requirements for a nonheating/cooling standard and would require State agencies to provide FNS with sufficient data to determine whether or not the State agency's proposed standards are cost-neutral. The proposed rule also provides that elderly or disabled households certified for 24 months may switch at the 12-month point when the State agency is required to contact the household. The State agency would be

required to allow households a choice between using actual expenses or a standard when they move and incur shelter expenses. The proposed rule also would allow households in private rental housing to use a standard allowance that includes heating or cooling costs if they incur an expense for heating or cooling separately from their rent. Many of these households are currently entitled to the standard because they receive Low-Income Home Energy Assistance (LIHEAP) payments. Households in public rental housing that incur only the cost of excess usage are prohibited by the Food Stamp Act from receiving a heating or cooling standard. Providing direct entitlement to a heating or cooling standard to households in private rental housing would eliminate the need for the State agency to verify receipt of LIHEAP, which has been problematic for State agencies and households.

The provision of the PRWORA allowing mandatory utility standards would increase State agency flexibility and reduce the time needed to calculate the shelter expenses of households which previously claimed actual costs. Savings result from two factors: (1) If a State mandates a standard, households with shelter costs higher than the SUA would no longer be allowed to claim actual costs and (2) households will no longer be allowed to switch between the SUA and actual costs one additional time during each 12-month period.

Using a simulation model based on 1994 data from the Survey of Income and Program Participation (SIPP), and adjusting for the fact that only five States (Delaware, Louisiana, Michigan, North Dakota, and Wyoming) with only seven percent of the caseload initially implemented this option, we estimate that the benefits of approximately 60,000 people were reduced in 1998 for an average loss of $12 a month, and 783 people lost eligibility for an average monthly loss of $31. The total savings were estimated to be $10 million.

We assume that more States will implement this provision, once they turn their attention from implementing TANF. We estimate that in five years, States that account for 28 percent of total benefit issuance will have opted for required use of the SUA. Under these assumptions, total savings are $20 million in FY 2000 and $175 million over 5 years. By FY 2004, slightly over 3,000 people may lose eligibility.

Section 818—Treatment of the Income of Ineligible Aliens

This rule would implement the provision which allows State agencies to elect to count either all or part of an ineligible alien's income if the alien is in a category that was ineligible *prior* to PRWORA when calculating the eligibility and benefits of the other individuals in the household. These aliens are primarily aliens admitted under color of law, those without documentation to establish eligible status, and those temporarily residing in the country legally, such as diplomats and students. (Treatment of the income and resources of the classes of aliens made ineligible by PRWORA is different, and it is discussed above.)

In order not to give preferential treatment to households with ineligible aliens in classes that were ineligible prior to PRWORA over citizen households, the rule would allow State agencies a further option to count all of the income for purposes of applying the gross income test, but use a prorated share to determine eligibility and level of benefits. For example, a household consisting of an undocumented alien and a citizen may have an income which would place the household over the maximum income limit if all of it is counted. However, if the undocumented alien is excluded from the household and only a prorated share of his or her income is counted, the remaining citizen member could be eligible. This option would allow the State agency to count all of the undocumented alien's income for purposes of determining if the household's gross income is below the gross income limit but only counting a prorated share for determining the household's allotment level. The State agency will need to consider if the number of cases affected will warrant two different income computations. Whatever option the States selects will have to be applied to all ineligible aliens in the same class.

Prior to the enactment of PRWORA, States were required to prorate only a share of the ineligible alien's income to the household. For example if a household consisted of one ineligible alien and two eligible participants, under prorating, two-thirds of the income of the ineligible alien would be counted as income available to the food stamp household. Under the 100 percent option, all of that ineligible alien's income would be counted.

Of the two States electing to count 100 percent of the income of ineligible aliens, only one State has continued this policy. The budget assumes only that one State will continue to opt for the 100 percent option. Deeming 100 percent of the income of an ineligible household member increases the countable income of food stamp households. Some households lose eligibility if deeming 100 percent of the ineligible aliens' income causes their countable income to exceed the thresholds. Other households remain eligible but, with a higher net income, qualify for smaller benefits.

Using a simulation based on 1996 Food Stamp Quality Control data adjusted to reflect rules in place in FY 1999, we estimate that under the provision allowing States to count 100 percent of the income of aliens ineligible prior to enactment of PRWORA, approximately 1,000 people remained eligible but lost an average of $95 a month in benefits and 1,000 recipients became ineligible losing $190 a month in benefits. Savings are estimated at $5 million for FY 2000 and $25 million for FY 2000–FY 2004.

Section 827—Proration of Benefits at Recertification

This provision requires that provisions for prorating benefits at recertification revert to those in place before enactment of the Mickey Leland Childhood Hunger Relief Act of 1993. Except for migrant and seasonal farmworker households, benefits would be prorated if there is any break in certification. State agencies are affected to the extent that they have to reprogram computers and revise guidance to staff. Based on a 1989 GAO study on recertification, entitled *Participants Temporarily Terminated for Procedural Noncompliance,* we estimate that the benefits of approximately 1.23 million people will be reduced, for a savings of $20 million in FY 2000 and $100 million over 5 years. Those losing benefits lose an estimated average of less than $1.50 a month.

Departmental Initiative—Inaccessible Resources and Vehicles

Benefits

This proposed rule would allow some households with licensed vehicles of moderate value to participate in the program, if they are otherwise eligible and have little equity in the vehicle. State agencies could benefit from simplification of procedures as vehicles in which the household has little equity are excluded from consideration as resources.

Costs

This provision will revise current procedures to include some vehicles under the inaccessible resources provision. Equity in a vehicle of less than one-half of the applicable resource standard for the household will exempt the vehicle from consideration as a resource. This provision has negligible costs in FY 2000. In FY 2001, the

estimated cost is $55 million and the five year cost is $430 million.

Paperwork Reduction Act

The information collection requirements described in § 273.2, § 273.14(b),and § 273.21 of this proposed rule governing the application, certification, and ongoing eligibility of food stamp households have been approved under OMB No. 0584–0064. The information collection requirements described in § 273.9(d) and § 273.11(b) of this proposed rule governing administration of the homeless shelter deduction, establishing and reviewing standard utility allowances, and establishing methodologies for offsetting the cost of producing self-employment income have been approved under OMB No. 0584–0096. See Vol. 64 FR 472, dated January 5, 1999, for a description of the information collection requirements and request for comment.

The information collection requirements governing State agency administration and management described in this proposed rule at Part 272 have been eliminated, made optional or significantly modified as a result of implementation of certain provisions of the PRWORA amending the Food Stamp Program. Therefore, current reporting and record keeping burden, previously approved by OMB and assigned control numbers 0584–0064, 0584–0083, and 0584–0350, either remains the same or there is no longer an information collection burden associated with the provisions discussed in the preamble to this rule. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden may be sent to: U.S. Department of Agriculture, Clearance Officer, OCIO, room 404–W, Washington, DC 20250 and to Wendy A. Taylor, OIRM, Office of Management and Budget, Washington, DC 20503.

Background and Discussion of Proposed Regulatory Changes

On August 26, 1996, Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (hereinafter referred to as ''PRWORA'') was enacted. PRWORA contained numerous provisions amending the Food Stamp Act of 1977 (hereinafter referred to as ''the Food Stamp Act'' or ''the Act''). The PRWORA contained several provisions designed to increase State agency flexibility in administering the Food Stamp Program—especially in the area of household application and certification for Program benefits and to encourage individuals to take personal responsibility for their own welfare. These provisions are addressed in this proposal. In addition, this rule addresses provisions of PRWORA relating to the eligibility of aliens which did not amend the Act. State agencies were notified in an agency memorandum that they were required to implement the mandatory provisions upon enactment for applicant households and at recertification for participant households without waiting for formal regulations.

For those sections of the regulations we are proposing to amend as a result of PRWORA, we are also taking this opportunity to propose regulatory changes in response to the President's regulatory reform initiative to remove overly prescriptive, outdated and unnecessary provisions of the regulations.

The requirements of each provision of PRWORA addressed by this proposal and the proposed regulatory changes are discussed in the remaining pages of this preamble. Those changes being made in response to the President's regulatory reform initiative are also identified and discussed.

Part 272—Requirements for Participating State Agencies

Operating Guidelines and Forms—7 CFR 272.3

The PRWORA contains several provisions offering State agencies optional courses of action in their administration of the Food Stamp Program. These options will be included in Program regulations at the appropriate location and are discussed later in this preamble. We propose that the options chosen by the State agencies be included in the State's Plan of Operation. However, we do not intend to make a conforming amendment at 7 CFR 272.3 as the current regulation sufficiently addresses this requirement. Under current rules at 7 CFR 272.3, when a State agency implements rule changes, including any optional provisions, the State agency is required to provide written procedures or guidelines to State staff. These written procedures or guidelines are also required to be submitted to FNS for review and comment at the same time they are issued to State staff.

The optional provisions referred to in the previous paragraph include State agency options to: (1) Issue separate or combined allotments to expedited service households that apply for benefits after the 15th of the month as is currently allowed for non-expedited service households; (2) have a homeless shelter deduction; (3) require mandatory utility allowances; (4) certify households in which all members are elderly or disabled for 24 months; (5) determine the benefits of a household containing an ineligible alien in accordance with 7 CFR 273.11(c)(1) or (c)(2); (5) make exceptions to using direct mail issuance in rural areas; and (6) accept an oral withdrawal from the household for a fair hearing request. The proposed provisions for including these options in the regulations are discussed in detail below in order of the regulatory citation.

State Employee Training—7 CFR 272.4(d)

Section 836 of PRWORA deleted all Federal requirements for State employee training. Prior to the enactment of PROWRA, Section 11(e)(6) of the Food Stamp Act (7 U.S.C. 2020(e)(6)) required State agencies to provide continuing training for all personnel involved with certification actions. The Food Stamp Act further provided State agencies with the option of contracting for training for persons who work with volunteers or nonprofit organizations that provide outreach or eligibility screening to persons who may be potentially eligible for food stamp benefits. The current rules at 7 CFR 272.4(d) include these provisions and require State agencies to provide training for all hearing officials and performance reporting system reviewers. Under current rules, FNS is also required to review the effectiveness of State agency training based on information obtained from Agency reviews and other sources.

To implement Section 836 of PRWORA, we are proposing to delete all the mandatory training requirements at 7 CFR 272.4(d). On the basis of their own experience, States will determine the training needs necessary to develop staff skills that assure efficient and effective program administration. FNS fully supports State training efforts and believes State agencies will maintain quality training programs as an essential element of effective Program administration. Deleting 7 CFR 272.4(d) reflects the change in the law.

Hours of Operation—7 CFR 272.4(g)

Section 848 of PRWORA deleted previously designated Section 16(b) of the Food Stamp Act. That section required the Secretary of Agriculture to establish standards for the periodic review of food stamp office hours to ensure that employed individuals were adequately served by the FSP. It also required State agencies to submit regular reports specifying the administrative actions that the State

planned to take to meet the standards prescribed in that section. The corresponding rules at 7 CFR 272.4(g) specify that State agencies are responsible for determining the hours that food stamp offices are open and that, at least once annually, State agencies must review the hours of operation and maintain the results of the reviews for review by FNS.

To implement Section 848 of PRWORA, we are proposing to make clear that State agencies are responsible for setting the hours of operation for their food stamp offices. However, we propose that in setting office hours State agencies are expected to take into account the special needs of the people they expect to serve. We ask them to be especially sensitive to the needs of households who contain working persons because these individuals may not be able to leave work to go to the food stamp office unless the food stamp office is open during non-traditional times such as evenings or weekends. In deciding what office hours will be offered, State agencies need to consider section 11(e)(2)(A) of the Food Stamp Act, as amended by section 835 of PRWORA, which requires them to accommodate special needs. In singling out the working poor, we recognize that the Program serves a vital role in helping families move to self-sufficiency and that even people working full-time at minimum wages and taking advantage of the Earned Income Tax Credit may continue to fall below the poverty level without food stamp assistance. In commenting on this provision, we would appreciate any recommendations on how eligible or potentially eligible working individuals can best be assured adequate access to the Program.

The proposed revisions at newly redesignated § 272.4(f) no longer require State agencies to assess or report on office hours. It is expected that they will do such assessment on their own without the need for a regulatory requirement.

Nutrition Education Materials—7 CFR 272.5(b)

Prior to the enactment of PRWORA, Section 11(e)(14) of the Food Stamp Act (7 U.S.C. 2020(e)(14)) and corresponding regulations at 7 CFR 272.5(b) required FNS to supply State agencies with posters and pamphlets containing information about nutrition and the relationship between diet and health. State agencies were required to display these posters and to make these pamphlets available at all food stamp and public assistance offices.

Section 835 of PRWORA deleted Section 11(e)(14) of the Food Stamp Act. The removal of this language requiring FNS to supply nutrition education materials to States in no way implies a lesser commitment to nutrition education in the FSP by FNS. In fact, it is our intention to strengthen and improve nutrition among low-income households through the vigorous promotion of nutrition education in the Program. Our commitment to the importance of nutrition education for food stamp recipients reflects the mandate of the Program which is, as specified by Section 2 of the Food Stamp Act, to ''* * * safeguard the health and well-being of the nation's population by raising levels of nutrition.'' (7 U.S.C. 2012) We will continue to expect States to help recipients use food stamp benefits to maximum nutritional advantage. States' growing levels of commitment to nutrition education and its importance are supported by the increasing number of States that have approved State plans for optional nutrition education over the past several years. As of Fiscal Year 1999, 46 State agencies have nutrition education plans and have committed over $70 million in non-Federal resources to FSP nutrition education. It is expected in future years that additional States will become actively involved in nutrition education delivery. FNS will continue to encourage active State agency commitment to the delivery of nutrition education to FSP clients.

In response to changes in PRWORA, we are proposing to replace paragraphs 7 CFR 272.5(b)(1)(i), 7 CFR 272.5(b)(1)(ii), and 7 CFR 272.5(b)(1)(iii) with a new paragraph (b)(1). The proposed paragraph would specify FNS' commitment to encourage State agencies to develop Food Stamp Nutrition Education Plans as allowed under current rules at 7 CFR 272.2(d)(2). While most State agencies have a Nutrition Education Plan, FNS encourages all State agencies to seriously consider developing such plans so that FSP clients have access not only to food stamps, but also to nutrition education that promotes the effective and economical use of food stamps for healthier diets and healthier lives.

Paragraph 7 CFR 272.5(b)(1)(iv), which discusses the Expanded Food and Nutrition Education Program (EFNEP), would be redesignated as 7 CFR 272.5(b)(2). By law, State agencies must continue to encourage food stamp participants to participate in EFNEP and allow EFNEP personnel to distribute nutrition education materials or talk to participants in local food stamp offices. Paragraphs (b)(2) and (b)(3), which reiterate certain State agencies' responsibilities, would be redesignated as paragraphs (b)(3) and (b)(4).

Optional Use of the Income and Eligibility Verification System (IEVS) and the Systematic Alien Verification for Entitlements (SAVE) Program—7 CFR 272.8, 272.11 and 273.2

Currently, 7 CFR 272.8 and 7 CFR 273.2 require State agencies to maintain and use an income and eligibility verification system (IEVS) to request and to exchange wage and benefit information on Food Stamp applicants and recipients from specified data sources. The provisions of 7 CFR 272.8 also require that, prior to requesting or exchanging data, State agencies enter into data exchange agreements with the data source agencies and that these agreements be included in the State Plan of Operation. The State Plan attachment details the State agency's IEVS targeting methods, number of information items acted upon, and a cost-benefit analysis justification. The regulations at 7 CFR 272.11 require State agencies to participate in the Immigration and Naturalization Service's Systematic Alien Verification for Entitlement (SAVE) Program.

Section 840 of PRWORA amended Section 11(e)(18) of the Food Stamp Act (7 U.S.C. 2020(e)(18)) to make IEVS and SAVE State options. Consequently, we are proposing in this rule to remove the requirement that State agencies operate either an IEVS or a SAVE system. We believe that many States will decide to continue to avail themselves of these opportunities to match their Food Stamp case files against other Federal data sources. Furthermore, it is in a State's best interest to utilize wage, income, and immigration status information as there is a Food Stamp error reduction and cost avoidance potential in the use of these matches. Therefore, since in all likelihood many States will wish to continue to take advantage of these matching opportunities, these proposed regulations would provide a maximum amount of latitude to States to use IEVS and SAVE to the best advantage of the State and with minimum Federal oversight and record keeping requirements. These proposed regulations would require only that State agencies which opt to use IEVS and SAVE observe the requirements of the data exchange agreements with agencies from which data will be obtained or exchanged. Current requirements to report targeting methods and provide cost-benefit justification would be rescinded in this

rule. This proposed rule also eliminates requirements for meeting follow-up time frames. States should be aware, however, that quality control reviews will continue to use data obtained from IEVS and SAVE systems as a case analysis tool.

The proposed amendments to the current regulations are incorporated under 7 CFR 272.8, 7 CFR 272.11 and 7 CFR 273.2.

Part 273—Certification of Eligible Households

Application Processing—7 CFR 273.2 (a) Through (j)

Section 835 of PRWORA amended sections 11(e)(2) and (e)(3) of the Act, 7 U.S.C. 2020(e)(2) and (e)(3) which govern the food stamp application and certification process. Section 11(e) provides more flexibility for State agencies to tailor day-to-day operations of the Program to the needs of individual States while ensuring that households continue to receive timely, accurate and fair service. More specifically, Section 835 removed the requirement that the Secretary design a uniform national food stamp application form and eliminated dictates concerning what information had to be included on the application form and in what particular location on the form. Section 11(e) of the Act now provides that State agencies must develop their own food stamp application form and establish their own operating procedures for local food stamp offices. States may now use electronic storage of applications and other information, including the use of electronic signatures. States must provide a method of certifying and issuing coupons to eligible homeless individuals.

While the language of amended Section 11(e) encourages personal responsibility and provides more State agency flexibility, it retains a few specific provisions to protect a client's right to timely, accurate, and fair service. The Act continues to: (1) Require that applications be processed within 30 days; (2) permit households to apply for participation on the same day they first contact the food stamp office during office hours; (3) consider an application as ''filed'' on the date the applicant submits the application with the applicant's name, address, and signature (benefits are calculated based on the filing date of an application); (4) require that an adult representative certify the truth of the information on the application, including citizenship or alien status of each member, and that such signature is sufficient to comply with any provision of Federal law requiring applicant signatures; and (5) require that the State agency provide each household, at the time of application, a clear written statement explaining what acts the household must perform to cooperate in obtaining verification and otherwise complete the application process.

Pursuant to Section 11(e) of the Act, as amended by Section 835 of PRWORA and the Department's response to the President's reform initiative to remove overly prescriptive, outdated, and unnecessary provisions of regulations, we are proposing to amend 7 CFR 273. 2, ''Application Processing.'' The changes that would be made are discussed in detail in the following paragraphs of this preamble. Some minor editing changes would also be made but are not discussed in detail.

Title of Part 273.2

The rulemaking would change the title of 7 CFR 273.2 from ''Application processing'' to ''Office operations and application processing.''

General Purpose—7 CFR 273.2(a)

A new paragraph (a) would be added and titled ''Office operations.'' Current paragraphs (a), (b), and (c) of 7 CFR 273.2 would be revised and combined into a single new paragraph (b).

New paragraph (a) would incorporate the language contained in amended Section 11(e)(2)(A) requiring State agencies to establish their own procedures governing office operations that the State agency determines best serve households in the State, including households with special needs, such as, but not limited to, households with elderly or disabled members, households in rural areas with low-income members, homeless individuals, households residing on reservations, and households in areas in which a substantial number of members of low-income households speak a language other than English. It would also incorporate the requirements that the State agency provide timely, accurate, and fair service as required by Section 835 of PRWORA. This revised paragraph would also clarify that a State agency may not impose a processing requirement for another assistance program as a condition of food stamp eligibility. This is in accordance with Section 11(e)(5) of the Act (7 U.S.C. 2020(e)(5)) which provides that the State agency may not impose any additional eligibility requirements. Eligibility for food stamps must be based solely on the Act and food stamp regulations and not on another program's requirements. Pursuant to the requirement for fair service, we have added a sentence that the State agency must have a procedure for informing persons who wish to apply for food stamps about the application process and their rights and responsibilities.

State agencies are reminded that pursuant to current regulations at 7 CFR 272.3(b), operating procedures or guidelines established by the State agency are required to be submitted to FNS as part of the State's Food Stamp Plan of Operation.

Food Stamp Application—7 CFR 273.2(b) and (c)

New paragraph (b) would be titled ''Application processing.'' The introductory text for this paragraph would include language from the first sentence of current paragraph (a) which defines the application process to include filing of an application, being interviewed, and providing verification. The second, third, and fourth sentences of current paragraph (a) would be removed. The second sentence now requires State agencies to act promptly on applications and provide food stamp benefits retroactive to the month of application for those households determined eligible. The third sentence provides that expedited service must be available. These requirements are addressed in separate paragraphs under this section; therefore, there is no need to repeat them here. The fourth sentence simply introduces the rest of the provisions under 7 CFR 273.2(a) and is unnecessary.

New paragraph 7 CFR 273.2(b)(1) would be titled ''Application design'' and would include the requirement of amended Section 11(e)(2)(B)(ii) that State agencies design their own application forms. Pursuant to Section 11(e)(2)(C), the application form may include the electronic storage of information and the use of electronic signatures. The requirement in current paragraph (b)(3) regarding the need for prior FNS approval of State-designed applications which deviate from the Federally designed application would be removed because Section 835 eliminated the requirement that State agencies use a Federally-designed application.

Proposed paragraph (b)(1) would provide that the food stamp application may be designed separately or included in a State-designed multi-program application. As discussed later in this preamble under the section entitled ''PA, SSI, and GA categorical eligibility—7 CFR 273.2(j),'' PRWORA eliminated *mandatory* joint application processing for certain households. However, under Section 11(e), State agencies are not prohibited from

continuing to use joint processing. If they do, the food stamp eligibility of jointly processed cases would continue to be based solely on food stamp eligibility criteria contained in the Act. The benefit levels of all households would also continue to be based solely on food stamp criteria.

New paragraph 7 CFR 273.2(b)(2) would be entitled ''Application contents.'' Section 835 of PRWORA amended section 11(e) of the Act to remove the list of mandatory application content requirements. This mandatory list currently appears at 7 CFR 273.2(b). New paragraph (b)(2) would replace this list with a general requirement that the application must contain all necessary information to comply with the Act and regulations. Notices that are required to be given to households by the Act may be included on the application itself or a document to accompany the application.

Departmental regulation 4300–3, dated February 25, 1998, requires that the following nondiscrimination statement appear on the application itself even if a joint program application is being used:

''The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, sex, religion, national origin, or political beliefs. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

''To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, Room 326–W, Whiten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250–9410 or call (202) 720–5964 (voice and TDD). USDA is an equal opportunity provider and employer.''

State agencies are reminded that Section 835 only affected application content requirements mandated by the Act. Some of the other notices appearing on the former model food stamp application form were included to ensure compliance with other laws or to ensure a stronger case against Program violators. The notices that are still required by other Federal laws include: (1) Collection of racial and ethnic data and notification to applicants that disclosure of such information is voluntary; (2) notification to applicants that the Act requires collection of the social security numbers of household members and that the Privacy Act requires notification of the intended use of the numbers; and (3) notification to applicants of the use of IEVS, participation in the SAVE program, and other computer matching systems as governed by the Deficit Reduction Act and the Computer Matching and Privacy Protection Acts. These requirements are discussed at greater length in 7 CFR 273.2(f). Use of the IEVS and SAVE systems were made optional by Section 840 PRWORA; but if a State uses these systems, they must notify applicants pursuant to the Computer Matching and Privacy Protection Acts. As stated earlier, prior to PRWORA, State-designed applications were required to be modeled after the Federally-designed application; therefore, all State-designed applications were in compliance with these other requirements. We would include in new paragraph (b)(2) language necessary to ensure that State agencies continue to include this information on State-designed applications even though the applications are no longer subject to FNS approval.

We are proposing that a new statement be included on State-designed applications to ensure specific compliance with the Privacy Act as it relates to administrative offset programs as described in sections 3716 and 3720A of title 31 U.S.C. and section 5514 of title 5 U.S.C.

New paragraph 7 CFR 273.2(b)(3) would be entitled ''Jointly processed cases'' and would provide that if a State agency has a procedure that allows applicants to apply for the food stamp program and another program at the same time, the State agency shall notify applicants that they may file a joint application for more than one program or they may file a separate application for food stamps independent of their application for benefits from any other program. The proposed paragraph would continue to require joint applications to be processed for food stamp purposes in accordance with food stamp procedural, timeliness, notice, and fair hearing requirements. The proposed rule would continue to provide that no household shall have its food stamp benefits denied solely on the basis that its application to participate in another program has been denied or its benefits under another program have been terminated without a separate determination by the State agency that the household failed to satisfy a food stamp eligibility requirement. Section 835 of PRWORA added an exception to this prohibition for disqualifications as a penalty for failure to comply with a public assistance program rule or regulation. We have published a separate proposed rule (64 FR 70920) to address disqualifications as a penalty for failure to comply with a public assistance program rule or regulation. The proposed regulation provides that households that file a joint application for food stamps and another program and are denied benefits for the other program shall not be required to resubmit the joint application or to file another application for food stamps but shall have their food stamp eligibility determined based on the joint application in accordance with the food stamp processing time frames for expedited service and normal processing time frames from the date the joint application was initially accepted by the State.

Pursuant to this rulemaking, new paragraph (c) would be entitled ''Filing an application'' and new paragraph (c)(1) would be entitled ''Filing process.'' This paragraph contains the requirement appearing in the first sentence of current paragraph (c)(1) regarding the manner in which applications can be submitted. The new language clarifies that the application may be submitted by facsimile transmission as well as in person, through an authorized representative, or by mail. The new language also recognizes that some State agencies are using on-line or other types of automated applications that may require the applicant to come into the local office to complete the application. New paragraph (c)(1) would also contain the requirement appearing in the fifth sentence of current paragraph (c)(1) that allows an applicant to file an incomplete application provided it contains at the least the applicant's name, address, and signature. The proposed language of new paragraph (c)(1) would also include PRWORA requirement which allows the use of electronic signatures. The new paragraph specifically provides that applications signed through the use of electronic signature techniques and applications containing handwritten signatures which are then transmitted to the appropriate office via fax or other electronic transmission technique are acceptable.

New paragraph 7 CFR 273.2(c)(2) would be entitled ''Household's right to file.'' It would provide that the State agency must make food stamp applications readily accessible to all potentially eligible households or to anyone who requests one which is currently required by 7 CFR 273.2(c)(3). The proposed paragraph would contain the requirement in current 7 CFR 273.2(c)(2)(i) that the State agency shall provide an application in person or by mail to anyone who requests one. The requirement in current paragraph

(c)(2)(i) for mailing an application on the same day as initial contact by the household is modified to require mailing by the next business day. The proposed paragraph would contain the requirement in the fourth sentence of 7 CFR 273.2(c)(1) that a household be allowed to file an application on the same day it contacts the food stamp office during office hours.

The first sentence of 7 CFR 273.2(c)(4) provides that the State agency shall post signs in the certification offices which explain the application processing standards and the right to file an application on the day of initial contact. New paragraph (c)(2) would require State agencies to post signs or make available other advisory materials explaining a person's right to file an application on the day of their first contact with the food stamp office and the application processing procedures. State agencies would be required to notify all persons who contact a food stamp office and either request food assistance or express financial and other circumstances which indicate a probable need for food assistance, of their right to file an application and ''encourage'' them to do so. For purposes of this provision ''encourage'' does not mean recruitment or persuasion. It means that State agencies have a responsibility to inform individuals who express an interest in food assistance, or express concerns which indicate food insecurity, about the Food Stamp Program and their right to apply. We believe these requirements are necessary under Section 835 of PROWRA which requires fair, accurate, and timely service, and that applicant households be permitted to apply the same day they first contact the food stamp office in person. It is very important to notify households through some means of these rights because benefits are provided to eligible households retroactive to the date of application.

The second sentence of current 7 CFR 273.2(c)(4) requires State agencies to include information on the application form that explains the processing standards and the right to file an application on the day of initial contact. As explained above, State agencies are no longer required to have this information on the food stamp application form.

The language appearing in the fifth sentence of current paragraph (c)(1) requiring the State agency to advise households that they do not need to be interviewed before filing an application as long as it is signed by the applicant or an authorized representative would be removed. We do not believe this provision is necessary if the State agency informs households of the right to file an application on the first day they contact the food stamp office.

New paragraph (c)(2) would address the handling of applications filed at the wrong certification office. The proposed rule would continue to allow the State agency to require households to file an application at a specific certification office or allow them to file an application at any certification office within the State or project area. The proposed rule would contain the requirement in the second sentence of 7 CFR 273.2(c)(2)(ii) that if an application is received at an incorrect office, the State agency shall advise the household of the address and telephone number of the correct office. However, this proposal would modify the requirement in the third sentence that the State agency offer to forward the application to the correct office that same day. We would require the State agency to forward the application to the correct office not later than the next business day. The third sentence in 7 CFR 273.2(c)(2)(ii) that requires the State agency to inform the household that its application will not be considered filed and the processing standards shall not begin until the application is received by the appropriate office would be removed, because this information should be included on the sign or other advisory information required above. The fourth sentence in 7 CFR 273.2(c)(2)(ii) that requires State agencies to forward applications mailed to the wrong office to the appropriate office the same day would be revised to require mailing by the next business day. As noted above, if an application is received at the incorrect office, the State agency would be required to inform the household of the address and telephone number of the correct office.

Section 7 CFR 273.2(c)(iii) provides that in States that have elected to have Statewide residency, the application processing time frames begin when the application is filed in any food stamp office in the State. This provision would be removed as unnecessary, because any office in the State would be considered the correct food stamp office.

The language appearing in the sixth sentence of current paragraph (c)(1) which requires State agencies to document the date the application was filed by recording on the application the date it was received by the food stamp office would be removed. State agencies have developed many ways of maintaining applications, through paper records and through automated systems. Depending on the system used by a State agency, an alternate method of identifying the date an application was received may be more appropriate than the method specified in the regulations. We believe that State agencies are in the best position to decide the method for establishing the date of application. Removing the requirement to annotate the application does not eliminate a State agency's responsibility to process an application within 30 days of its receipt.

We would retain in new paragraph (c)(4) the requirement in current paragraph (c)(5), ''Notice of required verification,'' that State agencies provide households, at the time of application for certification and recertification, with a clear written statement of what acts the household must perform in cooperating with the application process, and identify potential sources of required verification. The requirement in current paragraph (c)(5) that State agencies assist in the verification processing would be retained, but modified, in the new provision. While PRWORA eliminated the specific requirement to assist in obtaining verification, it substituted a general requirement that State agencies address the requirements of ''special needs'' households in their administration of the Program. Such households include, but are not limited to, households with elderly or disabled members, households in rural areas with low-income members, homeless individuals, households residing on reservations, and households in areas in which a substantial number of members of low-income households speak a language other than English. We do not believe that PRWORA amendment should have the result of leaving households with limited mobility, transportation difficulties, or limited English language capabilities to complete verification requirements totally without State agency assistance. Accordingly, the State agency must continue to inform such households of the State agency's responsibility to assist the household in obtaining required verification, providing the household is cooperating with the State agency. The specific requirement in current paragraph (c)(5) that the State agency comply with bilingual requirements would not be included in the new provision, because a general requirement to comply with bilingual standards is set forth elsewhere in current regulations (7 CFR 272.4(b)), and it is not necessary to repeat the requirement here. With these changes, current paragraph (c)(5) would be removed.

Current 7 CFR 273.2(c)(6), ''Withdrawing an application,'' would

be redesignated as the new paragraph (c)(3).

Household Cooperation—7 CFR 273.2(d)

Current 7 CFR 273.2(d) contains provisions relative to household cooperation in the application process and quality control reviews. We propose to retain most of the language of current paragraph (d)(1) and all of the contents of current paragraph (d)(2). The changes to paragraph (d)(1) we would make are discussed below. Paragraph (d)(1) would be titled ''Cooperation with application process.'' We would remove the example of ''refusal to cooperate'' appearing in current paragraph (d)(1) as unnecessary. There are numerous ways that a household could refuse to cooperate, and the example is not definitive. While we are removing the example, we nonetheless expect State agencies to continue to determine non-cooperation in accordance with the standard set forth in the regulation. If a household believes that it has been denied unjustly for refusal to cooperate, it retains the right to request a fair hearing.

We would expand on the policy regarding household cooperation with subsequent reviews to provide that a subsequent review can be in the form of an in-office interview. It is not our intent that State agencies routinely require households to appear for an interview to resolve discrepancies found during a household's certification period. However, we do believe State agencies should have the flexibility to require an in-office interview when the State agency has new information which calls into question the household's current eligibility or level of benefits. For example, a State agency may discover information indicating that a household is not reporting earned or unearned income, which would affect the household's eligibility and benefit level and raise questions about whether the failure to report is an intentional Program violation. Refusal to appear for the interview would result in the household's case being closed. In all cases, where the State agency determines that benefits will be reduced or terminated, the household is entitled to receive a notice of adverse action, unless exempt from such notice, pursuant to 7 CFR 273.13.

We would remove the last two sentences of current paragraph (d)(1). The first of these sentences provides that the State agency may not determine a household to be ineligible when a person outside of the household fails to cooperate with a request for verification. Section 835 of PRWORA amended section 11(e)(3) of the Act to remove this requirement. As a result of this change, the last sentence of current paragraph (d)(1) is unnecessary and would be removed. That sentence describes certain individuals who are not considered ''outside'' the household for the purpose of the existing provision. Removal of these provisions does not change current policy because refusal to cooperate continues to be defined as refusal by a household member.

Interviews—7 CFR 273.2(e)

Current 7 CFR 273.2(e) requires households to participate in a face-to-face interview with a caseworker at the time of certification and each recertification. Prior to PRWORA, the Act did not contain an explicit provision requiring food stamp applicants to be interviewed. This has always been a regulatory requirement. Section 11(e)(2) did provide language which allowed elderly/disabled households to request a waiver of the in-office interview under certain conditions. Section 835 of PRWORA amended section 11(e)(2) of the Act to remove this waiver language, thereby eliminating any reference in the Act to the fact that in-office interviews are conducted. The Department believes that Congress did not seek to eliminate the Program's requirement for conducting in-office interviews; rather, by removing the in-office interview waiver language in the Act, Congress provided State agencies, rather than households, the flexibility to determine when the in-office interview should be waived. In consideration of the removal of the waiver language and in the spirit of PRWORA, the Department believes it is appropriate to reevaluate current policy and determine whether or not to continue requiring face-to-face interviews. A face-to-face interview affords an eligibility worker the best opportunity to explore and resolve questionable or unclear information on the application or other documents presented by the household in support of its application for benefits in order to make an informed eligibility determination. The face-to-face interview also provides an opportunity for households to ask questions to help them better understand the many facets of the Program and to obtain clarification of questions on the application.

At the same time, we want to allow some flexibility in this area. Therefore, after careful consideration, the Department is proposing that a face-to-face interview be required at the time of initial certification and at least once every 12 months thereafter unless the household is certified for longer than 12 months or the face-to-face interview is waived by the State agency. This would eliminate the requirement to conduct a face-to-face interview at the time a recertification if it occurs during the 12-month period since the last face-to-face interview. Conforming amendments would be made to the recertification provisions of existing rules at 7 CFR 273.14. Proposed provisions regarding State agency waiver of the face-to-face interview are discussed later in this section of the preamble.

In response to the President's regulatory reform initiative to remove outdated, unnecessary and overly prescriptive rules, we are also proposing additional changes to current interview requirements, as discussed below. The proposed changes are also consistent with the spirit of PRWORA to provide more State agency flexibility in the area of household application and certification.

Current 7 CFR 273.2(e)(1) requires that interviews be held in the food stamp office or other certification site. We propose to remove this requirement. State agencies could continue to conduct all interviews in a food stamp office or could choose to conduct interviews in other mutually convenient locations, including the household's home. If the interview is conducted in the household's residence, the proposal would continue to require that such interview be scheduled in advance with the household.

We would also remove the sixth and eighth sentences of paragraph (e)(1). These sentences address the need for privacy and confidentiality of the household's circumstances. The seventh sentence also addresses the need for privacy; therefore, the sixth and eighth sentences are repetitive and unnecessary.

The provision would continue to provide that the person interviewed may be the head of the household, spouse, or another responsible household member, or an authorized representative and that the applicant may bring any person to the interview he or she chooses, and that the applicant's right to privacy must be protected during the interview. The proposal also clarifies that the interview may be conducted separately or jointly with an interview for another assistance program.

Current 7 CFR 273.2(e)(2) addresses waivers of the interview requirement. Prior to enactment of PRWORA, the interview could *only* be waived if requested by the household because the household was unable to appoint an authorized representative and had no

adult household members able to come to the office because the members were elderly, mentally or physically handicapped, lived in a location not served by a certification office, had transportation difficulties, or had similar hardships as determined by the State agency. Section 835 of PRWORA struck this waiver provision from the Act and amended Section 11(e)(2) to provide State agencies the authority to waive an interview without first being requested by a household. Under this proposal, the State agency must waive the in-office face-to-face interview in favor of a telephone interview or announced home visit for household hardship cases. The proposal would allow the State agency to determine what constitutes hardship cases. State agencies could also waive the in-office interview in favor of a telephone interview or announced home visit for households with no earned income if all of its members are elderly or disabled. This change is consistent with existing waiver authority at 7 CFR 273.14 which allows the State agency to waive the in-person interview at recertification for such households. The State agency would continue to be required to grant a face-to-face interview to any household that requests one.

We would remove 7 CFR 273.2(e)(2)(i) regarding State agency options to conduct telephone or announced home visit interviews as this policy is incorporated in the new introductory language of paragraph (e)(2) discussed above. We would also remove current paragraphs (e)(2)(ii) and (iii) as unnecessary and overly prescriptive. Paragraph (e)(2)(ii) provides that the waiver of the face-to-face interview does not exempt the household from the verification requirements. Paragraph (e)(2)(iii) provides that the waiver of the face-to-face interview must not affect the length of the household's certification period.

We would remove current paragraph (e)(3). The first sentence requires the State agency to schedule all interviews as promptly as possible to insure that eligible households receive an opportunity to participate within 30 days after the application is filed. We would remove this sentence and add a sentence to remind State agencies that they should schedule interviews so as to allow the household at least 10 days to provide required verification before the end of the 30 day processing period. The remainder of current paragraph (e)(3) requires State agencies to schedule a second interview if a household fails to attend the first scheduled interview. Under the waiver authority in 7 CFR 272.3(c), we have granted waivers to the requirement that State agencies schedule a second interview if the applicant fails to attend the first scheduled interview. Some State agencies have found it burdensome to schedule multiple interviews and have found that a household that fails to attend the first scheduled interview frequently does not attend a second scheduled interview. We recognize that a household may not be able to attend a scheduled interview. However, in the spirit of PRWORA, which focuses on State agency flexibility in the certification process and household responsibility, we do not want to mandate that the State agency be responsible for rescheduling a missed interview. State agencies that want to may continue to do this. To be consistent with the waiver approvals noted above, we are adding a requirement to proposed paragraph (c)(1) that State agencies advise households that they may reschedule any missed appointment.

Verification—7 CFR 273.2(f)

Current 7 CFR 273.2(f) sets forth the procedures, including the types of documents required, for providing verification to establish the accuracy of statements on the application. Some information must be verified in all cases and other information must be verified if questionable. The mandatory verification requirements are specified in paragraph (f)(1), and the verification requirements for questionable information are specified in paragraph (f)(2).

In response to the President's regulatory reform initiative, we propose to simplify the current provisions of paragraphs (f)(1) and (f)(2) by removing repetitive information and overly prescriptive requirements for use of specific documents wherever possible. We also propose to change the order of the subparagraphs in paragraph (f)(1) so those that relate to financial criteria will be grouped together toward the end of the paragraph. Current paragraph (f)(1)(i) regarding gross nonexempt income would be renumbered (f)(1)(vi). Current paragraph (f)(1)(ii) regarding alien status would be revised and renumbered as (f)(1)(iv).

