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DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 729

RIN 0560–AF48

1999-Crop Peanuts National Poundage Quota

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to codify the establishment of the national poundage quota for peanuts at 1,180,000 short tons (st).

EFFECTIVE DATE: December 14, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Robison, USDA, Farm Service Agency, STOP 0514, 1400 Independence Avenue, SW, Washington, DC 20250–0514, telephone 202–720–9255. Copies of the cost-benefit assessment prepared for this rule can be obtained from Mr. Robison.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant for purposes of Executive Order 12866 and, therefore, has been reviewed by OMB.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051.

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988. The provisions of this final rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Paperwork Reduction Act

This amendment does not contain information collections that require clearance by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the Farm Service Agency (FSA) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of this determination.

Unfunded Federal Mandates

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

Background

The determination made in this notice follows a proposed rule published on November 25, 1998, in the **Federal Register** (63 FR 65133). That notice proposed a marketing year (MY) 1999 national poundage quota level between 1,175,000 and 1,225,000 st. There were 16 comments received. Comments were submitted by 11 producer groups, two manufacturers' groups, one sheller group, one consumer group, and one manufacturer. The comments received and the determination made are discussed below.

A. Determination of the Quota

Peanut producers voting in a mail referendum held December 1 through 4, 1997, approved poundage quotas for the 1998 through 2002 MY by an affirmative vote of 94.8 percent. Therefore, as provided for in the Agriculture Adjustment Act of 1938 (1938 Act), the Secretary is required to administer a peanut program in which marketings are governed through the use of federally-granted quota and in which price support is offered.

Section 358–1(a)(1) of the 1938 Act, as amended in 1996 by the Agricultural Market Transition Act, requires that the national poundage quota for peanuts for each of the 1996 through 2002 MYs be established by the Secretary at a level that is equal to the quantity of peanuts (in tons) that the Secretary estimates will be devoted in each MY to domestic edible use (excluding seed use) and related uses. Under the 1996 amendments to the 1938 Act, seed use remains a quota use but, unlike in the past, the seed aspect of the quota is accounted for by the granting of a temporary seed quota to all producers. As a result, seed is no longer part of the basic quota calculation codified in this determination.

The MY for 1999-crop peanuts begins on August 1, 1999, and ends July 31, 2000.

The national poundage quota for the 1999 crop, which will be marketed in MY 1999, was established at 1,180,000 st, based on the following data:

ESTIMATED DOMESTIC EDIBLE AND RELATED USES FOR 1999-CROP PEANUTS

Item	Farmer stock equivalent (short tons)
Regular domestic food use	984,000
Related uses:	
Crushing residual	128,500
Shrinkage and other losses	44,000
Unused quota	23,500
Total	1,180,000

The estimate of MY 1999 domestic food use of peanuts was developed in two steps. First, normal commercial use was estimated based upon figures from the USDA Interagency Commodity Estimates Committee (ICEC) adjusted to take out peanut imports, peanut butter imports, and peanut butter exports (which normally consist of additional peanuts only). Then, farm sales and other direct marketings to consumers were added based upon differences between production data and Federal-State Inspection Service inspection data. Insofar as related uses are concerned, an added allowance is made for the normal crushing residual that cannot effectively be used for food. That amount is traditionally expected to be about 12 percent, on a farmer stock basis, of the total domestic production. An allowance for shrinkage and other losses is made to account for reduced kernel and other kernel losses during storage using the customary factor of 4 percent of domestic food use. Finally, the

unused quota allowance applies to those instances where the farmer cannot fulfill a quota either because of underplanting or because the farmer is unable to produce enough Segregation 1 peanuts to fulfill the quota. Because of the changes in the law as enacted in 1996, which have been outlined in previous notices, a greater incentive now exists than in the past to fully market the quota. It is expected that, after discounting for quality problems, more than 98.1 percent of the quota will be marketed.

With respect to comments on these issues, the 11 producer groups and the sheller group expressed concern about USDA's projected growth in demand, projected stocks levels, the buy back program, and the export/import situation. The producer groups and the sheller group proposed setting the quota at the lower end of the proposed range. The manufacturer groups, the consumer group, and the manufacturer all expressed concern about adequate supplies. They proposed setting the quota above the minimum and one proposed setting it at the upper end of the proposed range. As indicated, however, the quota amount is controlled by a statutory formula which led to the announced amount for the reasons given above.

List of Subjects in 7 CFR Part 729

Peanuts, Penalties, Poundage quotas, Reporting and record keeping requirements.

Accordingly, this final rule amends 7 CFR part 729 as follows:

PART 729—PEANUTS

1. The authority citation for 7 CFR part 729 continues to read as follows:

Authority: 7 U.S.C. 1301, 1357 *et seq.,* 1372, 1373, 1375, and 7271.

2. Section 729.216 is amended by adding a new paragraph (c)(4) to read as follows:

§ 729.216 National poundage quota.

* * * * *

(c) * * *

(4) The national poundage quota for quota peanuts for marketing year 1999 is 1,180,000 short tons.

Signed at Washington, DC, on March 20, 2000.

Parks Shackelford,

Acting Administrator, Farm Service Agency.

[FR Doc. 00–7399 Filed 3–24–00; 8:45 am]

BILLING CODE 3410–05–P

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Parts 1301, 1304, 1305, 1306, 1307 and 1308

Over-Order Price Regulation

AGENCY: Northeast Dairy Compact Commission.

ACTION: Final rule.

SUMMARY: The Northeast Dairy Compact Commission amends the over-order price regulation to make technical amendments to certain definitions and to change certain dates of required action. The amendments are necessary to conform the over-order price regulation to similar regulations recently reformed by the United States Department of Agriculture regarding milk marketed in the New England states. These amendments will ensure continuity of regulatory definitions and compliance dates in the New England milk market. The Commission also amends the definition of *producer* to specify every December since 1996 as a condition of qualification.

EFFECTIVE DATE: May 1, 2000.

ADDRESSES: Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, Vermont 05602.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229–1941, or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION:

I. Background

The Northeast Dairy Compact Commission (''Commission'') was established under authority of the Northeast Interstate Dairy Compact (''Compact''). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93–320; Maine—Pub. L. 89–437, as amended, Pub. L. 93–274; Massachusetts—Pub. L. 93–370; New Hampshire—Pub. L. 93–336; Rhode Island—Pub. L. 93–106; Vermont—Pub. L. 93–57. In accordance with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104–127 (FAIR Act), Section 147, codified at 7 U.S.C. 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. 7256(1), authorized implementation of the Compact. Authorization of the Compact was extended until September 30, 2001 in the Consolidated Appropriations Act for Fiscal Year 2000, Pub. L. 106–113, 115 Stat. 1501, November 29, 1999.

Pursuant to its rulemaking authority under Article V, Section 11 of the Compact, the Commission concluded an informal rulemaking process and voted to adopt a compact over-order price regulation on May 30, 1997.[1] The Commission subsequently amended and extended the compact over-order price regulation.[2] In 1998 and 1999, the Commission further amended specific provisions of the over-order price regulation.[3] The current compact over-order price regulation is codified at 7 CFR Chapter XIII.

On November 29, 1999, the President signed into law the Consolidated Appropriations Act, 2000 (Pub. L. 106–113, 115 Stat. 1501.) That Act required the United States Secretary of Agriculture to immediately implement certain reforms to the federal milk order regulations. The required regulation was published in the **Federal Register** on December 17, 1999, implementing and amending the final rule that was initially published on September 1, 1999.[4]

On January 12, 2000, the Commission issued a notice of proposed rulemaking to consider amendments to the Compact Over-order Price Regulation that would bring the Commission's regulations into conformity with the reformed federal milk market order regulations and provide consistency and uniformity in definitions and compliance dates for regulated entities in the New England milk market and to amend the definition of *producer*.[5] The Commission held a public hearing to receive testimony on the proposed amendments on February 2, 2000 and additional comments and exhibits were accepted until 5:00 PM on February 16, 2000. The Commission held a deliberative meeting on March 1, 2000, pursuant to 7 CFR 1361.8, to consider the testimony and comments received and to deliberate and act on the proposed amendments. The Commission hereby amends the Over-order Price Regulation to make technical amendments to certain definitions and to change certain dates of required action and to amend the definition of producer to specify every December since 1996 as a condition of qualification.

[1] 62 FR 29626 (May 30, 1997).

[2] 62 FR 62810 (Nov. 25, 1997).

[3] See, e.g., 63 FR 10104 (Feb. 27, 1998); 63 FR 46385 (Sept. 1, 1998); 63 FR 65517 (Nov. 27, 1998); 64 FR 23532 (May 3, 1999); and 64 FR 34511 (June 28, 1999).

[4] 64 FR 70868 (Dec. 17, 1999); 64 FR 47898 (Sept. 1, 1999).

[5] 65 FR 1825 (Jan. 12, 2000).

II. Summary of Amendments and Analysis of Issues and Comments

The Commission held a duly noticed public hearing on February 2, 2000, however, no one appeared to testify. The Commission received one letter of comment that generally supported the proposed amendments to the Over-order Price Regulation.[6]

The Commission amends the definition of *producer* in section 1301.11 to change the qualification condition from ''December 1996, December 1997 and December 1998'' to ''every December since 1996.'' This language clarifies the future application of this condition, without necessitating annual rulemaking proceedings.

The Commission also amends definitions in Part 1301 sections 1301.9, 1301.10, 1301.14 and 1301.17 to conform to recent amendments to definitions in the federal market order regulations. The amendment to section 1301.9, the definition of *handler*, brings that section into conformity with the federal amendment to the definition of *handler* in 7 CFR 1000.9 by adding certain milk brokers to the definition. The amendment to section 1301.10, the definition of *producer-handler,* brings that section into conformity with the definition of the same term in 7 CFR 1001.10, through uniform reformatting of the definition and changing the minimum from 300 quarts per day to 150,000 pounds per month. Similarly, the amendments to section 1301.14, *fluid milk products* (adds eggnog and changes descriptive terms for various products, such as skim milk) and section 1301.17, *cooperative association* (includes federation of cooperatives) bring those definitions into conformity with the reformed federal regulations at 7 CFR 1000.15 and 1000.18, respectively.