Section 402 of PRWORA and Sections 503 through 509 AREERA made extensive changes in requirements for alien eligibility which affect the verification requirements. The changes affecting eligibility are described below under the discussion of *Alien eligibility—7 CFR 273.4.* Section 432 of PRWORA also affects the requirements for verification of alien eligibility. Section 432(a) of PRWORA required the Attorney General to publish regulations not later than 18 months after the date of enactment of PRWORA (August 22, 1996) providing requirements for verifying that a person applying for a Federal public benefit is a qualified alien and is eligible to receive the benefit. Section 504 of the Omnibus Consolidated Appropriations Act (OCAA), Pub. L. 104–208 amended section 432(a) to provide that by the same date the Attorney General, in consultation with the Secretary of Health and Human Services (HHS), must also establish procedures for a person applying for a Federal public benefit to provide proof of citizenship. Section 5572(a) of the Balanced Budget Act of 1997, Pub. L. 105–33 provides that not later than 90 days after enactment of the law, the Attorney General, in consultation with HHS, must issue interim guidance for verifying qualified alien status and eligibility for a Federal public benefit. The interim guidance developed by the Department of Justice (DOJ) was published in the **Federal Register** on November 17, 1997 (62 FR 61344). State agencies should also be aware that DOJ will be publishing a final rule on Verification of Eligibility for Public Benefits. The proposed rule has been published in the **Federal Register**, 63 FR 41662, August 4, 1998. Our proposed rule references the forthcoming final rule. Relevant changes to alien verification procedures made by DOJ's final rule will be incorporated into the final version of this rule. The interim guidance provides currently acceptable procedures for the verification of citizenship, alien status, and military connections. Section 432(b) of PRWORA provided that not later than 24 months after the date the verification regulations are adopted, States that administer a program that provides a Federal public benefit must have in effect a verification system that complies with the new regulations. We would remove current paragraphs (f)(1)(ii)(B), (C), and (D), which mandate the types of documents that must be used for verification. State agencies may refer to the interim guidance developed by DOJ, Program policy interpretations, and procedures developed by the Social Security Administration (SSA) for obtaining work history information. These sources provide examples of verification, including verification provided by the household, which State agencies may use in developing their own verification requirements.

Current 7 CFR 273.2(f)(1)(ii)(A) which requires the household to provide verification that each alien is eligible

would be removed. In the introductory paragraph (f)(1)(iv), we would provide that the immigration status of all aliens and other factors relevant to the eligibility of individual aliens must be verified prior to certification. Other factors relevant to the eligibility of individual aliens could be the date of admission or date status was granted; military connection; 40 qualifying quarters of work coverage; battered status; Indian, Hmong or Highland Laotian status; place of residence on August 22, 1996; or age on August 22, 1996. We would also include in new paragraph (f)(1)(iv) the provision from the first sentence of current paragraph (f)(1)(ii)(G), which provides that an alien whose eligibility is questionable is ineligible until the alien provides acceptable documentation, with two exceptions which would be contained in new paragraphs (f)(1)(ii)(A) and (B). The last sentence of current paragraph (f)(1)(ii)(G) would be removed because the reference to 7 CFR 273.11(c) is unnecessary. With these changes, current paragraph (f)(1)(ii)(G) would be eliminated. In regard to expedited service, the eligible status of aliens would have to be determined prior to certification, but verification could be postponed in accordance with paragraph (i).

Pursuant to the President's regulatory reform initiative, the first two sentences and the last sentence of current paragraph (f)(1)(ii)(E) would be removed because they do not provide any significant guidance to State agencies and are unnecessary. New paragraph (f)(1)(ii)(A) would include the provisions appearing in the third and fourth sentences of current paragraph (f)(1)(ii)(E), with some changes in wording for clarity. The third sentence of current paragraph (f)(1)(ii)(E) provides that when a State agency accepts a non-Immigration and Naturalization Service (INS) document from the household as reasonable evidence of alien status, the State agency must send the document to INS for verification. The fourth sentence of current paragraph (f)(1)(ii)(E) provides that the agency must not delay, deny, reduce or terminate an individual's benefits while awaiting such verification. With these changes, current paragraph (f)(1)(ii)(E) would be eliminated.

New paragraph (f)(1)(iv)(B) would be added to address verification of alien eligibility when work history is questionable. Section 402(a)(2)(B) of PRWORA provides that aliens lawfully admitted for permanent residence may be eligible for food stamps if they can be credited with 40 qualifying quarters of work. The conforming amendment proposed here would provide that verification of eligibility based on 40 qualifying quarters of work must be obtained before the alien can be certified unless the State agency or the applicant has submitted a request to SSA regarding the number of quarters of work that can be credited, SSA has responded that the individual has fewer than 40 quarters, and the individual or the State agency has documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited. If it can be documented that SSA is conducting an investigation, the individual may participate for up to 6 months from the date of the first determination that the number of quarters was insufficient for eligibility. This provision is based on an interpretation of the phrase ''has worked 40 qualifying quarters of coverage'' set forth in section 402(a)(2)(B)(ii) of PRWORA. An immigrant, under the express terms of section 402(a)(2)(B), would be eligible for food stamp benefits if the immigrant had actually worked 40 qualifying quarters of coverage, notwithstanding SSA's inaccurate or incomplete recording of the immigrant's work history. Food stamp eligibility is premised on the immigrant's act of working the 40 quarters rather than SSA's recording of the immigrant's work history. Thus, in keeping with past practice concerning the receipt of benefits pending the completion of Federal government verification, we propose to permit immigrants to receive food stamp benefits for a maximum period of 6 months. We emphasize that food stamp benefits pending the completion of an SSA investigation are only available to an alien who: (1) Is admitted as a lawful permanent resident under the INA (*i.e.,* an immigrant); (2) SSA has determined has fewer than 40 quarters of coverage; and (3) provides the State agency with documentation produced by SSA indicating SSA is investigating the number of quarters creditable to the alien.

Current 7 CFR 273.2(f)(1)(ii)(F) would be removed. That paragraph specifies that alien applicants must be provided sufficient time (at least 10 days) to provide verification and that benefits must be provided timely. The time period for providing verification would be included in the introductory text of paragraph (f).

Current paragraph (f)(1)(iii) would be renumbered (f)(1)(x), and the first sentence would be revised to conform to Section 809 of PRWORA which amended Section 5(e) of the Act, 7 U.S.C. 2014(e), to allow State agencies to mandate use of standard utility allowances. The revised paragraph would require that actual utility costs be verified if they are used. Current paragraphs (f)(1)(iv) regarding the verification of medical costs would be renumbered (f)(1)(vii).

Current paragraph (f)(1)(v) regarding verification of social security numbers (SSN) would be revised and renumbered (f)(1)(iii). The third sentence of current paragraph (f)(1)(v) requires that once an SSN is verified, the State agency must permanently annotate in the case file the verification provided by the household to prevent unnecessary reverification. Section 835 of PRWORA amended Section 11(e) of the Act to remove the prohibition against requiring a household to submit additional verification for information already currently verified. Therefore, we would remove this requirement currently found in paragraph 273.2(f). We would make the fourth sentence of current paragraph (f)(1)(v), which provides that the State agency must accept as verified an SSN which has been verified by another program participating in the Income Eligibility and Verification System (IEVS), optional except for households which are categorically eligible. We believe this provision is overly prescriptive, and State agencies should have the flexibility to determine if they want to continue such verification polices. We would remove the last two sentences of current paragraph (f)(1)(v) which instruct State agencies on what to do if an individual is unable to provide an SSN or does not have an SSN. These procedures are established in 7 CFR 273.6 and do not need to be repeated here. We would include a reference to 7 CFR 273.6 instead. We would add the requirement in 7 CFR 273.2(f)(8)(i)(B) to verify newly obtained SSNs at recertification.

Current 7 CFR 273.2(f)(1)(vi) would be revised and renumbered (f)(1)(ii). This paragraph requires the verification of residency, specifies that to the extent possible residency must be verified in conjunction with the verification of other information, and includes examples of sources of verification. We would remove the requirement that residency be verified in conjunction with other information and remove the examples. The list is not inclusive, and the eligibility worker is in the best position to know whether the other documentation provided is sufficient to verify residency. We would also remove the last sentence in current paragraph (f)(1)(vi) which specifies that no durational requirement may be established. This requirement is already

established in 7 CFR 273.3 and does not need to be repeated here.

Current paragraph (f)(1)(vii) specifies the requirements for verifying identity and includes a list of examples of acceptable documentary evidence. We would renumber it as (f)(1)(i) and remove the list of examples of acceptable documentary evidence. State agencies may establish their own documentation standards, provided those standards do not exceed the general standards provided in this paragraph.

Current paragraph (f)(1)(viii) would be renumbered as (f)(1)(v). Current paragraph (f)(1)(viii)(A) specifies the types of documentation required to verify disability as defined in 7 CFR 271.2. We would remove the detailed listing of required documentation. Some of the documentation listed is self-evident and does not need to be regulated. Other documentation requirements that may be necessary are best left to the discretion of the eligibility worker. In current paragraph (f)(1)(viii)(B), we would make some minor editing changes for clarity.

Current paragraph (f)(1)(ix) contains provisions regarding verification required when a household reapplies after being disqualified for refusal to cooperate with quality control (QC) reviewers. We would renumber this paragraph (f)(1)(xii) and add the title ''Refusal to cooperate with QC reviewer'' to the paragraph for consistency.

We would remove current paragraph (f)(1)(x). The requirement in this paragraph to verify household composition if it is questionable is not necessary since paragraph (f)(2) requires verification of all questionable information. The remainder of the text of current paragraph (f)(1)(x) requires individuals who claim separate household status to provide documentation to the State agency that they are separate. We believe that this requirement is unnecessary and provides no meaningful guidance to the State agency. If the individual(s) meets the requirements in regulations at 7 CFR 273.1 to be a separate household, the State agencies can request proof; however, the primary evidence that would need to be provided is proof that the individual purchases food and prepares meals separately. Signed statements by the individuals involved would in most cases be the only documentation that could be provided.

Current paragraph (f)(1)(ix) concerning shelter costs for homeless households would be renumbered (f)(1)(x) and the first sentence would be revised to conform with Section 5(e) of the Act, 7 U.S.C. 2015(e)(5), as amended by Section 809 of PRWORA which establishes an optional homeless household shelter deduction. This PRWORA change is discussed later in this preamble. We would not include the language currently appearing in the second and third sentences of this newly designated paragraph which requires the eligibility worker to use prudent judgment in determining if the homeless household's verification of shelter expenses is adequate and provides an example. These sentences do not provide specific verification requirements and thus are not necessary.

It should be noted that through a regulatory publishing error, the current regulations at 7 CFR 273.2(f) contain two paragraphs designated as (f)(1)(xii). The first paragraph (f)(1)(xii) regarding the verification of physical or mental fitness of a student claiming to be an eligible student because of a disability would be removed. Since the verification is not mandatory in every case and State agencies are allowed by current paragraph (f)(2) to verify questionable information, we believe the current provision is unnecessary.

The second paragraph (f)(1)(xii) pertains to child support payments. This paragraph would be revised and renumbered (f)(1)(vii). We would retain the requirement for verification of the information. We would remove the third and fourth sentences because they are unnecessary. The third sentence encourages, but does not require, State agencies to use information from the State's Child Support Enforcement (CSE) automated data files in verifying child support payments. The fourth sentence provides that the State agency must give the household an opportunity to resolve discrepancies between household and CSE verification. Since this is the standard procedure for use of computer match data, it is not necessary to include the requirement here.

We would add a new paragraph (xi), ''Unverified expenses.'' Currently 7 CFR 273.2(f)(3)(ii) contains procedures a State agency must follow if a household fails to provide required verification of a deductible expense within the required processing time. We believe this provision should be simplified and moved to paragraph (f)(1) because it applies to that paragraph as well.

Current 7 CFR 273.2(f)(2)(i) provides that the State agency must verify, prior to certification of the household, all other factors of eligibility which are questionable and affect a household's eligibility and benefit level. This section also requires State agencies to establish guidelines to be used in determining what will be considered questionable and prohibits any requirement for verification based on race, religion, ethnic background, or national origin or targeting the guidelines to groups such as migrant workers or Native Americans for more intensive verification. These provisions would be retained.

Paragraph (f)(2)(ii) currently provides requirements for verification of citizenship if a household's statement that a household member is a U.S. citizen is questionable. We would combine paragraphs (f)(2)(i) and (f)(2)(ii) into a new paragraph (f)(2) and revise the provisions regarding verification of citizenship. We are retaining the requirement that citizenship be verified only if it is questionable and the provision that participation in another program that requires verification of citizenship is acceptable if verification was obtained for the other program. As indicated above under the discussion of verification of alien eligibility, DOJ has provided guidelines for verification of citizenship as well as alien eligibility. Therefore, we propose to remove the verification guidance in current paragraph (f)(2)(ii) and provide in new paragraph (f)(2) that State agencies must verify citizenship in accordance with the DOJ guidance if a household member's citizenship status is questionable.

Current paragraph (f)(3) allows the State agency to mandate verification of any other factor which affects household eligibility or benefit level, including household size where not questionable. We would remove the phrase ''including household size where not questionable.'' The provision already allows the State agency to mandate verification of any factor not already mandated by the regulations. Therefore, this phrase is unnecessary.

Current paragraph (f)(3)(i) provides that the State agency may establish its own standards to provide that all questionable information is verified in accordance with 7 CFR 273.2(f)(2), that such standards do not allow for inadvertent discrimination, and that the standards cannot be applied to households certified by SSA in accordance with 7 CFR 273.2(k) without SSA concurrence. We would remove the references to verifying questionable information and nondiscrimination because these requirements are covered in the new paragraph (f)(2) and § 272.6 respectively.

We would remove 7 CFR 273.2(f)(3)(ii) which contains procedures for handling a case if a State agency opts to verify a deductible expense and obtaining the verification would delay a household's certification.

The first sentence provides that if a State agency opts to verify a deductible expense and obtaining the verification may delay the certification, the State agency must advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense. As all expenses for which verification is mandatory are covered by this provision, we would include it under new paragraph (f)(1)(xi) of this section. The second and third sentences identify specific deductions covered by this provision, and they would be removed because they are unnecessary. The provision in the fourth sentence regarding use of the standard utility allowance would be included in new paragraph (f)(1)(xi) of this section. The remaining text concerning delayed processing would be removed because it is covered by new paragraph (h)(3) of this section regarding delays in application processing.

We would combine the provisions of 7 CFR 273.2 (f)(4)(i), (ii), (iii) and (iv) regarding sources of verification into a single paragraph designated as (f)(4). Current paragraphs (f)(4)(i), (ii) and (iii) provide that documentary evidence must be the primary source of verification and that collateral contacts and home visits may be used only when documentary evidence is insufficient. We recognize that each State agency needs the flexibility to decide what sources of verification are appropriate in that State. Technological advances have made verification of many items achievable through computer checks. In many instances, the eligibility worker is best able to decide what verification is appropriate in a specific situation. However, State agencies should afford households some flexibility in providing necessary verifications. Therefore, in the new paragraph (f)(4), we would replace the specific requirements on sources of verification with a general statement requiring State agencies to establish their own standards for sources of verification. The standards would focus on determining the adequacy of the documentary evidence the household provides to support the statement on the application. State agencies may not limit households to one specific form of verification, if other documents can prove equally its statements. The new paragraph (f)(4) would continue to prohibit home visits unless scheduled in advance with the household. In some contexts such visits have been found to be violations of the Fourth Amendment to the Constitution (See, e.g., *Reyes* v. *Edmunds* 472 F. Supp 1218 (D. Minn. 1979). The new paragraph (f)(4) would also retain the requirement in current paragraph (f)(4)(iv) on the handling of verification discrepancies.

We would condense the provisions of 7 CFR 273.2(f)(5)(i) and (f)(5)(ii) into a single new paragraph (f)(5). This paragraph would include the requirement in the first sentence of current paragraph (f)(5)(i) which provides that the household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The remaining sentences of current paragraph (f)(5)(i) require State agencies to help applicants with verification, allow households to supply documentary evidence in person or through another means, prohibit State agencies from requiring households to present verification in person, and require the State agency to accept any reasonable documentary evidence provided by households. Section 835 of PRWORA revised section 11(e) of the Act to remove the requirement that State agencies assist households in obtaining verification and the prohibition against requiring households to present additional proof of a matter for which the State agency already possesses current verification. While PRWORA removed the requirement to assist all households in the verification process, there remains a mandate to offer assistance to special needs households. As previously stated in the discussion relating to the notice of required verification, the proposal would require State agencies to offer assistance in completing verification requirements for such households. We would retain the sentences allowing households to provide verification through whatever means they choose, prohibiting States from requiring the household to supply verification in person, except in the case of a suspected intentional Program violation, and requiring the State agency to accept any reasonable documentary evidence provided by households. We believe these long standing policies are a necessary adjunct of the PRWORA requirement that State agencies provide accurate, timely, and fair service.

We would also remove current paragraph (f)(5)(ii) which provides that the State agency may use collateral contacts or announced home visits when documentary evidence is insufficient to make a determination of eligibility or benefit level and establishes specific requirements for obtaining a reliable collateral contact. Proposed paragraph (f)(4) would allow State agencies to set their own verification standards, establishes collateral contact requirements, and requires that home visits be scheduled in advance. Therefore, these statements are unnecessary.

Current paragraph (f)(6) requires the State agency to document eligibility, ineligibility, and benefit level determinations. This documentation must be in sufficient detail to allow a reviewer to determine the reasonableness and accuracy of the determination. For obvious reasons, we do not intend to change the requirements of this paragraph.

We would remove 7 CFR 273.2(f)(7) regarding use of the State Data Exchange (SDX) and Beneficiary Data Exchange (BENDEX) databases. The provisions in this section are also contained in 7 CFR 272.8 and are not necessary here. Consistent with the removal of paragraph (f)(7), we would renumber current paragraphs (f)(8), (9), and (10) as paragraphs (f)(7), (8), and (9), respectively.

Newly redesignated paragraph (f)(7) provides procedures for verification of household circumstances reported subsequent to initial certification. Current paragraph (f)(7)(i) contains requirements for verifying changes reported at the time of recertification. Current paragraph (c)(7)(ii) contains requirements for verifying changes reported during the certification period. We would combine paragraphs (f)(7)(i) and (f)(7)(ii) into a single paragraph designated as (f)(7) and establish new verification requirements for changes that occur at any time subsequent to the initial certification.

Section 11(e)(3)(C) of the Act prior to PROWRA prohibited a State agency from requiring additional proof of a matter on which the State agency already has current verification, unless the State agency has reason to believe that the information possessed by the agency is inaccurate, incomplete, or inconsistent. The current regulations require verification for a change in income or actual utility expenses if the source has changed or the amount has changed by more than $25 and for previously unreported medical expenses and total recurring medical expenses which have changed by more than $25. Income may not be verified if the source has not changed or if the amount has not changed by more than $25, unless the information is incomplete, inaccurate, inconsistent or outdated.

Section 835 of PROWRA removed the prohibition on requiring households to submit additional information. Therefore, we propose to replace the current regulatory requirements with a general requirement that the State

agency verify information as required by 7 CFR 273.2(f)(1), (2), and (3), as proposed to be amended by this action, when a household reports any changes during the certification period or at recertification which would affect eligibility or the benefit level, or if unchanged information becomes questionable. Although this may increase verification efforts in a few instances, *e.g.*, when income changes by less than $25, we believe that this requirement is simpler to understand and administer, because the procedure is the same for all household circumstances. We believe that the proposed requirement that the change would have to affect eligibility or the benefit level will limit the increase in verification efforts significantly. The Department is particularly interested in receiving comments on this proposal.

We would remove newly designated paragraph (f)(8)(ii) regarding disclosure safeguards and agreements because 7 CFR 272.8 contains these requirements. With the removal of newly designated paragraph (f)(8)(ii), newly designated paragraphs (f)(8)(iii), (iv), and (v) would be redesignated as paragraphs (f)(8)(ii), (iii), and (iv), respectively. Minor editing changes would be made to the newly designated paragraphs (f)(8)(ii) and (iii).

Current paragraph (f)(9), newly designated as paragraph (f)(8), contains procedures for using the Income Eligibility Verification System (IEVS) information to verify eligibility and benefits. As previously discussed in this preamble, section 840 of PRWORA amended Section 11(i)(18) of the Act, 7 U.S.C. 2020(e)(18), to make use of IEVS a State agency option. This provision was effective upon enactment of the law, and States were allowed to implement this provision as of that date. If State agencies do access IEVS, most of the procedures contained in this paragraph are still appropriate. However, in newly redesignated paragraph (f)(8)(iv), we would remove the requirement that the State agency put in writing any information it has received from IEVS if it is requesting independent verification from the household. State agencies may be obtaining this information on-line while the household is present or may be able to request the independent verification more readily through a telephone call. Therefore, specifying that the request for verification be in writing restricts the State agency unnecessarily. Currently the section specifies the household's right to a fair hearing if it is terminated for failure to respond to a request for verification of IEVS data and again if it verifies information that results in a negative action. We would remove the repetitive language regarding a household's right to a fair hearing.

Newly designated paragraph (f)(9) provides procedures for verifying alien status through the SAVE system. As previously discussed in this preamble, section 11(p) of the Act, as amended by section 840 of PRWORA, makes use of the SAVE system a State agency option. If the State agency uses the SAVE system, the procedures in this paragraph would apply. We would simplify the language of paragraph (f)(9) and eliminate repetitive statements contained in paragraph (f)(9)(i) regarding the procedures for obtaining verification from the household and the first sentence of (f)(9)(iii) regarding the procedures for accessing the SAVE system.

Normal Processing—7 CFR 273.2(g); Delays in Processing—7 CFR 273.2(h)

Current 7 CFR 273.2(g) requires State agencies to process applications within 30 days. Current 7 CFR 273.2(h) provides requirements for handling applications when the process is delayed beyond the legislatively mandated 30 days. We would remove paragraph (h) entirely. We would revise paragraph (g) and redesignate it as paragraph (h). New paragraph (g) would contain provisions related to authorized representatives, and it will be addressed later. Proposed changes are made in response to the President's regulatory reform initiative to remove overly prescriptive regulations. The changes are also consistent with the spirit of PRWORA allowing State agencies to establish their own operating procedures and our belief that State agencies should have more flexibility with regard to application processing.

New paragraph (h)(1) would retain the policy contained in current paragraph (g)(1) that State agencies provide eligible households an opportunity to participate within 30 days of the date of application. We would remove, as unnecessary, the third sentence of current paragraph (g)(1) referring to the special procedures in 7 CFR 273.2(i) for expedited service.

The first sentence of current paragraph (g)(3), which requires that a notice of denial be sent within 30 days if the household is found to be ineligible, would be added to new paragraph (h)(1). The remainder of current paragraph (g)(3) would be removed to enhance State agency flexibility. The second sentence requires the State agency to send a notice of denial on the 30th day if a household has failed to appear for two scheduled interviews and made no subsequent contact with the State agency to express interest in pursuing the application and requires the household to file a new application if it is denied under these circumstances. This paragraph also requires that the State agency deny an application on the 30th day if it was able to conduct an interview and request all of the necessary verification, but the household failed to provide the verification.

As stated above, under the Department's proposal, current paragraph (h) would be removed. It provides detailed procedures for State agencies to follow in the event that final action is not taken on an application within 30 days from the date a household applies. We propose to replace the provisions under current paragraph (h) with a new paragraph (h)(2) which would require State agencies to continue to process cases if the State agency is at fault for not processing the case within the 30-day time period. If the State agency is at fault for delaying the application process, benefits would be restored back to the application filing date. If the household is at fault for the delay, the State agency may either deny the case or hold it pending for an additional period of time to be determined by the State agency but not more than 2 months. If the household is at fault for the delay, benefits would be provided retroactive to the date the household takes the required action.

In new paragraph (h)(3), we would retain, but consolidate, the procedures for determining the cause of a delay, taking into account the changes mandated by PRWORA. Delays that are the fault of the State agency include, but are not limited, to failure to explore and attempt to resolve with the household any unclear and incomplete information provided at the interview; failure to inform the household of the need for one or members to register for work and allow the members at least 10 days to complete work registration; failure to provide the household with a statement of required verification and allow the household at least 10 days to provide the missing verification; and failure to notify the household that it could reschedule a missed interview. Delays that are the fault of the household include, but are not limited to, failure to cooperate with the State agency in resolving any unclear or incomplete information provided at the interview; failure to register household members for work; failure to provide missing verification; and failure to reschedule a missed interview appointment.

Authorized Representatives—7 CFR 273.2(g)

We propose to redesignate the provisions of current 7 CFR 273.1(f) on authorized representatives as paragraph 7 CFR 273.2(g). We believe the authorized representative provisions more appropriately belong under 7 CFR 273.2. We also propose to amend the authorized representative provisions as discussed below.

Current provisions regarding the use of authorized representatives in the application process are contained in several sections of the regulations. Section 273.1(f) contains general requirements for using an authorized representative to apply for the program, special procedures for drug addict and alcoholic treatment centers and group homes acting as authorized representatives, special procedures for use of an authorized representative for minor household members, restrictions on the use of authorized representatives, and provisions for disqualification of authorized representatives. Sections 273.11(e) and (f) also contain requirements for use of authorized representatives in the certification of residents of treatment centers and group homes, respectively. Section 274.5 contains requirements for use of authorized representatives to obtain benefits and current 7 CFR 274.10(c) contains requirements for emergency authorized representatives. In proposed new paragraph (g), we would condense and revise requirements for use of authorized representatives that appear in 7 CFR 273.1(f), 7 CFR 273.11(e) and (f), and 7 CFR 274.5.

We would move to 7 CFR 273.11(e) and (f) the requirements for treatment centers and group homes. The introductory paragraph of 7 CFR 273.1(f)(2) would be removed as unnecessary. The discussion in subparagraph (i) regarding addict and alcoholic treatment centers would be included in 7 CFR 273.11(e)(1) in place of the reference to 7 CFR 273.1(f)(2). In current subparagraph (ii) regarding group living arrangements, similar references in the first, second, fourth, fifth, and last sentences would be included in 7 CFR 273.11(f)(1). The 6th sentence would be included in 7 CFR 273.11(f)(7). The remainder of the paragraph would be removed as unnecessary. A reference to 7 CFR 273.11(e) and (f) would be included in the new paragraph 7 CFR 273.2(g)(1)(iii).

Proposed 7 CFR 273.2(g)(1) would be entitled ''Applying for benefits.'' In new paragraph (g)(1)(i) we would include the provisions of current 7 CFR 273.1(f), (f)(1)(i) and (f)(1)(ii) with minor editorial changes. The new paragraph would include the current provisions that allow an authorized representative to act for the household in the application process and to complete work registration forms for those household members required to register for work. It would also continue to require the State agency to inform the household of its liability for overissuances which result from erroneous information given by the authorized representative. We would remove the two regulatory references, because they are misleading. The reference to 7 CFR 273.11 is intended to assure that, except when the drug and alcoholic treatment centers and certain group living arrangements act as authorized representatives, the household is told of its liability for erroneous information given by the authorized representative. We would add regulatory language and remove the regulatory reference to ensure proper application of the policy. The intent of the reference to 7 CFR 273.16 is unclear so we are removing it. The new paragraph would retain the criteria in current paragraphs (f)(1)(i) and (f)(1)(ii) that nonhousehold members may be designated as authorized representatives only if the authorized representative has been designated in writing by the head of the household, the spouse, or another responsible member of the household, and the authorized representative is an adult who is sufficiently aware of relevant household circumstances to properly represent the household. We would remove current paragraph (3) regarding nonhousehold members who can apply for minors and include the content in new paragraph (f)(ii).

The information in introductory paragraph 7 CFR 274.5(a) and the first sentence of paragraph (b) would be removed as unnecessary. The contents of paragraph (a)(1) and the second sentence of (a)(2) would be included in new paragraph (g)(2) entitled ''Obtaining food stamp benefits'' with minor editorial changes. The new paragraph would include the current provisions for encouraging the household to name an authorized representative for obtaining benefits at the time of application, that the representative's name be recorded in the household's casefile and on its ID, and that the representative for obtaining benefits may be the same person designated to make application on behalf of the household. In proposed new paragraph (g)(2)(ii), we would include a reference to 7 CFR 274.10(c) which provides for designating an emergency authorized representative subsequent to the time of certification.

A new paragraph (3) entitled ''Using benefits'' would be added. This paragraph would include the information currently contained in 7 CFR 274.5(a)(6) and (7) and 274.5(c). The last sentence in 7 CFR 274.5(c) which prohibits a person disqualified for committing an intentional Program violation from using coupons on behalf of the household would be removed because it is not administratively feasible to enforce this provision.

The current restrictions on designating authorized representatives in 7 CFR 273.1(f)(4) for application processing and 7 CFR 274.5 for obtaining benefits would be combined in proposed paragraph 7 CFR 273.2(g)(4), entitled ''Restrictions on designations of authorized representatives.'' We would revise the provisions to omit examples and other unnecessary language. Proposed paragraph (4)(i) would provide that State agency employees involved in certification and issuance and retailers authorized to accept food stamp benefits may not act as authorized representatives without the specific written approval of the designated State agency official and only if that official determines that no one else is available to serve as an authorized representative. Proposed paragraph (4)(ii) would provide that individuals disqualified for intentional Program violations cannot act as authorized representatives while they are disqualified unless no one else is available. Proposed paragraph (4)(iii) would include the provisions for disqualifying authorized representatives for misrepresentation or abuse, and paragraph (4)(iv) would contain the current provision that homeless meal providers may not act as authorized representatives for homeless food stamp recipients.

The current restrictions provide that the State agency cannot impose a limit on the number of households an authorized representative may represent. In the event an employer is designated as the authorized representative for his or her employee or that a single authorized representative has access to a large amount of benefits, the State agency must exercise caution to assure that the household has freely requested the assistance of the authorized representative, the household's circumstances are correctly represented, the household is receiving the correct amount of benefits, and the authorized representative is properly using the coupons. We believe these are unrealistic expectations for the State agency. Section 11(e)(7) of the Act, 7

U.S.C. 2020(e)(7), allows the Secretary to restrict the number of households which may be represented by an individual. We would delegate this authority to the State agency in lieu of the current provision in order to enable the State agency to prevent abuse.

With these proposed changes, current 7 CFR 273.1(f) and 7 CFR 274.5 would be removed. The regulatory site of 7 CFR 274.5 would be reserved for future use.

Expedited Service—7 CFR 273.2(i)

Currently, 7 CFR 273.2 (i) lists the categories of households entitled to expedited service and establishes the procedures that State agencies must use in providing that service. The PRWORA included several provisions affecting the expedited service requirements.

Section 838 of PRWORA amended Section 11(e)(9) of the Act, 7 U.S.C. 2020(e)(9) by removing households consisting entirely of homeless people as a category of households entitled to expedited service. Section 838 also increased the number of days which State agencies have to provide expedited service from 5 to 7 calendar days. In accordance with these provisions, this rule removes the reference to homeless households in current paragraph (i)(1)(iii), renumbers paragraph (iv) as (iii), and changes the expedited processing timeframe appearing in current paragraph (i)(3) from 5 days to 7 days. Note: These changes are also included in another rule which may be published before this rule. These are nondiscretionary changes that are being made here to avoid unnecessary confusion.

In response to the President's regulatory reform initiative to remove unnecessary, redundant, outdated, or overly prescriptive rules, we would remove repetitive definitions and make several changes in the procedures for providing expedited service, as discussed below.

Under current paragraph (i)(2), State agencies are required to design their application procedures to identify households eligible for expedited service at the time they apply. The proposed rule would continue to require State agencies to prescreen applications for entitlement to expedited service. In addition, the proposed rule would require State agencies to document their evaluations. The current paragraph provides screening examples. The examples would be removed in the proposed rule, because they are unnecessary.

We would amend the first sentence of 7 CFR 273.2(i)(3)(i) to add language referring to access to benefits through an Electronic Benefit Transfer (EBT) system or other electronic access devices in the first sentence. We would remove the reference to households residing in institutions applying jointly for SSI and food stamps as procedures for these households are addressed elsewhere in the regulations. We would remove paragraphs (i)(3)(ii) and (i)(3)(v). These two paragraphs provide the expedited time frame within which benefits must be provided to residents of drug addiction or alcoholic treatment and rehabilitation centers, residents of group living arrangements, and residents of shelters for battered women and children who are eligible for expedited service. As the expedited time frame is no different from the requirements for other households eligible for expedited service, there is no need for separate regulatory sections for these households.

We would renumber 7 CFR 273.2(i)(3)(iii) and (i)(3)(iv) as paragraphs (i)(3)(ii) and (i)(3)(iii), respectively, to reflect the proposed removal of paragraph (i)(3)(ii). We would amend newly designated paragraph (i)(3)(ii) to reflect the proposed removal of the requirement for an in-office interview discussed earlier in this preamble. We would also remove the sentence that provides that the first day of the 7-day period within which expedited service must commence is the calendar day following application. The first day for all application processing requirements is the calendar day following application. This sentence is, therefore, repetitive and unnecessary.

Current paragraph (i)(4) provides the special procedures State agencies must use for expedited service. These procedures are very detailed requirements that State agencies must follow, including a multitude of options. In this rule we propose to significantly streamline these requirements as discussed below.

In 7 CFR 273.2(i)(4)(i), we would remove the references to the sources of verification. We would subdivide current paragraph (i)(4)(i) into paragraphs entitled ''Verification,'' ''Social security numbers,'' and ''Work registration.'' Under new paragraph (i)(4)(iii), we would include a requirement that the applicant register for work, but we would remove the language about attempting to register other members prior to certification. If an authorized representative applies on behalf of the household, that person may register a member for work so this should not delay the process.

Current paragraph (i)(4)(i)(B) already provides that the State agency may verify factors other than identity, residency, and income provided that verification can be accomplished within expedited processing standards. We believe that providing specific directions for certain additional items is therefore unnecessary. The eligibility worker is in the best position to decide what information can be verified and how verification can be achieved in a specific case.

Paragraph (i)(4)(i)(B) currently provides that households entitled to expedited service will be asked to furnish an SSN or apply for one for each person before the second full month of participation. Households entitled to expedited service were allowed to participate for the first full month without providing or applying for an SSN because of the requirement to combine the prorated allotment for the month of application and benefits for the first full month for households applying after the 15th of the month. Since Section 828 of PRWORA made use of combined allotments a State agency option, as discussed below, we propose to provide that households must furnish or apply for an SSN prior to the second month's issuance or, if the State agency issues combined allotments, prior to the third month's issuance. For newborns, we would require the household to provide an SSN or proof of an application for an SSN at its next recertification or within 6 months following the month the baby is born, whichever is later, in accordance with 7 CFR 273.6(b)(4). Those household members who do not meet these requirements must be allowed to continue to participate if they satisfy the good cause requirements specified in 7 CFR 273.6(d).

We would remove 7 CFR 273.2(i)(4)(ii). This paragraph requires the State agency to promptly contact the collateral contact to obtain verification. State agencies have the option of verifying information provided by the household either through a collateral contact or through readily available documentation pursuant to current paragraph (i)(4)(i)(A). There is no requirement that verification be accomplished solely through a collateral contact. Further, the State agency is required to process an application so that benefits can be provided within the expedited service time standard, regardless of the method of verification used. Therefore, this paragraph is unnecessary.

We would remove 7 CFR 273.2(i)(4)(iii). The provisions regarding certification periods would be removed because they are unnecessary. The provisions regarding postponed verification would be included in new

paragraph (i)(4)(i)(B). The provisions regarding notices of eligibility and expiration would be removed because they are also included in 7 CFR 273.10(g)(1).

Proposed paragraph (i)(4)(ii)(A) would provide that if a household applies on or before the 15th of the month and is assigned a certification period of longer than one month postponed verification must be obtained prior to the second month's issuance. The State agency must issue the second month's benefits within seven working days from receipt of the verification but not before the first day of the second month.

Proposed paragraph (i)(4)(ii)(B) would provide that if a household applies after the 15th of the month postponed verification must be submitted prior to the third month's issuance. The third month's benefits must be provided within seven working days from the receipt of the necessary verification, but not before the first day of the third month.

Newly designated paragraph (i)(5) allows State agencies to issue combined allotments to households that apply after the 15th of the month and have their applications processed under the expedited service procedures. The combined allotment consists of a prorated amount for the month of application and the benefits for the first full month of participation. Section 203 of the Hunger Prevention Act of 1988 (Pub. L. 100–435) amended section 8(c) of the Act, 7 U.S.C. 2017(c), to require State agencies to provide combined allotments to all households applying after the 15th of the month. Regulations dated June 7, 1989 (54 FR 24518) implemented this requirement. Section 1732 of the 1990 Leland Act (Pub. L. 101–624) amended section 8(c)(3) of the Act to make use of combined allotments for households processed under the 30-day standard a State agency option. This provision was added to 7 CFR 273.2(g) by regulations dated October 17, 1996 (61 FR 54303). Combined allotments were still required for households entitled to expedited service. The October 17, 1996 regulations moved that requirement from 7 CFR 274.2(b)(2) to 7 CFR 273.2(i)(4) and provided that, if necessary, verification should be postponed to meet the expedited time frame. Section 828 of PRWORA amended section 8(c) of the Act again to make combined allotments optional for expedited service households as well as households processed under normal procedures. We would amend newly designated paragraph (i)(5) to provide that, at State agency option, households applying after the 15th of the month may receive a combined allotment.

We would remove 7 CFR 273.2(i)(4)(iii)(D) which prohibits providing benefits to households determined ineligible in the month of application or the following month or which have failed to provide postponed verification. This paragraph would be removed because it is not necessary.

Current paragraph (i)(4)(iv) would be renumbered as paragraph (i)(6), and it would be entitled ''Frequency.'' The provision would continue to provide that there is no limit to the number of times a household can be certified under the expedited service procedures but the expedited procedures would not apply at the time of recertification if a household reapplies before the end of its current certification period.

Current paragraph (i)(4)(v) would be removed as unnecessary. That paragraph provides that households requesting, but not entitled to, expedited service must have their applications processed according to normal standards.

We are also proposing to make additional editing changes throughout paragraph (i) which are not discussed in detail in this preamble. These changes do not affect the procedural requirements but simply provide clarity or brevity.

PA, GA and Categorically Eligible Households—7 CFR 273.2(j)

Current regulations at 7 CFR 273.2(j) mandate categorical eligibility for certain households and mandate joint application processing requirements for households in which all members are receiving public assistance, supplemental security income (SSI), or general assistance (GA). Section 835 of PRWORA amended Section 11(e) of the Act to eliminate the mandate for joint processing of such cases. However, State agencies may opt to continue to jointly process these cases. Accordingly, we would revise current paragraph (j) in its entirety to: (1) Retain pertinent categorical eligibility provisions; (2) remove provisions or references associated with mandatory joint application processing; and (3) retain those joint processing provisions we believe are necessary to protect the client should a State agency opt to continue joint processing of TANF, SSI or GA households.

We would change the title of 7 CFR 273.2(j) to ''Categorical eligibility.'' We would remove current paragraphs (j)(1), (j)(3) and (j)(5) which set forth mandatory joint processing requirements. Although we would remove paragraphs (j)(1) and (j)(3), some statements in these paragraphs would be retained but moved to other locations in the regulations or in the new paragraph (j). Current paragraph (j)(5) also provides that a separate application must be used for TANF/GA food stamp applicants. Under the provisions of PRWORA, the type of application used is a State agency option; therefore, the provision is being removed. With the removal of paragraphs (j)(1) and (j)(3), current paragraphs (j)(2) and (j)(4) would be redesignated as paragraphs (j)(1) and (j)(2), respectively.

New paragraph (j)(1) would be entitled ''TANF and SSI households.'' and it would be revised in its entirety. We would retain the policy but simplify the language. New paragraph (j)(2) would be entitled ''GA households.'' The new paragraph would be revised. We would retain the policy but make some editorial changes. We would remove current paragraphs (j)(4)(vi) regarding categorical eligibility for combination households as unnecessary.

Alien Eligibility—7 CFR 273.4

Under section 6(f) of the Act, 7 U.S.C. 2015(f), and current rules at 7 CFR 273.4(a), citizens, nationals, and aliens lawfully admitted for permanent residence, refugees, asylees, parolees, and certain other specifically listed categories of aliens were eligible to participate in the Food Stamp Program, if they met the other eligibility criteria. Under section 402 of PRWORA, as amended, citizens and non-citizen nationals remain eligible, but the remaining categories of eligible aliens have been changed.

We propose to revise 7 CFR 273.4(a) to remove references to those aliens no longer eligible and add provisions referencing the alien provisions of Title IV of PRWORA, as amended. We also propose to revise the section to remove unnecessary and overly prescriptive requirements. As discussed above, we would also make conforming amendments to 7 CFR 273.2(f)(1)(ii) to address verification of alien eligibility under the new alien eligibility requirements and to reference the DOJ interim guidance.

Current regulations at 7 CFR 273.4(a) which provide that a citizen is eligible for food stamp benefits do not define ''citizen.'' We propose to add a reference in paragraph (a)(1) to the DOJ interim guidance which includes a definition of the term. According to Step 3 A. of the guidance, a citizen is one of the following (subject to certain exceptions and qualifications):

1. A person (other than the child of a foreign diplomat) born in one of the several States or in the District of Columbia, Puerto Rico, Guam, the U.S.

Virgin Islands, or the Northern Mariana Islands who has not renounced or otherwise lost citizenship;

2. A person born outside of the United States to at least one U.S. citizen parent (sometimes referred to as a ''derivative citizen''); or

3. A naturalized U.S. citizen.

The DOJ interim guidance also includes non-citizen nationals under the discussion of citizenship. A non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain's Island) on or after the date the U.S. acquired the possession, a person whose parents are U.S. non-citizen nationals (subject to certain residency requirements), or certain persons who elected to become nationals but not citizens of the United States pursuant to section 302 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94–241, 90 Stat. 263, 48 U.S.C. 1801 note). In the past, Food Stamp Program regulations did not distinguish between citizens and non-citizen nationals. For clarity, we propose to add the term ''non-citizen national'' to paragraph (a)(2) to provide that non-citizen nationals are eligible to participate.

Section 431 of PRWORA, as amended by section 501 of the OCAA and sections 5302, 5562, and 5571 of the Balanced Budget Act, defines a qualified alien as:

(1) An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(2) An alien who is granted asylum under section 208 of the INA;

(3) A refugee who is admitted to the United States under section 207 of the Act;

(4) An alien who is paroled into the United States under section 212(d)(5) of the INA for a period of at least 1 year;

(5) An alien whose removal or deportation is being withheld under section 241(b)(3) or 243(h) of the INA;

(6) An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;

(7) A battered alien, an alien whose child has been battered, or an alien child of a battered parent; or

(8) A Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

Section 5562 of the Balanced Budget Act amended the INA citation for aliens whose deportation has been withheld to add a reference to section 241(b) of the INA. The OCAA amended section 243(h) of the INA to consolidate the two former procedures of deportation and exclusion into one procedure called removal. The section was renumbered as 241(b)(3) but appropriate conforming amendments were not made to section 402 and other sections of PRWORA which referenced section 243(h). The Balanced Budget Act corrected that omission.

Section 501 of the OCAA amended section 431 of PRWORA by adding a new paragraph (c) to provide that certain aliens who have been battered or subject to extreme cruelty are considered qualified aliens if they meet certain criteria. Section 5571(c) of the Balanced Budget Act further amended section 431(c) by adding a new paragraph (3) to include the alien child of a battered parent as a qualified alien. To be a qualified alien based on battery or extreme cruelty, the alien must meet the following conditions:

(1) The alien or the alien's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent or by a member of the spouse or parent's family residing in the same household as the alien, but only if the spouse or parent consents to or acquiesces in such battery or cruelty; in the case of a battered child, the alien did not actively participate in the battery or cruelty; in the case of an alien child whose parent has been battered, the child must be living in the same household as a parent who has been battered under these circumstances;

(2) The battered alien or child no longer resides in the same household as the abuser;

(3) There is a substantial connection between the battery or cruelty and the need for benefits;

(4) The alien described in paragraph (1) must also have been approved or have a petition pending with INS that sets forth a prima facie case for status as a spouse or a child of a U.S. citizen under INA section 204(a)(1)(A)(ii), (iii) or (iv); classification under section 204(a)(1)(B)(ii) or (iii); suspension of deportation and adjustment of status under section 244(a)(3); status as a spouse or child of a citizen under section 204(a)(1)(A)(i); or classification under section 204(a)(1)(B)(i). An alien whose child has been battered or subjected to extreme cruelty by a spouse of a parent of the alien must have been approved or have a petition pending with INS for classification under section 204(a)(1)(B)(ii) or (iii).

Section 5571 of the Balanced Budget Act also amended section 431 of PRWORA to provide that the agency providing the benefits will be responsible for determining whether there is a substantial connection between the need for benefits and the abuse. Section 5571 also provides that the Attorney General must issue guidance concerning the meaning of the terms ''battery'' and ''extreme cruelty'' and the standards to be used for determining whether there is a substantial connection between the abuse and the need for benefits. The Attorney General's guidance was published in the **Federal Register** on December 11, 1997 (62 FR 75285).

We do not propose to include in the regulatory language all the provisions of the law for establishing eligibility as a battered alien because detailed information is available in the DOJ interim guidance and the battered aliens are not eligible for food stamps unless they meet one of the criteria we propose to list in new paragraph (a)(5)(ii).

Section 5302 of the Balanced Budget Act added Cuban and Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, to the list of qualified aliens in section 431 of PRWORA. We would include the list of qualified aliens in the proposed paragraph (a)(5)(i).

To be eligible for food stamps, most aliens must be both a qualified alien as defined in section 431 of PRWORA and meet one of the food stamp criteria in section 402 of PRWORA. Section 402, as amended by the Balanced Budget Act, limits eligibility for food stamps to qualified refugees, asylees, deportees, specified Amerasians, Cuban and Haitian entrants, certain legal permanent residents, and veterans and active duty personnel and the spouse and unmarried dependent children of the veterans and active duty personnel. We would include the list in proposed paragraph (a)(5)(ii).

Under section 402(a)(2)(B) of PRWORA, the eligibility of aliens lawfully admitted for permanent residence is limited to those who have earned or can be credited with 40 qualifying quarters of work as determined under title II of the Social Security Act and as provided under section 435 of PRWORA, as amended by section 5573 of the Balanced Budget Act. An alien may be credited with all of the qualifying quarters worked by a parent of the alien before the alien becomes 18 and the quarters worked by a spouse of the alien during their marriage, if they are still married or the spouse is deceased. We propose to include this requirement in the introductory language of the new paragraph (b)(1).

To establish eligibility based on 40 quarters of work, the State agency may request information from the Social Security Administration through the Quarters of Coverage History System

(QCHS) and/or obtain verification from the household. State agencies may request and receive information regarding qualifying quarters from SSA according to SSA instructions. For each individual (other than the person who signed the application) whose SSN is submitted to SSA with a request for quarters of coverage information, the State agency must obtain a signed form consenting to the release of the information. This form is to be filed in the household's case file. Section 5573 of the Balanced Budget Act authorizes SSA to disclose quarters of coverage information concerning an alien and an alien's spouse or parents to other government agencies. Therefore, if quarters of coverage based on relationship are needed and a signed form cannot be obtained, the State agency may submit a request to SSA for information regarding the individual's work history. These requests will be processed manually by SSA. Procedures for requesting information from SSA are contained in SSA's manual for obtaining quarters of coverage information.

Aliens who can be credited with 40 qualifying quarters, as reported by SSA, would be certified, if otherwise eligible. Those who do not have 40 quarters according to SSA records and who accept that determination would be denied participation. However, individuals who believe they should be credited with more quarters of work may request that SSA investigate their work history to determine if more quarters can be credited. As indicated above under the discussion of verification of alien eligibility, we propose to require that if SSA is conducting an investigation to determine if more quarters can be credited, the applicant may participate pending the results of the investigation for up to 6 months from the date of SSA's original finding of insufficient quarters. A conforming amendment is being proposed to include this requirement in the verification requirements in new 7 CFR 273.2(f)(1)(iv)(B).

SSA has prepared guidance for State agencies to use in requesting work history information through the QCHS. Through this system, State agencies are able to obtain information about work performed in jobs covered by Title II of the Social Security Act and some work that is not covered by Title II, such as some employment with federal, State, or local governments or nonprofit organizations. If the State agency cannot obtain work history information from SSA, the State agency will have to obtain verification of work from the applicant or other available data sources. This will always be the case for recent quarters worked because of the time it takes SSA to update the database using the most recent tax returns. Lag quarters are quarters for which SSA has not had time to update the information.

Section 402(a)(2)(B)(ii) of PRWORA also provides that no qualifying quarter creditable for a period beginning after December 31, 1996, can be included as one of the credited quarters if the individual received any Federal means-tested public benefit (as provided under section 403) during that quarter. Section 435 of PRWORA provides that no qualifying quarter for any period after December 31, 1996, by a parent or spouse of the alien may be included if the parent or spouse received any Federal means-tested public benefit during that quarter. Section 403(c) includes a list of types of assistance or benefits that are exempt from the prohibition (exempt assistance). The list includes certain emergency medical assistance; short-term, non-cash emergency disaster relief; assistance under the National School Lunch Act; assistance under the Child Nutrition Act of 1966; certain non-Title XIX public health assistance; certain foster care and adoption payments; student assistance provided under titles IV, V, IX, and X of the Higher Education Act of 1965, and titles III, VII, and VIII of the Public Health Service Act; benefits under the Head Start Act; and benefits under the Workforce Reinvestment Act. The list also includes in-kind services which may not be means-tested, such as soup kitchens and short-term shelter, specified by the Attorney General. The DOJ published a Notice in the **Federal Register** on August 30, 1996 (61 FR 45985), containing a non-exclusive list of the types of exempt in-kind services.

Each federal agency which issues means-tested public benefits is responsible for identifying and publishing a list of benefits to which the term ''Federal means-tested public benefit'' as used in PRWORA applies. According to **Federal Register** Notices published by HHS (62 FR 45256) and SSA (62 FR 5284) on August 26, 1997, TANF, Medicaid, and SSI are Federal means-tested public benefits. According to a **Federal Register** Notice published by this Department on July 7, 1998 (63 FR 36653), the Food Stamp Program and the block grant food assistance programs in Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands are the only FNS program to which the term applies. We are proposing that ''received'' means that the alien actually received the assistance or food stamps in the quarter in question.

We propose to provide in paragraph (a)(5)(ii)(A) that if an alien was determined eligible for any Federal means-tested public benefit as defined by the agency providing the benefit or was certified to receive food stamps during any quarter after December 31, 1996, the quarter cannot be credited toward the 40-quarter total. Likewise, if the alien needs a quarter from a parent or spouse, the parent or spouse's quarter cannot be counted if the parent or spouse was determined eligible for any Federal means-tested public benefit or was certified to receive food stamps during the quarter. For example, if the alien worked and his parents received SSI in the first quarter of 1997, the alien would have one quarter counted because he worked and he did not receive assistance; if the alien did not work, but his parents worked and received SSI, the alien would not have any countable quarters.

Section 402(a)(2)(A) of PRWORA provided that refugees admitted under section 207 of the INA, asylees admitted under section 208 of the INA, and aliens whose deportation or removal has been withheld under sections 243(h) or 241(b)(3) of the INA would be eligible for 5 years. Refugees would be eligible for 5 years from the date of entry into the country, asylees would be eligible for 5 years from the date asylum was granted, and deportees would be eligible for 5 years from the date deportation or removal was withheld. Section 5302 of the Balanced Budget Act reorganized section 402(a)(2)(A) to separate the requirements for eligibility for SSI and food stamps and to provide in paragraph (A)(ii)(IV) that an alien granted status as a Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, would be eligible for 5 years from the date granted that status. Section 5306 of the Balanced Budget Act further amended section 402(a)(2)(A) of PRWORA to add a new paragraph (A)(ii)(V) which provided that certain Amerasians would be eligible for 5 years from date admitted to the United States as an Amerasian immigrant pursuant to section 584 of the Foreign Operations Appropriations Act, incorporated as section 101(e) of Public Law 100–202 and amended by Public Law 100–461. This legislation provided for certain Amerasians in Vietnam, with their close family members, to be admitted to the U.S. as immigrants through the Orderly Departure Program beginning on March 20, 1988. These Amerasians will be admitted for permanent residence at the point of entry.

The AREERA further amended section 402 of PRWORA. Section 503 of

AREERA amended section 402(a)(2)(A) of PRWORA to extend the time period that refugees, asylees, deportees, Cubans, Haitians, and Amerasians can be eligible from 5 years to 7 years. Section 402(a)(1) of PRWORA makes all other types of qualified aliens (with the exceptions of lawful permanent residents with 40 qualifying quarters of work and alien members of the armed forces, alien veterans, and certain members of such an alien's family) ineligible for food stamps for as long as they maintain their current alien status; all other non-qualified aliens are ineligible under section 401(a) of PRWORA. Section 504 of AREERA amended section 402(a)(2)(F) of PRWORA to provide that aliens who are receiving benefits or assistance for blindness or disability as defined in section 3(r) of the Food Stamp Act may be eligible for food stamps provided that they were lawfully residing in the United States on August 22, 1996. Section 505 of AREERA amended section 402(a)(2)(G) of PRWORA to provide that aliens who are American Indians born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act apply or who are members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act may be eligible for food stamps. Section 506 of AREERA added a new section (I) to section 402(a)(2) of PRWORA to make aliens eligible if they were lawfully residing in the United States on August 22, 1996 and they were 65 years of age or older on that date. Section 507 of AREERA added a new section (J) to section 402(a)(2) of PRWORA to make aliens eligible if they were lawfully residing in the United States on August 22, 1996 and are currently under 18 years of age. Section 508 of AREERA added a new section (K) to section 402(a)(2) of PRWORA to make any individual eligible who is lawfully residing in the United States and was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (8/5/64–5/7/75.) Section 508 further extends food stamp eligibility to the spouse, or unremarried surviving spouse, and unmarried dependent children of such Hmong or Laotian.

Section 509 of AREERA amended section 403(b) of PROWRA to provide that American Indians made eligible by Section 505 and Hmong and Highland Laotians and their families made eligible by Section 508 do not have to be qualified aliens to be eligible for food stamps. These are the only aliens who can be eligible for food stamps without being a qualified alien as defined in Section 431 of PROWRA.

We propose to include the alien eligibility criteria added by AREERA in section 7 CFR 273.4(a).

The aliens provisions contained in AREERA are effective November 1, 1998.

Section 403 of PRWORA, as amended by Balanced Budget Act, provides that, with certain exceptions, aliens, including those admitted for lawful permanent residence, who enter the country on or after August 22, 1996, are barred from Federal means-tested public benefits for 5 years. As noted above, section 402 of PRWORA, as amended by the Balanced Budget Act, contains a specific timeframe for the Food Stamp Program which is somewhat different. Section 402, as amended, provides that for food stamp purposes refugees, asylees, aliens whose deportation have been withheld, Cubans, Haitians and Amerasians are only eligible for 7 years. The time limits imposed by section 402, as amended, govern the Food Stamp Program because that section specifically references the Food Stamp Program. Section 403 of PRWORA arguably also applies to the Food Stamp Program. This is because food stamps are a ''Federal means-tested public benefit under section 403. See 63 FR 36653, 36654. However, section 402(a)(2)(A) of PRWORA makes refugees, asylees, deportees, Cubans, Haitian, and Amerasians eligible for food stamps for 7 years. Following this 7-year eligibility period, these groups of qualified aliens are ineligible for as long as they remain in one of the described alien categories. Conversely, section 403(b)(1) exempts these same groups of qualified aliens from the initial 5-year ban on the receipt of Federal means-tested public benefits. At the expiration of the 5-year ban, a qualified alien falling into one of the described alien categories is eligible for Federal means-tested public benefits without any time limitation. Thus, the application of both sections 402 and 403 of the Food Stamp Program would result in an unavoidable conflict: under section 402, aliens within the described categories would be eligible for 7 years followed by a ban on the receipt of further benefits, while under section 403, these same aliens would be eligible for benefits from the time they fall within one of the described alien categories without time limitation.

In order to avoid this conflict, we propose to apply the requirements of section 402 uniformly to the Food Stamp Program. This interpretation avoids the absurd result of separate provisions of PRWORA mandating mutually inconsistent eligibility determinations. Additionally, this interpretation is supported by Congress' express citation to the Food Stamp Act within the body of section 402 (see 402(a)(3))(B), 7 U.S.C. 1612(a)(3)(B)), while section 403 contains no such cross-reference. Thus, we believe the strictures of section 402 more closely express Congress' intentions for alien participation in the Food Stamp Program.

Section 402, as amended, does not impose any time limit on aliens admitted for legal permanent residence who can be credited with 40 quarters of work. We propose that the five-year ban in section 403 not apply to aliens admitted for lawful permanent residence for food stamp purposes. We propose to include the seven-year time limit in section 402 for refugees, asylees, deportees, Cubans, Haitians, and Amerasians in new paragraph (a)(2).

Under section 402(a)(2)(C) of PRWORA, an alien lawfully residing in any State who is a veteran honorably discharged for reasons other than alien status or who is on active duty in the Armed Forces of the United States for reasons other than training or the spouse or unmarried dependent child of a veteran or person on active duty is eligible to participate. Section 5563 of the Balanced Budget Act amended the provision regarding military-related eligibility to: (1) Apply the minimum active duty service requirement (24 months or the period for which the person was called to active duty); (2) expand the definition of ''veteran'' to include military personnel who die while on active duty and certain aliens who served in the Philippine Commonwealth Army during World War II or served as Philippine Scouts after World War II; and (3) add eligibility for the unremarried surviving spouse of a deceased veteran, provided the couple was married for at least one year or for any period if a child was born of the marriage or was born to the veteran and the spouse before the marriage and the spouse has not remarried.

We propose to define an unmarried dependent child for purposes of section 402(a)(2)(C) regarding persons with a military connection to include a legally adopted or biological dependent child of an honorably discharged veteran or active duty member of the Armed Forces if the child is under the age of 18 or if a full-time student under the age of 22. It would also include a child of a decreased veteran provided the child was dependent upon the veteran at the

time of the veteran's death. In addition, we propose to include a disabled child age 18 or older if the child was disabled and dependent on the active duty member or veteran prior to the child's 18th birthday. This definition is consistent with that developed for the Supplemental Security Income (SSI) program. We also propose to apply this definition of an unmarried dependent child to section 402(a)(2)(K) regarding unmarried dependent children of Hmong and Highland Laotians. Section 431(a) of PROWRA provides that except as otherwise provided, the terms used have the same meaning given such terms in section 101(a) of the Immigration and Nationality Act (INA). However, there is no definition of a child in section 101(a), and there are two definitions in 101(b), one for immigration purposes and one for nationality purposes. Because of the ambiguity of the law and the fact that both of the INS definitions are much more complicated than the definition used for SSI purposes, we propose to use the SSI definition of dependent child. We also considered using dependent as used for other food stamp purposes such as the work registration exemption, but believe they are too restrictive for this purpose.

We propose to include the eligibility provision for individuals with a military connection in new paragraph (a)(5)(ii)(G).

Under current regulations at 7 CFR 273.4(a)(8) and (a)(9), aged, blind, or disabled aliens admitted for temporary or permanent residence under section 245A(b)(1) of the INA and special agricultural workers admitted for temporary residence under section 210(a) of the INA are eligible to participate. The PRWORA does not address the status of aliens admitted for temporary residence. Therefore, these aliens are eligible only if they meet the requirements of section 402 of PRWORA described above, and we propose to remove paragraphs (a)(8) and (a)(9).

We also propose to remove 7 CFR 273.4(b), (c) and (d) as unnecessary and redesignate paragraph (e) as paragraph (b). Current paragraph (b) is a partial list of ineligible aliens. Current paragraph (c) refers to the provisions in 7 CFR 273.11(c)(2) for treatment of the income and resources of an ineligible alien and is unnecessary. Current paragraph (d) explains how to treat the income and resources of an alien while awaiting a determination of an individual's eligible alien status. Provisions governing the treatment of individuals while awaiting verification of eligible alien status are located at 7 CFR 273.2(f)(1)(ii), and it is not necessary to repeat the procedure at 7 CFR 273.4. We would retain in redesignated paragraph 7 CFR 273.4(b) the requirement in current 7 CFR 273.4(e) to report illegal aliens to INS.

We are proposing a conforming amendment to 7 CFR 273.1(b)(2)(ii), concerning ineligible household members. We propose to change the reference in 7 CFR 273.1(b)(2)(ii) from ''§ 273.4(a)'' to ''§ 273.4'' because both paragraphs 273.4(a) and (b) describe eligibility requirements for aliens.

We are proposing to move the sponsored alien provisions from 7 CFR 273.11(j) to new 7 CFR 273.4(c) and to renumber 7 CFR 273.11(k) as 7 CFR 273.11(j). This will consolidate most of the alien provisions.

Inaccessible Resources—Vehicles—7 CFR 273.8(e) and (g)

On August 21, 1995, we published a final rule implementing section 1719 of the Mickey Leland Memorial Domestic Hunger Relief Act of 1990 (Pub. L. 101–624, 104 Stat. 3783), as amended by section 904 of the Food, Agriculture, Conservation, and Trade Act of 1991 (Pub. L. 102–237, 105 Stat.1818). These statutory provisions, which amended section 5(g) of the Act (7 U.S.C. 2014(g)(5)), expanded the criteria under which a resource is considered inaccessible. The final rule required State agencies to develop standards for identifying resources which, as a practical matter, the household is unable to sell for any significant return because the household's interest is relatively slight or because the costs of selling the household's interest would be relatively great. Under the final rule, a resource so identified is excluded if the estimated amount returned to the household from its sale would be less than half of the amount of the applicable resource standard for the household. For reasons cited in the preamble discussion, we determined that the amendment did not apply to negotiable instruments or vehicles. Subsequently, through litigation, various courts determined that our policy was a reasonable, but not the only possible, interpretation of the statute. In the absence of clear Congressional direction, the courts gave deference to the decision of the administering agency in this matter.

We now are proposing to pursue a different policy which would include vehicles under the inaccessible resources provisions. Since we established the current policy in the early 1990's, public policy has focused on the challenges of enabling families to attain self-sufficiency. It has become evident that a more flexible resource policy with respect to vehicle ownership would greatly assist individuals and families in achieving self-sufficiency. In rural areas, ownership of a reliable vehicle is a virtual prerequisite to employment. Even for residents of urban areas, ownership of a vehicle to drive to work is an increasing necessity as more desirable, higher paying jobs move to suburban areas with little or no mass transit access. The current food stamp vehicle policy seems antithetical to the broader goal of assisting families to become self-sufficient. Too many times low-income working households face ''Hobson's choice'' in applying for food stamps. If they dispose of a dependable vehicle because its excess fair market value would cause the household to exceed the resource limit, they may thereby lose the means necessary to seek or maintain employment. If they choose to retain the vehicle, they must do without the important nutrition support food stamps provide, even though their income level would otherwise qualify them for participation.

We believe it is possible, under our new policy, to eliminate this undesirable obstacle to self-sufficiency while not allowing households that own expensive vehicles to qualify for food stamps. Under the proposed method of evaluating vehicles' resource value, together with the existing food stamp income tests, households would have to have income significantly higher than 130 per cent of the poverty guidelines to be able to afford the monthly payments and insurance to maintain a vehicle of more than modest value. Moreover, research findings from our Vehicle Exclusion Limit Demonstration Project (VELD) in North Carolina, which ran from November 1994 through September 1996, indicate that very few low income households have vehicles of more than modest value. See (http://www.fns.usda.gov/oane/MENU/Published/FSP/FSP.HTM). The vehicles of the substantial majority of households participating in the VELD were worth $8,000 or less. The mean fair market value of the households' first vehicle excluded was $7,253. It is our judgment that, in appropriate circumstances, possession of such a vehicle can be compatible with the purposes of the Program.

Even vehicles of such modest value might not, however, qualify for exclusion from countable resources under the proposed rule. Thirty-nine percent of VELD participants, for example, had less than $1,000 equity in the first vehicle. Thus a significant portion of those households, but not all of them, would have benefited from

application of the inaccessible resource rule to vehicles.

For these reasons, we have reexamined and proposed to change our policy against applying the inaccessible resource provision to vehicles. We believe this interpretation is permissible under the current statutory authority. We previously took the position that the inaccessible resource provision, 7 U.S.C. 2014(g)(5), was inapplicable to vehicles. See 60 FR 43347, 43349 (1994). In sustaining our earlier interpretation, however, the Federal Courts of Appeals in *Alexander* v. *Glickman,* 139 F.3d 733 (9th Cir. 1997), and *Warren* v. *North Carolina Dept. of Human Resources,* 65 F.3d 385 (4th Cir. 1995), concluded that the Secretary's interpretation was plausible, but was not the only valid interpretation of the statute. The Ninth Circuit opined that ''Congress clearly intended that the Secretary would determine what was and what was not an 'inaccessible resource,'' and identified as a ''plausible construction'' of the statute one that would count vehicles ''as assets under (g)(2) unless they are inaccessible under (g)(5) * * *.'' *Alexander,* 139 F.3d at 736. The Fourth Circuit concluded that the statute was best read not to treat vehicles as subject to the inaccessible resource provision, but nonetheless noted that the statute was ''ambiguous'' on that issue. *Warren,* 65 F.3d at 391.

Accordingly, since the statute affords discretion on the issue of whether vehicles may be treated as inaccessible resources, the Secretary proposes to exercise his discretion to propose a revision of the current policy through this rulemaking. He would amend section 273.8(e)(18) to allow vehicles to be treated as inaccessible resources as described herein. Specifically, he would amend section 273.8(h)(1) to add a provision for excluding the value of a vehicle that the household is unable to sell for any significant return because the household's interest is relatively slight or the costs of selling the household's interest would be relatively great.

In summary State agencies would handle vehicles as follows:

(1) A vehicle would be completely excluded from the resource test if necessary to produce income, used as a home, necessary to transport a disabled household member, necessary to carry fuel for heating or water for home use, or classified as an inaccessible resource (*i.e.,* likely to produce a return of less than $1,000 or $1,500, depending on the household's resource limit);

(2) One nonexempt licensed vehicle regardless of use, plus any vehicles which are used for employment or training purposes, would be subject to the excess fair market value test only; and

(3) Any other vehicle the household possesses would be subject to a dual test, that is, the higher of the fair market value in excess of $4,650 [1] or the equity value.

The following examples show how the new policy would work: (1) A household is making payments on a 1994 sedan with a fair market value of $7,000. The household has no elderly members. The household has no other vehicles and it has $500 equity (fair market value less debt) in the 1994 sedan. As the household's equity in the vehicle is less than $1,000, the entire value of the vehicle would be deemed to be an inaccessible resource and would thus be excluded from consideration as a resource for eligibility purposes. (2) Alternatively, assume a household has a single vehicle with a fair market value of $6,200, the sale of which would produce a return of $1,000 or more. In that case, the inaccessible resource provision would not apply. The State agency would thus evaluate the vehicle according to its excess fair market value. The countable fair market value of the vehicle as a resource would be $1,350 ($6,000 − $4,650 [1]). Assuming the household did not have any other countable resources that, combined with the $1,350, would exceed the applicable resource limit for the household, the household would remain eligible for participation. (3) Assume the household has two non-excludable cars, neither of which is used for employment-related purposes. The State agency would evaluate the first car, which is exempt from the equity test regardless of use, for excess fair market value only as in example (2). Because the second car is not used to transport household members for employment-related purposes, the State agency would establish both this vehicle's fair market value and its equity value, and would count toward the household's resources the greater of the two amounts. Assuming the second car has fair market value of $6,000 and a equity value of $2,200, for example, the equity value would exceed the excess fair market value of $1,350, and the equity value would be counted. The $2,200 equity value would render ineligible a household subject to the $2,000 resource limit.

[1] Effective October 1, 1996, section 810 of PRWORA amended section (5)(g) of the Act to set the fair market value exclusion limit at $4,650. See the proposed rule published at 64 FR 37456 for further information.

We are interested in receiving public comment on this significant proposed change in policy. We would also like to receive public comment on the ways in which we could simplify the method for evaluating vehicles. Currently, the rules are fairly complex. Some vehicles are exempted from consideration as a resource. Others which are nonexempt, but are the household's only transportation or are used for employment or training are subject only to the fair market test. A third category of household vehicles is subject to a dual test, which counts as a resource the higher of the fair market value in excess of $4,650 or the equity value. Commenters should be mindful that the fair market value test is established by statute, while the equity test is subject to Departmental discretion.

JTPA Payments—7 CFR 273.9(b)(1)(v)

Current regulations at 7 CFR 273.9(b)(1)(v) provide that earnings of individuals 19 years of age or older who are participating in on-the-job training programs under Section 204(5), Title II, of the Job Training Partnership Act (JTPA), Pub. L. 97–300, must be counted as income, unless otherwise excluded under the provisions of 7 CFR 273.9(c)(7). Section 142 (b) of the original JTPA provided that allowances, earnings, and payments to individuals participating in programs under JTPA could not be considered as income for Federal means-tested programs. Subsequently Pub. L. 99–198, the Food Security Act of 1985, amended Section 5(l) of the Act, 7 U.S.C. 2014(l), to require counting as income on-the-job training payments provided under Section 204(5) of Title II of the JTPA, except for dependents less than 19 years old. Section 702(b) of Pub. L. 102–367, the Job Training Reform Amendments of 1992, restructured the provisions in the JTPA and further amended Section 5(l) of the Food Stamp Act by replacing the reference to Section 204(5) with references to Section 204(b)(1)(C) and Section 264(c)(1)(A). This change requires the exclusion of all on-the-job training payments received under the Summer Youth Employment and Training Program. Moreover, section 199A(c) of the Workforce Investment Act (WIA) of 1998 states that all references in any other provision of law to a provision of the Comprehensive Employment and Training Act (CETA), or of the Job Training Partnership Act (JTPA), as the case may be, shall be deemed to refer to the corresponding provision of that law. We propose to change the references in 7 CFR 273.9(b)(1)(v) accordingly.

Transitional Housing Payments—7 CFR 273.9(c)(1)(i)(E) and (c)(1)(ii)(E)

Current regulations at 7 CFR 273.9(c)(1)(i) and (ii) exclude the full amount of any PA or GA grant made to a third party (vendor payment) on behalf of a household residing in transitional housing for the homeless. The regulations are based on a provision of the Mickey Leland Childhood Hunger Relief Act (Pub. L. 103–66), which was implemented in final regulations dated August 29, 1994 (59 FR 44309). Section 811 of PRWORA amended Section 5(k)(2)(F) of the Act to remove the exclusion for transitional housing payments.

Because of the many changes in this provision in recent years, we are providing a brief historical summary that may be helpful to readers. The Food Security Act of 1985 (Pub. L. 99–198), implemented by regulations dated September 29, 1987 (52 FR 36390), specifically provided that PA or GA payments diverted to a third party on behalf of the household for living expenses should be considered income. The law reinforced previous policy that payments from governmental assistance programs be treated as income. However, the law also provided an exclusion for State or local emergency or special assistance vendor payments. These payments are excluded to the extent that the payment is not normally provided as part of a PA grant and is provided over and above the normal grant. In 1987, Pub. L. 100–77, the Stewart B. McKinney Homeless Assistance Act, amended the Act by excluding PA or GA housing assistance made to a third party on behalf of households residing in temporary housing facilities, if the temporary housing unit did not have a stove or refrigerator. The provision was to expire on September 30, 1989. The Mickey Leland Memorial Domestic Hunger Relief Act (Pub. L. 101–624) amended the Act to allow an exclusion for households living in transitional housing equal to 50 percent of the maximum shelter allowance provided to households receiving assistance under Title IV–A of the Social Security Act who live in permanent housing and made the provision retroactive to October 1, 1990. Section 906 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Pub. L. 102–237) clarified that the subject provision was effective only if the State calculates a shelter allowance to be paid under the State Plan of Operation separate and apart from payments for other household needs. The 1993 Leland Act (Pub. L. 103–66) provided an exclusion for the full amount of the assistance.

In accordance with PRWORA requirement, we propose to rescind 7 CFR 273.9(c)(1)(i)(E) and (c)(1)(ii)(E) to eliminate the exclusion for PA or GA transitional housing vendor payments. State agencies may continue to exclude emergency housing assistance to migrant or seasonal farmworker households while they are in the migrant stream and emergency and special assistance that is above the normal grant. GA payments from a State or local housing authority and assistance provided under a program in a State in which no cash GA payments are provided may also be excluded. With the removal of paragraph (c)(1)(i)(E), current paragraph (c)(1)(i)(F) would become paragraph (c)(1)(i)(E). With the removal of paragraph (c)(1)(ii)(E) and the removal of paragraph (c)(1)(ii)(A), as described under ''Energy Assistance'' below, current paragraphs (c)(1)(ii)(B) through (G) would become paragraphs (c)(1)(ii)(A) though (c)(1)(ii)(E).

Earnings of Children—7 CFR 273.9(c)(7)

Current regulations at 7 CFR 273.9(c)(7) exclude the earned income of any household member who is under age 22 and an elementary or secondary school student living with a natural, adoptive or stepparent or under the parental control of a household member other than a parent. Section 807 of PRWORA amended section 5(d)(7) of the Act (7 U.S.C. 2014(d)(7)) to exclude the income of children age 17 and under. Accordingly, we propose to amend 7 CFR 273.9(c)(7) to exclude the earned income of any household member who is under age 18. We propose to retain all the other provisions of 7 CFR 273.9(c)(7) regarding this exclusion which were implemented in the rule published October 17, 1996 (61 FR 54292).

Currently, 7 CFR 273.10(e)(2)(i) provides that for prospective eligibility and benefit determination, the earned income of a high school or elementary school student must be counted beginning with the month following the month in which the student turns 22. Section 273.21(j)(1)(vii)(A) provides that the student's income must be counted beginning with the budget month after the month in which the student turns 22. We propose to make conforming amendments to these sections to change the age from 22 to 18.

Nonrecurring Lump-sum Payments—7 CFR 273.9(c)(8)

In 7 CFR 273.9(c)(8) regarding nonrecurring lump-sum payments, we plan to add a sentence to allow TANF diversion payments to be excluded under certain conditions. Current policy is that they may be excluded if no more than one payment is anticipated in any 12-month period to meet needs that do not extend beyond a 90-day period, the payment is designed to address barriers to achieving self-sufficiency rather than provide assistance for normal living expenses, and the household did not receive a regular monthy TANF payment in the prior month or the current month. We are proposing to include this policy except that we plan to change the 90-day period to a 4-month period. The Department of Health and Human Services uses a 4-month period as the regulatory framework for its definition of short-term. (See **Federal Register** Volume 64, No. 69, dated April 12, 1999, page 17759.)

Energy Assistance—7 CFR 273.9(c)(11)

Under current regulations at 7 CFR 273.9(c)(11), energy assistance provided under any Federal law is excluded from consideration as income. Energy assistance provided under State or local law which meets the requirements specified in the regulations is excluded from income if FNS has approved the exclusion. That section also contains detailed guidance for determining when assistance is actually provided for the ''purpose'' of energy assistance.

Section 808 of PRWORA replaced section 5(d)(11) of the Act with a new section 5(d)(11) , 7 U.S.C. 2014(d)(11), which modifies the exclusion for Federal and State agency energy assistance payments. Federal energy assistance payments are excluded under this provision, with one exception. Energy assistance provided under Title IV–A of the Social Security Act is not excluded. This eliminates the exclusion of energy assistance provided as part of a State's public assistance grant. The new provision allows an exclusion for one-time payments or allowances made under a Federal or State law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device.

In accordance with PRWORA provisions, we propose to revise 7 CFR 273.9(c)(11) in its entirety. In the new paragraph (c)(11)(i) we would add an exclusion for any payments or allowances made for the purpose of providing energy assistance under any Federal law other than Part A of Title IV of the Social Security Act. In new paragraph (c)(11)(ii) we would add an exclusion for one-time payments issued on an as-needed basis under State or

Federal law for weatherization or emergency replacement or repair of heating or cooling devices. For the purposes of this provision, we would consider a one-time payment as one which is provided on an as-needed basis rather than in a regular series of payments. A household would have to apply for this assistance each time it incurred a cost for weatherization or emergency repair or replacement of a heating or cooling device. If one payment is received to replace windows and another payment is later received to replace a furnace, each payment could be considered a one-time payment. If a down payment on an expense is made and the final payment is made when the work is completed this would be one payment. All other provisions appearing under current paragraph (c)(11) would be removed.

Section 808 of PRWORA also made a conforming amendment to section 5(k) of the Act (7 U.S.C. 2014(k)) to remove existing exclusions for energy assistance in sections 5(k)(1)(B) and (C). These exclusions appear in current regulations at 7 CFR 273.9(c)(1). Previously, section 5(k)(1)(B) of the Act excluded third-party housing assistance for energy and utility expenses, and section 5(k)(1)(C) excluded third-party energy assistance payments. PRWORA added a new paragraph (C) to section 5(k)(1) to exclude only the types of energy assistance listed in section 5(d)(11) of the Act, as amended by PRWORA, when the assistance is provided in the form of third-party payments. Accordingly, we would make a conforming amendment at 7 CFR 273.9(c) to remove the income exclusion for GA vendor payments for utility expenses in paragraph (c)(1)(ii)(A). It is not necessary to make a conforming amendment to the income exclusion provisions at 7 CFR 273.9(c)(1)(i)(C) and (c)(1)(ii)(B) regarding energy assistance because they refer to paragraph (c)(11), which contains the new exclusion.

Section 808 of PRWORA also added a new paragraph (4)(A) to section 5(k) of the Act to provide that, with one exception, a third-party payment under a State law for energy assistance is considered to be money paid directly to the household. The exception is contained in paragraph 5(k)(2)(G) of the Act and refers to assistance provided to a third party on behalf of a household under a State or local GA program, or comparable program, if, under State law, no assistance under the program may be provided directly to the household in the form of a cash payment. This exclusion is located in current regulations at 7 CFR 273.9(c)(1)(ii)(G). Therefore, no changes are needed to implement this PRWORA provision. Paragraph 5(k)(4)(B) of the Act, as amended, also provides that for purposes of the excess shelter deduction, an expense paid on behalf of a household under a State law to provide energy assistance is considered an out-of-pocket expense incurred and paid by the household. Therefore, the household is entitled to claim the expense as a shelter cost. This provision is discussed further under the standard utility allowance provision below.

Shelter Costs—7 CFR 273.9(d)(5), Standard Utility Allowance—7 CFR 273.9(d)(6), and Adjustment of Shelter Deduction—7 CFR 273.9(d)(9)

We propose to reorganize 7 CFR 273.9(d)(5) and (6) to include all provisions related to shelter expenses in revised 7 CFR 273.9(d)(6). Current paragraph (d)(5) sets forth the requirements for allowing a deduction from the household's income for shelter expenses, including a description of allowable shelter costs and the special provisions for homeless households. Current paragraph (d)(6) describes the procedures for establishing and using a standard utility allowance as a shelter cost deduction. We believe these two sections of regulations are closely related and should be combined. Therefore, we would move the provisions of paragraph (d)(5), combine them with the provisions in paragraph (d)(6), and retitle the revised paragraph (d)(6) as ''Shelter costs.'' Paragraph (d)(7) regarding child support would be redesignated as (d)(5).

1. *Homeless households.* Current regulations at 7 CFR 273.9(d)(5)(i) provide that State agencies must use a standard estimate of the shelter expenses for households in which all members are homeless and are not receiving free shelter throughout the month. State agencies may develop their own standards or use an annually adjusted standard provided by FNS. In October 1995, the standard was updated to $143 per month for FY 1996. The regulation is based on a provision of the Mickey Leland Domestic Hunger Relief Act (Pub. L. 104–624) which amended section 11(e)(3)(E) of the Act (7 U.S.C. 2020(e)(3)(E)) to require that State agencies develop standard shelter estimates. The provision authorized the Secretary to issue regulations to preclude the use of the standard shelter estimate for homeless households with extremely low shelter costs. The State agency was required to use the estimate in determining benefits unless a household verified higher expenses. Readers may refer to the final regulations implementing this provision published on December 4, 1991 (56 FR 63594) for a more complete discussion of the issues involved. In implementing this provision, FNS provided that the homeless shelter estimate would be used in determining the household's excess shelter deduction. That is, if the household claimed no shelter costs exceeding the estimate, the estimate would be considered to be the household's total shelter cost and the amount of the estimate over 50 percent of the household's income would be the household's excess shelter deduction.

Section 809 of PRWORA amended section 11(e)(3) of the Act to remove the homeless shelter provision and added a new paragraph (5) to section 5(d) of the Act (7 U.S.C. 2014(d)(5)) to provide that State agencies may develop an optional standard homeless shelter allowance not to exceed $143 per month. The new paragraph provides that the State agency may use the allowance in determining eligibility and allotments for homeless households and that the State agency may make a household with extremely low shelter costs ineligible for the allowance.