The amendment to Part 1304 section 1304.1, deletes eggnog from the list in subsection (b)(4)(iv), in conformity with the new federal regulation at 7 CFR 1000.40(b)(2)(iv), reclassifying eggnog from Class II to Class I. The amendment to Part 1305 section 1305.1 changes the reference to the federal Class I price from the prior regulation reference to Zone 1, Class 1 to the reformed reference in 7 CFR 1000.52 to the Class I Price for Suffolk County, Massachusetts.

The Commission amends Part 1306 sections 1306.1 and 1306.2 to remove the existing minimum of a daily average of 300 quarts to the new federal minimum of 150,000 pounds per month as codified at 7 CFR 1000.8(d)(4).

The amendments in Parts 1305, 1307 and 1308 sections 1305.2, 1307.2, 1307.3, 1307.4, 1307.7, 1307.9 and 1308.1 change the prescribed dates for required action to conform to the new dates used under the federal market order reform regulations for similar required activities. The amendments change the dates required for: (1) announcing the over-order obligation (from the 5th of the month to the 23rd); (2) issuing statements (from the 15th to the 13th); (3) for making payments (including adjustments and administrative assessments) to the producer-settlement fund (from the 18th to the 15th) and (4) for issuing payments (including adjustments) from the fund (from the 20th to the 16th).

The amendment to Part 1307 section 1307.8 conforms to the federal regulation at 7 CFR 1000.78 by changing the language regarding charges on overdue accounts to include funds due to both the producer-settlement fund and the administrative assessment fund and includes the new requirement that all interest accrues to the administrative assessment fund. The only comment received opposed the part of this amendment that provides that late charges accrue to the Commission's administrative fund.[7] The Commission carefully considered the commenter's analysis. However, the Commission notes that the amount of money involved is so small as to not affect the producer price and that the costs to enforce late payments can be significant. Therefore, the Commission determines that accrual of late charges to the administrative fund is appropriate under all the circumstances.

The Commission also adds a new section at Part 1307 section 1307.9, in conformance with the federal regulation at 7 CFR 1000.90, specifying that if a required date falls on a weekend or holiday, the action is required on the next business day.

III. Summary and Explanation of Findings

Article V, Section 12 of the Compact directs the Commission to make four findings of fact before an amendment of the Over-order Price Regulation can become effective. Each required finding is discussed below.

a. Whether the Public Interest Will Be Served by the Amendments to the Over-Order Price Regulation

The first finding considers whether the amendments to the Compact Over-order Price Regulation serve the public interest. The Commission determines that the public interest is served by conforming the definitions and compliance dates in the Over-order Price Regulation with the definitions of the same terms and compliance dates for similar actions under the federal milk market order regulations to ensure uniformity and continuity for regulated entities in the New England Milk Market.

The Commission also determines that the public interest is served by amending the definition of *producer* to specify every December since 1996 as a condition of qualification. This amendment simply keeps the qualification condition current, without requiring annual rulemaking to update the definition.

b. The Impact on the Price Level Needed To Assure a Sufficient Price to Producers and an Adequate Local Supply of Milk

The amendments to the Compact Over-order Price Regulation adopted in this rulemaking proceeding are related to the administration of the Over-order Price Regulation and do not affect the local supply of milk or price received by producers.

c. Whether the Major Provisions of the Order, Other Than Those Fixing Minimum Milk Prices, Are in the Public Interest and Are Reasonably Designed To Achieve the Purposes of the Order

The Commission concludes that, for the same reasons identified in the first finding, the amendments adopted in this rulemaking proceeding are in the public interest. The Commission further concludes that the Over-order Price Regulation, as hereby amended, remains in the public interest in the manner contemplated by this finding.

d. Whether the Terms of the Proposed Amendments Are Approved by Producers

The fourth finding, requires the determination of whether the amendment has been approved by producer referendum pursuant to Article V, Section 13 of the Compact. In this final rule, as in the previous final rules, the Commission makes this finding premised upon certification of the results of the producer referendum. The procedure for the producer referendum and certification of the results is set forth in 7 CFR Part 1371.

Pursuant to 7 CFR § 1371.3 and the referendum procedure certified by the Commission, a referendum was held during the period of March 10 through March 20, 2000. All producers who were producing milk pooled in Federal Order #1 for consumption in New

[6] Robert Wellington, Written Comments (hereinafter ''WC'') at 1.

[7] Wellington, WC at 1.

England, during December 1999, the representative period determined by the Commission, were deemed eligible to vote. Ballots were mailed to these producers on or before March 10, 2000 by the Federal Market Order #1 Market Administrator. The ballots included an official summary of the Commission's action. Producers were notified that, to be counted, their ballots had to be returned to the Commission offices by 5:00 p.m. on March 20, 2000. The ballots were opened and counted in the Commission offices on March 21, 2000 under the direction and supervision of Commissioner Robert Starr, designated ''Referendum Agent.''

Eleven Cooperative Associations were notified of the procedures necessary to block vote by letter dated March 3, 2000. Cooperatives were required to provide prior written notice of their intention to block vote to all members on a form provided by the Commission, and to certify to the Commission that (1) timely notice was provided, and (2) that they were qualified under the Capper-Volstead Act. Cooperative Associations were further notified that the Cooperative Association block vote had to be received in the Commission office by 5:00 p.m. on March 20, 2000. Certified and notarized notification to its members of the Cooperative's intent to block vote or not to block vote had to be mailed by March 14, 2000 with notice mailed to the Commission offices no later than March 16, 2000.

Notice

On March 21, 2000, the duly authorized referendum agent verified all ballots according to procedures and criteria established by the Commission. The ballots cast were reviewed and counted. A total of 3982 ballots were mailed to eligible producers. All producer ballots and cooperative block vote ballots received by the Commission were opened and counted. Producer ballots and cooperative block vote ballots were verified or disqualified based on criteria established by the Commission, including timeliness, completeness, appearance of authenticity, appropriate certifications by cooperative associations and other steps taken to avoid duplication of ballots. Ballots determined by the referendum agent to be invalid were marked ''disqualified'' with a notation as to the reason.

Block votes cast by Cooperative Associations were then counted. Producer votes against their cooperative associations block vote were then counted for each cooperative association. These votes were deducted from the cooperative association's total and were counted appropriately. Ballots returned by cooperative members who cast votes in agreement with their cooperative block vote were disqualified as duplicative of the cooperative block vote.

Votes of independent producers not members of any cooperative association were then counted.

The referendum agent then certified the following for the ballot on the amendments:

A total of 3,982 ballots were mailed to eligible producers.

A total of 3064 ballots were returned to the Commission.

A total of 42 ballots were disqualified—late, incomplete or duplicate.

A total of 3022 ballots were verified.

A total of 3015 verified ballots were cast in favor of the amendments.

A total of 7 verified ballots were cast in opposition to the amendments.

Accordingly, notice is hereby provided that of the 3022 verified ballots cast, 99.8%, or 3015, a minimum of two-thirds were in the affirmative.

Therefore, the Commission concludes that the terms of the amendments are approved by producers.

IV. Required Findings of Fact

Pursuant to Compact Article V, Section 12, the Compact Commission hereby finds:

(1) That the public interest continues to be served by establishment of minimum milk prices to dairy farmers under Article IV, as hereby amended.

(2) That the previously established level price of $16.94 (Zone 1) to dairy farmers under Article IV, is unaffected by these amendments, and will continue to assure that producers supplying the New England market receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

(3) That the major provisions of the order, other than those fixing minimum milk prices, are and continue to be in the public interest and are reasonably designed to achieve the purposes of the order.

(4) That the terms of the proposed amendments are approved by producers pursuant to a producer referendum required by Article V, Section 13.

List of Subjects in 7 CFR Parts 1301, 1304, 1305, 1306, 1307 and 1308

Milk Price support programs.

Codification in Code of Federal Regulations

For reasons set forth in the preamble, the Northeast Dairy Compact Commission amends 7 CFR Parts 1301, 1304, 1305, 1306, 1307 and 1308 as follows:

PART 1301—DEFINITIONS

1. The authority citation for Part 1301 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Amend § 1301.9 to revise paragraph (e) to read as follows:

§ 1301.9 Handler.

Handler means:

* * * * *

(e) Any person who does not operate a plant but who engages in the business of receiving fluid milk products for resale and distributes to retail or wholesale outlets packaged fluid milk products received from any plant described in paragraph (a), (b) or (c) of this section. Any person who as a broker negotiates a purchase or sale of fluid milk products or fluid cream products from or to any pool, partially regulated or nonpool plant, and any person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant. Persons who qualify as handlers only under this paragraph are not subject to the payment provisions of §§ 1307.3 and 1308.1.

3. Revise § 1301.10 to read as follows:

§ 1301.10 Producer-handler.

Producer-handler means a person who:

(a) Operates a dairy farm and a distributing plant from which there is monthly route disposition in the regulated area during the month;

(b) Receives milk solely from own farm production or receives milk that is fully subject to the pricing and pooling provisions of any Federal order;

(c) Receives at its plant or acquires for route disposition no more than 150,000 pounds of fluid milk products from handlers fully regulated under any Federal order. This limitation shall not apply if the producer-handler's own farm production is less than 150,000 pounds during the month;

(d) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products; and

(e) Provides proof satisfactory to the compact commission that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) and the processing and packaging operations are the producer-handler's own enterprise and at its own risk.

4. Amend section 1301.11 to revise paragraphs (b) introductory text and (b)(1) to read as follows:

§ 1301.11 Producer.