The Conference Report accompanying PRWORA (House Report 104–725) indicates that the homeless shelter allowance is to be used in determining a homeless household's excess shelter deduction. However, the provision was added to the Act as a separate deduction. The language of the law is clear that the allowance is to be used as a deduction in determining eligibility and allotments. The law does not indicate that the standard is to be used in computing the excess shelter expense, as is the case with the standard utility allowance. Since the language is clear, there is no reason to refer to the legislative history of the provision. Therefore, we propose to revise current 7 CFR 273.9(d)(5)(i) (redesignated as paragraph (d)(6)(i)) to add an optional homeless shelter deduction from net income. Households claiming the homeless shelter deduction would be entitled to no other shelter deduction. They could, however, be entitled to a deduction for excess shelter expenses instead of the homeless shelter deduction if they verified actual costs. We are also proposing a conforming amendment to 7 CFR 273.10(e)(1)(i) to add a new paragraph (G) to include the standard homeless shelter deduction.

2. *Excess shelter deduction.* Currently, 7 CFR 273.9(d)(5)(ii) provides that households are allowed a deduction for shelter costs in excess of 50 percent of the household's income after all other deductions have been subtracted. It provides that the shelter deduction cannot exceed the maximum limit

established for the area, unless the household contains a member who is elderly or disabled. It indicates that the shelter deduction limit applicable for use in the States, the District of Columbia, Guam, and the Virgin Islands will be prescribed in **Federal Register** notices. Paragraphs (5)(d)(ii)(A) through (E) describe allowable shelter expenses.

The provisions of current paragraph (d)(5)(ii) concerning application of the excess shelter expense limit in households with and without an elderly or disabled member would be included in the introductory language of new 7 CFR 273.9(d)(6)(ii).

Current paragraph (d)(5)(ii) provides that the maximum shelter deduction amounts will be published in General Notices published in the **Federal Register**. In 7 CFR 273.9(d)(9), the shelter deduction amounts and adjustments are described. Section 809 of PRWORA sets the limits for the various areas by year. Therefore, we propose to remove these provisions and provide instead that FNS will notify State agencies when the amount of the excess shelter limits change.

We propose to amend current 7 CFR 273.9(d)(5)(ii)(C) to expand the list of allowable utility costs to include fuel or electricity used for household purposes other than heating or cooling (including cooking) as an allowable utility expense. These additions are being made in response to comments on the proposed rule published November 22, 1994 (59 FR 60087) titled Excess Shelter Expense Limit and Standard Utility Allowances (ESE) rule.

The provisions of current (d)(5)(ii)(A) through (E), with the modifications outlined above, would be included in new paragraph (d)(6)(ii)(A) through (E). In addition, we would remove an unnecessary sentence referring to the excess shelter deduction from 7 CFR 273.10(e)(1)(i)(E).

3. *Standard utility allowance—7 CFR 273.9(d)(6)* Under the proposed reorganization of 7 CFR 273.9(d)(6) outlined above, provisions for utility standards would be contained in 7 CFR 273.9(d)(6)(iii) and would be organized as follows. The provisions for developing standards would be located in paragraph (iii)(A), and requirements for updating standards would be contained in paragraph (iii)(B). Provisions governing entitlement to the standard containing heating or cooling expenses would be included in paragraph (iii)(C). Household options would be addressed in paragraph (iii)(D), a new option to allow States to mandate use of the standards would be addressed in paragraph (iii)(E), and the requirements for shared expenses would be addressed in paragraph (iii)(F). Changes are being proposed as required by PRWORA and to enhance State flexibility and simplify the regulations. In addition, we are taking this opportunity to review the proposed changes in the ESE rule and to repropose several provisions which have been modified in response to comments. The final ESE rule was withdrawn from clearance when it became apparent that pending legislation would make several of the proposed provisions obsolete.

A. Developing Standards

Current regulations at 7 CFR 273.9(d)(6)(i) allow State agencies to offer a single standard utility allowance that includes the cost of heating and/or cooling, cooking fuel, electricity not used to heat or cool the residence, the basic service fee for one telephone, water, sewerage, and garbage and trash collection to households that incur a heating or cooling cost, receive energy assistance under the Low-Income Home Energy Assistance Act of 1981 (LIHEA), or receive other energy assistance but still incur out-of-pocket expenses. For the purposes of this proposed rule, we propose to identify this allowance as the heating and/or cooling standard utility allowance (HCSUA). Instead of offering a single HCSUA, State agencies may offer an individual standard allowance for each utility expense, such as electricity, water, sewerage, or trash collection.

Section 890 of the PWORA, which amended section 5(d) of the Act, allows State agencies to develop one or more standards that include the cost of heating and cooling and one or more standards that do not include the cost or heating and cooling. Currently, there is no regulatory provision for a limited utility allowance (LUA) that includes utility expenses other than heating or cooling and is offered to households that do not have a heating or cooling expense but do incur the costs of other utilities. However, prior to enactment of PRWORA, approximately half of the State agencies had been granted waivers to offer an LUA to households that do not qualify for the SUA. The new authority for developing an LUA would be contained in proposed paragraph (d)(6)(iii)(A).

We propose to provide in paragraph (d)(6)(iii)(A) that State agencies may establish an LUA that includes at least two utilities other than telephone. State agencies may offer individual standards to households that incur only one utility expense. We would also provide that State agencies may use different types of standards but cannot allow households to use two standards that include the same expense. The State agency may vary the standards by factors such as household size, geographical area, or season. However, only utility costs identified in proposed paragraph (d)(6)(ii)(C) are allowable expenses. As provided in Policy Memo 3–97–04, dated May 9, 1997, States in which the cooling expense is minimal may include the cooling cost in the LUA as part of the electricity component.

The proposed ESE rule would have allowed State agencies to establish an LUA that includes electricity, water, sewerage, and garbage or trash collection and is available only to households that have no heating or cooling costs but incur the cost of electricity and either water or sewerage. Four of the nine State agencies that commented on this proposal objected to the requirement that households incur specific utility costs to qualify for an LUA. They asked that the rule be revised to give State agencies greater latitude in developing an appropriate LUA and that the regulations not mandate which expenses a household would have to incur to receive the LUA.

We are not reproposing the LUA provisions of the ESE rule in this proposed rule because they have been superseded by Section 809 of PRWORA as discussed above. However, in this proposed rule, we are including several ESE provisions regarding standards and entitlement to a HCSUA.

B. Updating Standards

Current regulations at 7 CFR 273.9(d)(6)(iv) require State agencies to submit the methodology used in developing a standard to FNS for approval. These current rules also require State agencies to review and adjust the standard annually to reflect changes in the cost of utilities. The proposed ESE rule would have required State agencies that develop new standards to use FNS-approved methodologies, review and adjust the standards annually, and submit revised amounts to FNS for approval. The final ESE rule would have required State agencies to submit methodologies used in developing and updating standards to FNS every 3 years, when they are revised, or upon a request from FNS.

Two State agencies commented on these provisions. One asked whether standards would have to be submitted each year or only if costs have risen significantly and whether a threshold would be established for increases. The other objected to the requirement to submit methodologies every 3 years and suggested that FNS redistribute FNS

Notice 79–47, which contained methodology guidance and examples.

In response to comments received and the desire to eliminate burdensome mandates, we would remove the requirement for annual submission of the amounts of the standards. Under this proposal, in new 7 CFR 273.9(d)(6)(ii), State agencies would be required to review standards periodically, make adjustments, and to notify FNS if the amount changes. They may, at their option, establish thresholds for making adjustments. We would also require that methodologies be submitted for approval when a standard is developed or changed. We plan to provide guidance on methodologies similar to FNS Notice 79–47. In the interim, we will make copies of the Notice or similar guidance available for distribution upon request.

C. Entitlement

Section 5(e)(7)(iv) of the Act, as revised by section 809 of PRWORA, provides that recipients of LIHEA are entitled to use an HCSUA only if they incur out-of-pocket heating or cooling expenses in excess of the amount of the assistance paid on behalf of the household to an energy provider, that a State agency may use a separate HCSUA for households receiving LIHEA, and that the LIHEA must be considered to be prorated over the heating or cooling season. Section 2605(f)(2) of the LIHEA Act of 1981 (42 U.S.C. 8624(f)), provides that LIHEA payments must be deemed to be expended by such household for heating or cooling expenses, without regard to whether such payments or allowances are provided directly to, or indirectly for the benefit of such household.

Current regulations at 7 CFR 273.9(d)(6)(ii) provide that the standard utility allowance which includes a heating or cooling component must be made available only to households which incur heating and cooling costs separately and apart from their rent or mortgage. These households include residents of rental housing who are billed on a monthly basis by their landlords for actual usage as determined through individual metering, recipients of LIHEA, or recipients of indirect energy assistance payments other than LIHEA who continue to incur out-of-pocket heating or cooling expenses during any month covered by the certification period. Households in public or private housing with a central meter who are billed only for excess usage are not permitted to use the HCSUA. (Renters must be billed on a monthly basis by their landlords for actual usage as determined through individual metering to be entitled to use the HCSUA.) A household not entitled to the HCSUA may claim actual expenses.

In the ESE rule published November 22, 1994, we proposed to revise 7 CFR 273.9(d)(6)(ii) to clarify and simplify the rules for determining entitlement to an HCSUA. For more information regarding the background of the provisions governing entitlement to the HCSUA, readers may refer to the preamble to the proposed rule.

One proposed change in the ESE rule would have extended use of the HCSUA to households that live in separate residences but share a single utility meter. For example, there may be two separate houses on a lot that share one gas meter. Under current policy, if two households live separately but have one meter, the households are prohibited from sharing the HCSUA, and the State agency cannot grant the HCSUA to both households even though both incur heating or cooling costs separately from their rent. Under the ESE proposed change, the State agency was required to grant the full heating or cooling standard to both households if both incur or anticipate incurring out-of-pocket heating or cooling expenses separately from their rent or receive or anticipate receiving LIHEA. Five commenters supported the proposal, and under this rule both households would be entitled to the full HCSUA.

Under another proposed change in the ESE rule, the HCSUA would have been made available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. One commenter suggested that all households that incur heating or cooling costs as part of their rent should be allowed to use the HCSUA because all landlords who include heating or cooling costs in the rent are passing the cost on to the renter. The State agency believes it is cumbersome and error-prone to require verification from the landlord concerning the ''flat amount'' that is charged for heating or cooling. We realize that State agencies may experience some problems in verifying whether a particular household incurs a heating or cooling expense separately from the rent amount. However, section 5(e)(7)(C)(ii)(I) of the Act does not permit use of an HCSUA for a household that does not incur such a heating or cooling expense. Therefore, only those households with an identifiable heating or cooling expense may use the HCSUA. We have considered the comments and are including the ESE proposed rule changes regarding the entitlement of renters to the HCSUA with minor revisions for clarity in this proposed rule at new 7 CFR 273.9(d)(6)(iii).

Three comments were received concerning residents of public housing and entitlement to the HCSUA. Two State agencies requested that residents of public housing be allowed the HCSUA and one suggested that ''public housing'' be defined. One commenter suggested that the rule clarify that households in public housing that incur a heating or cooling expense separately from their rent (not just for excess usage) are entitled to the HCSUA. As explained in the preamble to the proposed ESE rule (59 FR 60088), households in public housing that incur only the cost of excess usage are not allowed to use an HCSUA. Section 5(e)(7)(C)(ii)(II) of the Act prohibits State agencies from allowing the HCSUA to households in a public housing unit which has central utility meters and charges households only for excess heating or cooling costs. However, to address State agency concerns and to simplify administration we are proposing that State agencies may elect to include excess heating and cooling costs in the LUA and offer the lower standard to public housing residents. Households in public housing that incur an out-of-pocket expense for heating or cooling that is other than an expense for excess usage would be entitled to use the HCSUA. As used in the proposed new paragraph (d)(6)(iii), ''public housing'' refers to housing provided by local Public Housing Authorities under provisions of the U.S. Housing Act of 1937, as amended, 42 U.S.C. 1401, *et seq.*

The ESE proposed rule would have allowed State agencies to anticipate entitlement to an annualized HCSUA based on the expectation that the household would incur heating or cooling costs or receive a LIHEA payment in the next heating or cooling season. This change was intended to reduce the problems associated with determining when a household is entitled to an annualized HCSUA. Under the ESE rule proposal, a household that incurs or expects to incur out-of-pocket heating or cooling costs during the next heating or cooling season (except a household in public housing with a central meter where the household is billed only for excess usage) would be entitled to an HCSUA regardless of when the certification period begins or ends. The ESE rule further proposed that the household would continue to be entitled to the HCSUA until it no longer expects to incur heating or cooling costs during the

next heating or cooling season. The State agency would be required to reexamine a household's entitlement to the HCSUA at recertification, when the household moves, or when the household voluntarily reports a change affecting entitlement to the HCSUA.

In response to comments and the desire to increase State agency flexibility in using utility standards, this new proposal does not contain the changes proposed in the ESE regarding anticipation of entitlement to an HCSUA. Instead, this proposed rule in 7 CFR 273.9(d)(6)(iii) would allow State agencies the discretion to develop and use whatever procedures they deem appropriate so long as they comply with the requirements of the Act and the LIHEA Act regarding use of an HCSUA. The following requirements of the Act and the LIHEA Act are included in proposed 7 CFR 273.9(d)(6)(iii) for clarity:

(1) An allowance for a heating or cooling expense may not be used for a household that does not incur a heating or cooling expense.

(2) A household that incurs a heating or cooling expense but is located in a public housing unit which has central utility meters and charges households only for excess heating or cooling costs is not entitled to a standard that includes heating or cooling costs. However, the State agency may use the excess costs in developing an overall LUA or develop a standard specifically for households which pay excess heating or cooling costs.

(3) For purposes of determining any excess shelter expense deduction, the full amount of LIHEA energy assistance payments must be deemed to be expended by such household for heating or cooling expenses, without regard to whether such payments or allowances are provided directly or indirectly to the household.

(4) An HCSUA must be made available to households receiving energy assistance (other than LIHEA) only if the household incurs out-of-pocket heating or cooling expenses. A State agency may use a separate utility standard for these households.

(5) An HCSUA may not be used for a household that shares the heating or cooling costs with and lives with another individual not participating in the Program, another participating household, or both, unless the HCSUA is prorated between the household and the other individual, household, or both.

(6) A State agency that has not made the use of a standard mandatory (as provided in paragraph (d)(6)(iii)(E)) must allow a household to switch between the standard and a deduction based on actual utility costs at the end of any certification period.

As indicated above and in the preamble to the proposed ESE rule (59 FR 60089), provisions of LIHEA control (without specifically repealing) sections 5(e)(7)(iv)(I) through (IV) of the Food Stamp Act which provides that (1) recipients of LIHEA are entitled to the HCSUA only if they incur expenses that exceed the LIHEA payments, (2) State agencies may use a separate standard for households that receive LIHEA, (3) State agencies using a single allowance are not required to reduce the allowance for households that receive LIHEA, and (4) the LIHEA must be prorated over the entire heating or cooling season. Section 2704(f)(2) of the LIEHA (42 U.S.C. 8624(f)) provides that LIHEA payments must be treated consistently regardless of whether the payments are received directly or indirectly and that the full amount of the payments must be considered to be expended by the household for heating or cooling expenses. These requirements would be included in new paragraph (d)(6)(ii)(C).

The proposed ESE rule provided that households receiving indirect energy assistance other than LIHEA must incur an out-of-pocket expense to qualify for the HCSUA. One State agency commented that households receiving direct non-LIHEA energy assistance, such as utility reimbursements from the Department of Housing and Urban Development (HUD), should be entitled to the HCSUA regardless of whether they incur out-of-pocket utility expenses. The State agency asked that the term ''indirect'' be removed from the final ESE rule because it could create the impression that HCSUA entitlement is affected by the method in which non-LIHEA energy assistance is received. In response to this comment, we are including in new paragraph (d)(6)(iii) the basic requirements for allowing a deduction when a household receives direct or indirect assistance in paying its shelter expenses. If a household receives direct assistance that is counted as income and incurs a deductible cost, the entire expense is included in the excess shelter deduction computation. If the household's bill is paid by a vendor payment that is counted as income, the household is likewise entitled to the expense.

However, there is a distinction in Program regulations between entitlement to a deduction for an expense paid directly by the household and an expense paid by a vendor payment if the vendor payment is *excluded* from income consideration. As provided in 7 CFR 273.10(d)(1)(i), in all cases except vendored assistance provided under the LIHEA Act, a deduction is not allowed for an expense paid by a vendor payment that is excluded from income. The LIHEA Act requires that households receiving LIHEA payments be treated as if they had incurred the expense. HUD utility reimbursement payments and some other utility assistance are excluded from income and there is no legislative provision requiring that households receiving these payments be treated as if they had incurred the expense. If a heating or cooling expense is paid by an excluded vendor payment other than a LIHEA payment, the household is not entitled to the HCSUA unless the household incurs an expense that exceeds the amount of the payment. We agree with the commenter that this area of the proposed ESE rule needed clarification and have attempted to clarify the provision in this rule.

In summary, this proposed rule would amend 7 CFR 273.9(d)(6)(iii) to provide increased State agency flexibility in applying the requirements of the Act and the LIHEA Act regarding entitlement to an HCSUA.

We are proposing to delete the last sentence in 7 CFR 273.2(f)(1)(iii) which prohibits a household that wishes to claim expenses for an unoccupied home from using the standard utility allowance. We are proposing to add a sentence to 7 CFR 273.9(d)(6)(ii)(C) to provide that only one standard utility allowance can be allowed if the household has both an occupied home and an unoccupied home.

D. Household Options

Current regulations at 7 CFR 273.9(d)(6)(vii) provide that households may claim verified actual costs rather than a standard allowance (except for the telephone standard). Under current rules at 7 CFR 273.9(d)(6)(viii), households have the right to switch between the use of actual utility costs and a standard at the time of recertification and one additional time during each 12-month period. Section 5(e)(7)(iii)(II) of the Act, as amended by section 809 of PRWORA, provides that a State agency that has not made use of a standard mandatory must allow a household to switch between actual expenses and the standard or vice versa only at recertification. Therefore, the option to switch one additional time during each 12-month period is being removed. Since some households may be certified for 24 months under the certification period requirements of section 3(c) of the Act, as amended by PRWORA, we propose that these households be allowed to switch at the

time of the mandatory interim contact. Under the proposed reorganization of the regulations, the ''switching'' requirements would be included in 7 CFR 273.9(d)(6)(iii)(D).

As indicated in the preamble to the ESE rule (59 FR 60092), current policy is that households may choose between actual expenses and a standard when they move. We proposed that the redetermination of entitlement to a standard when a household moves would not be considered a ''switch.''

Four State agencies supported this provision in their comments. One of these recommended that it would be preferable to remove the switching provision from the regulations. However, the limitation on changing from actual costs to a standard or vice versa is contained in section 5(e) of the Food Stamp Act and cannot be removed by regulation. Another commenter supported the proposal but requested that the rule be clarified to indicate that the household can opt for either the standard or actual costs when it moves.

The proposed ESE rule provision to require a State agency to provide an opportunity for a household that moves to select either the standard or actual costs at the new address is included in this proposed rule in new paragraph (d)(6)(iii)(D) with clarification.

E. Mandatory standards

Section 809 of PRWORA amends section 5(d) of the Act to provide in section 5(d)(7)(C)(iii)(I) that a State agency may, at its option, make use of a standard utility allowance mandatory for all households with qualifying utility costs, provided:

(a) The State agency has developed one or more standards that include the cost of heating and cooling and one or more standards that do not include the cost of heating and cooling, and

(b) The standards will not increase Program costs.

Households that are entitled to the standard will not be able to claim actual costs even if they are higher. Households not entitled to the standard will be able to claim actual allowable costs. Using mandatory standards does not bestow entitlement to a standard a household would not otherwise be entitled to receive. For example, households in public housing units which have central utility meters and charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs, but they may claim the LUA.

We propose to provide in paragraph (d)(6)(iii)(E) that States using both an HCSUA and LUA may mandate use of a standard, provided that use of the mandatory standard does not increase Program costs and the standards have been approved by FNS. Requests for approval to use a single standard for a utility (such as a water standard) would be required to include the figures upon which the standard is based. If a State wants to mandate use of utility standards but does not want individual standards for each utility, the State would be required to submit information showing the approximate number of food stamp households that would be entitled to the nonheating and noncooling standard and their average utility costs before implementation of the mandatory standards, the standards the State proposes to use, and an explanation of how the standards were computed.

F. Sharing

Section 5(e)(7)(iii)(II) of the Act requires proration of an HCSUA when households live together and share the cost. Current regulations at 7 CFR 273.9(d)(6)(viii) provide that if a household lives with and shares utility expenses with another household, the State agency must prorate a standard among the households or allow the actual costs of each household. The State agency determines the proration method if a standard is used.

The ESE proposed rule would have revised paragraph (d)(6)(viii) to provide that households living together and sharing expenses could claim actual costs or a share of a standard. It would have prohibited State agencies from allowing households to use a combination of actual costs and a share of the standard. That is, State agencies could not allow one household to claim a share of the utility standard and allow another household sharing the expense to claim actual costs.

Four of the eight comments we received on this provision supported it. Two State agencies objected to the requirement to prorate the telephone allowance and recommended that this be a State agency option. One State agency did not see how the proposal would simplify the policy regarding households that live together and share heating or cooling costs. The State agency suggested that each household be allowed the full standard. One State agency objected to the provision prohibiting State agencies from mixing a share of the standard and actual costs because the cases involved might be handled by different eligibility workers.

Although the Act requires that an HCSUA be prorated among households that share the heating or cooling expense, it does not require that all standards be prorated and does not specify how the HCSUA should be prorated. Therefore, we are not proposing to regulate in this area.

G. Adjustment of standard deduction—7 CFR 273.9(d)(8)

Current paragraph (d)(8) describes adjustments to be made to the standard deduction. Section 809 of PRWORA sets the amounts by area. This paragraph would be removed since the amounts are now specified in the law.

Proration of benefits at recertification—7 CFR 273.10(a)

Current regulations at 7 CFR 273.10(a)(1)(ii) provide that the term ''initial month'' means the first month for which the household is certified for participation in the Food Stamp Program following any period of more than one month, fiscal or calendar depending on the State's issuance cycle, during which the household was not certified. By revising section 8(c)(2)(B) of the Act to provide that ''initial month'' means the first month for which an allotment is issued to a household following any period in which the household was not certified, section 827 of PRWORA reinstated the requirement to prorate benefits which existed prior to the Mickey Leland Childhood Hunger Relief Act (Pub. L. 104–624). Under the new statutory provision, benefits are prorated at initial certification and at recertification if there has been any break in certification following the last month of certification, except for migrant and seasonal farmworker households. For migrant and seasonal farmworkers, the term initial month means the first month for which the household is certified following any period of more than 30 days during which the household was not certified. We propose to amend 7 CFR 273.10(a)(1)(ii) and 7 CFR 274.10(a)(2) to provide that for all other households ''initial month'' means the first month for which a household is certified following any break in participation.

Certification periods—7 CFR 273.10(f)

Under current regulations at 7 CFR 273.10(f), certification periods are assigned according to the stability of a household's circumstances. Households consisting entirely of unemployable or elderly individuals with very stable income are certified for up to 12 months, provided other household circumstances are expected to remain stable. Current regulations are based on Section 3(c) of the Act (7 U.S.C. 2012(c)), which, prior to enactment of PRWORA, provided specific

certification period requirements depending on the type of household.

Section 801 of PRWORA amended section 3(c) of the Act and eliminated specific certification periods by type of household. PRWORA now provides that the certification period cannot exceed 12 months, except that the certification period may be up to 24 months for households in which all adult household members are elderly or disabled. Section 801 requires that the State agency have at least one contact with each certified household every 12 months.

We have granted waivers to several State agencies to allow certification periods of 24 months for households consisting entirely of elderly or disabled members with no earned income. These waivers will no longer be necessary since section 801 increases State agency flexibility to assign 24-month certification periods to households whose only adult members are elderly or disabled. However, Section 801 also amended the Act to remove the Department's authority to waive the requirements of the Act concerning certification periods. Therefore, we will no longer be able to grant waivers of the 12-month certification period limit for households that are not elderly or disabled. We note that the language in the law provides that all adult members must be elderly or disabled rather than the language in the waivers which provided that all members had to be elderly or disabled. Therefore households in which all adult members are elderly or disabled may be certified up to 24 months even if there are children in the household.

Accordingly, we propose to amend 7 CFR 273.10(f) to reflect the new certification period requirements of PRWORA. We propose that households cannot be certified for no more than 12 months, except households in which all adult members are elderly or disabled may be certified for no more than 24 months, and that the State agency must have at least one contact every 12 months with each certified household. Therefore, if a household in which all adult members are elderly or disabled is certified for 18 months, the State agency must have at least one contact with the household by the end of the first 12 months. State agencies may use any method they choose for this contact, including a change report form or a telephone call.

In approving waivers to allow 24-month certification periods for elderly or disabled households, we included a special condition for treatment of one-time medical expenses. Current regulations at 7 CFR 273.10(d)(3) provide that households reporting one-time-only medical expenses during their certification period may elect to have a one-time deduction or to have the expense averaged over the remaining months of the certification period. This provision assumes a certification period of no more than 12 months. Averaging an expense over more than 12 months could result in a very small expense each month. Therefore, we required as a condition of waiver approval that State agencies give the household three options for budgeting the expense. We propose to include those options in 7 CFR 273.10(f)(1)(iii) as follows: Households certified for more than 12 months that incur a one-time medical expense in the first 12 months of the certification period may elect to (a) budget the expense in one month, (b) average the expense over the remainder of the first 12 months of the certification period, or (c) average it over the remainder of the certification period. One-time expenses reported after the 12th month of the certification period would be allowed in one month or averaged over the remainder of the certification period, at the household's option. This guarantees that households will not be adversely affected because averaging the cost over more than 12 months would have a negligible benefit impact in each month. A reference to the budgeting options is also proposed to be added to 7 CFR 273.10(d)(3) for conformity.

In addition to removing the provision of section 3(c) of the Act that the 12-month limit on certification periods could be waived, section 801 of PRWORA removed the requirement that the certification period of households in which all members received PA or GA must coincide with the period of the grant. It also removed the requirement that monthly reporting households be certified for 6 or 12 months, unless a waiver was granted. We propose to revise 7 CFR 273.10(f) and to remove 7 CFR 273.21(a)(3) to reflect these changes. We also propose to include in the new 7 CFR 273.10(f)(2), the provision at 7 CFR 273.21(t) that monthly reporting households residing on reservations must be certified for 2 years, unless a waiver is approved. This requirement is based on section 6(c)(1)(C)(iv) of the Act, which was not affected by the amendment to section 3(c).

We propose to include in revised 7 CFR 273.10(f)(3) the provision of current 7 CFR 273.10(f)(9) concerning the assignment of certification periods to households claiming a deduction for legally obligated child support payments. We believe the law allows us to mandate certification periods that are less than 12 months if the household is not required to report child support information monthly or quarterly.

We also propose to make a conforming amendment to remove 7 CFR 272.3(c)(5) from the regulations and renumber paragraphs (c)(6) and (c)(7). Paragraph (c)(5), which authorized waivers of the certification period requirements in section 3(c) of the Act, is now obsolete. We also propose to make a conforming amendment to remove 7 CFR 273.11(a)(5), which addresses certification period requirements for households with self-employment income. This paragraph is unnecessary because the provision regarding certification period length for these households was removed from the Act by PRWORA.

To provide more State agency flexibility in its day-to-day operations of the Program, we would amend the regulations to add a new paragraph 7 CFR 273.10(f)(4) allowing the State agency to shorten a household's currently assigned certification period under certain circumstances with a notice of adverse action. We have traditionally prohibited shortening certification periods once established, except in the following instances: a PA or GA household's certification period is shortened in accordance with 7 CFR 273.12(f); in accordance with Policy Memo 85–03, the State agency needs to adjust the caseload to more evenly distribute the workload, a household reports a change that indicates that the new circumstances are very unstable, or the household fails to provide required information regarding a change in household circumstances. When a household's certification period is shortened under these circumstances, a notice of expiration must be sent; or for households subject to monthly reporting, a State agency must shorten the certification period with an adequate notice in accordance with 7 CFR 273.21(m).

State agencies have continually argued that there are other situations under which the State agency should have the authority to shorten the certification period and close the case. The situations described by State agencies over time have been: a household is not using its benefits timely (*i.e.,* not drawing down on their EBT account or not redeeming their Authorization to Participate card for coupons); a household is suspected of trafficking or otherwise misusing benefits; a household is not reporting earned or unearned income properly; a change in program operations (such as converting the caseload to a new

computer system) warrants the adjustment of certification periods of all or part of a State agency's caseload; or the State agency wants to align food stamp certification periods with the certification periods of other programs.

We have carefully considered the current policy in light of State agency concerns and our current statutory authority. To recap the pertinent statutory provisions, section 11(e)(4) of the Act (7 U.S.C. 2019(e)(4)) provides that the State agency must issue a notice of expiration to households prior to the start of the last month of the assigned certification period. Section 11(e)(10) of the Act (7 U.S.C. 2019(e)(10)) provides that the State agency must issue a notice of adverse action to reduce or terminate a household's benefits within an assigned certification period. Further, if the household timely requests a hearing to contest the proposed reduction or termination of benefits, the State agency must continue benefits at the level authorized immediately prior to the notice of adverse action. Once continued, benefits will remain at the prior level until a hearing official issues an adverse decision or the certification period ends, whichever comes first. These statutory provisions act independently of one another. In other words, section 11(e)(4) of the Act contemplates that States will use the notice of expiration to advise a household that its certification period is ending. Section 11(e)(10) of the Act contemplates that once a household receives notification that it is authorized for benefits, States will use the notice of adverse action if it becomes necessary to reduce or terminate benefits within an assigned certification period. We have come to believe that the current practice of shortening certification periods with the notice of expiration is not the best reading of section 11(e)(10) of the Act. Use of the notice of expiration in the situations noted previously improperly shortens the period of continued benefits the household is entitled to receive had it instead received a notice of adverse action. Accordingly, we are proposing to eliminate the use of the notice of expiration as a vehicle for shortening certification periods, with one exception, which we will discuss below. Despite our concerns over the use of the notice of expiration, we will not require State agencies to change their procedures pending issuance of final rules on this issue.

We propose to retain the long-standing procedure for adjusting the certification periods of households leaving the TANF rolls, with a modification. Current 7 CFR 273.10(f)(4) requires that State agencies adjust food stamp participation of TANF leavers with a notice of adverse action when it is clear that changes in the household's circumstances require a reduction or termination of benefits. In this instance, the State agency already has sufficient information about the household to enable a seamless transition to nonassistance status. Current 7 CFR 273.10(f)(5) outlines the procedures a State agency must follow when TANF leavers do not fully apprise the State agency of their new circumstances and the State agency does not possess enough information to make an informed determination about their continuing food stamp eligibility. In some cases, the State agency may need only one or two pieces of information or documentation to determine continuing eligibility; in others, a more thorough review of the circumstances may be in order, depending on the level of information available in the case file. We believe it would be preferable to avoid requiring the household to report for a full recertification, if a response to a notice to the household requesting information could clear up a few remaining points of eligibility. Thus adjusting the household's participation with a notice of adverse action may be an appropriate option. However, there are instances where the changes in circumstances may be extensive and questions concerning continuing eligibility would not be resolved easily through a limited contact with the household. In this regard, a household receiving TANF participates in the Program based on categorical eligibility. Eligibility is deemed because of receipt of TANF, and not necessarily verified as in the case of nonassistance households. Thus, when receipt of TANF assistance ends, the household may be considered to be more closely in the position of a new applicant for food stamps. The State agency might not have collected information about or considered eligibility factors pertinent to nonassistance households in the initial certification process. Factors of eligibility not pertinent to the eligibility of a categorically eligible household now may become relevant. We feel that this situation justifies use of the notice of expiration, in lieu of the notice of adverse action. Closing the case with a notice of expiration allows the State agency to request that the household report for an interview and recertification in a non-confrontational way. However, we are proposing an option which would allow State agencies to close cases with a notice of adverse action, provided the State agency has sent the household a notice clearly specifying the actions a household must take to continue its eligibility. This two-step procedure is discussed in detail in the following paragraph. States have used the procedures outlined in 7 CFR 273.10(f)(5) since the implementation of the Food Stamp Act of 1977. We encourage public comment on the continuing workability of these procedures and the possibility of alternatives to the current procedure. Our aim is to find the most effective way to allow States to continue to provide nutritional support for families leaving TANF.

Outside the context of transitioning TANF households to nonassistance status, we believe that State agencies should be allowed to require households to explain changes in household circumstances during a certification period, especially in suspected intentional Program violation situations, and shorten certification periods if warranted by no response or an unsatisfactory response from the household. Therefore, we propose to consolidate in new paragraph (f)(4) most situations where shortening the certification period would be allowed. The vehicle for early closure of cases would be the notice of adverse action. State agencies may no longer use the notice of expiration to shorten certification periods for the reasons cited previously. The new paragraph provides specific authority to shorten the certification period when the State agency has information indicating that the household is not reporting income properly, the household has become ineligible, a household reports a change that indicates that the new circumstances are very unstable, or the household fails to provide adequate information regarding a change in household circumstances other than income. We considered other situations where States felt that they needed authority to close food stamp cases earlier than originally authorized. However, we determined that only the instances listed above rose to a level of urgency requiring early termination of benefits.

The proposal limits such action to those situations specifically described here to ensure that State agencies apply this new policy only under the most compelling circumstances. We are proposing a two-step process for shortening certification periods. First, the State agency must provide the household written notice that it has reason to believe the household's circumstance have changed. The notice must clearly specify the basis for the State agency's belief and the actions the

State agency expects the household to take. The notice must give the household at least 10 days to contact the State agency and clarify its situation. Second, at the end of the period allowed for responding to the notice, the State agency may issue a notice of adverse action shorten the certification period if: (1) the household does not respond; (2) the household does not provide sufficient information to clarify its circumstances; or (3) the household agrees that changes in its circumstances warrant filing a new application. The notice of adverse action must meet the requirements of 7 CFR 273.13 and explain the reason for the action. After hearing from the household, State agencies may also find that no further action is required or that benefits may be adjusted without shortening the assigned certification period. We are also proposing conforming changes to new 7 CFR 273.10(f)(2) and 7 CFR 273.11(g)(5) in light of the above.

Lastly, under the proposal in paragraph (f)(5), we would continue to prohibit lengthening of a household's current certification period once it is established. The lengthening of certification periods could result in some households continuing to receive benefits that they should not. FNS would continue to consider waiver requests from State agencies to lengthen assigned certification periods. Some State agencies have requested and have been granted a waiver by FNS to lengthen certifications, usually due to a specific one-time problem situation such as implementing a new computer system. It should be noted, however, that PRWORA limits certification periods to 12 months, except for households in which all adult members are elderly or disabled. Therefore, FNS cannot allow extension of certification periods beyond 24 months for households in which all adult members are elderly or disabled or beyond 12 months for other households. This limitation is reflected in the proposed language.

Self-employment Expenses—7 CFR 273.11(a)(4) and (b)(2)

Current regulations at 7 CFR 273.11(a)(4) contain requirements for determining the allowable costs that can be excluded in determining the amount of self-employment income to be counted. Paragraph (a)(4)(i) provides that the allowable costs of producing self-employment income include, but are not limited to, certain identifiable costs. Section 273.11(b)(1) provides that households with income from boarders may elect from among several methods of determining the cost of doing business, including a flat amount or fixed percentage of the gross income, provided that the method used to determine the flat amount or fixed percentage is objective and justifiable and is stated in the State's food stamp manual. Paragraph (b)(2) provides that households with income from day care may choose one of the following in determining the cost of meals provided to the individuals: the actual documented costs of meals, a standard per-day amount based on estimated per-meal costs, or the current reimbursement amounts used in the Child and Adult Care Food Program. These procedures for using standard estimates of costs for households with self-employment from boarders or day care were added to the regulations in a final rule dated October 17, 1996 (61 FR 54318). In this rule, we propose to consolidate allowable costs of producing self-employment income and include them in a revised paragraph (b).

To simplify the certification process and respond to State agency requests for increased flexibility, we would add in new paragraph (b)(3)(iii) an option for State agencies to use the same standard self-employment expense amounts or percents established for households receiving TANF benefits under Title IV–A of the Social Security Act.

In addition, section 812 of PRWORA required the Department to establish by August 22, 1997, a procedure by which a State may submit a method for producing a reasonable estimate of the cost of producing self-employment income in place of calculating actual costs. FNS issued a guidance memorandum in compliance with the statutory requirement on August 1, 1997. The method proposed by the State agency and submitted to FNS for approval must be designed so that it does not increase Program costs. The method may be different for different types of self-employment.

To implement the provisions of section 812 of PRWORA, we propose to amend 7 CFR 273.11 to provide in new paragraph (b)(3)(iv) that State agencies may submit requests to FNS to use a simplified method of calculating self-employment expenses for specified categories of businesses. The request must include a description of the proposed method, information concerning the number and type of households affected, and documentation indicating that the proposed procedure would not increase Program costs. We are soliciting comments on this proposed procedure for submission of State agency requests and suggestions for other methods.

Current regulations allow households to choose between a standard amount or actual costs in claiming expenses incurred in producing boarder and day-care income. However, section 812 of PRWORA requires FNS to establish a procedure whereby States may request to use a method of producing a reasonable estimate of excludable expenses ''in lieu of calculating the actual cost of producing self-employment income.'' In accordance with this provision, we propose that State agencies, rather than households, must determine whether to use actual costs or another approved method to determine self-employment expenses.

We also propose to take this opportunity to completely revise 7 CFR 273.11(a) to simplify the regulations and increase State agency flexibility. Currently, 7 CFR 273.11(a) contains special procedures for determining a household's income from self-employment. Current regulations provide that income received from self-employment is offset by the cost of producing the self-employment income. The remaining income is then averaged over the number of months it is intended to cover. We would revise and combine portions of paragraphs (a)(1), (a)(2), and (a)(3) and remove superfluous language and examples without changing any policy contained in those provisions. We would not include in the proposed paragraph (a) the provision of current paragraph (a)(5) regarding certification periods for certain self-employment households because it is no longer necessary, as discussed earlier in this preamble under the section title ''Certification periods.''

To increase State agency flexibility, we would eliminate some prescriptive requirements in the current regulations at 7 CFR 273.11(b) regarding the treatment of shelter expenses paid by boarders. Currently, paragraph (b)(1)(i) specifies that contributions made by the boarder to the household to cover its shelter expenses are included as income to the household. The current provision further specifies that expenses paid by the boarder to someone outside of the household cannot be counted as income to the proprietor household. In addition, the current regulation in paragraph (b)(1)(iii) provides requirements addressing whether costs paid by the boarder count in determining the proprietor household's entitlement to a shelter deduction. We would eliminate these prescriptive requirements in favor of letting State agencies determine the appropriate way to handle these shelter expenses. The provision of current paragraph (b)(1)(ii) allowing options for determining the cost of doing business

for households with boarders would be included in proposed new paragraph (b)(3)(ii) and modified to remove overly prescriptive language.

Treatment of the Income and Resources of Ineligible Aliens—7 CFR 273.11(c)(2)

Current regulations at 7 CFR 273.11(c)(2) provide that the benefits of a household containing either a person disqualified for failure to provide a social security number or an ineligible alien must be determined as follows: the resources of the ineligible member count in their entirety to the rest of the household; all but a pro rata share of the ineligible household member's income is counted; and the 20 percent earned income deduction is applied to the prorated income earned by the ineligible member, and all but the ineligible member's pro rata share of the household's allowable shelter, child support, and dependent care expenses which are either paid by or billed to the ineligible member is allowed as a deductible expense for the household. We propose to renumber paragraph (c)(3) as (c)(4), to remove the provisions regarding ineligible aliens from (c)(2), and add a new paragraph (c)(3) for ineligible aliens.

Section 818 of PRWORA amended section 6(f) of the Act (7 U.S.C. 2015(f)) and grants State agencies the statutory authority to count all or all but a pro rata share of the income of an alien who is in an ineligible category listed under the alien provisions of 6(f) of the Act, *i.e.*, those ineligible prior to PRWORA. They are primarily visitors, tourists, diplomats, students, and undocumented aliens. We propose to list the categories of aliens eligible under the Act in new paragraphs (c)(3)(i)(A) through (D). Proposed paragraph (c)(3)(i) would provide that State agencies must count all of the resources and either all or all but a pro rata share of the income and deductions of these ineligible aliens.