Producer means:

* * * * *

(b) A dairy farmer who produces milk outside of the regulated area that is moved to a pool plant, provided that on more than half of the days on which the handler caused milk to be moved from the dairy farmer's farm in every December since 1996, all of that milk was physically moved to a pool plant in the regulated area. Or: to be considered a qualified producer, on more than half of the days on which the handler caused milk to be moved from the dairy farmer's farm during the current month and for five (5) months subsequent to July of the preceding calendar year, all of that milk must have moved to a pool plant, provided that the total amount of milk at a pool plant eligible to qualify producers who did not qualify in every December since 1996, shall not exceed the total bulk receipts of fluid milk products less:

(1) Producers receipts as described in paragraph (a) of this section and producer receipts as described in paragraph (b) of this section who are qualified based on every December since 1996;

* * * * *

5. Revise section 1301.14 to read as follows:

§ 1301.14 Fluid milk product.

(a) Except as provided in paragraph (b) of this section *fluid milk product* means any milk products in fluid or frozen form containing less than nine percent butterfat, that are intended to be used as beverages. Such products include, but are not limited to: Milk, fat-free milk, low fat milk, light milk, reduced fat milk, milk drinks, eggnog and cultured buttermilk, including any such beverage products that are flavored, cultured, modified with added nonfat milk solids, sterilized, concentrated or reconstituted. As used in this Part, the term *concentrated milk* means milk that contains not less than 25.5 percent, and not more than 50 percent, total milk solids.

(b) The term *fluid milk product* shall not include:

(1) Plain or sweetened evaporated milk/skim milk, sweetened condensed milk /skim milk, formulas especially prepared for infant feeding or dietary use (meal replacement) that are packaged in hermetically-sealed containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk equivalent in any modified product specified in paragraph (a) of this section that is greater than an equal volume of an unmodified product of the same nature and butterfat content.

6. Revise section 1301.17 to read as follows:

§ 1301.17 Cooperative association.

Cooperative association means any cooperative marketing association of producers which the Secretary of Agriculture of the United States determines is qualified under the provisions of the Capper-Volstead Act, has full authority in the sale of milk of its members and is engaged in marketing milk or milk products for its members. A federation of two or more cooperatives incorporated under the laws of any state will be considered a cooperative association if all member cooperatives meet the requirements of this section.

PART 1304—CLASSIFICATION OF MILK

1. The authority citation for Part 1304 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Amend section 1304.1 to revise paragraph (b)(4)(iv) to read as follows:

§ 1304.1 Classification of milk.

* * * * *

(b) * * *

(4) * * *

(iv) Custards, puddings, pancake mixes, buttermilk biscuit mixes, coatings, batter and similar products;

* * * * *

PART 1305—CLASS PRICE

1. The authority citation for Part 1305 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Amend section 1305.1 to revise paragraph (b)(2) to read as follows:

§ 1305.1 Compact over-order class I price and compact over-order obligation.

* * * * *

(b) * * *

(2) Deduct Class I Price for Suffolk County, Massachusetts.

* * * * *

3. Revise section 1305.2 to read as follows:

§ 1305.2 Announcement of compact over-order class I price and compact over-order obligation.

The compact commission shall announce publicly on or before the 23rd day of each month the Class I over-order price and the compact over-order obligation for the following month.

PART 1306—COMPACT OVER-ORDER PRODUCER PRICE

1. The authority citation for Part 1306 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Revise section 1306.1 to read as follows:

§ 1306.1 Handler's value of milk for computing basic over-order producer price.

For the purpose of computing the basic over-order producer price, the compact commission shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1301.9(d) of this chapter with respect to milk that was not received at a pool plant, as directed in this section. Any pool plant that does not exceed 150,000 pounds of disposition in the compact regulated area in the month shall not be subject to the compact over-order obligation. The total assessment for each handler is to be calculated by multiplying the pounds of Class I fluid milk products as determined pursuant to § 1304.1(a) of this chapter by the compact over-order obligation.

3. Revise § 1306.2 to read as follows:

§ 1306.2 Partially regulated plant operator's value of milk for computing basic over-order producer price.

For the purpose of computing the basic over-order producer price, the compact commission shall determine for each month the value of milk disposition in the regulated area by the operator of a partially regulated plant as directed in this section. Any partially regulated plant that does not exceed 150,000 of disposition in the compact regulated area in the month shall not be subject to the compact over-order obligation. The total assessment for each handler is to be calculated by multiplying the pounds of Class I fluid milk products as determined pursuant to § 1304.1(a) of this chapter by the compact over-order obligation.

PART 1307—PAYMENTS FOR MILK

1. The authority citation for Part 1307 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Revise the introductory text of § 1307.2 to read as follows:

§ 1307.2 Handlers' producer-settlement fund debits and credits.

On or before the 13th day after the end of the month, the compact

commission shall render a statement to each handler showing the amount of the handler's producer-settlement fund debit or credit, as calculated in this section.

* * * * *

3. Revise 1307.3 to read as follows:

§ 1307.3 Payments to and from the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the compact commission the handler's producer-settlement fund debit for the month as determined under Sec. 1307.2(a).

(b) On or before the 16th day after the end of the month, the compact commission shall pay to each handler the handler's producer-settlement fund credit for the month as determined under Sec. 1307.2(b). If the unobligated balance in the producer-settlement fund is insufficient to make such payments, the compact commission shall reduce uniformly such payments and shall complete them as soon as the funds are available.

4. Revise section 1307.5 paragraph (a) to read as follows:

§ 1307.5 Payments to producers.

(a) For milk received during the month, payment shall be made so that it is received by each producer no later than the day after the payment date required in section 1307.3(b). Each handler shall make payment to each producer for the milk received from him during the month at not less than the basic over-order producer price per hundredweight computer under Sec. 1306.3. If the handler has not received full payment for the compact commission under Sec. 1307.3(b) by the date payments are due under this paragraph, he may reduce pro rata his payments to producers by an amount not to exceed such underpayment. Such payments shall be completed after receipt of the balance due from the compact commission by the next following date for making payments under this paragraph.

* * * * *

5. Revise section 1307.7 to read as follows:

§ 1307.7 Adjustment of accounts.

(a) Whenever the compact commission verification of a handler's reports or payments discloses an error in payments to or from the compact commission under Sec. 1307.3 or Sec. 1308.1, the compact commission shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period beginning with the 10th day of the prior month and ending with the 9th day of the current month shall be payable by the handler to the compact commission on or before the 15th day of the current month. Adjustment credits issued during that period shall be payable by the compact commission to the handler on or before the 16th day of the current month.

(b) Whenever the compact commission's verification of a handler's payments discloses payment to a producer or a cooperative association of an amount less than is required by Sec. 1307.4, the handler shall make payment of the balance due the producer not later than the 16th day after the end of the month in which the handler is notified of the deficiency.

6. Revise section 1307.8 to read as follows:

§ 1307.8 Charges on overdue accounts.

Any unpaid obligation due the compact commission from a handler pursuant to the provisions of 7 CFR parts 1307 and 1308 shall be increased 1.0 percent each month beginning with the day following the date such obligation was due under the regulation. Any remaining amount due shall be increased at the same rate on the corresponding day of each succeeding month until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation and shall include any unpaid charges previously computed pursuant to this section. The late charges shall accrue to the administrative assessment fund. For the purpose of this section, any obligation that was determined at a date later than prescribed by 7 CFR parts 1307 and 1308 because of a handler's failure to submit a report to the compact commission when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

7. Add a new section 1307.9 to read as follows:

§ 1307.9 Dates.

If a date required for payment contained in 7 CFR parts 1307 and 1308 falls on a Saturday, Sunday, or national holiday, such payment will be due on the next day that the compact commission office is open for public business.

PART 1308—ADMINISTRATIVE ASSESSMENT

1. The authority citation for Part 1308 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Revise the introductory text of section 1308.1 to read as follows:

§ 1308.1 Assessment for pricing regulations administration.

On or before the 15th day after the end of the month, each handler shall pay to the compact commission his pro rata share of the expense of administration of this pricing regulation. The payment shall be at the rate of 3.2 cents per hundredweight. The payment shall apply to:

* * * * *

Dated: March 21, 2000.

Kenneth M. Becker,

Executive Director.

[FR Doc. 00–7413 Filed 3–24–00; 8:45 am]

BILLING CODE 1650–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 98–003–2]

Veterinary Services User Fees; Export Certificate Endorsements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are establishing a maximum user fee for the endorsement of export certificates for a single shipment of animals or birds that require verification of tests or vaccinations. Prior to this final rule, user fees for these endorsements were based on the number of animals or birds listed on the certificate and the number of tests or vaccinations that the importing country required for those animals or birds. We are taking this action in response to requests from industry organizations and from our field and port employees to reconsider the fairness of these user fees for large export shipments of animals. The maximum user fee will result in lower user fees for large shipments, yet still recover the full cost of providing this service.

EFFECTIVE DATE: April 26, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Ford, Section Head, Financial Systems and Services Branch, BASE, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import- and export-related services for live animals and birds and animal products are contained in 9 CFR part 130 (referred to below as the regulations). Section 130.20 lists user fees we charge for endorsing certificates for animals and birds exported from the United States. Importing countries often require these certificates to show that an animal or bird has tested negative to specific animal diseases or that an animal or bird has not been exposed to specific animal diseases. The endorsement indicates that APHIS has reviewed a certificate and believes it to be accurate and reliable. The steps associated with endorsing an export certificate may include reviewing supporting documentation; confirming that the importing country's requirements have been met; verifying laboratory test results for each animal if tests are required; reviewing any certification statements required by the importing country; and endorsing, or signing, the certificates. Our user fees are intended to cover all of the costs associated with endorsing the certificates.

On September 23, 1999, we published in the **Federal Register** (64 FR 51477–51479, Docket No. 98–003–1) a proposal to amend the regulations by establishing a maximum user fee for the endorsement of export certificates for a single shipment of animals or birds that require verification of tests or vaccinations. User fees for these endorsements were based on the number of animals or birds listed on the certificate and the number of tests or vaccinations that the importing country required for those animals or birds. We proposed to establish a maximum user fee of 12 times the hourly rate listed in § 130.21 of the regulations, since large shipments rarely take more than 12 hours to verify. The proposed maximum user fee was intended to lower user fees for large shipments, yet still allow APHIS to recover the full cost of providing this service.