One State agency asked if it could count all of the alien's income for purposes of applying the gross income test and only all but a pro rata share for other purposes. The State agency was concerned that counting a pro rata share of the alien's income could result in some households with ineligible aliens being eligible whereas a similar household made up of citizens with the same income would be ineligible based on gross income. To remedy this situation, we propose to allow the State agency to count all of the alien's income for purposes of applying the gross income test for eligibility purposes but only count a pro rata share for applying the net income test and determining the level of benefits. This State agency option applies to aliens who do not meet the alien eligibility requirements in section 6(f) of the Food Stamp Act.

Additional categories of aliens were made ineligible for food stamp benefits by PRWORA, beyond those ineligible under section 6(f) of the Act. The majority of these aliens are refugees and asylees who have been in this country for more than 7 years and lawful permanent residents except those who can be credited with 40-quarters of work or who were living in this country on August 22, 1996, and were elderly on that date or are now disabled or under age 18. The treatment of the income and resources of these additional categories of ineligible aliens were not addressed by PRWORA. Congress did not grant State agencies statutory authority to count all or all but a pro rata share of the income of aliens made ineligible by PRWORA. Further, the amended version of subsection 6(f) of the Act is explicitly limited by its plain language to aliens in categories ineligible prior to the enactment of PRWORA. Therefore, we have examined various options for counting the resources and income of those categories of aliens newly made ineligible by PRWORA.

Current regulations at 7 CFR 273.11(c) and (d) provide several methods for the treatment of ineligible household members. Section 273.11(c)(1) provides that all of the income and resources of a household member who is ineligible because of an intentional program violation disqualification or workfare or work requirement sanction must be counted in determining the eligibility and benefits of the rest of the household. Section 273.11(c)(2) provides that all of the resources and all but a pro rata share of the income of a member who is an ineligible alien or who does not provide a social security number must be counted. Section 273.11(d) provides that the resources and income of other ineligible household members, such as an ineligible student, cannot be considered available to the household with whom the individual resides. In addition, 7 CFR 273.1(b)(1) provides that the income and resources of certain nonhousehold members, including roomers and live-in attendants who may participate as separate households, are excluded in determining the eligibility and benefits of the individuals with whom they live.

Data from the Integrated Quality Control System indicate that most of the ineligible lawful permanent resident aliens live in households with children, many of whom are citizens. Further, these ineligible aliens have not violated any Program rules and have been legally admitted for permanent residence. Therefore, we are proposing to allow the State agency to pick one State-wide option for determining the eligibility and benefit level of households with members who are aliens made ineligible under PRWORA. State agencies may either: (1) count all of the aliens' resources and a pro-rated share of the aliens' income and deductions; or (2) count all of the aliens' resources, not count the aliens' income and deductions, but cap the resulting allotment for the eligible members at the allotment amount the household would receive were it not for the PRWORA eligibility restrictions. Option (1) merely continues the policy that most State agencies are pursuing with respect to PRWORA-ineligible aliens. State agencies operating State Option Programs under section 8(j) of the Act may find option (2) attractive in terms of simplifying administration. This option would require two benefit calculations. In calculation (1), the State agency would determine eligibility and benefit level as if all PRWORA-ineligible aliens could still receive Federal benefits. In calculation (2), the State agency would determine eligibility and level of benefits for the eligible members, excluding the income and deductions of the PRWORA-ineligible aliens; however, the benefit amount could not exceed the amount determined in calculation (1). In State Option Programs, the difference between calculation (1) and calculation (2) would be the State's share of benefits payable to FNS. Funding for state-to-state technical assistance visits will be available through our State Exchange program for States wishing to learn about the automation procedures necessary for implementation of this option. We are proposing to allow a second variance exclusion period under 7 CFR 275.12(d)(2)(vii) for States which implement option 1, and then decide at a later date to implement option 2. For aliens ineligible under section 6(f) of the Act and for those unable or unwilling to document their alien status, the proposed rule would reflect the statute which permits the State agency the option to count all or all but a pro rata share of such an alien's income and require that all of such an alien's resources be counted.

Congress has explicitly and in plain statutory language specified how the income and resources of aliens ineligible under section 6(f) of the Act should be counted. Conversely, Congress has been silent as to how such counting should be accomplished for aliens eligible under section 6(f) of the

Act but ineligible under PRWORA. With this in mind, we specifically invite comments on our proposal to treat the income and resources of aliens made ineligible by PRWORA.

Residents of Drug and Alcoholic Treatment and Rehabilitation Centers—7 CFR 273.11(e)

Current rules at 7 CFR 273.11(e) set forth the procedures for certifying residents of a drug addict or alcoholic treatment and rehabilitation (DAA) centers for Program participation. The Department is proposing to revise the title of paragraph (e) and paragraphs (e)(1) through (5) to make the procedures clearer, to take into account electronic benefit transfer (EBT) issuances, and to add two new provisions contained in Section 830 of PRWORA.

Paragraph 11(e)(1) provides that individuals in DAA centers may individually apply for food stamp benefits, but certification must be accomplished through an authorized representative who is an employee of the treatment center. Section 830 of PRWORA amended section 8 of the Act (7 U.S.C. 2017(f)) to allow the State agency the option of requiring households to designate the DAA center as their authorized representative for the purpose of receiving allotments on behalf of the households. We are proposing that this change be included in new paragraph (e)(1) and that it would only apply with regard to obtaining and using benefits on behalf of the household. The current regulatory requirement in paragraph (e)(1) that households residing in treatment centers must apply and be certified through an authorized representative would continue to apply. We are proposing that a reference to this section be added to new 7 CFR 273(g)(3)(i) as contained in this proposed action which concerns authorized representative for other households.

Paragraph (e)(5)(i) of current rules provides that if a resident leaves the DAA center, the center must provide the household with its full allotment if the allotment has been issued and no portion of the allotment has been spent by the center on behalf of the household. If a resident household leaves the center prior to the 16th of the month and a portion of the allotment has already been spent by the center on behalf of the household, the center must provide the departing household with one-half of its monthly allotment. If the household leaves the center on or after the 16th of the month, the household is not be entitled to any portion of the allotment. The center must return any unspent benefits of a household that has left the center to the State agency. Section 830 of PRWORA amended section 8 of the Act to allow State agencies the option of providing an allotment for the individual to: (a) the center as an authorized representative for a period that is less than 1 month; and (b) the individual, if the individual leaves the center. Since State agencies will generally not know in advance when a resident is going to leave the center, we are proposing that State agencies be allowed to routinely issue allotments for household's in DAA centers on a semi-monthly basis, e.g., half of the allotment could be issued on the first of the month and half could be issued on the 16th of the month. We are proposing to include this option in new paragraph (e)(4).

We are also taking this opportunity to propose provisions to take into account various EBT systems being used, but still maintain the requirement that the household have access to one-half of its monthly allotment if it leaves the DAA before the 16th of the month.

Under some EBT systems, DAA centers are authorized as retail stores and have point of sale devices (POS) located at the centers. This occurs only if the State has obtained the appropriate waivers from FNS to do so. The amounts transacted through the POS are deposited into the authorized retailer's bank account. The households' EBT cards may be transacted at the facility's POS either by the household or a representative of the DAA. An amount per meal, per day, per week or the full allotment may be transacted at one time. All POS devices must have refund capabilities. Therefore, if the DAA has a POS an amount could be refunded to the household's account and debited from the DAA's daily settlement amount.

Other State EBT systems allow the State agency to transfer, via computer terminal, the allotments of individual households into a single account for the DAA. The DAA is given its own EBT card which it can use at authorized food stores. When a household leaves the facility and this is properly reported, the State can transfer benefits from the DAA aggregated account back to the individual household account. States remain responsible for monitoring DAA facilities. EBT systems help the State in monitoring because States may review the DAA records showing when clients leave the DAA and then review EBT data to determine if benefits had been properly returned to the client's EBT account.

We do not intend to endorse a single EBT design, but any design or State procedures used as part of the design used to accommodate DAA facilities must assure that a household has access to one-half of its allotment when it leaves the center before the 16th of the month. This policy requirement may be easily met if the State opts to issue semi-monthly allotments. However, the requirement must be met regardless of issuance frequency or the issuance system.

The Department proposes to delete current paragraphs (e)(3)(i) through (iii) which provide that the expedited and regular processing standards apply to residents of DAA centers as well as other households and the requirement for the State agency to process changes in circumstances and recertification for these households the same as other households. These provisions still apply, but it is not necessary to specifically mention them.

Sponsored Aliens—7 CFR 273.11(j)

We are proposing to move the sponsored alien provisions from 7 CFR 273.11(j) to new paragraph 7 CFR 273.4(c) and to renumber 7 CFR 273.11(k) as 7 CFR 273.11(j). This will consolidate most of the alien provisions.

Current rules at 7 CFR 273.11(j) establish special procedures for determining the income and resources of sponsored aliens. Sponsored aliens are individuals lawfully admitted to the United States for permanent residence. A sponsor is a person who executed an affidavit of support on behalf of an alien as one of the conditions required for the alien's entry into the United States. The current rules require that a portion of the gross income and resources of the sponsor and the sponsor's spouse (if living with the sponsor) be deemed to the sponsored alien for a period of 3 years from the date of the sponsored alien's entry into the country as a lawfully admitted permanent resident alien. Under Section 5(i) of the Food Stamp Act, the income of the sponsor and the sponsor's spouse (if living with the sponsor) is the total annual income reduced by the income eligibility standard for a household equal in size to the sponsor's household and deeming continues for only 3 years. The Act also requires that $1,500 be subtracted from the resources of the sponsor and the sponsor's spouse to be deemed to the alien.

Section 421 of PRWORA, as modified by the OCAA and the Balanced Budget Act, contains several provisions which revise the current requirements. First, section 421(a)(1) provides that, notwithstanding any other provision of law, the income and resources of the alien must be deemed to include all of

the income and resources of any person who executed an affidavit of support pursuant to section 423 of PRWORA which is a legally binding affidavit. Section 421(a)(2) provides that the income and resources of the spouse (if any) of the person executing the affidavit are to be deemed to the alien. Section 421(b) provides that the deeming must continue until the alien becomes a citizen or has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters. Any quarter creditable for a period beginning after December 31, 1996, cannot be credited if the alien received any Federal means-tested public benefit during the quarter. Section 403 includes a list of types of assistance exempt from the prohibition against allowing a quarter of work credit for a quarter in which an alien received any means-tested public benefit. This list of exempt assistance is addressed in the discussion of alien eligibility requirements above.

The income and resources of ineligible sponsored aliens would include the income and resources of the sponsor and would be counted in determining the eligibility and benefits of the rest of the household, in accordance with 7 CFR 273.11(c).

Section 552 of OCAA amends section 421 of PRWORA to provide two exceptions to the requirement that all of the income and resources of the sponsor(s) and sponsor's spouse be deemed to the sponsored alien. For indigent aliens deeming is limited to the amount actually provided by the sponsor to the alien for a period beginning on the date of such determination and ending 12 months after such date. The Department proposes that the State agency establish criteria for determining when an alien is unable to obtain food and shelter considering all income and assistance provided by individuals and thus should be considered indigent. The agency must notify the Attorney General of each such determination, including the names of the sponsor and the sponsored alien involved. Deeming is eliminated for 12 months for battered alien spouses and children and parents of battered children if the benefit provider determines that the battering is substantially connected to the need for benefits. Section 5571 of the Balanced Budget Act includes the alien child of a battered parent in this provision. Deeming of the batterer's income and resources is eliminated after 12 months if the battery is: (1) Recognized by a court or the Immigration and Naturalization Service; and (2) has a substantial connection to the need for benefits. These provisions do not apply if the battered alien lives with the batterer.

Section 423, as amended by section 551(a) of the OCAA, provides that the sponsored alien provisions in PRWORA apply to aliens who are sponsored under a new legally binding affidavit of support. It also requires that if a sponsored alien has received any benefits under a means-tested public benefit program, the State agency must request reimbursement by the sponsor in the amount of such assistance. If within 45 days after requesting reimbursement, the sponsor has not indicated a willingness to commence payment, legal action may be brought against the sponsor pursuant to the affidavit of support. The Department of Justice (DOJ) published an interim rule with request for comments on the new affidavits of support and reimbursement provisions in the **Federal Register** on October 20, 1997 (62 FR 54346). The rule is effective on December 19, 1997, and the new affidavits of support should be used for all aliens who become sponsored after that date.

We propose to revise 7 CFR 273.11(j) to incorporate PRWORA, OCAA, and Balanced Budget Act provisions and to streamline the section by increasing State agency flexibility and removing redundant requirements. The following revisions are proposed:

1. Paragraph (j)(1) would be revised to add a reference to section 213A of the INA, which contains requirements for the affidavit of support. We would incorporate the definition of ''sponsor'' in the definition of ''sponsored alien'' and remove the definitions of ''Date of entry'' and ''Date of admission'' because those terms are no longer relevant to the new deeming requirements.

2. The introductory text of current paragraph (j)(2) would be revised to incorporate the requirement of PRWORA that all of the sponsor's income and resources be counted in determining the eligibility and benefits of the sponsored alien and that deeming lasts until the alien becomes a citizen or can be credited with 40 qualifying quarters of coverage. The current provision in paragraph (j)(2)(v) requiring that the income and resources of both the sponsor and sponsor's spouse be counted in determining eligibility would be removed. We would remove the provisions of current regulations in paragraph (j)(2)(i)(A) allowing a 20 percent deduction from the sponsor's earned income and paragraph (j)(2)(i)(B) allowing a deduction for an amount equal to the Food Stamp Program's monthly gross income eligibility limit for a household equal in size to the sponsor's household. We would also remove the provision allowing use of the income amount reported for AFDC purposes in current paragraph (j)((2)(ii). We would remove the provision of paragraph (j)(2)(iv) which limits the deemed amount of the sponsors' resources to those in excess of $1,500 because PRWORA requires deeming all of the sponsors' resources. With the removal of these provisions, current paragraphs (j)(2)(iii) regarding money paid to the alien by the sponsor and (j)(2)(iv) requiring that the income and resources of the sponsor be divided among the number of aliens sponsored by that sponsor would be retained and be designated as paragraphs (j)(2)(i) and (j)(2)(ii), respectively. Current paragraph (j)(2)(vii) which provides specific procedures for handling changes in sponsors would not be included in this proposal in order to provide State agency flexibility. We believe that the State agency is in the best position to make these decisions. Requirements contained elsewhere in current regulations for reporting and acting on changes that affect a household's eligibility or benefit levels are already comprehensive and we believe there is no additional Federal interest to be protected by providing specific procedures for this particular kind of change.

3. Current paragraph (j)(3) exempts the following aliens from the deeming provisions: aliens whose sponsor is participating in the Food Stamp Program in the same household as the sponsored alien or in a separate household, aliens who are sponsored by a group as opposed to an individual, and aliens not required to have sponsors. We propose to delete the exemption for aliens whose sponsor is participating in the Food Stamp Program in a separate household from the sponsored alien. We propose to retain the exemption for sponsored aliens who are included in the same household as the sponsor so that the sponsor's income and resources will not be double counted. We propose to add exemptions for indigent aliens and certain battered aliens and the child of a battered alien as provided in the OCAA and the Balanced Budget Act and to require reporting to Attorney General of each indigent determination.

4. We would retain the provisions of current paragraph (j)(4) concerning the sponsored alien's responsibility for obtaining the cooperation of the sponsor and providing information about the sponsor to the State agency.

5. We would not include the provisions of current paragraph (j)(5)

which lists specific responsibilities of the State agency for processing cases involving households with sponsored aliens. We believe that these requirements are unnecessary because the State agency is aware of the information about the sponsor that must be obtained and there is no need to provide detailed regulatory requirements.

6. We would renumber current paragraph (j)(6) concerning procedures for acting on a household's application pending receipt of verification about the sponsor's income and resources as paragraph (j)(5). We would not include the last sentence of current paragraph (j)(6) in the new paragraph (j)(5). That sentence requires State agencies to assist aliens in obtaining verification in accordance with the provisions of current 7 CFR 273.2(f)(5). In accordance with amendments made by PRWORA discussed above, the requirement to assist households in obtaining verification is being removed from the regulations.

7. We propose to remove current paragraph (j)(7) requiring the Department to enter into a Memorandum of Agreement between the Department and other Federal agencies as this is a Federal responsibility, and it is addressed by DOJ's interim rule published on October 20, 1997, (62 FR 54346).

8. We also propose to remove the provisions of current paragraph (j)(8) concerning overissuances which may result from the use of incorrect sponsor information. Section 423(e) of PRWORA requires State agencies to request reimbursement from sponsors for food stamps issued to sponsored aliens. State agencies shall follow the collection procedures prescribed in INS regulations at 8 CFR 213a.4. Amounts collected shall be transmitted to FNS.

Notice of Adverse Action—7 CFR 273.13

We are also taking this opportunity to clarify what is meant by a Notice of Adverse Action (NOAA) period. Current rules at 7 CFR 273.13(a) require a State agency to provide a household timely and adequate advance notice before taking any action to reduce or terminate a household's benefits, unless exempt from these requirements pursuant to 7 CFR 273.13(b). This procedure allows households an opportunity to request a fair hearing and continuation of benefits until the matter is settled by hearing officials. If the household does not request a continuation of benefits, the adverse action is effective no later than the month following the month in which the notice of adverse action period expires.

Pursuant to current regulations at 7 CFR 273.13(a)(1), the NOAA is considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice for its public assistance caseload, provided that the notice period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. At the time the regulations were written, the adequate notice period for public assistance cases in most States was 10–15 days. With the increased flexibility under PRWORA for State agencies to make changes in public assistance procedures, we anticipate that many States may make significant changes in the NOAA procedures for public assistance. Such changes could result in shorter or longer NOAA periods. Current regulations restrict using public assistance NOAA periods which are less than 10 days from the date the notice is issued, but do not limit using public assistance notice periods which may be unnecessarily lengthy. The purpose of the current provision is to provide due process for households by establishing a set period of time for household to request a fair hearing and continuation of benefits while awaiting the hearing decision. We do not believe it is appropriate to have a lengthy time period for households to request a fair hearing and continuation of benefits. In addition, longer NOAA periods have the potential to increase Program costs.

In order to ensure that food stamp households have adequate time to reply to a NOAA and request a fair hearing and continuation of benefits while limiting the potential for increased Program costs, we are proposing to change the regulations at 7 CFR 273.13 to clarify that the NOAA period must be a set period of time. Most State agencies currently have a notice period of 10–18 days for household's to respond. There is nothing in our current records to indicate that this time span has caused problems for either households or State agencies. We propose to amend 7 CFR 273.13(a)(1) to clarify that the NOAA is considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice for its public assistance caseload, provided that the notice period is a set period of time which is no less than 10 days and no more than 18 days from the date the notice is mailed to the date the notice period expires. We are not proposing any change to current regulations which provide that the adverse action take affect in the month following the month in which the notice expires, unless the household has requested a continuation of benefits pending the outcome of a fair hearing.

Recertification—7 CFR 273.14

We would propose amendments to 7 CFR 273.14 to conform the recertification application process to the changes made pursuant to PRWORA relative to the initial application process (discussed earlier in this preamble). More specifically, we would:

1. Remove the second sentence of paragraph (b)(1)(ii) which provides that a model notice of expiration (NOE) is available from FNS. FNS will no longer be developing model forms.

2. Remove paragraph (b)(1)(iii), which encourages State agencies to send a recertification form, interview appointment letter, and statement of required verification with the NOE. Since this was only a recommendation, it is not necessary.

3. Revise paragraph (b)(2)(i) to remove those statements which provide that a new application form must be obtained, that the application can be the same as that used at initial certification or a special recertification form, and that the forms must be approved by FNS. Under PRWORA, as discussed earlier, these procedures are no longer required. We would also remove, as unnecessary or overly prescriptive, those statements regarding the use and/or approval of joint applications for PA, GA and/or SSI households and the use of recertification forms for monthly reporting and nonmonthly reporting households. The proposal would provide: (a) That the recertification process must only be used for those households applying for recertification prior to the end of the current certification period; (b) that the State agency must, at a minimum, obtain sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility; (c) that the method of obtaining and recording information from the applicant household must be established by the State agency and may include a specially designed recertification application or the State agency may choose to simply annotate changes since the last certification on an existing application; (d) that the State agency must issue a notice of required verification, which would provide a clear written statement of the acts a household must perform to cooperate with the application process, identify potential sources of verification, and offer assistance to special needs

households; and (e) that a new signature, whether handwritten or electronic, be obtained from the applicant at the time of each recertification.

4. Remove the provision of paragraph (b)(2)(ii) that State agencies may request the household to bring the recertification form to the interview or return it by a specified date because it is unnecessary.

5. Revise (b)(3)(i) regarding interviews. State agencies would only be required to have a face-to-face interview once every 12 months. We would add a new sentence to clarify that if a telephone interview is conducted, the State agency must mail the application to the household to obtain the necessary signature.

6. Remove the second sentence of paragraph (b)(3)(ii), which requires the State agency to conduct an annual face-to-face interview at the same time as the PA or GA interview. PRWORA eliminated the requirement for a single food stamp/PA interview.

7. Remove the first two sentences of paragraph (b)(3)(iii). The provisions regarding interview scheduling are unnecessary. We propose to retain the requirement that the State agency schedule interviews so that the household has at least 10 days to provide the required verification before the certification period expires.

8. Remove the second sentence of paragraph (b)(4) regarding the notice of required verification because the notice is no longer required. We propose to add the phrase ''and benefits cannot be prorated'' to the last sentence for clarification.

9. Revise and simplify the language in current paragraph (e) regarding delays in application processing but retain the current State agency options.

Fair Hearings—7 CFR 273.15

Under Section 11(e)(10) of the Food Stamp Act (7 U.S.C. 2020(e)(10)) and current rules at 7 CFR 273.15(a), the State agency must provide a fair hearing to any household adversely affected by any action of the State agency which affects the participation of the household in the FSP. The current rules at 7 CFR 273.15(j) further specify that the State agency may not deny or dismiss a request for a hearing unless: (1) the request is not received within the allowable time period specified in the rules; (2) the request is withdrawn in writing by the household or its representative; or (3) the household or its representative fails, without good cause to appear at the scheduled hearing.

Section 839 of PRWORA amended Section 11(e)(10) of the Food Stamp Act to specify that, ''at the option of a State, at any time prior to a fair hearing determination under this paragraph, a household may withdraw, orally or in writing, a request by the household for the fair hearing. If the withdrawal request is an oral request, the State agency shall provide a written notice to the household confirming the withdrawal request and providing the household with an opportunity to request a hearing.''

We are proposing to implement Section 839 by revising 273.15(j) to specify that State agencies may accept an expression (orally or in writing) to withdraw a fair hearing request from the household. State agencies electing to accept oral withdrawals of the fair hearing request must, as required by Section 11(e)(10), provide the household with a written notice confirming the withdrawal.

Simplified Food Stamp Program—7 CFR 273.25

The PRWORA provides State agencies with a number of options to align the rules and procedures between the TANF program and the Food Stamp Program (FSP). One such option available is the Simplified Food Stamp Program (SFSP). Under a SFSP, States may determine food stamp benefit levels for households receiving TANF by using food stamp requirements, TANF rules and procedures, or a combination of the two.

Since the purpose of an SFSP is to simplify program requirements for State agencies as well as for applicants and recipients by aligning TANF and FSP rules and procedures, the Department recognizes that over-regulating the SFSP is contrary to the goals of simplification. As a result, the Department is publishing regulations on the area of the statute where the Department has explicit authority to establish program rules. Except where discretion is provided, the Department believes the statutory language governing the SFSP provides sufficient guidance for State agencies choosing to implement such programs.

Legislation governing the Simplified Food Stamp Program (SFSP) at 7 U.S.C. 2035(c)(3) provides the Department with authority to establish criteria for approving participation in SFSPs for households in which at least one, but not all members, receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*). This rulemaking establishes criteria for limits on benefit losses that the Department will implement under this discretionary authority. The Department is addressing the limit on benefit losses in rulemaking because of its particular impact on households.

Definitions—§ 273.25(a)

For purposes of this section, the following definitions are proposed:

1. Simplified Food Stamp Program (SFSP) means a program authorized under 7 U.S.C. 2035.

2. Temporary Assistance for Needy Families (TANF) means assistance from a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*).

3. Pure-TANF household means a household in which all members receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*).

4. Mixed-TANF household means a household in which 1 or more members, but not all members, receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*).

Benefit Reduction for Mixed-TANF Households Under the Simplified Food Stamp Program—§ 273.25(b)

Under the regular Food Stamp Program (FSP), certain deductions have ensured that households receive the appropriate level of food assistance to meet basic nutritional needs. The Department wishes to maintain benefit levels under a SFSP so that mixed-TANF households continue to be able to meet their nutritional needs.

At the same time, the Department supports the objectives for simplification. In establishing approval criteria for mixed-TANF households, the Department considered requiring a medical deduction and/or standard deduction for mixed-TANF households. As the Department's overall objective is to ensure benefits are not reduced beyond a certain point for these households, it was felt that requiring specific deductions was too prescriptive. The Department, therefore, is proposing to limit benefit reductions and provide States with flexibility in deciding the best mechanism for achieving the desired results.

In formulating a threshold for benefit reduction for mixed-TANF households, the Department considered criterion used under demonstration authority which stipulates that projects reducing benefits by more than 20 percent for more than 5 percent of participating households cannot include more than 15 percent of the State's total caseload. The Department, however, rejected this criterion for the SFSP due to several major differences between

demonstration projects and SFSPs. Demonstration projects are time-limited. Consequently, any benefit reductions experienced by households participating in these projects last only for the duration of the project. SFSPs, however, have no time-limit. Any benefit reductions under an SFSP are permanent unless the SFSP is terminated or the household loses eligibility for the SFSP. Demonstration projects also require a research evaluation which provides an opportunity to determine its effects and make changes in program design based on these findings. SFSPs have no comparable evaluation requirements that would provide information necessary to determine any long-term nutritional gains or losses a household may experience under an SFSP. Finally, a methodology similar to that used for demonstration projects which allow large benefit reductions for a small percentage of households has the potential to create inequities in its application. Under demonstration project authority for example, a State would be allowed to operate a project with benefit reductions of 50 percent for 4 percent of its food stamp caseload; however, another State would be prohibited from operating a project in which benefits are reduced by 21 percent for 6 percent of its caseload. It can be argued that the second situation is far less severe than the first in terms of impact on households although the second situation could not be approved.

Since benefits under the regular FSP are based on the Thrifty Food Plan which is the least costly of several food plans developed by the Department that meet nutritional dietary standards, any reductions, regardless of how small, limit a household's access to a nutritious, healthy diet. The Department, however, wishes to balance this concern with the needs of States for flexibility in program design while ensuring compliance with legislative requirements that SFSPs do not increase costs to the Federal government. As a result, the Department is proposing criterion for approving mixed-TANF households that it believes will achieve the appropriate balance between these priorities. If a State's SFSP reduces benefits for mixed-TANF households, then no more than 5 percent of these participating households can have benefits reduced by 10 percent or more of the amount they are eligible to receive under the regular FSP and no mixed-TANF household can have benefits reduced by 25 percent or more of the amount it is eligible to receive under the regular FSP (5/10/25 percent benefit reduction requirement). In other words, the Department is proposing a 3-tier standard to limit benefit loss in which: 1) there is no limit on the number of participating mixed-TANF households that can have benefit reductions of 9.99 percent or less of the amount they are eligible to receive under the regular FSP; 2) no more than 5 percent of participating mixed-TANF households can have benefits reduced between 10 and 24.99 percent of the amount they are eligible to receive under the regular FSP, and 3) no mixed-TANF household can have benefits reduced by 25 percent or more of the amount it is eligible to receive under the regular FSP. Under this criterion, FNS does not limit the number of households experiencing a loss of benefits until the reduction reaches the 10 percent level. In addition, the Department believes that benefit reductions of 25 percent or more would significantly impair a household's nutritional security, and is therefore prohibiting reductions of this magnitude.

Since minor reductions in monthly allotments that are relatively small could result in changes exceeding the requisite threshold, the Department is proposing to disregard benefit reductions of $10 or less from this requirement. For example, an $8 reduction to a $40 monthly allotment would not be considered when applying the 5/10/25 percent benefit reduction requirement even though benefits are reduced by 20 percent.

In determining the extent of benefit reduction beyond the regular FSP, the Department will take into consideration the program options that are available to States and any administrative waivers approved for a State. For example, consider when a State uses the legislative option to reduce food stamp benefits under the regular FSP by 25 percent when a household member fails to comply with a TANF requirement. The State then requests to use its TANF procedures under an SFSP to impose a 30 percent reduction in benefits for the same violation. In determining the amount of benefit loss under the State's simplified proposal, FNS would consider the 25 percent reduction that is already allowable under the regular FSP. Consequently, the State's proposal is considered to reduce benefits beyond the regular FSP by 5 percent (the difference between 30 and 25 percent) rather than 30 percent.

If a State chooses to include mixed-TANF households in its SFSP, the State must include in its plan an analysis showing the impact of the SFSP on benefit levels for these participating households and the amount of any benefit reductions compared to the benefit amount the household would receive under the regular FSP. In order for FNS to accurately evaluate the program's impact, States must describe in detail the methodology used as the basis for this analysis. If it is determined by FNS that a SFSP will reduce benefits for mixed-TANF households beyond the 5/10/25 benefit reduction requirement excluding reductions of $10 or less, the plan will not be approved for these households. To ensure compliance with the benefit reduction requirement once an SFSP is operational, States must describe in their plans and have approved by FNS a methodology for measuring benefit reductions for mixed-TANF households on an on-going basis throughout the duration of the SFSP. In addition, States must report periodically to FNS the amount of benefit loss experienced by mixed-TANF households participating in the State's SFSP. The frequency of the reports will be determined by FNS taking into consideration such factors as the number of mixed-TANF households participating in the SFSP and the amount of benefit loss attributed to these households through initial or on-going analyses. If it is determined that an approved SFSP is reducing benefits beyond the allowable thresholds, the State will need to modify its SFSP to bring it into compliance.

Part 274—Issuance and Use of Coupons

Mail Issuance—7 CFR 274.2

Prior to the enactment of PRWORA, Section 11(e)(25) of the Food Stamp Act (7 U.S.C. 2020(e)(25)) required State agencies to issue food stamp benefits through a mail issuance system in rural areas where households experience transportation difficulties in obtaining benefits. Current rules at 7 CFR 274.2(g) specify the requirements that State agencies must meet in determining the rural areas in need of mail issuance. The regulations at 7 CFR 272.2(g) also require State agencies to submit an attachment to the State Plan of Operation describing mail issuance requirements.

Section 835 of PRWORA deleted direct-mail issuance requirements.

To implement this provision, we are proposing to remove the mandatory mail issuance requirements from State plan requirements at 7 CFR 272.2(d)(1)(xi) and 7 CFR 274.2(g)(1) and (g)(2). This proposal would retain, however, the basic provisions at 7 CFR 274.2(g) requiring State agencies to issue food stamp benefits through a direct mail issuance system in rural areas where households experience transportation difficulties in obtaining

benefits. These provisions would apply unless an EBT system is in place. Under this proposal, the State agency would determine the rural areas which are in need of direct mail issuance. Furthermore, in areas where direct mail issuance would continue, the State agency would determine if any households or geographic areas would be granted an exception. Finally, we are proposing to eliminate State plan requirements at 7 CFR 272.2(d)(1)(xi) although exceptions to direct mail issuance would be reported to FNS as specified at 7 CFR 272.3(a)(2) and (b)(2). 7 CFR 272.3(a)(2) and 7 CFR 272.3(b)(2) require State agencies to prepare and provide staff with Operating Guidelines and to submit their operating guidelines to FNS.

We believe retaining this basic requirement would ensure that benefits are provided to all eligible households in a fair and timely manner as required by Section 835 of PRWORA. Once implemented, EBT will replace the need for mail issuance. More than 70 percent of food stamp benefits are currently issued through an EBT system and, by law, EBT must be implemented in all States nationwide by 2002.

Part 277—Payments of Certain Administrative Costs of State Agencies

Funding for Program Informational Activities—7 CFR 277.4

Section 11(e)(1) of the Food Stamp Act and the regulations at 7 CFR 272.5(c) allow State agencies, at their option, to conduct activities designed to inform low-income households about the availability, eligibility requirements, application procedures, and benefits of the FSP. States electing to conduct Program informational activities must obtain FNS approval as specified in the current rules at 7 CFR 272.2(d)(1)(ix). State agencies with approval from FNS are reimbursed at the 50 percent rate under Section 16(a) of the Food Stamp Act (7 U. S. C. 2025(a)) and 7 CFR Part 277 of the corresponding regulations.

Section 847 of PRWORA amended Section 16(a)(4) of the Food Stamp Act to specify that Federal reimbursement funding not include ''recruitment activities.'' We are proposing to implement Section 847 of PRWORA by amending 7 CFR 277.4(b) to prohibit Federal reimbursement for recruitment activities. State agencies seeking reimbursement from FNS for Program informational and educational activities would continue to be required to provide a plan to FNS as specified at 7 CFR 272.2(d)(1)(ix). However, we are interested in receiving comments about the usefulness of this plan and ideas about how to make the plan approval process more efficient. We would also welcome comments on how to encourage additional State agencies to prepare Program informational plans.

Implementation

The provisions of PRWORA, as amended by the Balanced Budget Act, were effective and required to be implemented by State agencies on the date of enactment of PRWORA (August 22, 1996) for new applicants and no later than the next recertification for recipients, unless otherwise noted. Therefore, we propose that the effective date and required implementation date for sections 402, 807, 808 and 811 of PRWORA would be August 22, 1996 for new applicants and no later than recertification for recipients. Section 402 of PRWORA, as amended by section 510 of the OCAA, specified that the alien eligibility requirements cannot apply until April 1, 1997, to an alien who received benefits on August 22, 1996, unless the alien is ineligible for another reason. State agencies were required to recertify all aliens between April 1 and August 22, 1997.

Section 551 of the OCAA amended section 423 of PRWORA to provide that the sponsored alien provisions of section 421 of PRWORA apply to new legally binding affidavits of support executed on or after a date specified by the Attorney General. The Attorney General issued a notice in the **Federal Register** on October 20, 1997 setting this date as December 19, 1997. The Attorney General determined the PRWORA's legally binding affidavit of support requirement would not apply to an alien who had, prior to December 19, 1997: (1) applied for admission (via application for either an immigrant visa or adjustment of status); and (2) had an official interview with either a consular or immigration officer (62 FR 54346, 54347.) Therefore, the proposed provisions in 7 CFR 273.11(j) of this action apply only to sponsored aliens who had an official interview with a consular or immigration official on or after December 19, 1997, and whose sponsors signed an affidavit of support on or after December 19, 1997.

The provision of section 809 of PRWORA allowing a shelter deduction for homeless households was effective August 22, 1996. There is no required implementation date because the deduction is a State option. However, section 809 removed the provision of section 11(e) of the Act requiring use of a standard shelter estimate for homeless households. Therefore, State agencies were required to discontinue use of the estimate for new applicants on August 22, 1996 and no later than recertification for recipients.

Section 827 of PRWORA, which requires proration of benefits after any break in certification, was effective on August 22, 1996, and required to be implemented at recertification of affected households. Section 847 of PRWORA, which prohibits Federal reimbursement for recruitment activities was effective on August 22, 1996.

Sections 801, 809, 812, 818, 828, 830, 835, 836, 839, 840, and 848 of PRWORA were effective on August 22, 1996 but have no required implementation date because they allow, but do not require, action by the State agency.

Sections 503 through 509 of AREERA are effective on November 1, 1998.

Accordingly, we propose to incorporate into the final rule, at 7 CFR 272.1(g), the effective dates and implementation dates as discussed in the previous paragraphs of this section of the preamble. The provisions of the final rule are proposed to be effective 60 days after publication and must be implemented no later than 180 days after publication. The provisions would have to be implemented no later than the required implementation date for all households newly applying for Program benefits on or after the required implementation date. The current caseload would be required to be converted no later than the next recertification following the implementation date. Any variances would be excluded from quality control analysis in accordance with 7 CFR 275.12(d)(2)(vii) and 7 U.S.C. 2025(c)(3)(A). We would allow a second variance exclusion period under 7 CFR 275.12(d)(2)(vii) for States which first implement option 1 under proposed 7 CFR 273.11(c)(3)(ii), and then decide at a later date to implement option 2.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Claims, Food and Nutrition Service, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements, Unemployment compensation, Wages.

List of Subjects

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Employment, Food and Nutrition Service, Food stamps, Fraud, Government employees, Grant programs-social programs, Income taxes, Reporting and recordkeeping requirements, Students, Supplemental Security Income, Wages.

7 CFR 274

Food and Nutrition Service, Food stamps, Fraud, Grant program-social programs, Reporting and recordkeeping requirements.

7 CFR Part 277

Administrative practice and procedure, Food stamps, Fraud, Grant programs-social programs, Penalties.

Accordingly, 7 CFR Parts 272, 273, 274, and 277 are proposed to be amended as follows:

1. The authority citation for Parts 272, 273, 274, and 277 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

§ 272.2 [Amended]

2. In § 272.2:

a. Paragraph (a)(2) is amended by removing the thirteenth sentence; and

b. Paragraph (d)(1)(xi) is removed and paragraph (d)(1)(xii) is redesignated as paragraph (d)(1)(xi).

§ 272.3 [Amended]

3. In § 272.3:

a. In paragraph (b)(1), the words '', except the Application for Food Stamps,'' and the last sentence of the paragraph are removed; and

b. Paragraph (c)(5) is removed, and paragraphs (c)(6) and (c)(7) are redesignated as paragraphs (c)(5) and (c)(6), respectively.

4. In § 272.4:

a. Paragraph (d) is removed:

b. Paragraphs (e), (f), (g), and (h) are redesignated as paragraphs (d), (e), (f), and (g) respectively; and

c. Newly redesignated paragraph (f) is revised to read as follows:

§ 272.4 Program administration and personnel requirements.

* * * * *

(f) *Hours of operation.* State agencies are responsible for setting the hours of operation for their food stamp offices. In doing so, State agencies shall take into account the special needs of the populations they serve including households containing a working person.

* * * * *

5. In § 272.5:

a. Paragraph (b)(1)(i) is redesignated as the text of paragraph (b)(1) and revised;

b. Paragraphs (b)(1)(ii) and (b)(1)(iii) are removed;

c. Paragraphs (b)(2) and (b)(3) are redesignated as (b)(3) and (b)(4) respectively; and

d. Paragraph (b)(1)(iv) is redesignated as paragraph (b)(2).

The revisions read as follows:

§ 272.5 Program informational activities.

* * * * *

(b) *Minimum requirements.* * * *

(1) FNS shall encourage State agencies to develop Nutrition Education Plans as specified at 7 CFR 272.2(d)(2) to inform applicant and participant households about the importance of a nutritious diet and the relationship between diet and health.

* * * * *

6. In § 272.8:

a. Paragraph (a)(1) introductory text is amended by removing the word ''shall'' in the first, second, and third sentences, and adding the word ''may'' in its place;

b. Paragraph (a)(1) introductory text is further amended by revising the last sentence;

c. Paragraph (a)(2) introductory text is amended by removing the word ''shall'' in the first sentence, and adding the word ''may'' in its place;

d. Paragraph (a)(2)(i) is revised;

e. Paragraph (a)(4) is revised;

f. Paragraph (a)(5) is removed;

g. Paragraphs (b), (d), (e), (f), and (j) are removed, and paragraphs (c), (g), (h), and (i) are redesignated as paragraphs (b), (c), (d), and (e), respectively;

h. Newly redesignated paragraphs (b) and (e) are revised; and

i. A new paragraph (f) is added.

The addition and revisions read as follows:

§ 272.8 State income and eligibility verification system.

(4) Agreements.

(a) *General.* (1) * * * Data exchange agencies, at a minimum, are:

* * * * *

(2) * * *

(i) Temporary Assistance to Needy Families;

* * * * *

(4) Prior to requesting or exchanging information with other agencies, State agencies shall execute data exchange agreements with those agencies. The agreements shall specify the information to be exchanged and the procedures which will be used in the exchange of information. These agreements shall be part of the State agency's Plan of Operation.

* * * * *

(b) *Alternate data sources.* A State agency may continue to use income information from an alternate source or sources to meet any requirement under paragraph (a) of this section.

* * * * *

(e) *State Plan of Operation.* The data exchange agreements conducted by the State agency with data sources specified in paragraph (a)(1) of this section must be included in an attachment to the State Plan of Operation as required in § 272.2(d). This document must include a description of procedures used and agreements with the other agencies and programs specified in paragraph (a) of this section. The State agency shall submit revisions to the attachment if and when changes to the procedures used or agreements with other agencies or programs occur.

(f) *Documentation.* The State agency shall document, as required by § 272.2(f)(6), information obtained through the IEVS both when an adverse action is and is not instituted.

§ 272.11 [Amended]

7. In § 272.11:

a. Paragraph (a) is amended by removing the word, ''shall'' and adding the word ''may'' in its place;

b. Paragraph (b)(2)(iii) is amended by removing the words ''as outlined in paragraph (d)(1) of this section,'';

c. Paragraph (d)(1) and the heading of paragraph (d)(2) are removed, and the text of paragraph (d)(2) is redesignated as the text of paragraph (d);

d. The text of newly redesignated paragraph (d) is amended by removing the words ''as described in paragraph (d)(1) of this section''; and

e. Paragraph (e)(2) is removed, and paragraph (e)(1) is redesignated as the text of paragraph (e).

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

§ 273.1 [Amended]

8. In § 273.1, paragraph (f) is removed and paragraph (g) is redesignated as paragraph (f).

9. In § 273.2, the section heading and paragraphs (a) through (j) are revised to read as follows:

§ 273.2 Office operations and application processing.

(a) *Office operations.* State agencies must establish procedures governing the operation of food stamp offices that the State agency determines best serve households in the State, including households with special needs, such as, but not limited to, households with elderly or disabled members, households in rural areas with low-income members, homeless individuals, households residing on reservations, and households in areas in which a substantial number of members of low-income households speak a language other than English, and households with earned income (working households). The State agency must provide timely, accurate, and fair service to applicants for, and participants in, the Food Stamp

Program. The State agency cannot, as a condition of eligibility, impose additional application or application processing requirements. The State agency must have a procedure for informing persons who wish to apply for food stamps about the application process and their rights and responsibilities. The State agency shall base food stamp eligibility solely on the criteria contained in the Act and the regulations.

(b) *Application processing.* The application process must include filing and completing an application, being interviewed, and providing verification of certain information.

(1) *Application design.* The State agency, in the development of its food stamp application, may use an electronic format and electronic signature. The design and format of the application are the State agency's responsibility. The State agency may design a separate application for food stamps or include the necessary food stamp information in a multi-program application designed by the State agency.

(2) *Application contents.* The State agency's application must include the following:

(i) All information necessary to comply with the Act and the regulations. Notifications to households may be included on the application itself or a separate document;

(ii) The following nondiscrimination statement must appear on the application itself even if a joint program application is being used.

''The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, sex, religion, national origin, or political beliefs. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

''To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, Room 326–W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250–9410 or call (202) 720–5964 (voice and TDD). USDA is an equal opportunity provider and employer.''

(iii) Written notifications required by other Federal laws, such as, but not limited to those in paragraphs (b)(2)(iii)(A) through (b)(2) (iii)(D). The notifications may be on the application itself or provided with the application on a separate document.

(A) Notification that the Civil Rights Act of 1964 allows for the collection of racial and ethnic data in connection with the Food Stamp Program (as required by § 272.6(g) of this chapter), that the information is voluntary and only serves to help us comply with the Civil Rights Act, and that it will not affect whether the application is approved.

(B) Notification that information available through the IEVS will be requested, used and may be verified through collateral contact when discrepancies are found by the State agency and that such information may affect the household's eligibility and level of benefits. This applies only to State agencies which opt to use IEVS.

(C) Notification that the alien status of any household member may be subject to verification by INS through the submission of information from the applicant to INS. The resulting information received from INS may affect the alien's eligibility. This statement is required even if a State agency opts not to use INS' SAVE system for this and other purposes pursuant to the Privacy Act.

(D) Notification of the following facts through a written statement on or provided with the application and any other document where social security numbers are obtained.

(*1*) The Food Stamp Act requires the collection of social security numbers (SSN) as a condition of food stamp eligibility and failure to provide a SSN may result in the household member who fails to provide a SSN being ineligible to receive food stamps;

(*2*) Collection of the information is authorized under 42 U.S.C. 2000 and 7 USC 2011–2036; and

(*3*) A statement of how the social security number will be used and to whom it may be disclosed. The SSN will be used to check the identity of household members, to prevent duplicate participation and to make mass food stamps changes. It will also be used to check information provided by the household against information in food stamp records and against other Federal, state and local government agency computer matching systems. This could mean that employers, banks and other parties may be contacted. SSNs may be disclosed to auditors to assure that cases are properly certified and to the Internal Revenue Service for the purpose of collecting food stamp claims through tax refund offset. SSNs may be released to a court, magistrate, or administrative tribunal when required in civil or criminal proceedings.

(3) *Jointly processed cases.* If a State agency has a procedure that allows applicants to apply for the food stamp program and another program at the same time, the State agency shall notify applicants that they may file a joint application for more than one program or they may file a separate application for food stamps independent of their application for benefits from any other program. All food stamp applications, regardless of whether they are joint applications or separate applications, must be processed for food stamp purposes in accordance with food stamp procedural, timeliness, notice, and fair hearing requirements. No household shall have its food stamp benefits denied solely on the basis that its application to participate in another program has been denied or its benefits under another program have been terminated without a separate determination by the State agency that the household failed to satisfy a food stamp eligibility requirement. Households that file a joint application for food stamps and another program and are denied benefits for the other program shall not be required to resubmit the joint application or to file another application for food stamps but shall have its food stamp eligibility determined based on the joint application in accordance with the food stamp processing time frames from the date the joint application was initially accepted by the State agency.

(c) *Filing an application.*

(1) *Filing process.* An adult member of the household, or an authorized representative as provided in paragraph (g) of this section, must sign the application and submit it to the food stamp office. An adult representative of each applicant household must certify in writing, under penalty of perjury, that the information contained in the application is true and that all members of the household are citizens or are eligible aliens. The application may be submitted in person, by fax or other electronic transmission, by mail, or by completing an on-line electronic application in person at the food stamp office. The household may file an incomplete application as long as it contains the applicant's name and address, and is signed by an adult member of the household or the household's authorized representative. Applications signed through the use of electronic signature techniques or applications containing a handwritten signature and then transmitted by fax or other electronic transmission are acceptable.

(2) *Household's right to file.* State agencies shall post signs or make

available other advisory materials explaining a person's right to file an application on the day of their first contact with the food stamp office and explaining the application processing procedures. State agencies shall notify all persons who contact a food stamp office and either request food assistance or express financial and other circumstances which indicate a probable need for food assistance, of their right to file an application and encourage them to do so. For purposes of this paragraph (c)(2), encourage means that State agencies have a responsibility, at a minimum, to inform individuals who express an interest in food assistance, or express concerns which indicate food insecurity, about the Food Stamp Program and their right to apply. The State agency shall make food stamp applications readily accessible to all potentially eligible households and to anyone who requests one. The State agency shall provide an application in person or by mail to anyone who requests one. If a household requests to receive an application through the mail, the State agency must mail the application by the next business day. Households must be allowed to file an application on the same day the household or its authorized representative contacts the State agency food stamp office in person or by telephone during office hours and expresses interest in obtaining food stamp assistance. The State agency may require households to file an application at a specific certification office or allow them to file an application at any certification office within the State or project area. If an application is received at an incorrect office, the State agency shall advise the household when the application is received of the address and telephone number of the correct office and shall forward the application for the household not later than the next business day.

(3) *Withdrawing an application.* A household may voluntarily withdraw its application at any time prior to the determination of eligibility. The State agency shall document in the case file the reason for withdrawal, if any was stated by the household, and that contact was made with the household to confirm the withdrawal. The State agency shall notify the household of its right to reapply for food stamp benefits at any time after it withdraws its current application.

(4) *Notice of required verification.* The State agency must provide each applicant household, at the time of application for certification and recertification, a clear written statement explaining what the household must do to cooperate in obtaining verification and otherwise completing the application process, and identifying potential sources of required verification. The notice must also inform special needs households of the State agency's responsibility to assist the household in obtaining required verification, provided the household is cooperating with the State agency as specified in paragraph (d)(1) of this section. Such households include, but are not limited to, households with elderly or disabled members, households in rural areas with low-income members, homeless individuals, households residing on reservations, and households in areas in which a substantial number of members of low-income households speak a language other than English.

(d) *Household cooperation.*

(1) *Cooperation with application processing.* If the household refuses to cooperate with the State agency in completing the food stamp application process, the State agency shall deny the application at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take the necessary actions that are required to complete the application process. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household cannot be denied. The household must also be determined ineligible if it refuses to cooperate in any subsequent interview or review of its case, including interviews or reviews generated by reported changes or discrepancies discovered by the State agency during the certification period, interviews at the time of application for recertification, and quality control reviews. The scheduling of in-office interviews to resolve discrepancies reported or discovered during a household's certification period must be limited to those situations in which the State agency has new information indicating a potential intentional Program violation situation. Refusal to appear for such an interview would result in termination of the case. In all cases, where the State agency determines that benefits will be reduced or terminated, households are entitled to a notice of adverse action, unless exempt, pursuant to the provisions of § 273.13.

(2) *Quality control review.* The household must be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility as part of a quality control review. If a household is terminated for refusal to cooperate with a quality control reviewer, the household may reapply, but cannot be determined eligible until it cooperates with the quality control reviewer. If a household which was terminated for refusal to cooperate with a State quality control review reapplies after 90 days from the end of the annual review period, the household cannot be determined ineligible for the refusal to cooperate with a State quality control reviewer during the completed review period, but must provide verification in accordance with paragraph (f)(1)(xii) of this section. If a household terminated for refusal to cooperate with a Federal quality control reviewer reapplies after seven months from the end of the annual review period, the household cannot be determined ineligible for its refusal to cooperate with a Federal quality control reviewer during the completed review period, but must provide verification in accordance with paragraph (f)(1)(xii) of this section.

(e) *Interviews.*

(1) *Face-to-face interview.* Except for households certified for longer than 12 months, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. Interviews may be conducted at the food stamp office or another mutually convenient location of the State agency's choosing, including a household's residence. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information. The applicant's right to privacy must be protected during the interview. The interview may be conducted separately or jointly with an interview for other types of assistance programs for which the household has applied. If the interview will be conducted in a household's residence, it must be scheduled in advance with the household. Interviews should be scheduled so as to allow the household at least 10 days to provide

requested verification before the end of the 30-day processing period.

(2) *Waivers of the face-to-face interview.* The State agency shall waive the face-to-face interview required in paragraph (e)(1) of this section in favor of a telephone interview on a case-by-case basis because of household hardship situations as determined by the State agency. The State agency shall document the case file to show when a waiver was granted because of a hardship. The State agency may opt to waive the face-to-face interview in favor of a telephone interview for all households which have no earned income and all members of the household are elderly or disabled. Regardless of any approved waivers, the State agency must grant a face-to-face interview to any household which requests one. The State agency has the option of conducting a telephone interview or a home visit that is scheduled in advance with the household if the office interview is waived.

(f) *Verification.* Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.

(1) *Mandatory verification.* Prior to initial certification, State agencies must verify the following information:

(i) *Identity.* The identity of the person making application must be verified. Where an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household must be verified.

(ii) *Residency.* The household's residency must be verified except where verification of residency cannot reasonably be accomplished (such as residency for homeless households, some migrant farmworkers, and households who have recently moved to the area).

(iii) *Social security numbers.* Except for TANF and SSI categorically eligible households described in paragraph (j) of this section, the State agency must verify social security numbers (SSN) reported by households by submitting them to the Social Security Administration (SSA) for verification according to procedures established by SSA. The State agency may accept as verified an SSN that has been verified by another program participating in the IEVS described in § 272.8 of this chapter. The State agency cannot delay the certification for or issuance of benefits to an otherwise eligible household solely to verify the SSN of a household member. If an individual is unable to provide an SSN or does not have an SSN, the State agency must follow the procedures in § 273.6. Newly obtained SSNs must be verified at recertification.

(iv) *Alien eligibility.* The immigration status of aliens must be verified. The Department of Justice (DOJ) Interim Guidance On Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Interim Guidance) (62 FR 61344, November 17, 1998) contains information on acceptable documents and INS codes. State agencies should use the Interim Guidance until DOJ publishes a final rule on this issue. Thereafter, State agencies should consult both the Interim Guidance and the DOJ final rule. Where the Interim Guidance and the DOJ final rule conflict, the latter should control the alien eligibility determination. As provided in § 273.4 the following information may also be relevant to the eligibility of some aliens: date of admission or date status was granted; military connection; battered status; if the alien was lawfully residing in the United States on August 22, 1996; membership in certain Indian tribes; if the person was age 65 or older on August 22, 1996; if a lawful permanent resident can be credited with 40 qualifying quarters of covered work and if any Federal means-tested public benefits were received in any quarter after December 31, 1996; or if the alien was a member of certain Hmong or Highland Laotian tribes during a certain period of time or is the spouse or unmarried dependent of such a person. If applicable to the alien's eligibility, these factors must also be verified. An alien is ineligible until acceptable documentation is provided unless:

(A) The State agency has submitted a copy of a document provided by the household to INS for verification. Pending such verification, the State agency cannot delay, deny, reduce or terminate the individual's eligibility for benefits on the basis of the individual's immigration status.

(B) The applicant or the State agency has submitted a request to SSA for information regarding the number of quarters of work that can be credited to the individual, SSA has responded that the individual has fewer than 40 quarters, and the individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited. If SSA indicates that the number of qualifying quarters that can be credited is under investigation, the individual may be certified pending the results of the investigation for up to 6 months from the date of the original determination of insufficient quarters.

(v) *Disability.*

(A) Verification of a person's disability must be obtained.

(B) To determine if a disabled person qualifies as a separate household under § 273.1(a)(2)(ii), the State agency must use the most recent list of disabilities issued by SSA to determine if a disability is considered permanent under the Social Security Act. If the disability is on the list, the State agency must determine if the person is unable to purchase and prepare meals because of such disability. If the person suffers from a nondisease-related severe, permanent physical or mental disability that is not on SSA's list, and it is obvious to the caseworker that the person is unable to purchase and prepare meals because of the disability, no verification is required. If it is not obvious to the caseworker, the caseworker must require a statement from a physician or licensed or certified psychologist certifying that the individual is unable to purchase and prepare meals because the individual suffers from one of the disabilities on the SSA list or other nondisease-related, severe, permanent physical or mental disability. The elderly and disabled individual (or his or her authorized representative) is responsible for obtaining the cooperation of the individuals with whom he or she resides in providing the necessary income information about the others for purposes of this provision.

(vi) *Gross nonexempt income.* Gross nonexempt income must be verified. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker must determine an amount to be used for certification purposes based on the best available information.

(vii) *Medical expenses.* The amount of medical expenses (including the amount of reimbursements) deductible under § 273.9(d)(3) must be verified. Verification of other factors, such as whether an expense is deductible or entitlement of the person incurring the cost to the medical deduction, is required if questionable.

(viii) *Legal obligation and actual child support payments.* The household's legal obligation to pay child support, the

amount of the obligation, and the monthly amount of child support the household actually pays must be verified.

(ix) *Shelter costs for homeless households.* Homeless households claiming shelter expenses must provide verification of their shelter expenses to qualify for the homeless shelter deduction if the State agency has such a deduction.

(x) *Utility expenses.* The household must provide verification of utility expenses (for its current home and an unoccupied home) claimed in excess of the standard allowance if the expenses would actually result in a deduction and the State agency does not mandate the use of utility standards.

(xi) *Unverified expenses.* If required verification of an allowable expense cannot be obtained within the 30-day processing time, the State agency must advise the household that its eligibility and benefit level will be determined without allowing the unverified expense. If the household's actual utility expenses cannot be verified within the 30-day processing time, the State agency must use the standard utility allowance, provided the household is entitled to use the standard as specified in § 273.9(d).

(xii) *Refusal to cooperate with QC reviewer.* State agencies must verify all factors of eligibility for households which have been terminated for refusal to cooperate with a State quality control reviewer and which reapply after 90 days from the end of the annual review period. State agencies must verify all factors of eligibility for households who have been terminated for refusal to cooperate with a Federal quality control reviewer and reapply after seven months from the end of the annual review period.

(2) *Verification of questionable information.*

(i) Prior to certification, the State agency must verify all factors that could affect the household's eligibility and benefit level, including household composition, if they are questionable. The State agency must establish guidelines to be followed in determining what will be considered questionable information. These guidelines cannot prescribe verification based on race, religion, ethnic background, or national origin; and they cannot target groups such as migrant farm workers or Native Americans for more intensive verification under this paragraph (f)(2)(i).

(ii) If a member's citizenship is questionable, the State agency must verify the member's citizenship in accordance with attachment 4 of the DOJ Interim Guidance. After DOJ issues final rules, State agencies should consult both the Interim Guidance and the final rule. Where the Interim Guidance and the DOJ final rule conflict, the latter should control the eligibility determination. The State agency must accept participation in another program as acceptable verification if verification of citizenship was obtained for that program. The member whose citizenship is in question is ineligible to participate until the issue is resolved.

(3) *State agency options.* In addition to the verification required in paragraphs (f)(1) and (f)(2) of this section, the State agency may elect to mandate verification of any other factor which affects household eligibility or allotment level. Such mandatory verification policy must be applied to all households on a Statewide basis or throughout a project area and cannot be selectively imposed on a case-by-case basis. The optional verification does not apply in those offices of the SSA which, in accordance with paragraph (k) of this section, provide for the food stamp certification of households containing recipients of Supplemental Security Income (SSI) and social security benefits. However, the State agency may negotiate with those SSA offices with regard to mandating verification of these options.

(4) *Sources of verification.* State agencies must establish their own standards for sources of verification, subject to the provisions of this paragraph (f)(4). Such standards shall emphasize determining the adequacy of the documentary evidence the household provides to support the statement on the application. State agencies shall not limit households to one specific form of verification, if other documents can equally prove its statements. Home visits may be used as verification only when documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, and the home visit is scheduled in advance with the household. State agencies may use a collateral contact, that is, oral confirmation of a household's circumstances by a person outside of the household, as verification. The collateral contact may be made either in person or over the telephone. The State agency may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the State agency, but shall first apprise the household of the selection and afford the household an opportunity to verify the information using alternate means. Where unverified information from a source other than the household contradicts statements made by the household, the household must be afforded a reasonable opportunity to resolve the discrepancy prior to a determination of eligibility or benefits. If unverified information is obtained through the IEVS, as specified in § 272.8 of this chapter, the State agency must follow the procedures in paragraph (f)(8)(iv) of this section.

(5) *Responsibility for obtaining verification.* The household has primary responsibility for providing documentary evidence to support statements on the application, reported changes in household circumstances, and statements provided at recertification and to resolve any questionable information. Households may supply verification in person, through the mail, facsimile or other electronic device, or through an authorized representative. State agencies shall not require households to present verification in person at the food stamp office, except as provided in paragraph (d)(1) of this section. The State agency shall accept any reasonable documentary evidence provided by the household.

(6) *Documentation.* The State agency must document the case file to support eligibility, ineligibility, and benefit level determinations. Documentation must be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination. The State agency may store records electronically.

(7) *Verification subsequent to initial certification.* Information required to be verified in paragraphs (f)(1), (f)(2) and (f)(3) of this section must be verified again when changes are reported during the certification period or at recertification which would affect eligibility or the benefit level and when unchanged information becomes questionable.

(8) *Optional use of IEVS.*

(i) The State agency may obtain information through IEVS in accordance with procedures specified in § 272.8 of this chapter and use it to verify the eligibility and benefit levels of applicants and participating households.

(ii) The State agency must take action, including proper notices to households, to terminate, deny, or reduce benefits based on information obtained through IEVS which is considered verified upon receipt. Information considered verified upon receipt is social security, SSI, TANF, and Unemployment Insurance Benefits (UIB) information obtained from the agencies administering those programs. If the information about a particular household is questionable,

the information is considered unverified upon receipt, and the State agency must take action as specified in paragraph (f)(8)(iii) of this section.

(iii) Except as noted in this paragraph (f)(8)(iii), prior to taking action to terminate, deny, or reduce benefits based on information obtained through IEVS which is considered unverified upon receipt or questionable, State agencies must independently verify the information. Information that is considered unverified upon receipt may include but is not limited to unearned income information from IRS, wage information from SSA and SWICAs, and questionable information. Except with respect to unearned income information from IRS, if a State agency has information which indicates that independent verification is not needed, such verification is not required.

(iv) Independent verification includes verification of the amount of the resources or income involved and when the household had the resources or received the income. The State agency must obtain independent verification of unverified information obtained from IEVS by contacting the household or the appropriate income or resource source. If the State agency chooses to contact the household, it must inform the household of the information which it has received and provide the household with a reasonable opportunity to respond. If the household fails to respond in a timely manner (or when the household or appropriate source provides the independent verification), the State agency must properly notify the household of the action it intends to take and provide the household with an opportunity to request a fair hearing prior to any adverse action.

(9) *Optional Use of SAVE.* Households are required to submit documents to verify the immigration status of aliens. State agencies that verify the validity of such documents through the INS SAVE system in accordance with § 272.11 of this chapter must use the following procedures.

(i) The written consent of the alien is not required for the State agency to contact INS to verify the validity of documents the household presents.

(ii) Pending resolution of discrepancies between the Alien Status Verification Index database and information submitted by the household, the State agency must not delay, deny, reduce, or terminate the alien's eligibility for benefits on the basis of the individual's alien status.

(iii) If the State agency determines that the alien is not in an eligible alien status, the State agency must take action, including proper notices to the household, to terminate, deny or reduce benefits.

(iv) The use of SAVE must be documented in the casefile or other agency records. When the State agency is waiting for a response from SAVE, agency records must contain either a notation showing the date of the State agency's transmission or a copy of the INS Form G–845 sent to INS. Once the SAVE response is received, agency records must show documentation of the ASVI Query Verification Number or contain a copy of the INS-annotated Form G–845. Whenever the response from automated access to the ASVI directs the eligibility worker to initiate secondary verification, agency records must show documentation of the ASVI Query Verification Number and contain a copy of the INS Form G–845.

(g) *Authorized representatives.* Representatives may be authorized to act on behalf a household in the application process, in obtaining food stamp benefits, and in using food stamp benefits.

(1) *Application process.* When a responsible member of the household cannot complete the application process, a nonhousehold member may be designated as the authorized representative for application processing purposes. The household member or the authorized representative may complete work registration forms for those household members required to register for work. Except for those situations in which a drug and alcoholic treatment center or other group living arrangement acts as the authorized representative, the State agency must inform the household that the household will be held liable for any overissuance that results from erroneous information given by the authorized representative.

(i) A nonhousehold member may be designated as an authorized representative for application processing purposes provided that the person is an adult who is sufficiently aware of relevant household circumstances and the authorized representative designation has been made in writing by the head of the household, the spouse, or another responsible member of the household. Paragraph (g)(4) of this section contains further restrictions on who can be designated an authorized representative.

(ii) In the event the only adult living with a household is a nonhousehold member as defined in § 273.1(b), the adult may be the authorized representative for the minor household member(s).

(iii) Residents of drug addict or alcoholic treatment centers and group homes must apply and be certified through the use of authorized representatives in accordance with § 273.11(e) and § 273.11(f).

(2) *Obtaining food stamp benefits.* An authorized representative may be designated to obtain benefits, and the designation should be done at the time of certification. Even if the household is able to obtain benefits, it should be encouraged to name an authorized representative for obtaining benefits in case of illness or other circumstances which might result in an inability to obtain benefits. The name of the authorized representative must be recorded in the household's case record and on the food stamp identification (ID) card, as provided in § 274.10(a)(1) of this chapter. The authorized representative for obtaining benefits may or may not be the same individual designated for application processing purposes. The State agency must develop a system by which a household may designate an emergency authorized representative in accordance with § 274.10(c) of this chapter to obtain the household's benefits for a particular month.

(3) *Using benefits.* A household may allow any household member or nonmember to use its ID card and benefits to purchase food or meals, if authorized, for the household. Drug or alcohol treatment centers and group living arrangements which act as authorized representatives for residents of the facilities must use food stamp benefits for food prepared and served to those residents participating in the Food Stamp Program (except when residents leave the facility as provided in § 273.11(e) and (f)).

(4) *Restrictions on designations of authorized representatives.* The State agency must restrict the use of authorized representatives for purposes of application processing and obtaining food stamp benefits as follows:

(i) State agency employees who are involved in the certification or issuance processes and retailers who are authorized to accept food stamp benefits may not act as authorized representatives without the specific written approval of a designated State agency official and only if that official determines that no one else is available to serve as an authorized representative.

(ii) An individual disqualified for an intentional Program violation cannot act as an authorized representative during the disqualification period, unless the State agency has determined that no one else is available to serve as an authorized representative. The State agency must separately determine whether the individual is needed to

apply on behalf of the household, or to obtain benefits on behalf of the household.

(iii) If a State agency has determined that an authorized representative has knowingly provided false information about household circumstances or has made improper use of coupons, it may disqualify that person from being an authorized representative for up to one year. The State agency must send written notification to the affected household(s) and the authorized representative 30 days prior to the date of disqualification. The notification must specify the reason for the proposed action and the household's right to request a fair hearing. This provision is not applicable in the case of drug and alcoholic treatment centers and those group homes which act as authorized representatives for their residents.

(iv) Homeless meal providers, as defined in § 271.2 of this chapter, may not act as authorized representatives for homeless food stamp recipients.

(v) In order to prevent abuse of the program, the State agency may set a limit on the number of households an authorized representative may represent.

(h) *Normal processing.*

(1) *Thirty-day standard.* The State agency must provide eligible households that complete the initial application process an opportunity to participate (as defined in § 274.2(b) of this chapter) as soon as possible, but no later than 30 calendar days following the filing date. The filing date is the date an application that contains the applicant's name and address and the signature of a responsible member of the household or the household's authorized representative is filed at the correct office. Day one of the 30-day period is the day after the date an application is filed. When a resident of an institution jointly applies for SSI and food stamps prior to leaving the institution in accordance with § 273.1(e)(2), the filing date is the date the applicant is released from the institution. Households that are found to be ineligible must be sent a notice of denial as soon as the decision is made but no later than 30 days following the date of application.

(2) *Delayed actions.* If the State agency cannot act on an application within 30 days because of a delay on its part, the State agency must continue to process the case. If the State agency determines that the household is eligible, the household is entitled to benefits retroactive to the date of application. If the State agency cannot act on the application within 30 days because of a delay on the household's part, the State agency must either deny the case or hold the case pending for an additional period of time. The State agency may determine the length of the application pending period, provided the period is not more than 2 months in addition to the month of application. If the household caused the delay, the State agency must provide benefits retroactive to the date the household takes the required action.

(3) *Determining cause for delayed actions.* The State agency must determine the cause of a delay in processing using the following criteria:

(i) Delays that are the fault of the State agency include, but are not limited to, the following:

(A) Failure to explore and attempt to resolve with the household any unclear and incomplete information at the interview;

(B) failure to inform the household of the need for one or more members to register for work and failure to allow the members at least 10 days to complete work registration;

(C) Failure to provide the household with a statement of required verification and failure to allow the household at least 10 days to provide the missing verification; or

(D) Failure to notify the household that it could reschedule a missed interview appointment.

(ii) Delays that are the fault of the household include, but are not limited to, the following:

(A) Failure to cooperate with the State agency in resolving any unclear or incomplete information provided at the interview;

(B) Failure to register household members for work;

(C) Failure to provide missing verification; or

(D) Failure to reschedule a missed interview appointment.

(4) *Combined allotments.* At State agency option, households which apply after the 15th of the month may be issued a combined allotment which includes prorated benefits for the month of application and full benefits for the next month provided that the month of application is an initial month (as described in § 273.10(a)), and the household has completed the application process within 30 days of the date of application and been determined eligible for those benefits. The benefits must be issued in accordance with § 274.2(c) of this chapter.

(i) *Expedited service.*

(1) *Entitlement.* The following households are entitled to expedited service:

(i) Households with less than $150 in monthly gross income, as computed in § 273.10(e), provided their liquid resources do not exceed $100;

(ii) Migrant or seasonal farmworker households who are destitute, as defined in § 273.10(e)(3), provided their liquid resources do not exceed $100; or

(iii) Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage and utilities (or utility standard in accordance with § 273.9(d)), or less than the homeless shelter standard if the household is homeless.

(2) *Identifying households needing expedited service.* The State agency shall screen all applications at the time they are filed to identify households entitled to expedited service and shall document their evaluation.

(3) *Processing time.* Households entitled to expedited service must have their cases processed in accordance with the following provisions (except during periods of allotment reductions or suspensions as provided in § 271.7(e)(2) of this chapter).

(i) *Benefit delivery.* The State agency must make benefits available to the household in accordance with § 274.2(b) of this chapter not later than the seventh calendar day following the date the application was filed. If the State agency elects to interview the household outside of the office, the State agency must conduct the interview and make benefits available not later than the seventh calendar day following the date the application was filed (unless the household cannot be reached to schedule the interview).

(ii) *Telephone interviews.* If the State agency conducts a telephone interview and mails the application to the household for signature, the mailing time involved and the time during which the household has the application in its possession is not counted in the seven-day standard.

(iii) *Late determinations.* If the State agency fails to identify a household as being entitled to expedited service at the time the application is filed, but subsequently discovers this, benefits must be made available to the household not later than the seventh calendar day following the date the State agency discovers the household is entitled to expedited service.

(4) *Special procedures.* The State agency must use the following procedures for households entitled to expedited service.

(i) *Verification.*

(A) *Mandatory verification.* Prior to certification, the State agency must verify the identity of the person making

the application. All reasonable efforts must be made to verify residency, income (including, if appropriate, a statement that the household has no income), and liquid resources within the expedited processing time frame. State agencies may verify other factors as well, but benefits cannot be delayed beyond the delivery standard prescribed in paragraph (i)(3) of this section solely because eligibility factors other than identity have not been verified.

(B) *Postponed verification.*

(*1*) If a household applies on or before the 15th of the month, any verification that was postponed must be submitted prior to the second month's issuance. If a certification period of longer than one month is assigned, the State agency must issue the second month's benefits within seven working days from receipt of the necessary verification but not before the first day of the second month.

(*2*) If a household applies after the 15th of the month, verification that was postponed must be submitted prior to the third month's issuance. If a certification period of longer than two months is assigned, the State agency must issue the third month's benefits within seven working days from receipt of the necessary verification information but not before the first day of the third month.

(ii) *Social security numbers.* Households entitled to expedited service must be asked to furnish or apply for an SSN for each household member prior to the second month's issuance, or if the State agency issues combined allotments as provided in paragraph (i)(5) of this section, prior to the third month's issuance. Those household members who do not meet this requirement must be allowed to continue to participate if they satisfy the good cause requirements specified in § 273.6(d). The household must provide an SSN or proof of an application for an SSN for a newborn within 6 months after the month the baby is born.

(iii) *Work registration.* With regard to the work registration requirements specified in § 273.7, the State agency must, at a minimum, require the applicant to register (unless exempt). The State agency may attempt to register other members within the expedited service time frame.

(5) *Combined allotments.* Households that apply for initial benefits (as described in § 273.10(a)) after the 15th of the month and are eligible to receive benefits for the initial month and the next month may, at the option of the State agency, receive a combined allotment consisting of prorated benefits for the initial month of application and benefits for the first full month of participation within the expedited service time frame. If necessary, verification must be postponed to meet the expedited time frame. The benefits must be issued in accordance with § 274.2(c) of this chapter.

(6) *Frequency.* There is no limit to the number of times a household can be certified under expedited procedures as long as, prior to each expedited certification, the household either completes the verification that was postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification. The provisions of this section do not apply at recertification if a household reapplies before the end of its current certification period.

(j) *Categorical eligibility.* Households in which each member receives TANF or SSI benefits pursuant to the provisions of paragraph (j)(1) of this section, or receives certain GA benefits pursuant to the provisions of paragraph (j)(2) of this section, are considered to be categorically eligible for food stamps based on their status as recipients of such benefits. For the purpose of the provisions of paragraphs (j)(1) and (j)(2) of this section, individuals are considered recipients of TANF, SSI, or GA benefits if they are actually receiving such benefits, they are authorized to receive such benefits but the actual payments have not been received, the benefits are suspended or recouped, or the benefits are not paid because the grant is less than a minimum benefit level. Residents of institutions who are found by SSA to be potentially eligible for SSI are not considered categorically eligible until such time as a final SSI eligibility determination has been made and they are released from the institution. Individuals not receiving TANF, SSI, or GA benefits who are entitled to Medicaid only are not considered categorically eligible. The food stamp benefit level of categorically eligible households must be computed in accordance with food stamp procedures contained in § 273.10.

(1) *TANF and SSI Households.* Except as provided in this paragraph (j)(1), households in which each member receives SSI or TANF benefits are considered categorically eligible to participate in the Food Stamp Program. Categorical eligibility means that the household is eligible for food stamps without regard to the amount of its resources (whether or not it transferred resources to become eligible) or the amount of its gross and net income. In addition, information regarding the social security numbers of household members, sponsored alien information, and residency are deemed to be acceptable without verification. A household is not categorically eligible if any member of the household has been disqualified for an intentional Program violation in accordance with § 273.16 or the entire household has been disqualified from the Program for any reason. All other food stamp eligibility criteria apply, including, but not limited to, the definition of a food stamp household in § 273.1, the ineligible alien provisions in § 273.4, and the work requirements of § 273.7. The household must complete the food stamp application process, cooperate in providing necessary information for food stamp purposes and submit required reports.

(i) *Ineligible members.* No person can be included as an eligible member of a categorically eligible household if that person is one of the ineligible household members listed in § 273.1(b)(2).

(ii) *Joint processing.* Households that apply jointly for TANF or SSI and food stamp benefits and whose food stamp eligibility depends on their categorical eligibility status must be issued benefits from the beginning of the period for which TANF or SSI benefits are paid or the original food stamp application date, whichever is later. However, in accordance with § 273.1(e)(2), food stamp benefits cannot be issued to residents of public institutions who apply jointly for SSI and food stamp benefits prior to their release from the institution.

(2) *GA households.* Except as specified in paragraph (j)(2)(ii) of this section, households in which each member receives benefits from a State or local GA program which meets the criteria in paragraph (j)(2)(i) of this section are categorically eligible.

(i) *Qualifying GA programs.* The GA program must meet the criteria in paragraph (j)(2)(i)(A) of this section or be certified by FNS in accordance with paragraph (j)(2)(i)(B) of this section.

(A) The program must:

(*1*) Have income and resource standards which may be separate from or included in the benefit computation and which do not exceed the limits for income and resources of the Food Stamp Program, TANF program, or SSI program. The rules for the GA program apply in determining countable income and resources for purposes of this provision;

(*2*) Provide GA benefits as defined in § 271.2 of this part; and

(*3*) Provide ongoing benefits which are not limited to emergency assistance.

(B) If a GA program does not meet all of the criteria in paragraphs (j)(2)(i)(A) of this section, the State agency may request certification of the program by FNS as one that is appropriate for categorical eligibility. In requesting certification, the State agency must submit to the appropriate FNS regional office a description of the program containing, at a minimum, the type of assistance provided, the income and resource eligibility limits, and the period for which the GA is provided.

(ii) *Ineligible households.* A household is not considered categorically eligible if it:

(A) Refuses to cooperate in providing to the State agency information that is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility, as described in paragraph (d) of this section or § 273.21(m)(l)(ii); or

(B) Is disqualified for failure to comply with a work requirement of § 273.7.

(iii) *Ineligible members.* No person can be included as an eligible member in any household which is otherwise categorically eligible if that person is one of the ineligible household members listed in § 273.1(b)(2).

(iv) *Verification requirements.* In determining whether a household is categorically eligible, the State agency must verify that each member receives PA or SSI benefits, or GA benefits from a GA program that meets the criteria in paragraph (j)(2)(i) of this section; the household has not been disqualified as provided in paragraph (j)(2)(ii); and no individuals have been disqualified as provided in paragraph (j)(2)(iii) of this section.

(v) *Deemed eligibility factors.* When determining the eligibility for a categorically eligible household, all Food Stamp Program provisions apply except the following:

(A) *Resources.* None of the provisions of § 273.8 apply to categorically eligible households except the second sentence of § 273.8(a) pertaining to categorical eligibility and § 273.8(i) concerning transfer of resources. The provisions in § 273.10(b) regarding resources available at the time of the interview do not apply to categorically eligible households.

(B) *Gross and net income limits.* None of the provisions of § 273.9(a) relating to income eligibility standards apply to categorically eligible households, except the fourth sentence pertaining to categorical eligibility. The provisions in § 273.10(a)(10)(i) and § 273.10(c) relating to the income eligibility determination also do not apply to categorically eligible households.

(C) *Residency.* The household's residency is deemed to be acceptable. Verification is not needed.

(D) *Sponsored aliens.* The sponsored alien information is deemed to be acceptable. Verification is not needed.

(vi) *Zero benefit households.* The provision of § 273.10(e)(2)(iii)(A) which allows a State agency to deny the application of a household with three or more members entitled to no benefits because its net income exceeds the level at which benefits are issued does not apply to categorically eligible households. All eligible households of one or two persons must be provided the minimum benefit, as required by § 273.10(e)(2)(ii)(C).

* * * * *

10. In § 273.4:

a. Paragraphs (a) and (c) are revised.

b. Paragraphs (b) and (d) are removed, and paragraph (e) is redesignated as paragraph (b).

The revisions read as follows:

§ 273.4 Citizenship and alien status.

(a) *Household members meeting citizenship or alien status requirements.* No person is eligible to participate in the Food Stamp Program unless that person is:

(1) A U. S. citizen;

(2) A U. S. alien national;

(3) An individual who is:

(i) An American Indian born in Canada who possesses at least 50 per centum of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act (8 U.S.C. 1359) apply; or

(ii) A member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 1359) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(4) An individual who is:

(i) Lawfully residing in the United States and was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964 and ending May 7, 1975;

(ii) The spouse, or surviving spouse of such an individual who is deceased, or

(iii) An unmarried dependent child of such Hmong or Highland Laotian who is under the age of 18 or if a full-time student under the age of 22; an unmarried child of such a deceased Hmong or Highland Laotian provided the child was dependent upon him or her at the time of his or her death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child's 18th birthday; or

(5) An individual who is both a qualified alien as defined in paragraph (a)(5)(i) of this section and an eligible alien as defined in paragraph (a)(5)(ii) of this section.

(i) A qualified alien is:

(A) An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

(B) An alien who is granted asylum under section 208 of the INA;

(C) A refugee who is admitted to the United States under section 207 of the INA;

(D) An alien who is paroled into the United States under section 212(d)(5) of the INA for a period of at least 1 year;

(E) An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA;

(F) An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;

(G) An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered, provided the individual meets the requirements specified in Exhibit B to Attachment 5 of the DOJ Interim Guidance (or any provision of a DOJ final rule superseding Exhibit B to Attachment 5 of the Interim Guidance); or

(H) An alien who is a Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

(ii) A qualified alien, as defined in paragraph (a)(5)(i) of this section, must also be at least one of the following to be eligible to receive food stamps:

(A) An alien lawfully admitted for permanent residence under the INA who has worked 40 qualifying quarters as determined under title II of the Social Security Act or can be credited with 40 quarters worked by a parent of the alien before the alien became 18 and/or quarters worked by a spouse of the alien during their marriage and they are still married or the spouse is deceased. After December 31, 1996, a quarter in which the alien actually received any Federal means-tested public benefit, as defined by the agency providing the benefit, or actually received food stamps is not creditable toward the 40-quarter total. Likewise, a parent or spouse's quarter is

not creditable if the parent or spouse actually received any Federal means-tested public benefit or actually received food stamps in that quarter.

(B) An alien admitted as a refugee under section 207 of the INA. Eligibility is limited to 7 years from the date of the alien's entry into the United States.

(C) An alien granted asylum under section 208 of the INA. Eligibility is limited to 7 years from the date asylum was granted.