We solicited comments concerning our proposal for 60 days ending November 22, 1999. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

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

We are revising our user fees to implement a maximum user fee for the endorsement of export certificates that require the verification of tests or vaccinations for the animals or birds on the certificate. The maximum user fee will be 12 times the hourly rate user fee listed in § 130.21 of the regulations.

User fees for the endorsement of export certificates will continue to be calculated based on the current user fees. The maximum user fee will be used whenever the calculated user fee is higher than the maximum user fee. This will benefit exporters with large shipments. The following table compares the maximum user fee to the charges for endorsing export certificates for large shipments based on current user fees.

Number of tests or vaccinations	Current user fee	Current charge for large shipment (300 animals)	Proposed maximum user fee [1]
1 or 2	$52.50 (first animal) $3.00 (each additional)	$949.50	$672
3 to 6	64.75 (first animal) 5.00 (each additional)	1,559.75	672
7 or more	75.75 (first animal) 6.00 (each additional)	1,869.75	672

[1] Based on 12 times $56 (the current hourly rate user fee).

In fiscal year 1998, APHIS issued 6,245 export certificates that required the verification of tests or vaccinations. Of these, only 80 (1.28 percent) would have benefitted from the maximum user fee. Using the maximum user fee will cost less than the current user fees for any export certificates for a single shipment of:

- 208 or more animals with 1 or 2 tests,
- 123 or more animals with 3 to 6 tests, or
- 101 or more animals with 7 or more tests.

The maximum user fee could affect some exporters of live animals or birds. Any exporter of live animals or birds whose total sales are less than $5 million annually is a small entity according to the Small Business Administration's criteria. The number of entities that export live animals or birds and that would qualify as small entities under this definition cannot be determined. Data from the 1995 Bureau of the Census indicates the majority of agricultural entities that deal in less valuable animals, such as grade animals, can be considered small entities. This may not be the case for entities dealing exclusively in more valuable animals, such as purebred or registered animals.

This rule should have a minimal effect on exporters, whether small or large. Only 1.28 percent of the export certificates requiring the verification of tests or vaccinations that APHIS issued in FY 1998 would have been covered by the maximum user fee for those endorsements. For those entities that do experience a change in the amount, the difference will be a lower charge for the endorsement.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

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

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which,

among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we are amending 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 continues to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.20, paragraph (b)(1) introductory text is revised to read as follows:

§ 130.20 User fees for endorsing export health certificates.

* * * * *

(b)(1) User fees for the endorsement of export health certificates that require the verification of tests or vaccinations are listed in the following table. The user fees apply to each export health certificate [5] endorsed for animals and birds depending on the number of animals or birds covered by the certificate and the number of tests required. However, there will be a maximum user fee of 12 times the hourly rate user fee listed in § 130.21(a) of this part for any single shipment. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

* * * * *

Done in Washington, DC, this 21st day of March 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–7447 Filed 3–24–00; 8:45 am]

BILLING CODE 3410–34–P

[5] An export health certificate may need to be endorsed for an animal being exported from the United States of the country to which the animal is being shipped requires one. APHIS endorses export health certificates as a service.

DEPARTMENT OF ENERGY

10 CFR Part 810

RIN 1992–AA24

Assistance to Foreign Atomic Energy Activities

AGENCY: Office of Defense Nuclear Nonproliferation, U.S. Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) amends its regulations concerning unclassified assistance to foreign atomic energy activities. The amendments make explicit DOE's export control jurisdiction over transfers of technology and services to foreign activities relating to production of special nuclear material (SNM) by means of accelerator-driven subcritical assembly systems (particle accelerators operating in conjunction with subcritical assemblies); revise the list of countries for which all assistance controlled by the regulations requires specific authorization; and substitute current addressees for submitting reports and requests.

EFFECTIVE DATE: This final rule is effective April 26, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Zander Hollander, Nuclear Transfer and Supplier Policy Division, NN–43, Office of Arms Control and Nonproliferation, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585: Telephone (202) 586–2125; or Mr. Robert Newton, Office of General Counsel, GC–53, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585: Telephone (202) 586–0806.

SUPPLEMENTARY INFORMATION:

1. Background

DOE Regulations 10 CFR part 810 implements section 57b(2) of the Atomic Energy Act of 1954, as amended by section 302 of the Nuclear Non-Proliferation Act of 1978 (NNPA) (42 U.S.C. 2077). These sections require that U.S. persons who engage directly or indirectly in the production of SNM outside the United States be authorized to do so by the Secretary of Energy. As explained in a notice of proposed rulemaking published in the **Federal Register** on July 2, 1999, 64 FR 35959, there has been rapid progress in practical applications of accelerator systems which, until recently, were almost entirely devoted to fundamental scientific research. For example, DOE currently is researching accelerator production of tritium (APT) and accelerator transmutation of nuclear waste (ATW). The potential use of accelerator-driven subcritical assembly systems to produce SNM places exports of technology and services for these systems squarely within the jurisdiction of section 57b(2) of the Atomic Energy Act. Accordingly, to conform part 810 to these technological advances, DOE is revising the rule to publicly assert its until now implicit jurisdiction over exports of technology and services that assist in the production of SNM by means of accelerator-driven subcritical assembly systems and their components.

DOE intends part 810 to apply to accelerator-driven subcritical assembly system activities only when the purpose is SNM (plutonium or uranium-233) production or when the activities will result in significant SNM production. While some accelerators devoted to basic scientific research and development activities may, technically, also be capable of configuration to produce SNM, DOE does not intend to exert export control authority simply on the basis of capability. Rather, DOE intends to be guided by the following policy: Specific authorization by the Secretary is required for the export to any country of technology or services for production or processing of SNM by means of an accelerator-driven subcritical assembly system, or when a U.S. provider of assistance knows or has reason to know that an accelerator-driven subcritical assembly system will be used for the production or processing of SNM. When the intended use for production of SNM is not publicly announced, the U.S. provider may ascertain the intended use from participants in the project or from the U.S. Government or other sources. However, Part 810 authorization is required only when the subcritical assembly is capable of continuous operation above five megawatts thermal. This is the same threshold of control DOE applies to exports of assistance to research and test reactors; as with small reactors, subcritical assemblies below this capability do not pose significant proliferation concern.

DOE part 810 jurisdiction applies to assistance to production of SNM (plutonium or uranium-233) with an accelerator-driven subcritical assembly system whether the assistance is given inside or outside the United States. DOE assertion of part 810 jurisdiction over assistance should not be construed as inhibiting a U.S. provider of assistance from participating in multinational or other non-U.S. accelerator activities when the intent is not to produce SNM, but rather for scientific, medical, or

other non-SNM objectives. Therefore, when a U.S. provider has no reason to believe that accelerator production of SNM is the objective, the U.S. provider needs no Part 810 authorization. The same is true for U.S. hosts of foreign participation in scientific or other non-SNM accelerator activities in the United States. Therefore, unless intending to pursue accelerator-driven subcritical assembly system technologies for the production of SNM outside the United States or to allow foreign scientists to participate in such activities in the United States, members of the U.S. accelerator community—individual scientists, universities, commercial firms, research and development institutions, and other enterprises—do not require part 810 authorization.

The section 810.8 list of countries has been revised to include all non-nuclear-weapon states that do not have full-scope safeguards agreements with the International Atomic Energy Agency (IAEA) and to reflect changes in world conditions since the last time the list was published. Since existence of an IAEA full-scope safeguards agreement is an important factor in making part 810 determinations, DOE believes applicants should be aware of the countries lacking such agreements.

2. Regulatory Changes

The following changes are made to Part 810:

A. Section 810.3 Definitions. Definitions for ''non-nuclear-weapon state,'' ''accelerator-driven subcritical assembly system,'' ''production accelerator,'' and ''subcritical assembly'' are added.

B. Section 810.4 Communications. A new addressee for communications concerning these regulations is given.

C. Section 810.5 Interpretations. The title of the DOE office providing advice is changed.

D. Section 810.7 Generally authorized activities. Assistance to ''accelerator-driven subcritical assembly systems'' and certain research and test reactors are added to the exclusions from this general authorization.

E. Section 810.8 Activities requiring specific authorization. Specific authorization is required for assistance relating to accelerator-driven subcritical assembly systems used or intended to be used for the processing, use, or production of SNM, and subcritical assemblies capable of continuous operation above five megawatts thermal. In addition, the list of countries in this section is revised and countries lacking full-scope safeguards agreements are noted.

F. Section 810.13 Reports. The title of the office to which reports should be sent is changed.

G. Section 810.16 Effective date and savings clause. The effective date is changed but the savings clause continues to state that the revision does not affect previously granted specific authorizations or generally authorized activities for which the contracts, purchase orders, or licensing arrangements are already in effect on the date of publication of the final rule; also, that persons engaging in activities generally authorized under the present regulations but requiring specific authorization under the revision must request such specific authorization within 90 days but may continue their activities until DOE acts on the request.

3. Statutory Requirements

Pursuant to section 57b of the Atomic Energy Act as amended by the NNPA, with the concurrence of the Department of State and after consultations with the Departments of Defense and Commerce, and the Nuclear Regulatory Commission, the Secretary of Energy has determined that to authorize this revision of 10 CFR Part 810 will not be inimical to the interests of the United States.

4. Procedural Matters

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, today's action was not subject to review under the 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. 601–612, requires that an agency prepare an initial regulatory flexibility analysis for any rule that requires a general notice of proposed rulemaking and that would have a significant economic effect on small entities. A final regulatory flexibility analysis must be prepared and made available when a final rule is published. These requirements do not apply if the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605.

In the notice of proposed rulemaking, DOE determined the revisions to Part 810 would codify existing DOE export control jurisdiction and U.S. Government obligations. Therefore, DOE certified that the proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. DOE did not receive any comments on the certification.

C. Review Under the National Environmental Policy Act

The rule was reviewed under the National Environmental Policy Act of 1969, Pub. L. 91–190 (42 U.S.C. 4321 *et seq.*), Council on Environmental Quality Regulations (40 CFR Parts 1500–08), and DOE environmental regulations (10 CFR Part 1021). As stated above, the revision to this rule conforms the rule to recent technological advances. Therefore, DOE has concluded that this rule is covered by Categorical Exclusion A5 ''Rulemaking, interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended.'' As a result, this rule does not constitute a major Federal action significantly affecting the quality of the human environment. Accordingly, no environmental impact statement is required.

D. Review Under Executive Order 13132

Executive Order 13132 (42 FR 43255, August 4, 1999) imposes certain requirements on agencies formulating or implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined today's rule and has determined that it does not preempt State law and does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

E. Review Under Executive Order 12988

With respect to review of existing regulations and promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' (61 FR 4729, February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden

reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effects, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the regulations meet the relevant standards of Executive Order 12988.

F. Review Under the Paperwork Reduction Act

The information collections in this rule are exempt from review by the Office of Management and Budget and from public comment for reasons of national security as provided for in Executive Orders 12035 and 12333 issued under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

G. Review Under the Small Business Regulatory Enforcement Fairness Act of 1996

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of the rule prior to its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(3).

5. Review of Comments

Written comments were received from one interested person, an official of a private sector technology firm. These comments were made available for public inspection in the DOE Reading Room. The commenter said that accelerators are not necessarily equivalent to reactors either in the mechanism for SNM production, the power requirements to produce radioactive material, the chemistry sophistication to extract plutonium from uranium fuel, or the vulnerability to counterproliferation measures. Therefore, the commenter suggested that the Final Rule for accelerators should take into account these significant differences. Specifically, the commenter recommended that:

- A limit be placed on accelerator beam current or beam power as well as the fission power (for a 1 GeV proton accelerator, the commenter suggested that 0.5 mA would be appropriate).
- The proposed 5 MWt control threshold for subcritical assemblies be reduced sharply because, the commenter said, it is possible to produce significant SNM without release of significant fission energy with processes entirely different from those of a reactor by optimizing neutron absorption.

With respect to the first recommendation, DOE gave extensive consideration to establishing control thresholds on accelerators based on accelerator beam energy and beam current. While DOE believes that this approach has technical merit, a significant drawback is that it would establish Part 810 control jurisdiction over all accelerator activities and facilities meeting the technical parameters, even those engaged strictly in benign scientific research, or industrial or medical applications and that involve no source or special nuclear material. DOE believes that such an approach would unnecessarily impede international cooperation on accelerator activities of a wholly benign nature. Therefore, DOE's approach eschews technical parameters on accelerator beam energy and beam current. Rather, it targets all accelerator activities and facilities used or intended for the processing, use, or production of SNM, regardless of accelerator beam energy and current.

With respect to the second recommendation, DOE believes that extending the existing threshold of control for reactors, which is based on total thermal power, is appropriate for subcritical assemblies. No known accelerator-driven subcritical assembly of source material can produce fissile material (SNM) from fertile material by neutron capture without attendant fission in the produced fissile material. If the system is operated so that, as the commenter suggests, ''the fraction of a given accumulation of plutonium in the uranium is much higher than in a reactor,'' then there is even more reason to expect substantial fission energy release. DOE agrees that accelerator-driven systems differ significantly from reactors, but both liberate comparable energy while producing SNM in systems of interest to a potential proliferant. DOE's conclusions on this score are based on technical studies conducted at three national laboratories. The choice of power limit is based upon realistic calculations for both reactors and accelerator-driven subcritical assemblies.

In response to the commenter, for this final rule, DOE is revising proposed section 810.8(c)(5) to change the wording ''accelerator-driven subcritical assembly systems'' to ''subcritical assemblies.'' This clarification better reflects DOE's original intent, which is that the 5 MWt power threshold applies to the operating level of the subcritical assembly itself, not to the power of the accelerator beam. Further, the 5 MWt power threshold includes all sources of power to and within the subcritical assembly device—both external (spallation neutrons) and internal (fission neutrons).

List of Subjects in 10 CFR Part 810

Foreign relations, Nuclear energy, Reporting and recordkeeping requirements.

Issued in Washington, DC, March 10, 2000.

Rose Gottemoeller,

Acting Deputy Administrator for Defense Nuclear Nonproliferation.

For reasons set out in the preamble, Chapter III of Title 10 of the Code of Federal Regulations is amended as follows:

PART 810—ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES

1. The authority citation for Part 810 continues to read as follows:

Authority: Secs. 57, 127, 128, 129, 161, and 223, Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978, Pub. L. 95–242, 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); Sec. 104 of the Energy Reorganization Act of 1974, Pub. L. 93–438; Sec 301, Department of Energy Organization Act, Pub. L. 95–91.

2. Section 810.3 is amended by adding new definitions of ''accelerator-driven subcritical assembly system,'' ''non-nuclear-weapon state,'' ''production accelerator,'' and ''subcritical assembly,'' in alphabetical order, to read as follows:

§ 810.3 Definitions.

* * * * *

Accelerator-driven subcritical assembly system is a system comprising a ''subcritical assembly'' and a ''production accelerator'' and which is designed or used for the purpose of producing or processing special nuclear material (SNM) or which a U.S. provider of assistance knows or has reason to know will be used for the production or processing of SNM. In such a system, the ''production accelerator'' provides a source of neutrons used to effect SNM

production in the ''subcritical assembly.''

* * * * *

Non-nuclear-weapon state is a country not recognized as a nuclear-weapon state by the NPT (i.e., states other than the United States, Russia, the United Kingdom, France, and China).

* * * * *

Production accelerator is a particle accelerator designed and/or intended to be used, with a subcritical assembly, for the production or processing of SNM or which a U.S. provider of assistance knows or has reason to know will be used for the production or processing of SNM.

* * * * *

Subcritical assembly is an apparatus containing source material or SNM designed or used to produce a nuclear fission chain reaction that is not self-sustaining.

* * * * *

3. Section 810.4(a) is revised to read as follows:

§ 810.4 Communications.

(a) All communications concerning the regulations in this part should be addressed to: U.S. Department of Energy, Washington, DC 20585. Attention: Director, Nuclear Transfer and Supplier Policy Division, NN–43, Office of Arms Control and Nonproliferation. Telephone: (202) 586–2331.

* * * * *

4. Section 810.5 is revised to read as follows:

§ 810.5 Interpretations.

A person may request the advice of the Director, Nuclear Transfer and Supplier Policy Division (NN–43), on whether a proposed activity falls outside the scope of this part, is generally authorized under § 810.7, or requires specific authorization under § 810.8; however, unless authorized by the Secretary of Energy, in writing, no interpretation of the regulations in this part other than a written interpretation by the General Counsel is binding upon the Department. When advice is requested from the Director, Nuclear Transfer and Supplier Policy Division, or a binding, written determination is requested from the General Counsel, a response normally will be made within 30 days and, if this is not feasible, an interim response will explain the delay.

5. Section 810.7(h) is revised to read as follows:

§ 810.7 Generally authorized activities.

* * * * *

(h) Otherwise engaging directly or indirectly in the production of SNM outside the United States in ways that:

(1) Do not involve any of the countries listed in § 810.8(a); and

(2) Do not involve production reactors, accelerator-driven subcritical assembly systems, enrichment, reprocessing, fabrication of nuclear fuel containing plutonium, production of heavy water, or research reactors, or test reactors, as described in § 810.8 (c)(1) through (6).

6. Section 810.8 is revised to read as follows:

§ 810.8 Activities requiring specific authorization.

Unless generally authorized by § 810.7, a person requires specific authorization by the Secretary of Energy before:

(a) Engaging directly or indirectly in the production of special nuclear material in any of the countries following. Countries marked with an asterisk (*) are non-nuclear-weapon states that do not have full-scope IAEA safeguards agreements in force.

Afghanistan
Albania
Algeria
Andorra*
Angola*
Armenia
Azerbaijan*
Bahrain*
Belarus
Benin*
Botswana*
Burkina Faso*
Burma (Myanmar)
Burundi*
Cambodia*
Cameroon*
Cape Verde*
Central African Republic*
Chad*
China, People's Republic of
Comoros*
Congo* (Zaire)
Cuba*
Djibouti*
Equatorial Guinea*
Eritrea*
Gabon*
Georgia*
Guinea*
Guinea-Bissau*
Haiti*
India*
Iran
Iraq*
Israel*
Kazakhstan
Kenya*
Korea, People's Democratic Republic of*
Kuwait*
Kyrgyzstan*
Laos*
Liberia*
Libya
Macedonia
Mali*
Marshall Islands*
Mauritania*
Micronesia*
Moldova*
Mongolia
Mozambique*
Niger*
Oman*
Pakistan*
Palau*
Qatar*
Russia
Rwanda*
Sao Tome and Principe*
Saudi Arabia*
Seychelles*
Sierra Leone*
Somalia*
Sudan
Syria
Tajikistan*
Tanzania*
Togo*
Turkmenistan*
Uganda*
Ukraine
United Arab Emirates*
Uzbekistan
Vanuatu*
Vietnam
Yemen*
Yugoslavia

(b) Providing sensitive nuclear technology for an activity in any foreign country.

(c) Engaging in or providing assistance or training in any of the following activities with respect to any foreign country.

(1) Designing production reactors, accelerator-driven subcritical assembly systems, or facilities for the separation of isotopes of source or SNM (enrichment), chemical processing of irradiated SNM (reprocessing), fabrication of nuclear fuel containing plutonium, or the production of heavy water;

(2) Constructing, fabricating, operating, or maintaining such reactors, accelerator-driven subcritical assembly systems, or facilities;

(3) Designing, constructing, fabricating, operating or maintaining components especially designed, modified or adapted for use in such reactors, accelerator-driven subcritical assembly systems, or facilities;

(4) Designing, constructing, fabricating, operating or maintaining major critical components for use in such reactors, accelerator-driven subcritical assembly systems, or production-scale facilities; or

(5) Designing, constructing, fabricating, operating, or maintaining research reactors, test reactors or subcritical assemblies capable of continuous operation above five megawatts thermal.

(6) Training in the activities of paragraphs (c)(1) through (5) of this section.

7. Section 810.10 (a) is revised to read as follows:

§ 810.10 Grant of specific authorization.