(D) An alien whose deportation is withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) or the INA. Eligibility is limited to 7 years from the date deportation or removal was withheld.

(E) An alien granted status as a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980). Eligibility is limited to 7 years from the date the status as a Cuban or Haitian entrant was granted.

(F) An Amerasian, admitted pursuant to section 584 of Public Law 100–202, as amended by Public Law 100–461. Eligibility is limited to 7 years from the date admitted as an Amerasian.

(G) An alien with one of the following military connections:

(*1*) A veteran who was honorably discharged for reasons other than alien status, who fulfills the minimum active-duty service requirements of 38 U.S.C. 5303A(d), including an individual who died in active military, naval or air service. The definition of veteran includes an individual who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States or in the Philippine Scouts, as described in 38 U.S.C. 107;

(*2*) An individual on active duty in the Armed Forces of the United States (other than for training); or

(3) *The spouse and unmarried dependent children of a person described in paragraphs (a)(5)(ii)(G)* (*1*) or (G)(*2*) of this section, including the spouse of a deceased veteran, provided the marriage fulfilled the requirements of 38 U.S.C. 1304, and the spouse has not remarried. An unmarried dependent child for purposes of this provision is a child who is under the age of 18 or if a full-time student under the age of 22; an unmarried child of a deceased veteran provided the child was dependent upon the veteran at the time of the veteran's death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the veteran prior to the child's 18th birthday.

(H) An individual who on August 22, 1996, was lawfully residing in the United States, and is now receiving benefits or assistance for blindness or disability (as specified in § 271.2).

(I) An individual who on August 22, 1996, was lawfully residing in the United States and was 65 years of age or older on that date; or

(J) An individual who on August 22, 1996, was lawfully residing in the United States and is now under 18 years of age.

* * * * *

(c) *Households containing sponsored alien members.*

(1) *Definition.* A sponsored alien is an alien for whom a person (the sponsor) has executed an affidavit of support on behalf of the alien pursuant to section 213A of the INA.

(2) *Deeming.* For purposes of determining the eligibility and benefit level of a household of which a sponsored alien is a member, all of the income and resources of the sponsor and the sponsor's spouse, if living with the sponsor, must be deemed to be the unearned income and resources of the sponsored alien. The income and resources must be deemed until the alien gains United States citizenship or has worked or can be credited with 40 qualifying quarters of work as determined under title II of the Social Security Act.

(i) The monthly income of the sponsor and sponsor's spouse deemed to be that of the alien must be the total monthly earned and unearned income, as defined in § 273.9(b) with the exclusions provided in § 273.9(c), of the sponsor and sponsor's spouse at the time the household containing the sponsored alien member applies or is recertified for participation.

(ii) Money paid to the alien by the sponsor or the sponsor's spouse will be considered as income to the alien only to the extent that it exceeds the amount deemed to the alien in accordance with paragraph (c)(2)(i) of this section.

(iii) Resources of the sponsor and sponsor's spouse deemed to be that of the alien must be the total amount of their resources as determined in accordance with § 273.8.

(iv) If a sponsored alien can demonstrate to the State agency's satisfaction that his or her sponsor sponsors other aliens, the income and resources deemed under the provisions of paragraphs (c)(2)(i) and (c)(2)(iii) of this section must be divided by the number of such aliens that apply for or are participating in the program.

(3) *Exempt aliens.* The provisions of paragraph (c)(2) of this section do not apply to:

(i) An alien who is a member of his or her sponsor's food stamp household;

(ii) An alien who is sponsored by an organization or group as opposed to an individual;

(iii) An alien who is not required to have a sponsor under the Immigration and Nationality Act, such as a refugee, a parolee, an asylee, or a Cuban or Haitian entrant;

(iv) An indigent alien that the State agency has determined is unable to obtain food and shelter taking into account the alien's own income plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor(s). The only amount that will be deemed to such an alien will be the amount actually provided for a period beginning on the date of such determination and ending 12 months after such date. The State agency must notify the Attorney General of each such determination, including the names of the sponsor and the sponsored alien involved;

(v) A battered alien spouse, alien parent of a battered child, or child of a battered alien, for 12 months after the State agency determines that the battering is substantially connected to the need for benefits, provided such individual meets the requirements specified in Exhibit B to Attachment 5 of the DOJ Interim Guidance (or any provision of a DOJ final rule superseding Exhibit B to Attachment 5 of the Interim Guidance) and the battered individual does not live with the batterer. After 12 months, the batterer's income and resources will not be deemed if the battery is recognized by a court or the INS and has a substantial connection to the need for benefits and the alien does not live with the batterer.

(4) *Sponsored alien's responsibilities.* During the period the alien is subject to deeming, the alien is responsible for obtaining the cooperation of the sponsor and for providing the State agency at the time of application and at the time of recertification with the information and documentation necessary to calculate deemed income and resources in accordance with the paragraphs (c)(2)(i) through (c)(2) (iii) of this section. The alien is responsible for providing the names and other identifying factors of other aliens for whom the alien's sponsor has signed an affidavit of support. The entire amount of income and resources will be attributed to the applicant alien until this information is provided. The alien is also to be responsible for reporting the required

information about the sponsor and sponsor's spouse should the alien obtain a different sponsor during the certification period and for reporting a change in income should the sponsor or the sponsor's spouse change or lose employment or die during the certification period. Such changes will be handled in accordance with the timeliness standards described in § 273.12.

(5) *Awaiting verification.* Until the alien provides information or verification necessary to carry out the provisions of paragraph (c)(2) of this section, the sponsored alien is ineligible. The eligibility of any remaining household members must be determined. The income and resources of the ineligible alien (excluding the deemed income and resources of the alien's sponsor and sponsor's spouse) must be considered available in determining the eligibility and benefit level of the remaining household members in accordance with paragraph (c) of this section. If the sponsored alien refuses to cooperate in providing information or verification, other adult members of the alien's household are responsible for providing the information or verification required in accordance with the provisions of § 273.2(d). If the information or verification is subsequently received, the State agency must act on the information as a reported change in household membership in accordance with the timeliness standards in § 273.12. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as needed sponsor information or verification is provided.

* * * * *

11. In § 273.8:

a. Paragraphs (c)(3), (e)(18) introductory text and (h)(6) are revised.

b. A new paragraph (h)(1)(vii) is added.

The revisions and addition read as follows:

§ 273.8 Resource eligibility standards.

* * * * *

(c) *Definition of resources.* * * *

(3) For a household containing a sponsored alien, the resources of the sponsor and the sponsor's spouse shall be deemed in accordance with § 273.4(c)(2).

* * * * *

(e) *Exclusions from resources.* * * *

(18) State agencies shall develop clear and uniform standards for identifying kinds of resources that, as a practical matter, the household is unable to sell for any significant return because the household's interest is relatively slight or the costs of selling the household's interest would be relatively great. A resource shall be so identified if its sale or other disposition is unlikely to produce any significant amount of funds for the support of the household or the cost of selling the resource would be relatively great. This provision does not apply to financial instruments such as stocks, bonds, and negotiable financial instruments. The determination of whether any part of the value of a vehicle is included as a resource shall be made in accordance with the provisions of paragraph (h) of this section. The State agency may require verification of the value of a resource to be excluded if the information provided by the household is questionable. The following definitions shall be used in developing these standards:

* * * * *

(h) *Handling of licensed vehicles.* * * *

(1) * * *

(vii) the value of the vehicle is inaccessible, in accordance with paragraph (e)(18) of this section, because its sale would produce an estimated return of not more than one-half of the applicable resource limit for the household.

* * * * *

(6) In summary, each licensed vehicle shall be handled as follows: First, the vehicle shall be evaluated under paragraph (h)(1) of this section to determine if it is excludable from resources as an income producer, a home, necessary to transport a disabled household member, necessary to carry fuel for heating or water for home use, or its value is inaccessible in accordance with paragraph (e)(18) of this section. Any vehicle excluded under paragraph (h)(1) of this section shall be deemed to have no countable value as a resource affecting eligibility; thus, such a vehicle need not be evaluated further under either paragraph (h)(3) or paragraph (h)(4) of this section. If not so excluded, however, a vehicle shall be evaluated under paragraph (h)(3) of this section to determine the amount, if any, by which fair market value exceeds $4,650 (''excess fair market value''). The vehicle shall also be evaluated under paragraph (h)(4) of this section to see if it is exempt from having its equity value assessed as the household's only vehicle or as a second vehicle necessary for employment reasons. If the vehicle is equity exempt, the excess fair market value shall be counted as a resource. If the vehicle is not equity exempt, the countable equity value shall be determined, and the greater of the excess fair market value and the countable equity value shall be counted as a resource.

* * * * *

12. In § 273.9:

a. Paragraph (b)(1)(v) is revised.

b. Paragraph (b)(4) is revised.

c. Paragraph (c)(1)(i)(E) is removed and paragraph (c)(1)(i)(F) is redesignated as paragraph (c)(1)(i)(E).

d. Paragraphs (c)(1)(ii)(A) and (c)(1)(ii)(E) are removed and paragraphs (c)(1)(ii)(B), (c)(1)(ii)(C), (c)(1)(ii)(D), (c)(1)(ii)(F) and (c)(91)(ii)(G) are redesignated as paragraphs (c)(1)(ii)(A), (c)(1)(ii)(B), (c)(1)(ii)(C), (c)(1)(ii)(D) and (c)(1)(ii)(E), respectively.

e. The first sentence of paragraph (c)(7) is amended by removing the number ''22'' and adding the number ''18'' in its place.

f. A new sentence is added before the last sentence in paragraph (c)(8).

g. Paragraph (c)(11) is revised.

h. Paragraphs (d)(6), (d)(8) and (d)(9) are removed.

i. Paragraph (d)(5) is redesignated as paragraph (d)(6) and paragraph (d)(7) is redesignated as paragraph (d)(5).

j. Newly redesignated paragraph (d)(6)(i) is revised in its entirety.

k. The heading and introductory text of newly redesignated paragraph (d)(6)(ii) is revised.

l. Newly redesignated paragraph (d)(6)(ii)(C) is revised.

m. A new paragraph (d)(6)(iii) is added.

The additions and revisions read as follows:

§ 273.9 Income and deductions.

* * * * *

(b) *Definition of income.* * * *

(1) * * *

(v) Earnings to individuals who are participating in on-the-job training programs under section 204(b)(1)(C) or section 264(c)(1)(A) of the Workforce Investment Act. This provision does not apply to household members under 19 years of age who are under the parental control of another adult member, regardless of school attendance and/or enrollment as discussed in paragraph (c)(7) of this section. For the purpose of this provision, earnings include monies paid by the Workforce Investment Act and monies paid by the employer.

* * * * *

(4) For a household containing a sponsored alien, the income of the sponsor and the sponsor's spouse shall be deemed in accordance with § 273.4(c)(2).

* * * * *

(c) *Income exclusions.* * * *

(8) * * * TANF payments made to divert a family from becoming

dependent on welfare may be excluded as a nonrecurring lump-sum payment if no more than one payment is anticipated in any 12-month period to meet needs that do not extend beyond a 4-month period, the payment is designed to address barriers to achieving self-sufficiency rather than provide assistance for normal living expenses, and the household did not receive a regular monthly TANF payment in the prior month or the current month. * * *

* * * * *

(11) Energy assistance as follows:

(i) Any payments or allowances made for the purpose of providing energy assistance under any Federal law other than part A of Title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) and

(ii) A one-time payment or allowance applied for on an as-needed basis and made under a Federal or State law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device. A down-payment followed by a final payment upon completion of the work will be considered a one-time payment for purposes of this provision.

* * * * *

(d) *Income deductions.* * * *

(6) *Shelter costs.*

(i) *Homeless shelter deduction.* A State agency may develop a standard homeless shelter deduction up to a maximum of $143 a month for shelter expenses specified in paragraphs (d)(6)(ii)(A), (d)(6)(ii)(B) and (d)(6)(ii)(C) of this section that may reasonably be expected to be incurred by households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households. The State agency may make a household with extremely low shelter costs ineligible for the deduction. A household receiving the homeless shelter deduction cannot have its shelter expenses considered under paragraphs (d)(6)(ii) or (d)(6)(iii) of this section. However, a homeless household may choose to claim actual costs under paragraph (d)(6)(ii) of this section instead of the homeless shelter deduction if actual costs are higher and verified.

(ii) *Excess shelter deduction.* Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in § 271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

* * * * *

(C) The cost of fuel for heating; cooling (*i.e.*, the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; garbage and trash collection; the basic service fee for one telephone (including tax on the basic fee); and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.

* * * * *

(iii) *Standard utility allowances.*

(A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, and garbage or trash collection. The LUA must include expenses for at least two utilities other than telephone. However, at its option, the State agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section must be used in developing standards.

(B) The State agency must review the standards periodically and make adjustments to reflect changes in costs. State agencies may opt to establish thresholds for making adjustments. State agencies must provide the amounts of standards to FNS when they are changed and submit methodologies used in developing and updating standards to FNS for approval when the methodologies are developed or changed.

(C) A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

(D) At initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in paragraph (d)(6)(ii)(C) of this section (except the telephone standard), unless the State agency has opted, with FNS approval, to mandate use of a standard. The State agency may require use of the telephone standard for the cost of basic telephone service even if actual costs are higher. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by § 273.10(f)(1)(i), if the State agency has not mandated use of the standard.

(E) A State agency may mandate use of standard utility allowances for all households with qualifying expenses if the State has developed one or more standards that include the costs of heating and cooling and one or more standards that do not include the costs of heating and cooling, the standards will not result in increased program costs, and FNS approves the standard. Under this option households entitled to the standard may not claim actual expenses, even if the expenses are

higher than the standard. Households not entitled to the standard may claim actual allowable expenses. Households in public housing units that have central utility meters and charge households only for excess heating or cooling costs are not entitled to the HCSUA but, at State agency option, may claim the LUA. Requests for approval to use a standard for a single utility must include the cost figures upon which the standard is based. Requests to use an LUA should include the approximate number of food stamp households that would be entitled to the nonheating and noncooling standard, the average utility costs prior to use of the mandatory standard, the proposed standards, and an explanation of how the standards were computed.

(F) If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency must prorate a standard that includes heating or cooling expenses among the household and the other individual, household, or both.

* * * * *

13. In § 273.10,

a. The third and fourth sentences of paragraph (a)(1)(ii) are revised.

b. Paragraph (a)(1)(iv) is removed.

c. The third sentence of paragraph (a)(2) is amended by removing the words ''an application for recertification is submitted more than one month'' and adding in their place, ''a household, other than a migrant or seasonal farmworker household, submits an application''.

d. Three sentences are added to the end of paragraph (d)(3).

e. The second sentence of paragraph (e)(1)(i)(E) is removed.

f. Paragraphs (e)(1)(i)(G) and (e)(1)(i)(H) are redesignated as paragraphs (e)(1)(i)(H) and (e)(1)(i)(I), respectively, and a new paragraph (e)(1)(i)(G) is added.

g. Newly redesignated paragraph (e)(1)(i)(H) is revised.

h. Paragraph (e)(2)(i)(E) is amended by removing the number ''22'' wherever it appears and adding in its place the number ''18''.

i. Paragraph (f) is revised.

The additions and revisions read as follows:

§ 273.10 Determining household eligibility and benefit levels.

(a) *Month of application.*

(1) *Determination of eligibility and benefit levels.* * * *

(ii) * * * As used in this section, the term ''initial month'' means the first month for which the household is certified for participation in the Food Stamp Program following any period during which the household was not certified for participation, except for migrant and seasonal farmworker households. In the case of migrant and seasonal farmworker households, the term ''initial month'' means the first month for which the household is certified for participation in the Food Stamp Program following any period of more than 30 days during which the household was not certified for participation. * * *

* * * * *

(d) *Determining deductions.* * * *

(3) * * * For households certified for 24 months that have one-time medical expenses, the State agency must use the following procedure. In averaging any one-time medical expense incurred by a household during the first 12 months, the State agency must give the household the option of deducting the expense for one month, averaging the expense over the remainder of the first 12 months of the certification period, or averaging the expense over the remaining months in the certification period. One-time expenses reported after the 12th month of the certification period will be deducted in one month or averaged over the remaining months in the certification period, at the household's option.

* * * * *

(e) *Calculating net income and benefit levels.*

(1) *Net monthly income.*

(i) * * *

(G) Subtract the homeless shelter deduction, if any, up to the maximum of $143.

(H) Total the allowable shelter expenses to determine shelter costs, a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.

* * * * *

(f) *Certification periods.* The State agency must certify each eligible household for a definite period of time. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months, except as specified in paragraphs (f)(1) and (f)(2) of this section:

(1) *Households in which all adult members are elderly or disabled.* The State agency may certify for up to 24 months households in which all adult members are elderly or disabled. The State agency must have at least one contact with each household every 12 months. The State agency may use any method it chooses for this contact.

(2) *Households residing on a reservation.* Households residing on a reservation that are required to submit monthly reports in accordance with § 273.21 must be certified for 24 months unless the State agency obtains a waiver from FNS. Any request for a waiver shall include justification for the shorter period, quality control error rate information for the affected households, and input from the affected Indian tribal organization(s). When households move off the reservation, the State agency must either continue their certification periods until they would normally expire or shorten the certification periods in accordance with paragraph (f)(4) of this section.

(3) *Households eligible for a child support deduction.* The State agency may certify for no longer than 3 months households eligible for a child support deduction which have no record of regular child support payments or of child support arrearages and which are not required to report child support payment information periodically (monthly or quarterly) during the certification. The State agency may certify for no longer than 6 months households with a record of regular child support and arrearage payments which are not required to report payment information periodically during the certification period. The State agency may certify for no longer than 12 months households required to report child support payment information monthly or quarterly.

(4) *Shortening certification periods.* (i) The State agency may shorten the certification period with a notice of adverse action under the following conditions *provided* the State agency has afforded the household at least 10 days to respond to a previously issued written request for a contact with the State agency to clarify its circumstances:

(A) The State agency has information indicating that a household is not reporting earned or unearned income properly;

(B) The State agency has information indicating the household has become ineligible;

(C) A household reports a change that indicates that the new circumstances are very unstable; or

(D) The household fails to provide adequate information regarding a

change in household circumstances other than income.

(ii) If the household does not respond, does not provide sufficient information to clarify its circumstances, or agrees that changes in its circumstances warrant filing a new application, the State agency may issue a notice of adverse action as described in 273.13 which shortens the certification period and explains the reasons for the action.

(5) *Lengthening certification periods.* State agencies are prohibited from lengthening a household's current certification period once it is established. FNS will consider waiver requests from State agencies to lengthen certification periods pursuant to § 272.3(c) of this chapter for up to 24 months for households in which all adult members are elderly or disabled and up to 12 months for other households.

* * * * *

14. In § 273.11,

a. Paragraphs (a) and (b) are revised.

b. The heading and introductory text of paragraph (c)(2) are revised, paragraph (c)(3) is redesignated as paragraph (c)(4) and a new paragraph (c)(3) is added.

c. The heading of paragraph (e) and paragraphs (e)(1) through (e)(5) are revised.

d. Paragraphs (f)(1) and (f)(7) are revised.

e. Paragraph (g)(5) is revised.

f. Paragraph (j) is removed and paragraph (k) is redesignated as paragraph (j).

The revisions and additions read as follows:

§ 273.11 Action on households with special circumstances.

(a) *Self-employment income.* The State agency must calculate a household's self-employment income as follows:

(1) *Averaging self-employment income.*

(i) Self-employment income must be averaged over the period the income is intended to cover, even if the household receives income from other sources. If the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business, the State agency must calculate the self-employment income on the basis of anticipated, not prior, earnings.

(ii) If a household's self-employment enterprise has been in existence for less than a year, the income from that self-employment enterprise must be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(iii) Notwithstanding the provisions of paragraphs (a)(1)(i) and (a)(1)(ii) of this section, households subject to monthly reporting and retrospective budgeting who derive their self-employment income from a farming operation and who incur irregular expenses to produce such income have the option to annualize the allowable costs of producing self-employment income from farming when the self-employment farm income is annualized.

(2) *Determining monthly income from self-employment.*

(i) For the period of time over which self-employment income is determined, the State agency must add all gross self-employment income (either actual or anticipated, as provided in paragraph (a)(1)(i) of this section) and capital gains (according to paragraph (a)(3) of this section), exclude the costs of producing the self-employment income (as determined in paragraph (a)(4) of this section), and divide the remaining amount of self-employment income by the number of months over which the income will be averaged. This amount is the monthly net self-employment income. The monthly net self-employment income must be added to any other earned income received by the household to determine total monthly earned income.

(ii) If the cost of producing self-employment income exceeds the income derived from self-employment as a farmer (defined for the purposes of this paragraph (a)(2)(ii) as a self-employed farmer who receives or anticipates receiving annual gross proceeds of $1,000 or more from the farming enterprise), such losses must be prorated in accordance with paragraph (a)(1) of this section, and then offset against countable income to the household as follows:

(A) Offset farm self-employment losses first against other self-employment income.

(B) Offset any remaining farm self-employment losses against the total amount of earned and unearned income *after* the earned income deduction has been applied.

(iii) If a State agency determines that a household is eligible based on its monthly net income, the State may elect to offer the household an option to determine the benefit level by using either the same net income which was used to determine eligibility, or by unevenly prorating the household's total net income over the period for which the household's self-employment income was averaged to more closely approximate the time when the income is actually received. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards for the household's size.

(3) *Capital gains.* The proceeds from the sale of capital goods or equipment must be calculated in the same manner as a capital gain for Federal income tax purposes. Even if only 50 percent of the proceeds from the sale of capital goods or equipment is taxed for Federal income tax purposes, the State agency must count the full amount of the capital gain as income for food stamp purposes. For households whose self-employment income is calculated on an anticipated (rather than averaged) basis in accordance with paragraph (a)(1) of this section, the State agency must count the amount of capital gains the household anticipates receiving during the months over which the income is being averaged.

(b) *Allowable costs of producing self-employment income.*

(1) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property.

(2) In determining net self-employment income, the following items are not allowable costs of doing business:

(i) Payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods;

(ii) Net losses from previous periods;

(iii) Federal, State, and local income taxes, money set aside for retirement purposes, and other work-related personal expenses (such as transportation to and from work), as these expenses are accounted for by the 20 percent earned income deduction specified in § 273.9(d)(2);

(iv) Depreciation; and

(v) Any amount that exceeds the payment a household receives from a boarder for lodging and meals.

(3) When calculating the costs of producing self-employment income, State agencies may elect to use actual costs for allowable expenses in accordance with paragraphs (b)(1) and (b)(2) of this section or determine self-employment expenses as follows:

(i) For income from day care, use the current reimbursement amounts used in the Child and Adult Care Food Program or a standard amount based on estimated per-meal costs.

(ii) For income from boarders, other than those in commercial boarding houses or from foster care boarders, use:

(A) The maximum food stamp allotment for a household size that is equal to the number of boarders; or

(B) A flat amount or fixed percentage of the gross income, provided that the method used to determine the flat amount or fixed percentage is objective and justifiable and is stated in the State's food stamp manual.

(iii) For income from foster care boarders, refer to § 273.1(c)(6).

(iv) Use the standard amount the State uses for its TANF program.

(v) Use an amount approved by FNS. State agencies may submit a proposal to FNS for approval to use a simplified self-employment expense calculation method that does not result in increased Program costs. Different methods may be proposed for different types of self-employment. The proposal must include a description of the proposed method, the number and type of households and percent of the caseload affected, and documentation indicating that the proposed procedure will not increase Program costs.

(c) *Treatment of income and resources of certain nonhousehold members.* * * *

(2) *SSN disqualification.* The eligibility and benefit level of any remaining household members of a household containing individuals who are disqualified for refusal to obtain or provide an SSN must be determined as follows:

* * * * *

(3) *Ineligible alien.* The eligibility and benefit level of any remaining household members of a household containing an ineligible alien must be determined as follows:

(i) The State agency must count all or, at the discretion of the State agency, all but a pro rata share, of the ineligible alien's income and deductible expenses and all of the ineligible alien's resources in accordance with paragraphs (c)(1) or (c)(2) of this section. In exercising its discretion under this paragraph (c)(3)(i), the State agency may count all of the alien's income for purposes of applying the gross income test for eligibility purposes while only counting all but a pro rata share to apply the net income test and determine level of benefits. This paragraph (c)(3)(i) shall not apply to an alien:

(A) Who is lawfully admitted for permanent residence under the INA;

(B) Who is granted asylum under section 208 of the INA;

(C) Who is admitted as a refugee under section 207 of the INA;

(D) Who is paroled in accordance with section 212(d)(5) of the INA; or

(E) Whose deportation or removal has been withheld in accordance with section 243 of the INA.

(ii) For an ineligible alien within a category described in paragraphs (c)(3)(i)(A) through (c)(3)(i)(E) of this section, State agencies may either:

(A) Count all of the ineligible alien's resources and all but a pro rata share of the ineligible alien's income and deductible expenses; or

(B) Count all of the ineligible alien's resources, count none of the ineligible alien's income and deductible expenses, count any money payment (including payments in currency, by check, or electronic transfer) made by the ineligible alien to at least one eligible household member, not deduct as a household expense any otherwise deductible expenses paid by the ineligible alien, but cap the resulting benefit amount for the eligible members at the allotment amount the household would receive if the household member within the one of the categories described in paragraphs (c)(3)(i)(A) through (c)(3)(i)(E) of this section were still an eligible alien. The State agency must elect one State-wide option for determining the eligibility and benefit level of households with members who are aliens within the categories described in paragraphs (c)(3)(i)(A) through (c)(3)(i)(E) of this section.

(iii) For an alien who is ineligible under § 273.4(b) because the alien's household indicates inability or unwillingness to provide documentation of the alien's alien status, the State agency must count all or, at the discretion of the State agency, all but a pro rata share of the ineligible alien's income and deductible expenses and all of the ineligible alien's resources in accordance with paragraph (c)(1) or (c)(2) of this section. In exercising its discretion under this paragraph (c)(3)(iii), the State agency may count all of the alien's income for purposes of applying the gross income test for eligibility purposes while only counting all but a pro rata to apply the net income test and determine level of benefits.

(iv) The income of the ineligible aliens must be computed using the income definition in § 273.9(b) and the income exclusions in § 273.9(c).

(v) The resources and income of an ineligible sponsored alien must include the resources and income of the sponsor and the sponsor's spouse.

* * * * *

(e) *Residents of drug addict and alcoholic treatment and rehabilitation programs.*

(1) Narcotic addicts or alcoholics who regularly participate in publicly operated or private non-profit drug addict or alcoholic (DAA) treatment and rehabilitation programs on a resident basis may voluntarily apply for the Food Stamp Program. Applications must be made through an authorized representative who is employed by the DAA center and designated by the center for that purpose. The State agency may require the household to designate the DAA center as its authorized representative for the purpose of receiving and using an allotment on behalf of the household. Residents must be certified as one-person households unless their children are living with them, in which case their children must be included in the household with the parent.

(2)(i) Prior to certifying any residents for food stamps, the State agency must verify that the DAA center is authorized by FNS as a retailer in accordance with § 278.1(e) of this chapter or that it comes under part B of title XIX of the Public Health Service Act, 42 U.S.C. 300x *et seq.*, (as defined in ''Drug addiction or alcoholic treatment and rehabilitation program'' in § 271.2).

(ii) Except as otherwise provided in this paragraph (e)(2), the State agency must certify residents of DAA centers by using the same provisions that apply to all other households, including, but not limited to, the same rights to notices of adverse action and fair hearings.

(iii) DAA centers in areas without EBT systems may redeem the households' paper coupons through authorized food stores. DAA centers in areas with EBT systems may redeem benefits in various ways depending on the State's EBT system design. The designs may include DAA use of individual household EBT cards at authorized stores, authorization of DAA centers as retailers with EBT access via POS at the center, DAA use of a center EBT card that is an aggregate of individual household benefits, and other designs. Guidelines for approval of EBT systems are contained in § 274.12 of this chapter.

(iv) The treatment center must notify the State agency of changes in the household's circumstances as provided in § 273.12(a).

(3) The DAA center must provide the State agency a list of currently participating residents that includes a statement signed by a responsible center official attesting to the validity of the list. The State agency must require submission of the list on either a monthly or semimonthly basis. In addition, the State agency must conduct periodic random on-site visits to the

center to assure the accuracy of the list and that the State agency's records are consistent and up to date.

(4) The State agency may issue allotments on a semimonthly basis to households in DAA centers.

(5) When a household leaves the center, the center must notify the State agency and the center must provide the household with its ID card. If possible, the center must provide the household with a change report form to report to the State agency the household's new address and other circumstances after leaving the center and must advise the household to return the form to the appropriate office of the State agency within 10 days. After the household leaves the center, the center can no longer act as the household's authorized representative for certification purposes or for obtaining or using benefits.

(i) The center must provide the household with its EBT card if it was in the possession of the center, any untransacted ATP, or the household's full allotment if already issued and if no coupons have been spent on behalf of that individual household. If the household has already left the center, the center must return them to the State agency. These procedures are applicable at any time during the month.

(ii) If the coupons have already been issued and any portion spent on behalf of the household, the following procedures must be followed.

(A) If the household leaves prior to the 16th of the month and benefits are not issued under an EBT system, the center must provide the household with one-half of its monthly coupon allotment unless the State agency issues semi-monthly allotments and the second half has not been turned over to the center. If benefits are issued under an EBT system, the State must ensure that the EBT design or procedures for DAAs prohibit the DAA from obtaining more than one-half of the household's allotment prior to the 16th of the month or permit the return of one-half of the allotment to the household's EBT account through a refund, transfer, or other means if the household leaves prior to the 16th of the month.

(B) If the household leaves on or after the 16th day of the month, the State agency, at its option, may require the center to give the household a portion of its allotment. Under an EBT system where the center has an aggregate EBT card, the State agency may, but is not required to transfer a portion of the household's monthly allotment from a center's EBT account back to the household's EBT account. However, the household, not the center, must be allowed to receive any remaining benefits authorized by the household's HIR or ATP or posted to the EBT account at the time the household leaves the center.

(iii) The center must return to the State agency any EBT card or coupons not provided to departing residents by the end of each month. These coupons include those not provided to departing residents because they left either prior to the 16th and the center was unable to provide the household with the coupons or the household left on or after the 16th of the month and the coupons were not returned to the household.

* * * * *

(f) *Residents of a group living arrangement.*

(1) Disabled or blind residents of a group living arrangement (GLA) (as defined in § 271.2) may apply either through use of an authorized representative employed and designated by the group living arrangement or on their own behalf or through an authorized representative of their choice. The GLA must determine if a resident may apply on his or her own behalf based on the resident's physical and mental ability to handle his or her own affairs. Some residents of the GLA may apply on their own behalf while other residents of the same GLA may apply through the GLA's representative. Prior to certifying any residents, the State agency must verify that the GLA is authorized by FNS or is certified by the appropriate agency of the State (as defined in § 271.2) including the agency's determination that the center is a nonprofit organization.

(i) If the residents apply on their own behalf, the household size must be in accordance with the definition in § 273.1. The State agency must certify these residents using the same provisions that apply to all other households. If FNS disqualifies the GLA as an authorized retail food store, the State agency must suspend its authorized representative status for the same time; but residents applying on their own behalf will still be able to participate if otherwise eligible.

(ii) If the residents apply through the use of the GLA's authorized representative, their eligibility must be determined as a one-person household.

* * * * *

(7) If the residents are certified on their own behalf, the coupon allotment may either be returned to the GLA to be used to purchase meals served either communally or individually to eligible residents or retained and used to purchase and prepare food for their own consumption. The GLA may purchase and prepare food to be consumed by eligible residents on a group basis if residents normally obtain their meals at a central location as part of the GLA's service or if meals are prepared at a central location for delivery to the individual residents. If personalized meals are prepared and paid for with food stamps, the GLA must ensure that the resident's food stamps are used for meals intended for that resident.

(g) *Shelters for battered women and children.*

* * * * *

(5) State agencies shall take prompt action to ensure that the former household's eligibility or allotment reflects the change in the household's composition. Such action shall include acting on the reported change in accordance with § 273.12 by issuing a notice of adverse action in accordance with § 273.13.

* * * * *

15. In § 273.12, paragraph (f)(5) is revised as follows:

§ 273.12 Reporting Changes.

* * * * *

(f) *PA and GA households.*

* * * * *

(5) Whenever a change results in the termination of a household's PA benefits within its food stamp certification period, and the State agency does not have sufficient information to determine how the change affects the household's food stamp eligibility and benefit level (such as when an absent parent returns to a household, and the State agency does not have any information on the income of the new household member), the State agency shall take the following action:

(i) Where a PA notice of adverse action has been sent, the State agency shall wait until the household's notice of adverse action period expires or until the household requests a fair hearing, whichever occurs first. If the household requests a fair hearing and its PA benefits are continued pending the appeal, the household's food stamp benefits shall be continued at the same basis.

(ii) If a PA notice of adverse action is not required, or the household decides not to request a fair hearing and continuation of its PA benefits, the State agency shall send the household a notice of expiration which informs the household that its certification period will expire at the end of the month following the month the notice of expiration is sent and that it must reapply if it wishes to continue to participate. The notice of expiration

shall also explain to the household that its certification period is expiring because of changes in its circumstances which may affect its food stamp eligibility and benefit level. At its option, the State agency may follow the procedure set forth at § 273.10(f)(4) to shorten certification periods.

16. In § 273.13, the first sentence of paragraph (a)(1) is revised to read as follows:

§ 273.13 Notice of adverse action.

(a) *Use of notice.* * * *

(1) The notice of adverse action is considered timely if the advance notice period conforms with that period of time defined by the State agency as an adequate notice for its public assistance caseload, provided that the period is no less than 10 days and no more than 18 days from the date the notice is mailed to the date the notice expires. * * *

* * * * *

17. In § 273.14:

a. Paragraph (b)(1) is amended by removing the second sentence of the introductory text of paragraph (b)(1)(ii) and removing paragraph (b)(1)(iii).

b. Paragraph (b)(2) is revised.

c. Paragraph (b)(3) is amended by revising paragraph (b)(3)(i), removing the second sentence of paragraph (b)(3)(ii), and removing the first two sentences of paragraph (b)(3)(iii).

d. Paragraph (b)(4) is amended by removing the second sentence and adding the words ''and benefits cannot be prorated'' at the end of the paragraph.

e. Paragraph (e) is revised.

The addition and revisions read as follows:

§ 273.14 Recertification.

* * * * *

(b) *Recertification process.* * * *

(2) *Application.* The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2), and provide the household with a notice of required verification as specified in § 273.2(c)(4).

(3) *Interview.*

(i) As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative. At least one face-to-face interview is required every 12 months unless the State agency grants a waiver in accordance with § 273.2(e)(2). If a telephone interview is conducted the State agency must mail the application to the household to obtain the household's signature.

* * * * *

(e) *Delayed processing.*

(1) If an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of State agency fault, the State agency must continue to process the case and provide a full month's allotment for the first month of the new certification period.

(2) If a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. If the household takes the required action before the end of the certification period, the State agency must reopen the case. If the household takes the required action after the end of the certification period, the State agency may reopen the case and provide benefits retroactive to the date the household takes the required action or it may require the household to reapply.

(3) If a household files an application after the end of the certification period, benefits must be prorated in accordance with § 273.10(a).

* * * * *

18. In § 273.15, paragraph (j) is revised to read as follows:

§ 273.15 Fair hearings.

* * * * *

(j) *Denial or dismissal of request for hearing.*

(1) The State agency must not deny or dismiss a request for a hearing unless:

(i) The request is not received within the appropriate time frame;

(ii) The household or its representative fails, without good cause, to appear at the scheduled hearing;

(iii) The request is withdrawn in writing by the household or its representative; or

(iv) The request is withdrawn orally by the household or its representative and the State agency has elected to allow such oral requests.

(2) A State agency electing to accept an oral expression from the household or its representative to withdraw a fair hearing must provide a written notice to the household confirming the withdrawal request and providing the household with an opportunity to request a hearing.

* * * * *

§ 273.21 [Amended]

19. In § 273.21:

a. Paragraph (a)(3) is removed and paragraph (a)(4) is redesignated as paragraph (a)(3).

b. Paragraph (j)(1)(vii)(A) is amended by removing the number ''22'' at the end of the second sentence and adding in its place the number ''18''.

c. Paragraph (t)(2) is removed and paragraphs (t)(3) through (t)(6) are redesignated as (t)(2) through (t)(5).

20. § 273.25 is added to read as follows:

§ 273.25 Simplified Food Stamp Program.

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

(1) Simplified Food Stamp Program (SFSP) means a program authorized under 7 U.S.C. 2035.

(2) Temporary Assistance for Needy Families (TANF) means assistance from a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*).

(3) Pure-TANF household means a household in which all members receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*).

(4) Mixed-TANF household means a household in which 1 or more members, but not all members, receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*).

(b) *Limit on Benefit Reduction for Mixed-TANF Households under the SFSP.* If a State agency chooses to operate an SFSP and includes mixed-TANF households in its program, the following requirements apply in addition to the statutory requirements governing the SFSP.

(1) If a State's SFSP reduces benefits for mixed-TANF households, then no more than 5 percent of these participating households can have benefits reduced by 10 percent of the amount they are eligible to receive under the regular FSP and no mixed-TANF household can have benefits reduced by 25 percent or more of the amount it is eligible to receive under the regular FSP. Reductions of $10 or less will be disregarded when applying this requirement.

(2) The State must include in its State SFSP plan an analysis showing the

impact its program has on benefit levels for mixed-TANF households by comparing the allotment amount such households would receive using the rules and procedures of the State's SFSP with the allotment amount these households would receive if certified under regular Food Stamp Program rules and showing the number of households whose allotment amount would be reduced by 9.99 percent or less, by 10 to 24.99 percent, and by 25 percent or more, excluding those households with reductions of $10 or less. In order for FNS to accurately evaluate the program's impact, States must describe in detail the methodology used as the basis for this analysis.

(3) To ensure compliance with the benefit reduction requirement once an SFSP is operational, States must describe in their plan and have approved by FNS a methodology for measuring benefit reductions for mixed-TANF households on an on-going basis throughout the duration of the SFSP. In addition, States must report to FNS on a periodic basis the amount of benefit loss experienced by mixed-TANF households participating in the State's SFSP. The frequency of such reports will be determined by FNS taking into consideration such factors as the number of mixed-TANF households participating in the SFSP and the amount of benefit loss attributed to these households through initial or on-going analyses.

PART 274—ISSUANCE AND USE OF COUPONS

21. In § 274.2:

a. The last sentence in paragraph (a) is removed; and

b. Paragraph (g) is revised to read as follows:

§ 274.2 Providing benefits to participants.

* * * * *

(g) *Issuance in rural areas.* Unless the area is served by an electronic benefit transfer system, State agencies shall use direct-mail issuance in any rural areas where the State agency determines that recipients face substantial difficulties in obtaining transportation in order to obtain their food stamp benefits by methods other than direct-mail issuance. State agencies shall report any exceptions to direct-mail issuance as specified under §§ 272.3(a)(2) and (b)(2) of this chapter.

§ 274.5 [Removed]

22. Section 274.5 is removed and reserved.

PART 277—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

23. In § 277.4, paragraph (b) is amended by adding a new sentence to the end of the introductory text to read as follows:

§ 277.4 Funding.

* * * * *

(b) *Federal reimbursement rate.* * * * This rate includes reimbursement for food stamp informational activities but not for recruitment activities.

* * * * *

Dated: February 18, 2000.

Julie Paradis,

Deputy Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 00–4369 Filed 2–23–00; 8:45 am]

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Federal Register

Tuesday,
February 29, 2000

Part III

Executive Office of The President

Office of National Drug Control Policy

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Drug-Free Communities Support Program; Notice of Funding Availability

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP (OJJDP)–1260]

Drug-Free Communities Support Program

AGENCY: Office of National Drug Control Policy, EOP, and Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of funding availability.

SUMMARY: Notice is hereby given that the Executive Office of the President, Office of National Drug Control Policy (ONDCP), and the Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to the provisions of the Drug-Free Communities Act of 1997, June 27, 1997 (Public Law 105–20), are collaborating through the Drug-Free Communities Support Program to reduce substance abuse among youth and, over time, among adults, by addressing the factors in a community that serve to increase the risk of substance abuse and the factors that serve to minimize the risk of substance abuse; and establish and strengthen collaboration among communities, including Federal, State, local, and tribal governments and private nonprofit agencies to support community coalition efforts to prevent and reduce substance abuse among youth. This will be achieved through (1) serving as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community; (2) enhancing community efforts to promote and deliver effective substance abuse prevention strategies among multiple sectors of the community; (3) assessing the effectiveness of community substance abuse reduction initiatives directed toward youth; and (4) providing information about effective substance abuse reduction initiatives for youth that can be replicated in other communities.