(a) Any person proposing to provide assistance for which § 810.8 indicates specific authorization is required may apply for the authorization to the U.S. Department of Energy, National Nuclear Security Administration, Washington, DC 20585, Attention: Director, Nuclear Transfer and Supplier Policy Division, NN–43, Office of Arms Control and Nonproliferation.

* * * * *

8. Section 810.13(g) is revised to read as follows:

§ 810.13 Reports.

* * * * *

(g) All reports should be sent to: U.S. Department of Energy, National Nuclear Security Administration, Washington, DC 20585, Attention: Director, Nuclear Transfer and Supplier Policy Division, NN–43, Office of Arms Control and Nonproliferation.

9. Section 810.16 is revised as follows:

§ 810.16 Effective date and savings clause.

Except for actions that may be taken by DOE pursuant to § 810.11, the regulations in this part do not affect the validity or terms of any specific authorizations granted under regulations in effect before April 26, 2000 (and contained in the 10 CFR, part 500 to end, edition revised as of January 1, 2000) or generally authorized activities under those regulations for which the contracts, purchase orders, or licensing arrangements were already in effect. Persons engaging in activities that were generally authorized under regulations in effect before April 26, 2000, but that require specific authorization under the regulations in this part, must request specific authorization by July 25, 2000 but may continue their activities until DOE acts on the request.

[FR Doc. 00–7181 Filed 3–24–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM165, Special Conditions No. 25–158–SC]

Special Conditions: McDonnell Douglas DC–9–30 Series Airplanes; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for McDonnell Douglas DC–9–30 series airplanes modified by Lockheed Martin Aircraft Center. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These airplanes will utilize electronic systems that perform critical functions. The applicable type certification regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields (HIRF). These special conditions provide the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

EFFECTIVE DATE: March 13, 2000.

FOR FURTHER INFORMATION CONTACT: Connie Beane, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (425) 227–2796; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Background

On April 20, 1998, Lockheed Martin Aircraft Center, Inc. (LMAC), 244 Terminal Road, Greenville, NC 29605, applied for a supplemental type certificate (STC) to modify McDonnell Douglas DC–9–30 series airplanes listed on Type Certificate A6WE. The modification incorporates the installation of a Rockwell-Collins FDS–255 Electronic Flight Instrument System, consisting of an electronic attitude display, an electronic horizontal situation indicator, and a display controller for each pilot. This advanced system uses electronics to a far greater extent than the original mechanical attitude displays and may be more susceptible to electrical and magnetic interference. This disruption of signals could result in loss of attitude display or present misleading attitude information to the pilot.

In addition, on August 18, 1998, LMAC applied for an additional STC to modify McDonnell Douglas DC–9–30 series airplanes listed on Type Certificate A6WE. The modification incorporates the installation of an Innovative Solution & Support electronic air data instrument system, which consists of an electronic airspeed display, an electronic altimeter, and a digital air data computer for each pilot. This advanced system uses electronics to a far greater extent than the original pneumatic pitot-static instruments and may be more susceptible to electrical and magnetic interference. This disruption of signals could result in loss of air data display or present misleading air data information to the pilot.

Type Certification Basis

Under the provisions of 14 CFR 21.101, LMAC must show that the McDonnell Douglas DC–9–30 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A6WE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The certification basis for the modified McDonnell Douglas DC–9–30 series airplanes includes CAR 4b, dated December 31, 1953, with Amendments 4b–1 through 4b–16, as amended by Type Certificate Data Sheet (TCDS) A6WE.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* CAR 4b, as amended) do not contain adequate or appropriate safety standards for the McDonnell Douglas DC–9–30 series airplanes because of novel or unusual design features, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model DC–9–30 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should LMAC apply at a later date for design change approval to modify any other model already

included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The modified McDonnell Douglas DC–9–30 series airplanes will incorporate an electronic attitude display system and an electronic air data system, which were not available at the time of certification of these airplanes, both of which perform critical functions. These systems may be vulnerable to HIRF external to the airplane.

Discussion

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

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the McDonnell Douglas DC–9–30 series airplanes. These special conditions require that new electrical and electronic systems, such as the electronic attitude and air data display systems that perform critical functions, be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields

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

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

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

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

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

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Field Strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz ...	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz ...	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz ...	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz ...	2000	200
18 GHz–40 GHz ...	600	200

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

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

Applicability

As discussed above, these special conditions are applicable initially to the McDonnell Douglas DC–9–30 series airplanes modified by LMAC. Should LMAC apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Discussion of Comments

Notice of proposed special conditions No. 25–99–09-SC was published in the **Federal Register** on December 3, 1999 (64 FR 67804). One commenter responded, expressing support for the special conditions. The special conditions are therefore adopted as proposed.

Conclusion

This action affects only certain novel or unusual design features on the McDonnell Douglas DC–9–30 series airplanes modified by LMAC. It is not a rule of general applicability and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for McDonnell Douglas DC–9–30 series airplanes modified by Lockheed Martin Aircraft Center.

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

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

Issued in Renton, Washington, on March 13, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 00–7495 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–311–AD; Amendment 39–11649; AD 95–19–04 R1]

RIN 2120–AA64

Airworthiness Directives; Learjet Model 35, 35A, 36, 36A, 55, 55B, and 55C Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; rescission.

SUMMARY: This amendment rescinds an existing Airworthiness Directive (AD), applicable to certain Learjet Model 35, 35A, 36, 36A, 55, 55B, and 55C airplanes. That AD currently requires installation of a placard on the instrument panel in the cockpit to advise the flightcrew that the Omega navigation system may be inoperative at certain engine speeds. That AD also provides for an optional installation of certain band reject filters, which eliminates the need for the placard. The requirements of that AD were intended to prevent excessive deviation from the intended flight path due to loss of navigation signals, which could result in a potentially low-fuel condition or a traffic conflict. Since the issuance of that AD, use of the Omega navigation system has been permanently discontinued; therefore, the original unsafe condition no longer exists.

EFFECTIVE DATE: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: C. Dale Bleakney, Aerospace Engineer, Flight Test Branch, ACE–117W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4135; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: On September 5, 1995, the Federal Aviation Administration (FAA) issued AD 95–19–04, amendment 39–9365 (60 FR 47265, September 12, 1995), applicable to certain Learjet Model 35, 35A, 36, 36A, 55, 55B, and 55C airplanes. That AD requires installation of a placard on the instrument panel in the cockpit to advise the flightcrew that the Omega navigation system may be inoperative at certain engine speeds. That AD also provides for an optional installation of certain band reject filters, which eliminates the need for the placard. That action was prompted by reports of loss of certain navigation signals during extended over-water operation. That condition, if not corrected, could result in excessive deviation from the intended flight path due to loss of navigation signals, and consequent potential low-fuel condition or a traffic conflict.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

Conclusion

After careful review of the available data, the FAA has determined that air safety and the public interest require the rescission of the rule as proposed.

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, Safety.

The Rescission

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 an airworthiness directive removing amendment 39–9365 to read as follows:

95–19–04 R1 Learjet: Amendment 39–11649. Docket No. 99–NM–311–AD. Rescinds AD 95–19–04, Amendment 39–9365.

Applicability: Model 35, 35A, 36, 36A, 55, 55B, and 55C airplanes; equipped with Global Wulfsburg GNS 500, GNS–1000, and GNS–X Flight Management Systems; certificated in any category.

This rescission is effective March 27, 2000.

Issued in Renton, Washington, on March 20, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–7335 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWA–3]

RIN 2120–AA66

Revocation of the Sacramento McClellan Air Force Base (AFB) Class C Airspace Area, Establishment of the Sacramento McClellan AFB Class E Surface Area; and Modification of the Sacramento International Airport Class C Airspace Area; CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule revokes the Sacramento McClellan AFB, CA, Class C airspace area, establishes Class E airspace at Sacramento McClellan AFB, CA, and modifies the Sacramento International Airport, CA, Class C airspace area. Specifically, the FAA is revoking the Sacramento McClellan AFB Class C airspace area due to a reduction in the number of aircraft operations at McClellan AFB. This action also establishes a Class E surface area to provide controlled airspace for the protection of instrument approach operations to McClellan AFB. In addition, this action modifies the Sacramento International Airport Class C airspace area to provide additional airspace for the management of aircraft operations to and from the Sacramento International Airport. The FAA is making these changes to enhance safety, reduce the risk of midair collision, and improve the management of aircraft operations in the Sacramento terminal airspace area.

EFFECTIVE DATE: 0901 UTC, September 7, 2000.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

As announced in the **Federal Register** on October 13, 1998 (63 FR 54637), a public meeting was held on November 17, 1998, at Sacramento McClellan AFB, CA. The purpose of this meeting was to provide airspace users with an opportunity to provide their views, recommendations and comments regarding the FAA's planned modification to the Sacramento, CA,

terminal airspace area. Those attending the meeting expressed general support for the planned modification.

On December 2, 1999, the FAA published a notice (64 FR 67525) proposing to revoke the McClellan AFB Class C airspace area, establish Class E airspace in its place, and modify the Sacramento International Class C airspace area. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal to the FAA. In the ensuing comment period, which closed on January 17, 2000, the FAA received no comments on the proposed action.

The Rule

This action amends 14 CFR part 71 by revoking the Sacramento McClellan AFB, CA, Class C airspace area and establishing a Class E surface area at Sacramento McClellan AFB, CA. The FAA is taking this action because the number of aircraft operations at McClellan AFB have decreased significantly as a result of the permanent closure of the airport traffic control tower (ATCT). The United States Air Force closed McClellan AFB tower on October 1, 1998, as part of its Base Realignment and Closing process. McClellan AFB is scheduled for closure July 2001. Remaining aircraft operations are expected to decline with the closure of McClellan AFB. Thus, the FAA is replacing the Sacramento McClellan AFB Class C airspace area with a Class E surface area to provide controlled airspace for the protection of instrument approach operations to McClellan AFB.

This amendment to 14 CFR part 71 also modifies the Sacramento International Airport Class C airspace area by expanding its eastern boundary. This modification will ensure that the airspace overlying the Rio Linda airport, located in the revoked McClellan AFB Class C airspace area, retains Class C airspace protection. This is necessary to maintain the safety level previously afforded by part of the McClellan Class C airspace area.

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

The coordinates for this airspace docket are based on North American Datum 83. Class C and Class E airspace designations are published, respectively, in paragraphs 4000 and 6002 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class C and E airspace designations listed in this document will be published subsequently in the Order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 4000—Subpart C—Class C Airspace.

* * * * *

AWP CA C Sacramento, McClellan AFB, CA [Removed]

* * * * *

AWP CA C Sacramento International Airport, CA [Revised]

Sacramento International Airport, CA
(Lat. 38°41′44″ N., long. 121°35′27″ W.)
Riego Flight Strip
(Lat. 38°45′15″ N., long. 121°33′47″ W.)
Natomas Field
(Lat. 38°38′18″ N., long. 121°30′55″ W.)

That airspace extending upward from the surface to and including 4,100 feet MSL within a 5-mile radius of the Sacramento International Airport, excluding that airspace within a 2-mile radius of Riego Flight Strip, and that airspace within a 2-mile radius of Natomas Field, and that airspace east of the 002° bearing from Natomas Field; and that airspace extending upward from 1,600 feet MSL to 4,100 feet MSL within a 10-mile radius of Sacramento International Airport.

* * * * *

Paragraph 6002—Class E Airspace Designated as Surface Areas.

* * * * *

AWP CA E2 Sacramento, McClellan AFB, CA [New]

Sacramento, McClellan AFB, CA
(Lat. 38°40′04″ N., long. 121°24′02″ W.)

That airspace extending upward from the surface within a 4.5-mile radius of McClellan AFB excluding that airspace within the Sacramento International Airport Class C surface area.

* * * * *

Issued in Washington, DC on March 20, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–7494 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

14 CFR Part 71

[Airspace Docket No. 99–AGL–53]

Modification of Class E Airspace; Bemidji, MN; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the final rule that was published in the **Federal Register** on Wednesday, February 2, 2000 (65 FR 4872), Airspace Docket No. 99–AGL–53. The final rule modified Class E Airspace at Bemedji, MN.

EFFECTIVE DATE: 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone: (847) 294–7477.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 00–2256, Airspace Docket No. 99–AGL–53, published on February 2, 2000 (65 FR 4872), modified Class E Airspace at Bemidji, MN. An incorrect spelling of Bemidji was published in the legal description for the Class E airspace for Bemidji, MN. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the error for the class E airspace, Bemidji, MN, as published in the **Federal Register** February 2, 2000 (65 FR 4872), (FR Doc. 00–2256), is corrected as follows:

§ 71.1 [Corrected]

1. On page 4873, Column 2, in the airspace description for Bemidji, MN, incorporated by reference in § 71.1, lines 1 and 2 and 16, correct ''Bemidiji-Beltrami'' to read ''Bemidji-Beltrami''.

Issued in Des Plaines, IL on March 15, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–7343 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

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

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (the Commission) amends Appendix F to its Appliance Labeling Rule (the Rule) to eliminate the ''Front-Loading'' and ''Top-Loading'' sub-categories for clothes washers. The purpose of this change is to provide consumers with a more accurate basis to compare the efficiency of clothes washers.

EFFECTIVE DATE: July 14, 2000.

FOR FURTHER INFORMATION CONTACT: James G. Mills, Attorney (202–326–3035; jmills@ftc.gov), or Janice Podoll Frankle, Attorney (202–326–3022; jfrankle@ftc.gov) Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Commission's Appliance Labeling Rule

The Commission issued the Appliance Labeling Rule on November 19, 1979, pursuant to a directive in section 324 of Title III of the Energy Policy and Conservation Act of 1975, 42 U.S.C. 6294 (EPCA). The Rule requires manufacturers to disclose energy information about major household appliances to enable consumers purchasing appliances to compare the energy use or efficiency of competing models. When published, the Rule applied to eight appliance categories: Refrigerators, refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces. Since then, the Commission has expanded the Rule's coverage five times: In 1987 (central air conditioners, heat pumps, and certain new types of furnaces, 52 FR 46888 (Dec. 10, 1987)); 1989 (fluorescent lamp ballasts (54 FR 28031 (July 5, 1989)); 1993 (certain plumbing products (58 FR 54955 (Oct. 25, 1993); and twice in 1994 (certain lighting products (59 FR 25176 (May 13, 1994)), and pool heaters and certain other types of water heaters (59 FR 49556 (Sept. 28, 1994)).

Manufacturers of all covered appliances must disclose specific energy consumption or efficiency information at the point of sale in the form of an ''EnergyGuide'' label affixed to the covered product. The information on the EnergyGuide also must appear in catalogs from which covered products can be ordered. Manufacturers must derive the information from standardized tests that EPCA directs the Department of Energy (''DOE'') to promulgate. 42 U.S.C. 6293. Manufacturers of furnaces, central air conditioners, and heat pumps also either must provide fact sheets showing additional cost information or be listed in an industry directory that shows the cost information for their products. Required labels for appliances and required fact sheets for heating and cooling equipment must include a highlighted energy consumption or efficiency disclosure and a scale, or ''range of comparability,'' which appears as a bar on the label below the main energy use or efficiency figure, that shows the highest and lowest energy consumption or efficiencies for all similar appliance models. Labels for clothes washers and some other appliance products also must disclose estimated annual operating cost based on a specified national average cost for the fuel the appliances use.

B. Ranges of Comparability and the Categories in Appendix F

The ''range of comparability'' scale on the EnergyGuide is intended to enable consumers to compare the energy consumption or efficiency of the other models (perhaps competing brands) in the marketplace that are similar to the labeled model they are considering. Section 305.8(b) of the Rule, 16 CFR 305.8(b), requires manufacturers to report annually (by specified dates for each product type) the estimated annual energy consumption or energy efficiency ratings for the appliances derived from the DOE test procedures. Due to modifications to product lines and improvements in the energy use of individual models, the base of reported information is constantly changing. To keep the required information on labels consistent with these changes, the Commission publishes new range figures (but not more often than annually) for manufacturers to use on labels if the upper or lower limits of the range scales have changed by more than 15%. 16 CFR 305.10. Otherwise, the Commission publishes a statement that the prior ranges remain in effect for the next year.

Each category of the products covered by the Rule is divided to some extent into sub-categories for purposes of the ranges of comparability. These sub-categories, which are generally the same as those developed by DOE in connection with its efficiency standards program,[1] are based on fuel type, size, and/or functional features, depending on the type of product.

When the Commission published the Rule in 1979, the clothes washer category in Appendix F was divided into the sub-categories ''Standard'' and ''Compact'' only.[2] 44 FR 66466, 66486 (Nov. 19, 1979). These sub-categories stayed in effect until 1994, when the Commission amended Appendix F in response to comments received in connection with a comprehensive review of the Rule. The amendment to Appendix F created the additional subdivisions of ''Top Loading'' and ''Front Loading'' that appear in the current Rule. In the **Federal Register** notice announcing the amendments that grew out of the review, the Commission discussed the comments on clothes washer sub-categories and its reasons for the amendment to Appendix F:

Horizontal axis clothes washers (which are generally front-loading) are significantly more energy-efficient than vertical axis washers (generally top-loading). Because the typical door configurations for these products are different, consumers may shop for only

[1] Section 325 of EPCA, 42 U.S.C. 6295, directs DOE to develop efficiency standards for major household appliances to achieve the maximum improvement in energy efficiency for residential appliances that is technologically feasible and economically justified. As amended, the statute itself sets the initial national standards for appliances and establishes a schedule for regular DOE review of the standards for each product category.

[2] Appendix F defines ''Compact'' as including all household clothes washers with a tub capacity of less than 1.6 cubic feet or 13 gallons of water; ''Standard'' includes all washers with a capacity of 1.6 cubic feet or 13 gallons of water or more.

one configuration, and information respecting the energy usage of products having the other configuration may not be useful. For example, consumers wanting to stack a clothes dryer on top of their washer to conserve space would only be interested in a front loading washer. The Commission finds, therefore, that separate ranges of comparability for these products would benefit consumers. Accordingly, the Commission is * * * amending the sub-categories for clothes washers to reflect a further subdivision into top-loading and front-loading models.

59 FR 34014, 34019 (July 1, 1994).

C. The Petition to Change the Sub-categories

The Consortium for Energy Efficiency, Inc. (''CEE'') [3] petitioned the Commission to amend the Rule by changing the clothes washer category in Appendix F to eliminate the ''Front-Loading'' and ''Top-Loading'' subdivisions of the ''Standard'' and ''Compact'' sub-categories. CEE asserted that, because of the recent introduction of high-efficiency products from major domestic manufacturers, it is at a critical point in its efforts to promote high-efficiency clothes washers, and that its members have committed to significant expansions of their consumer-targeted campaigns to promote the purchase of these products. CEE argued that Appendix F to the Rule confuses consumers and undermines CEE's and its members' efforts to promote high-efficiency clothes washers. In its petition, CEE contended that eliminating the ''Front-Loading'' and ''Top-Loading'' subdivisions of the ''Standard'' and ''Compact'' sub-categories would remedy these concerns.

CEE asserted that, since the Commission's 1994 statement in the **Federal Register**, the clothes washer market has changed, and front-loading washers are no longer merely a niche product. According to CEE, consumer research in the Northwest has shown that a significant proportion of consumers who were shopping for top-loading machines were also interested in, and had looked at, front-loading models, and that many were ready to pay a premium for the front-loading models. The research showed that many consumers could be persuaded to purchase front-loading washers at the point of sale.[4]

CEE explained that, because the most highly efficient clothes washers are all front-loading,[5] an EnergyGuide comparison only among front-loading models provides an incomplete picture of the efficiencies available in the clothes washer market. According to the petition, the least efficient of the high-efficiency front-loading clothes washers, will, of necessity, appear at the ''Uses Most Energy'' end of the comparability range on the label attached to it, even though it consumes only half the energy that the average top-loading model does. This situation, according to CEE, confuses consumers and creates the erroneous impression that these highly-efficient products are high energy users.