Eligible applicants are community coalitions whose members have worked together on substance abuse reduction initiatives for a period of not less than 6 months. The coalition will use entities such as task forces, subcommittees, community boards, and any other community resources that will enhance the coalition's collaborative effort. With substantial participation from community volunteer leaders, the coalition will design substance abuse initiatives that target illegal drugs such as narcotics, depressants, stimulants, hallucinogens, cannabis, inhalants, alcohol, tobacco, or other related products that are prohibited by Federal, State, or local law. Community coalitions must implement multisector, multistrategy, long-term plans designed to reduce substance abuse among youth. Where applicable, proposed Drug-Free Communities Support Program activities should enhance ongoing plans and contribute to the achievement of long-range goals and objectives. Coalitions may be umbrella coalitions serving multicounty areas. However, no statewide grants will be awarded.

The Drug-Free Communities Act authorizes the following amounts to be appropriated to ONDCP for the Drug-Free Communities Support Program: FY 1998—$10 million; FY 1999— $20 million; FY 2000—$30 million; FY 2001—$40 million; and FY 2002—$43.5 million. In FY 2000, the Drug-Free Communities Support Program will provide an estimated $28.8 million to support community coalitions with an additional $1.2 million supporting administrative costs. The FY 2000 appropriation will provide continuation funding of up to approximately $19.9 million for existing grantees. The remaining funds, approximately $8.9 million, will fund an estimated 90 new coalitions with awards of up to $100,000. These awards will be made available through a competitive grant process, to be administered by OJJDP through an interagency agreement with ONDCP.

DATES: Applications under this program must be received no later than 5 p.m. ET, May 9, 2000.

ADDRESSES: The Application Package is available through the ONDCP Clearinghouse at 800–666–3332 and the Juvenile Justice Clearinghouse at 800–638–8736. The Application Package can also be obtained online at the ONDCP and OJJDP Web sites at http://www.whitehousedrugpolicy.gov/prevent/drugfree.html and http://ojjdp.ncjrs.org/grants/current.html.

FOR FURTHER INFORMATION CONTACT: Lauren Ziegler, Program Coordinator, Office of Juvenile Justice and Delinquency Prevention, 810 7th Street, NW, Washington, DC 20531, 202–616–8988; e-mail: Zieglerl@ojp.usdoj.gov, or Mark Morgan, Program Manager, Office of Juvenile Justice and Delinquency Prevention, 810 7th Street, NW, Washington, DC 20531, 202–353–9243; e-mail: Morganm@ojp.usdoj.gov.

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this program is to increase citizen participation and strengthen community antidrug coalition efforts to reduce substance abuse among youth in communities throughout the United States and, over time, to reduce substance abuse among adults.

The Drug-Free Communities Support Program is specifically designed to:

- Reduce substance abuse among youth and, over time, among adults.
- Enable community coalitions to strengthen collaboration among Federal, State, regional, local, and tribal governments and within their representative communities.
- Enhance intergovernmental collaboration, cooperation, and coordination among all sectors and organizations within communities that demonstrate a long-term commitment to reducing substance abuse among youth and, over time, among adults.
- Enable communities to conduct data-driven, research-based prevention planning by providing accurate and timely information regarding state-of-the-art practices and initiatives that have proven to be effective in reducing substance abuse among youth.
- Focus resources from the FY 2000 Federal drug control budget to provide technical assistance, guidance, and financial support to communities.

Background

On June 27, 1997, the Drug-Free Communities Act (Public Law 105–20) was signed into law by President Clinton. This Act provides financial assistance and support to community coalitions to carry out the mission of reducing substance abuse among the Nation's youth. This Act responded to the doubling of substance abuse among youth in the 5-year period from 1991 to 1996, with substantial increases seen in the use of marijuana, inhalants, cocaine, methamphetamine, LSD, and heroin.

The U.S. General Accounting Office (GAO) found that research has identified promising collaborative efforts that use multiple societal institutions, including schools, families, media, and the community, working together to carry out comprehensive, multicomponent approaches to substance abuse prevention involving school-age youth. GAO also found that these multisector collaborators effectively use multiple strategies, including information dissemination, skill building, alternative approaches to substance abuse reduction, social policy development, and environmental

approaches, in their activities. The multisector, multistrategy approach, involving public and private agencies, organizations, and private citizens, is a necessary characteristic of any successful coalition.

The Drug-Free Communities Act builds on the documented success of community antidrug coalitions in developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis. The Act recognizes the critical value of intergovernmental collaboration, cooperation, and coordination in facilitating the reduction of substance abuse among youth in communities throughout the Nation.

The Drug-Free Communities Act authorizes the following amounts to be appropriated to the Office of National Drug Control Policy (ONDCP) for the Drug-Free Communities Support Program: FY 1998—$10 million; FY 1999—$20 million; FY 2000—$30 million; FY 2001—$40 million; and FY 2002—$43.5 million. In FY 2000, the Drug-Free Communities Support Program received an appropriation of $30 million. The program will provide an estimated $28.8 million to support community coalitions with an additional $1.2 million supporting administrative costs. The FY 2000 appropriation will provide continuation funding of up to approximately $19.9 million for existing grantees. The remaining funds, approximately $8.9 million, will fund an estimated 90 new coalitions with awards of up to $100,000. These awards will be made available by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) through an interagency agreement with ONDCP.

Contingent on funding availability and performance, current Drug-Free Communities Support Program grantees will have the opportunity to apply for continuation funding through separate program guidelines, which are expected to be released in February 2000 through OJJDP. To ensure sustainability of the programs, ONDCP and OJJDP have designed a funding formula that gradually reduces the amount of award over the life of the program. In the second year of award and upon successful reapplication, grantees are eligible to maintain their funding levels at 100 percent of the original award. In the third year of award and upon successful reapplication, current grantees would receive a maximum grant of $75,000 (a 25-percent reduction from the original maximum award). Exceptions in declining levels of support beginning in FY 2000 will be made for grantees awarded $66,666 or less in FY 1998 (i.e., no grantee who received an award between $50,000 and $66,666 would receive less than a $50,000 award in any grant year). Any grantee that received an award of $50,000 or less in FY 1998 will receive that amount throughout the life of the program, subject to performance and availability of funds.

For new applicants, FY 2000 Drug-Free Communities Support Program grants will be available for amounts up to $100,000 for the initial 12-month period. Drug-Free Communities Support Program grants require that applicants provide a dollar-for-dollar match. There are no guidelines as to how much of the match must be in cash or in kind. Please note that Federal funds, including Federal funds passed through a State or local government, cannot be used.

Definitions are contained in the Drug-Free Communities Act. (The Act is available online at ftp://ftp.loc.gov/pub/thomas/c105/h956.enr.txt; ONDCP's Web site at www.whitehousedrugpolicy.gov/prevent/highlights.html; and OJJDP's Web site at www.ojjdp.ncjrs.org/programs/drugfree.html.) In addition, the glossary at the end of this notice defines key terms that are referenced in the Act.

Goals

- Reduce substance abuse among youth and, over time, among adults, by addressing the factors in a community that serve to increase the risk of substance abuse and the factors that serve to minimize the risk of substance abuse. These substances include narcotics, depressants, stimulants, hallucinogens, cannabis, inhalants, alcohol, and tobacco, where their use is prohibited by Federal, State, or local law.
- Establish and strengthen collaboration among communities; Federal, State, local, and tribal governments; and private nonprofit agencies to support community coalition efforts to prevent and reduce substance abuse among youth.

Objectives

- Serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community to reduce substance abuse among youth.
- Enhance community efforts to promote and deliver effective substance abuse prevention strategies among multiple sectors of the community.
- Assess the effectiveness of community substance abuse reduction initiatives directed toward youth.
- Provide information about effective substance abuse reduction initiatives for youth that can be replicated in other communities.

Project Strategy

Eligible applicants are community coalitions whose members have worked together on substance abuse reduction initiatives for a period of not less than 6 months. The coalition will use entities such as task forces, subcommittees, community boards, and any other community resources that enhance its collaborative effort. With substantial participation from community volunteer leaders, the coalition will design substance abuse initiatives that target drugs such as narcotics, depressants, stimulants, hallucinogens, cannabis, inhalants, alcohol, tobacco, or other related products that are prohibited for youth by Federal, State, or local law. Community coalitions must implement multisector, multistrategy plans designed to reduce substance abuse among youth in the long term. Where applicable, proposed Drug-Free Communities Support Program activities should enhance ongoing plans and contribute to the achievement of long-range goals and objectives. Coalitions may be umbrella coalitions serving multicounty areas. However, no statewide grants will be awarded.

A 4-year strategic plan must be included in the application. This plan must outline the mission, goals, objectives, activities, and expected outcomes of the applicant's Drug-Free Communities Support Program project. The plan must address the two major goals of the program listed above: (1) Reduce substance abuse among youth and, over time, among adults; and (2) establish and strengthen collaboration among communities; Federal, State, local, and tribal governments; and private nonprofit agencies to support community coalition efforts to prevent and reduce substance abuse among youth. The project plan must ensure that the coalition, its programs, and the activities operated by the partners in the coalition will become self-sustaining within 4 years. The plan must identify 4-year and 1-year goals, objectives, and expected outcomes. In addition, the applicant must include a 4-year and 1-year timeline outlining the tasks associated with achieving the program goals and objectives. The timeline must delineate all activities, identify the coalition members that conduct the activities, and show projected completion dates for proposed activities.

The applicant must describe how a Drug-Free Communities Support

Program grant will enhance its ability to provide broader and more comprehensive prevention services. The discussion should include outcome-driven information on substance abuse reduction activities currently being conducted by the coalition or members of the coalition that enhance planning efforts to minimize duplication and inefficiencies while maximizing cooperation and collaboration. Applicants must include a description of new services and activities that would be established over the 4-year plan period. The plan must emphasize coalition building and maintenance as the mechanism that provides institutional support and access to a broad range of services available in the community.

Project Evaluation

To assess the effectiveness of the project, the plan must provide for evaluation of local efforts designed to strengthen the coalition and reduce substance abuse. The coalition must also agree to participate in a national evaluation of the Drug-Free Communities Support Program by providing process and outcome data.

Process indicators allow grantees to answer the following questions: What was done? How was it done? To whom and for whom was it done? Process indicators include the following:

- A description of the project, service, or activity. (What goes on?)
- Project, service, or activity location. (Where does it occur?)
- Hours of operation, days of the week, and hours of the day the activity occurs. (When does it occur?)
- Frequency of activity. (How often does it occur: hourly, daily, weekly, monthly?)
- Number of paid staff and volunteers. (Who carries out the activity?)
- Target population including ages, number of youth reached, and other defining characteristics. (Who receives the service?)

For example, if one of the applicant's project objectives is to delay the onset of youth usage of alcohol by 6 months and one activity used to achieve this objective is to conduct three parent/youth skill-building classes per month in three local churches, the applicant must collect information describing the activity and documenting how often the activity occurred, how many youth participated in the activity, and how often the parent and youth attended the activity.

Outcome indicators help to determine if the program is achieving intended results. The applicant must identify the indicators of success and indicate how success will be measured and how data will be collected. Outcome indicators include the following:

- Change in youth substance abuse.
- Improvement in the level of collaboration among communities and Federal, State, local, and tribal governments (*e.g.*, increased number of interagency agreements).
- Enhancement of intergovernmental cooperation and coordination on youth substance abuse issues (*e.g.*, adoption and use of an integrated management information system to share data on youth substance abuse).
- Increase in citizen participation in substance abuse prevention efforts.
- Enhancement of prevention planning and prevention efforts (e.g., data-driven needs assessment and comprehensive, research-based strategies that address identified needs).
- Improvement in or enhancement of knowledge, skills, abilities, conditions, systems, or policies as a result of improved prevention efforts.
- Change in factors contributing to and reducing the risk of substance abuse including attitudes and perceptions.

Coalitions will be required to report data for community-specific measures and a common data set for the national evaluation.

National Evaluation

Grantees must collect and report community-specific, common process, and outcome indicators following evaluation protocols established by ONDCP and OJJDP. Baseline and followup data needed for the national evaluation will be collected from grant applications, OJJDP's semiannual Categorical Assistance Progress Report, and onsite surveys of a sample of grantees.

Grantees may be required to confirm the accuracy of any data retrieved from grant applications for the national evaluation. In addition, all grantees are required to describe and provide baseline and followup data documenting the factors within their communities that increase the risk of substance abuse by youth and the factors that work to minimize or reduce risk. Grantees also should provide data documenting the incidence and prevalence of substance abuse among youth in their communities. Baseline data must be representative of the targeted population as of the application deadline.

In addition to data specific to the coalitions and their communities, a small, common set of data profiling youth within the areas the coalitions serve will be required of all grantees. These measures include:

- Age at onset/initiation.
- Frequency of use in the past 30 days.
- Perception of risk of harm.
- Perception of disapproval of use by peers and adults.

Specific measures of age at onset/frequency of use will be consistent with indicators reported in the Substance Abuse and Mental Health Services Administration's *National Household Survey on Drug Abuse, Main Finding 1998*, volume I, Population Estimates, and volume II, Summary of Findings, NIH Publication Numbers BKD 331 and BKD 332, respectively. Specific measures of the perception of harm of use and disapproval will be consistent with indicators reported in the National Institute on Drug Abuse's *National Survey Results on Drug Use from the Monitoring the Future Study, 1975–1998*, volume I, Secondary School Students, and volume II, College Students and Young Adults, NIH Publication Numbers 99–4660 and 99–4661, respectively. These documents are available from the National Clearinghouse for Alcohol and Drug Information by calling 800–729–6686.

A sample of grantees will be selected to participate in an indepth evaluation. Selected grantees will work with the national evaluation team to collect and report additional process and outcome data.

For the national evaluation, baseline data must be representative of the targeted population. The source of data, population surveyed, and date of the survey must be noted.

Eligibility Requirements

To be eligible to receive a grant, a coalition must:

- Be a nonprofit, charitable, or educational organization; a unit of local government; or part of or affiliated with an eligible organization or entity.
- Develop a 4-year strategic plan, or enhance an existing plan, to reduce substance abuse among youth using a multisector, multistrategy approach.
- Have as its principal mission the reduction of substance abuse among youth in a comprehensive and long-term manner.
- Demonstrate that community coalition members have worked together on substance abuse reduction initiatives, including initiatives that target the illegal use or abuse of a range of drugs, such as narcotics, depressants, stimulants, hallucinogens, cannabis, inhalants, alcohol, tobacco or other related products, where such use is prohibited by Federal, State, or local

law. The applicant must ensure that the project does not focus on only one specific drug.

• Describe and document the nature and extent of the substance abuse problem in the targeted community and identify the risk and protective factors existing in the community.

• Identify substance abuse programs and service gaps relating to the use and abuse of drugs.

• Demonstrate that a community coalition has been established and that the representatives of the community coalition have worked together for a period of not less than 6 months. The coalition must represent the targeted community and include at least one representative of each of the following groups: youth; parents; business community; media; schools; youth-serving organizations; law enforcement agencies; religious or fraternal organizations; civic and volunteer groups; health care professionals; State, local, or tribal governmental agencies with expertise in the field of substance abuse (including, if applicable, the State authority with primary authority for substance abuse); and other organizations involved in reducing substance abuse. To demonstrate that the coalition meets the stated criteria, the applicant must submit examples or formal agreements such as memorandums of understanding (MOU's), previous newsletters/publications, or other examples of print media coverage that are dated within 6 months prior to application submittal.

• Ensure that a community coalition member is designated as a representative of no more than one of the required sector categories.

• Identify and describe the agencies, programs, projects, and initiatives (other than those represented by coalition members) that the coalition will collaborate and coordinate with to leverage services and resources to have the greatest impact.

• Ensure that there is a substantive community involvement effort, as demonstrated by the significant ongoing participation of community partners to build a consensus on priorities to combat substance abuse among youth.

• Ensure that the coalition will receive and expend cash or in-kind services equal to the amount of the Federal funds sought.

• Describe the strategic plan and funding plan to solicit substantial financial support from non-Federal sources to ensure that the coalition will be self-sustaining within 4 years.

• Submit local evaluation plans for assessing coalition efforts. In addition, the applicant must agree to participate in a national evaluation.

• Agree to collect and report both target population-specific and common process and outcome indicators following evaluation protocols established by ONDCP and OJJDP.

Consideration will also be given to how the applicant incorporates strategies and services that increase cultural competency to reach and include minority populations.

Selection Criteria

Applicants whose proposals meet all eligibility criteria and submission requirements will be evaluated and rated by a peer review panel according to the criteria outlined below. A critical element checklist to aid applicants in fulfilling all requirements is provided in appendix A of the Application Package. (See **ADDRESSES** earlier in this notice for information on how to obtain the Application Package.)

Problems To Be Addressed (20 points)

The applicant must indicate how its coalition, through collaborative efforts, long-term strategic planning, and implementation efforts, will reduce substance abuse among youth and, over time, among adults. The applicant also must provide a discussion of substance abuse in the target community. This discussion should address:

• The nature and extent of youth substance abuse, such as the use of narcotics, depressants, stimulants, hallucinogens, cannabis, inhalants, alcohol, and tobacco or other related products, where such use is prohibited by Federal, State, or local law in the target community.

• Risk factors that enable substance abuse and protective factors that act as deterrents to substance abuse in its community.

The discussion in this section should indicate the following: the incidence/prevalence of substance abuse among youth in the target community, the major drugs of abuse among youth, and the underlying risk factors associated with substance abuse. The applicant must provide findings from recent school-based surveys or other local surveys of drug usage that document the nature and extent of juvenile substance abuse problems in the area served by the coalition. If such survey data are not available, the applicant must report other indicators that measure the extent of the problem. Other local data include crime, justice, health, HIV/AIDS, economic, school, and other related statistics. The data will be used as the baseline against which the progress and effectiveness of coalition efforts to prevent and reduce substance abuse among youth can be measured.

Goals and Objectives (20 points)

The applicant must address the two major goals of the program: to reduce substance abuse and strengthen collaboration. Objectives and expected outcomes must be related to the goals, and they must be measurable, consistent with local data, achievable, and reflected in the timeline. The applicant must provide a clear discussion of how the proposed goals and objectives logically relate to the risk and protective factors.

The coalition should clearly state what it proposes to accomplish with a Drug-Free Communities Support Program grant. The applicant must describe the desired end result (the outcome). In defining the objectives, the applicant must describe, in concrete terms, who or what will change, how much it will change, over what period of time, and who (coalition member/s) will effect this change.

Program Design (25 points)

The applicant must provide a detailed description of the proposed program design to achieve the project's goals and objectives and explain how program activities address the problems associated with the risk and protective factors. Consideration will also be given to the cultural relevance of the proposed activities.

The program design must describe the logical links between project goals, objectives, activities, and expected outcomes. In describing these links, the applicant should consider which goals and objectives will be attained by which activities. The plan must include a description of the specific steps and provide a timeline outlining those steps associated with implementing the Drug-Free Communities Support Program. A sample logic model is provided on page 25 of the Application Package as a framework for structuring the program design. (See **ADDRESSES** earlier in this notice for information on how to obtain the Application Package.)

The evaluation strategy must specifically address how the applicant will monitor progress toward achieving the project goals and objectives. The applicant must describe what data are required, how it will collect information on the activities that are undertaken (process indicators), and what results are achieved (outcome indicators). The applicant must discuss its process for monitoring progress and determining if the project is meeting coalition and Federal requirements. Key elements of the applicant evaluation strategies are

outlined in the ''Project Evaluation'' section.

Management and Organizational Capability (25 points)

The applicant must describe who will lead the development and implementation of the strategic plan and its associated program activities and how the coalition will implement the drug abuse prevention strategies. The applicant must identify all principal individuals and their positions in the project management design and include resumes or biographies of all key personnel. If an individual has not been identified to fill a position outlined in the application, the applicant must provide a job description outlining the roles and responsibilities of the position. A roster must be completed containing the names of all coalition members, the sectors they represent, and their contributions to the work of the coalition. Members must include youth; parents; businesses; media; schools; organizations serving youth; law enforcement; religious or fraternal organizations; civic or volunteer groups; health care professionals; State, local, or tribal government agencies with expertise in the field of substance abuse; and other organizations involved in reducing substance abuse. This coalition list must also include a description of other public and private resources that will work in collaboration with the coalition to accomplish the overall goals of the Drug-Free Communities Support Program.

Memorandums of Understanding (MOU's) must be provided in the appendixes for all coalition members who will provide services to the coalition. MOU's demonstrate the intent of two or more entities to fulfill commitments that are critical to the implementation of the project. A sample MOU is found on page 26 of the Application Package. (See **ADDRESSES** earlier in this notice for information on how to obtain the Application Package.) Letters of support should be solicited from corresponding agencies, service providers, organizations, or community leaders that are involved with the coalition but are not members. These letters demonstrate community support of the project and coalition. MOU's and letters of support should be signed originals that are current (within the previous year) and relevant to the grant application.

The applicant must demonstrate that staff involved in the project have the experience and knowledge necessary to successfully undertake the proposed project. The applicant must provide evidence of the staff's ability to manage the collaborative effort of coalition members and collaborative partners to meet program goals. The applicant also should clearly indicate who will perform what function(s) and by when (based on the timeline deliverable). In an effort to demonstrate organizational capacity, applicants may include past performance information, including any outcome data from previous activities.

The applicant must include a one-page organizational chart, with the management structure, of staff and coalition members. If available, titles and names of individuals should be provided.

Consideration will be given to a coalition's ability to work effectively with all segments of the community, its associated collaborative partners, OJJDP and ONDCP, the evaluation team, and the training and technical assistance providers involved in this program. The applicant must describe how it will manage the non-Federal resources brought to the project.

Budget (10 points)

The applicant must provide a proposed budget that is complete, detailed, reasonable, allowable, and cost effective in relation to the activities to be undertaken. A cost breakdown of both Federal and non-Federal costs and in-kind contributions must be included. Budgets must allow for required travel, including (1) one trip for two individuals to the annual grantee conference in Washington, DC, and (2) one trip for two individuals to a training and technical assistance meeting within the applicant's region.

Format

The narrative portion of this application must not exceed 40 pages in length (excluding forms, assurances, and appendixes) and must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper in a standard 12-point font. These standards are necessary to maintain a fair and uniform standard among all applicants. If the narrative does not conform to these standards, the application will be ineligible for consideration. Do not enclose the application in binders or specialized packaging. Please do not include videos, audiotapes, or other unsolicited information.

Awards

The ONDCP Director, Drug-Free Communities Support Program Administrator, Drug-Free Communities Support Program Advisory Commission, and the OJJDP Administrator are committed to ensuring individual project success across a range of urban, suburban, rural, and tribal communities. Therefore, in selecting applicants, consideration will be given to achieving representative equity in geographic and demographic distribution of grants and to funding a variety of effective, innovative programs with varying lengths of operational experience. Although peer review recommendations are given weight, they are advisory only, and final award decisions will be made by the ONDCP Director and the OJJDP Administrator. OJJDP will negotiate specific terms of the award with applicants being considered for award.

Award requests must not exceed $100,000 with a dollar-for-dollar match, in cash or in kind, of the Federal amount requested. No community coalition or fiduciary agent may submit more than one application for consideration.

Award Period

The project will be funded initially for a 12-month budget period of a 36-month project period. Funding after the initial 12-month period depends on grantee performance, availability of funds, and other criteria established at the time of award.

Award Amount

Up to $100,000 will be available for the initial 12-month budget period. Drug-Free Communities Support Program grants require that applicants provide a dollar-for-dollar match. There are no guidelines as to how much of the match must be cash or in kind. Please note that Federal funds, including Federal funds passed through a State or local government, cannot be used.

Application Requirements

Instructions on filling out the required application forms are contained in the Application Package. (See **ADDRESSES** earlier in this notice for information on how to obtain the Application Package.) To enhance intergovernmental collaboration, cooperation, and coordination among all sectors and organizations within communities, a letter of intent must be sent to the Alcohol and Drug State Authority (this list of contacts is included in the Application Package, beginning on page 27). In addition, Executive Order 12372 requires applicants from State and local units of government or other organizations providing services to submit a copy of the application to the State Single Point of Contact, if one exists. This list is provided in the Application Package in appendix D.

Applicant Workshops

To provide assistance, training, and technical support in submitting applications for the Drug-Free Communities Support Program, five regional workshops are planned. Dates and locations of these workshops can be obtained online at the ONDCP and OJJDP Web sites: www.whitehousedrugpolicy.gov/prevent/drugfree.html and www.ojjdp.ncjrs.org/grants/current.html.

Catalog of Federal Domestic Assistance Number

For this program, the Catalog of Federal Domestic Assistance number, which is required on Standard Form 424, Application for Federal Assistance, is 16.729. This form is included in appendix A of the Application Package. (See **ADDRESSES** earlier in this notice for information on how to obtain the Application Package.)

Coordination of Federal Efforts

To encourage better coordination among Federal agencies in addressing State and local needs, the U.S. Department of Justice is requesting applicants to provide information on the following: (1) Active Federal grant award(s) supporting this or related efforts, including awards from the U.S. Department of Justice; (2) any pending application(s) for Federal funds for this or related efforts; and (3) plans for coordinating any funds described in items (1) or (2) with the funding sought by this application. For each Federal award, applicants must include the program or project title, the Federal grantor agency, the amount of the award, and a brief description of its purpose. This information should be included in the appendix.

''Related efforts'' is defined for these purposes as one of the following:

- Efforts for the same purpose (*i.e.*, the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).
- Another phase or component of the same program or project (*e.g.*, to implement a planning effort funded by other Federal funds or to provide a substance abuse treatment or education component within a criminal justice project).
- Services of some kind (*e.g.*, technical assistance, research, or evaluation) to the program or project described in the application.

Delivery Instructions

All applications should be mailed or delivered to the Office of Juvenile Justice and Delinquency Prevention, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301–519–5535.

Note: In the lower left-hand corner of the envelope, you must clearly write ''Drug-Free Communities Support Program.'' Faxed or e-mailed applications will not be considered.

Due Date

Applicants are responsible for ensuring that the original and five copies of the application are received by 5 p.m. ET on May 9, 2000.

Contact

For further information, contact Lauren Ziegler, Program Coordinator, Special Emphasis Division, 202–616–8988, or send an e-mail inquiry to zieglerl@ojp.usdoj.gov; or contact Mark Morgan, Program Manager, Special Emphasis Division, 202–353–9243, or send an e-mail inquiry to morganm@ojp.usdoj.gov.

Glossary

Activities: Efforts to be conducted to achieve the identified objectives. A number of activities may be needed to achieve each objective (*e.g.*, coordinate development and delivery of a multidisciplinary, multiagency program of parenting education for parents of elementary and middle school youth).

Allowable costs: Those costs identified in Office of Management and Budget (OMB) circulars on cost principles and in ONDCP legislation. In addition, costs must be reasonable, allowable, and necessary to the project and must comply with the funding statute requirements.

Center for Substance Abuse (CSAP): CSAP provides national leadership in the Federal effort to prevent alcohol, tobacco, and illicit drug problems. CSAP oversees the Centers for the Application of Prevention Technology, which provides training and technical assistance to Drug-Free Communities Support Program grantees through an interagency agreement with ONDCP and OJJDP.

Centers for the Application of Prevention Technology (CAPT): There are six regionally based CAPT's that provide training and technical assistance to Drug-Free Communities Support Program grantees. Their mission is to increase the availability and application of scientifically based substance abuse prevention technologies.

Coalition: Comprises one or more representatives of the following categories: youth; parents; businesses; media; schools; organizations serving youth; law enforcement; religious or fraternal organizations; civic or volunteer groups; health care professionals; State, local, or tribal government agencies with expertise in the field of substance abuse (including, if applicable, the State authority with primary authority for substance abuse); and other organizations involved in reducing substance abuse.

Community: People with a common interest living in a defined area. For the purposes of this grant, the coalition may define its community as a neighborhood, town, part of a county, county, or regional area.

Expected outcomes: The intended or anticipated results of carrying out these activities. There may be short-term, intermediate, and long-term outcomes.

- Short term.
- Participation in the development and delivery by agency leaders.
- Development of the multidisciplinary, multiagency program.
- Delivery of the multidisciplinary, multiagency program.
- Completion of the program by elementary and middle school youth.
- Intermediate.
- Increase in understanding of risks of substance use.
- Long term.
- Increase in understanding of risks of substance use.
- Increase in perception of harm.
- Delay in the onset of alcohol use among youth.

Goal: A broad statement of what the coalition project is intended to accomplish (e.g., delay in the onset of substance abuse among youth).

Impact: The ultimate desired results of efforts undertaken, manifesting as actual reductions in substance abuse among youth.

In-kind match: Something of value received other than money, such as donated services.

Multisector: More than one agency or institution working together.

Multistrategy: More than one prevention strategy, such as information dissemination, skill building, use of alternative approaches to substance abuse reduction, social policy development, and environmental approaches, working in combination with each other to produce a comprehensive plan.

Nonprofit: An organization described under section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

Objectives: What is to be accomplished during a specific period of time to move toward achievement of

a goal, expressed in specific measurable terms. There may be numerous objectives for each goal identified (e.g., to increase the number of youth in elementary and middle school who perceive use of substances as a moderate or great risk by 20 percent within 3 years).

Office of Juvenile Justice and Delinquency Prevention (OJJDP): OJJDP provides national leadership, coordination, and resources to prevent juvenile victimization and to respond appropriately to juvenile delinquency. The agency accomplishes this by developing and implementing prevention programs and supporting a juvenile justice system that protects the public, holds juvenile offenders accountable, and provides treatment and rehabilitative services based on the needs of each individual juvenile. OJJDP is administering the Drug-Free Communities Support Program for ONDCP through an interagency agreement.

Office of National Drug Control Policy (ONDCP): ONDCP establishes policies, priorities, and objectives for the Nation's drug control program. The goals of the program are to reduce illicit drug use, manufacturing, and trafficking; drug-related crime and violence; and drug-related health consequences. Over a 5-year period, the Drug-Free Communities Act of 1997 has authorized $143.5 million for the Drug-Free Communities Support Program.

Protective factors: Those factors that increase an individual's ability to resist the use and abuse of drugs.

Resiliency factors: Personal traits that allow children to survive and grow into healthy, productive adults in spite of having experienced negative/traumatic experiences and high-risk environments.

Risk factors: Those factors that increase an individual's vulnerability to drug use and abuse.

Dated: February 23, 2000.

Gregory L. Dixon,

Administrator, Drug-Free Communities Support Program, Office of National Drug Control Policy.

Dated: February 22, 2000.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 00–4623 Filed 2–28–00; 8:45 am]

BILLING CODE 4410–18–P

Federal Register

Tuesday,
February 29, 2000

Part IV

Department of Education

Office of Educational Research and Improvement, Regional Technology in Education Consortia Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

DEPARTMENT OF EDUCATION

[CFDA No.: 84.302A]

Office of Educational Research and Improvement; Regional Technology in Education Consortia Program Notice inviting applications for new awards for fiscal year (FY) 2000.

Purpose of the Program: The Regional Technology in Education Consortia Program provides professional and leadership development, technical assistance, information and resources to States, districts, schools and other education institutions to help in their efforts to integrate advanced technologies into K–12 teaching and learning and programs of adult literacy. This competition supports 10 regional consortia projects that will provide these services in the following multi-state regions.

Northwest RTEC Region: Alaska, Idaho, Montana, Oregon, and Washington.

Pacific RTEC Region: Hawaii, American Samoa, Commonwealth of Northern Mariana Islands, Federated States of Micronesia, Guam, the Republic of Palau, and the Republic of Marshall Islands.

Southwest RTEC Region: Arizona, California, Nevada, and Utah.

*High Plains RTEC Region:*½ Colorado, Kansas, Missouri, Nebraska, North Dakota, South Dakota, and Wyoming.

North Central RTEC Region: Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

South Central RETC Region: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Northeast and Islands RTEC Region: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Puerto Rico, and the Virgin Islands.

Mid-Atlantic RTEC Region: Delaware, Maryland, New Jersey, Pennsylvania, Washington, DC.

Appalachian RTEC Region: Kentucky, Tennessee, Virginia, and West Virginia.

Southeast RTEC Region: Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

Eligible Applicants: Eligible applicants are regional entities or consortia composed of State educational agencies, institutions of higher education, nonprofit organizations or a combination thereof.

Applications Available: February 29, 2000.

Deadline for Transmitting Applications: April 14, 2000.

Deadline for Intergovernmental Review: June 14, 2000.

Estimated Available Funds: $9,900,000.

Estimated Maximum Award: $990,000.

Eestimated Average Size of Awards: $990,000 for the first budget year and $995,000 for each of years 2–5.

Maximum Award: We will reject any application that proposes funding in excess of the amount available in a given year.

Estimated Number of Awards: 10.

Budget Period: 12 Months.

Project Period: 60 Months.

Note: The Department is not bound by any estimates in this notice.

Page Limit: The application narrative is where you, the applicant, address the selection criteria reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 50 pages of 2,000 characters per page for the page limit specified, using the following standards:

- A page is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides. For electronic submission a page equals 2,000 characters; and we will convert any charts, tables, figures, and graphs from a page equivalency to a character count.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page and character limits in the application narrative include no more than a 10-page evaluation plan.

The page and character count limits do not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

If, to meet the page limit, you use more than one side of the page, you use a larger page, or you use a print size, spacing, or margins smaller than the standards in this notice, we will reject your application.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98 and 99.

For Applications Contact: Carmelita Stevenson, U.S. Department of Education, 555 New Jersey Avenue, NW, room 522, Washington, DC 20208–5645. Telephone: (202) 208–5410. Email: carmelita stevenson@ed.gov. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

FOR FURTHER INFORMATION CONTACT: Enid Simmons, U.S. Department of Education, 555 New Jersey Avenue, NW, room 502g, Washington, DC 20208–5645. Telephone: (202) 219–1739. Email: enid simmons@ed.gov. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Application Procedures

Note: Some of the procedures in this notice for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

The U.S. Department of Education (we) are conducting a limited pilot project of electronic submission of discretionary grant applications for selected programs. The Regional Technology in Education Consortia (RTEC Grants Program) (CFDA No. 84.302A) is one of the programs included in the pilot project. If you are an applicant under the RTEC Grant program, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in the e-GAPS pilot project. By participating you will have an

opportunity to have input into the overall design and approach of e-GAPS. At the conclusion of the pilot project, we will evaluate its success and solicit suggestions for improvements.

If you participate as a grant applicant in an e-GAPS pilot, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information-Non-Construction Programs (ED Form No. 524), and all necessary assurances and certifications. We may request that you give us original signatures on forms at a later date.

You may access the electronic grant application for Office of Educational Research and Improvement: Regional Technology in Education Consortia at: http://e-grants.ed.gov

Electronic Access to This Document

You may view this document, as well as other Department of Education documents published in the **Federal Register**, in the text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.goc/fedreg.html
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GP0), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the version published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 8671–8678.

Dated: February 23, 2000.

C. Kent McGuire,

Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 00–4769 Filed 2–28–00; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Tuesday,
February 29, 2000

Part V

Department of Education

Office of Educational Research and Improvement Field-Initiated Studies Education Research Grant Program; Application Review Procedures for New Awards for Fiscal Year 2000; Notice

DEPARTMENT OF EDUCATION

[CFDA No: 84.305T]

Office of Educational Research and Improvement (OERI) Field-Initiated Studies (FIS) Education Research Grant Program; Notice of Application Review Procedures for New Awards for Fiscal Year (FY) 2000

SUMMARY: On November 9, 1999, we published in the **Federal Register** (64 FR 61198) a notice inviting applications for new awards for FY 2000 for the FIS Education Research Grant Program. This notice explains the procedures that we will use to review your application.

SUPPLEMENTARY INFORMATION:

Application Review Procedure

We will use a two-tier review process for the FIS program competition for FY 2000. This two-tier process and scoring system are authorized by and in accordance with OERI program regulations at 34 CFR Part 700, particularly sections 700.21 and 700.30.

Tier I. At the Tier I level, your application will be assigned to at least three reviewers who are selected according to the appropriateness of their expertise and experience and who specifically meet the qualifications for reviewers established in the regulations at 34 CFR 700.11. Reviewers will evaluate your application in accordance with the three selection criteria in the application package:

(1) National Significance.

(2) Quality of the Project Design.

(3) Quality and Contribution of Personnel.

Reviewers will weigh the three selection criteria equally to rate your application for further consideration as either—

(1) Very highly recommended;

(2) Highly recommended;

(3) Recommended;

(4) Not recommended, but recommended for resubmission; or

(5) Not recommended.

We will arrange a conference call for each review panel to discuss their assigned applications and their rankings. For each application, reviewers will read only 20-page narratives. As noted in the application package, the application narrative must not exceed a total of 20 double-spaced pages, with printing on one side of 8½ x 11-inch paper. All pages in excess of the 20-page narrative maximum will be removed, unread, and returned to the applicant.

Based on the Tier I reviews, the top 40 applications will advance to the Tier II review. For every rating an application receives, we will determine the top 40 applications by assigning one of the following scores to your application:

(1) 5 for every ''very highly recommended'';

(2) 2 for every ''highly recommended'';

(3) 1 for every ''recommended'' rating; or

(4) 0 for either of the ''not recommended'' ratings.

In the event of a tie at the 40th rank, all tied applications will advance to the Tier II review.

Tier II. If your application advances to the Tier II level, it will be read and rated by 23 to 27 Tier II reviewers, with written reviews completed by at least 3 reviewers. These reviewers will meet the qualification for reviewers established in 34 CFR 700.11. The Tier II reviewers will apply the same selection criteria as was used in Tier I. In Tier II the reviewers will rate your application as—

(1) Extremely Competitive;

(2) Very Competitive;

(3) Competitive; or

(4) Not Competitive.

The Tier II reviewers will meet in Washington, DC. During this meeting, each application will be discussed with the three reviewers who have completed written reviews leading the discussion. Following the discussion of each application, all reviewers will assign a final rating to the application.

When all the applications from Tier II have been discussed and reviewers have completed their evaluations, we will rank the applications to form the recommended slate. We will form the slate according to the following score your application receives:

(1) 3 for each ''Extremely Competitive'' rating;

(2) 2 for each ''Very Competitive'' rating;

(3) 1 for each ''Competitive'' rating; or

(4) 0 for each ''Not Competitive'' rating.

Applications will then be ranked by average score. In the event that a group of applications at the funding cut-off point have an identical score, the Assistant Secretary will determine which application or applications from that group fill the most critical gaps in existing education research.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, because this notice merely establishes procedural requirements for review of applications and does not create substantive policy, proposed rulemaking is not required under 5 U.S.C. 553(b)(A).

(The valid OMB control number for this collection of information is 1850–0601.)

FOR FURTHER INFORMATION CONCTACT: Delores Monroe, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW, room 627f, Washington, DC 20208. Telephone: (202) 219–2229. (E-mail Delores__Monroe@ed.gov). If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

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To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

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http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 6031(c)(2)(B).

Dated: February 23, 2000.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 00–4770 Filed 2–28–00; 8:45 am]

BILLING CODE 4000–01–U

Federal Register

Tuesday,
February 29, 2000

Part VI

The President

Notice of February 25, 2000—Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

Federal Register
Vol. 65, No. 40
Tuesday, February 29, 2000

Presidential Documents

Title 3—

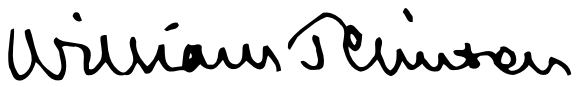
The President

Notice of February 25, 2000

Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

On March 1, 1996, by Proclamation 6867, I declared a national emergency to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Government of Cuba of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. In July 1996 and on subsequent occasions, the Government of Cuba stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a memorial flotilla and peaceful protest. Since these events, the Government of Cuba has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
February 25, 2000.

[FR Doc. 00–4999
Filed 2–28–00; 8:45 am]
Billing code 3195–01–P

Reader Aids

Federal Register

Vol. 65, No. 40

Tuesday, February 29, 2000

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http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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Abraham Lincoln Bicentennial Commission Act (Feb. 25, 2000; 114 Stat. 14)

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