CEE also asserted that the current front-loading and top-loading subdivisions are particularly problematical in connection with the DOE/EPA Energy Star Program.[6] Under that program, all front-loading clothes washers produced by manufacturers participating in the program qualify for the Energy Star logo. This means that the label on the least energy efficient of these highly efficient products will indicate that the product ''Uses Most Energy'' while also bearing the Energy Star logo. CEE contended that this situation creates consumer confusion and undermines the credibility of both the EnergyGuide and Energy Star programs.

In addition, CEE noted that the Canadian EnerGuide appliance labeling program (which is very similar to the EnergyGuide Program) does not distinguish between front-loading and top-loading clothes washers for range purposes. The Canadian Program divides the clothes washer category into only the ''Compact'' and ''Standard'' sub-categories.

Finally, CEE asserted that technological advances in the clothes washer industry have begun to eliminate the distinction between the front-loading and top-loading subdivisions. As examples, CEE cited the Maytag Neptune model, which has a basket that operates on an axis that is 15 degrees off of vertical and an opening mounted on a plane angled between the top and front of the machine (Maytag classifies this as a front-loading model), and the Staber Industries horizontal axis model that loads from the top (and is thus a top-loading model). CEE maintained that, perhaps in recognition of this incipient blurring of the distinction between the subdivisions, DOE is considering eliminating the separate classes from its testing and standards program. CEE urged that the Commission grant its petition to help achieve consistency on this issue at the Federal level.

D. The Notice of Proposed Rulemaking

On November 2, 1998, the Commission published a Notice of Proposed Rulemaking (the NPR) proposing amendments that would eliminate the ''Top-Loading'' and ''Front-Loading'' sub-categories of the ''Standard'' and ''Compact'' categories. 63 FR 58671. In the NPR, the Commission discussed the reasons for the proposed amendments and solicited comment on several specific questions and issues.

The NPR explained that the market for clothes washers has changed significantly since the Commission promulgated the ''Front-Loading'' and ''Top-loading'' subdivisions. In 1993–94, front-loading machines appeared to be a ''niche'' product.[7] Since that time, the availability of and technology for these products have advanced considerably. When the NPR was published, ten of the 228 clothes washer models for which data were submitted in March 1998 were front-loading models. In comparison, in 1993–1994, five models were front-loaders. Front-loaders are still a small percentage of the overall number of models (now 7.6% as compared to 4.4% in 1998).[8]

[3] According to its Mission Statement, CEE is a non-profit, public benefit corporation that expands national markets for super-efficient technologies, using market transformation strategies. Its members include more than 40 electric and gas utilities, public interest groups, research and development organizations, and state energy offices. Major support is provided to CEE by DOE and the Environmental Protection Agency (''EPA'').

[4] CEE summarized the results of the intercept interviews and surveys in its petition, which appears on the public rulemaking record in binder R611004–1–1–3. The research itself, which was a study prepared in January, 1998 by Pacific Energy Associates, Inc. under contract to the Northwest Energy Efficiency Alliance, also appears in binder R611004–1–1–3.

[5] CEE noted one exception: one manufacturer makes a horizontal-axis, highly efficient washer that loads from the top and is thus classified as a top-loading model.

[6] DOE and EPA staff are implementing statutory directives to promote high-efficiency household appliances in the marketplace. They have produced a joint effort called the ''Energy Star'' Program, which defines what constitutes a high-efficiency product and identifies products that qualify for the designation. A product's qualification for the Program is indicated by the Energy Star logo, currently either on the product or a separate Energy Star label. The Commission is considering a proposal to permit manufacturers of qualifying appliances to place the Energy Star logo on the Appliance Labeling Rule EnergyGuides.

[7] The Commission theorized that these products may have been considered a niche market in part because they were so much more expensive than top-loading models and because they may have been favored by consumers with limited space looking for stackable models. The Commission noted that, although front-loading models are on average still more expensive than top-loading, the price differential is now much smaller, citing ''A New Spin on Clothes Washers,'' in the July 1998 issue of Conusmer Reports.

[8] The data report for clothes washers for March 1999 shows that there is a continuing increase in

Continued

But, the increase in their availability, coupled with CEE's research suggesting that a significant proportion of current clothes washer consumers are receptive to the idea of buying a front-loading machine, suggested that eliminating the distinction between them on labels could assist consumers interested in purchasing more efficient products.

The NPR also cited information the Commission had received stating that the current sub-categories may be causing confusion among prospective clothes washer purchasers. Specifically, two letters to Commission staff, dated April 27 and May 19 of 1998, from the Office of Energy of the Oregon Department of Consumer and Business Services (''OEO'') supported CEE's petition.[9] In both letters, OEO expressed concern that consumers are confused by the current subdivisions and that such confusion undermines consumer confidence in the EnergyGuide itself, which, according to OEO, has been rising steadily since the Rule was promulgated in 1979.

The NPR explained that consumer confusion may occur because, although the label for clothes washers states that ''Only standard size, front-loading (or top-loading) clothes washers are used in this scale,'' not all consumers may notice the disclosure. Consumers looking at top-loading machines may not realize that front-loading models are generally much more efficient, and may not even consider purchasing a front-loading model simply because the energy consumption figures for front-loading machines are not included in the range scales appearing on labels for top-loading models. And, consumers shopping for front-loading machines may get the incorrect impression that some of the most efficient models (front-loading) on the market are not really highly energy efficient, only because they are being compared unfavorably to other even more highly-efficient models (also front-loading), instead of to the generally less efficient top-loading models. Finally, the NPR pointed out that, because some front-loading clothes washers that have qualified for the Energy Star logo are shown on the EnergyGuide to be at or near the ''Uses Most Energy'' end of the comparability scale bar, this may cause consumer confusion about the Energy Star Program.[10]

The NPR also discussed DOE's energy conservation standards for clothes washers and possible future changes to the DOE test procedure, and their impact on the proposed amendments. DOE has announced, in connection with an ongoing review of its energy conservation standards for clothes washers, that it may eliminate any reference to front-loading or top-loading (or horizontal-or vertical-axis) in the standards.[11] Thus, when DOE completes its review of the clothes washer standards rule, it is reasonable to expect that DOE will no longer use the ''Front-loading'' and ''Top-loading'' (or ''horizontal-axis'' and ''vertical-axis'') subdivisions to describe clothes washers. An August 14, 1998 letter to Commission staff from DOE's Assistant Secretary for Energy Efficiency and Renewable Energy asked that the Commission eliminate the top-loading and front-loading sub-categories for clothes washers because they are causing consumer confusion about washer efficiency and appear to be undermining the Energy Star Program's credibility. The Assistant Secretary also stated that, although the amendments to DOE's rules will not take effect for several years, DOE believes ''that it is in the consumer's best interest for FTC to adopt the new classifications for labeling purposes as soon as possible.'' [12]

The NPR also discussed the Commission's interest in harmonizing the Rule's labeling requirements with those of the Canadian EnerGuide Program in accordance with the North American Free Trade Agreement (''NAFTA'') goals of reducing or eliminating non-tariff barriers to trade (*e.g.,* labeling requirements). Commission staff has worked with staff at Natural Resources Canada (''NRCan'') since 1992 to harmonize the two countries' appliance labeling programs as much as possible. One example of this cooperation is a change in the primary energy use descriptor on EnergyGuides for most appliances from estimated annual operating cost to kiloWatt-hours per year, the descriptor used in the Canadian Program.[13]

The Canadian EnerGuide Program does not divide the ''Standard'' and ''Compact'' clothes washer sub-categories further into top-loading and front-loading (or horizontal-axis and vertical-axis) subdivisions.[14] The NPR suggested that eliminating the ''Top-loading'' and ''Front-loading'' subdivisions would benefit consumers and have the salutary effect of promoting international harmonization and furthering the NAFTA goal of making the standards-related measures of the treaty signatories compatible, thereby facilitating trade among the parties.

Finally, the NPR solicited comment from the public on the proposed amendments. In particular, the NPR sought comments on the following questions and issues: The effect of the ''Top-Loading'' and ''Front-Loading'' sub-categories on consumers' ability to choose the most energy efficient model that will fill their needs; the extent to which consumers shop exclusively for either a top-loading or a front-loading model; the economic impact on manufacturers of the proposed amendment; the costs and benefits of the proposed amendment, and to whom; the benefits and economic impact of the proposed amendment on small businesses; whether there should be additional descriptors added to the label (such as tub volume); and whether the timing of the anticipated change to

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the availability of front-loading clothes washers (there were 29 front-loading models out of a total of 381 models (7.6%)).

[9] These two letters are on the public rulemaking record in Binder R611004–1–1–3.

[10] The NPR also stated that, without the subdivisions, it may be more difficult for consumers to determine the range of energy use possibilities for each type of washer. Thus, for a consumer who, because of price or some other reason, wishes to purchase a top-loading washer, eliminating the ''Top-Loading'' and ''Front-Loading'' sub-categories would make it more difficult to determine which top-loading machine achieves the highest energy efficiency possible for a top-loader. Although a given retail outlet will likely have several brands and models for comparison, and such a consumer would be able to find the most efficient top-loader in the store by comparing EnergyGuides, the consumer still would not know whether he should seek other choices by going to another retailer. The Commission suggested that consumers' search costs may not be significantly increased, however, because consumers may not necessarily know the range of possibilities for other characteristics (such as price) of the washer, and thus already need to search various retailers.

[11] In connection with its review of the energy and water consumption standards for clothes washers, DOE published an Advance Notice of Proposed Rulemaking on November 14, 1994, in which it indicated its intention to consider only two classes for the clothes washer category—''Compact'' and ''Standard.'' 59 FR 56423, at 56425. Later in the review process, DOE issued a Draft Report on Design Options for Clothes Washers for use in a November 1996 DOE workshop in which DOE again proposed reducing the number of clothes washer categories to ''Compact'' and ''Standard.'' In July 1997, DOE published a draft Clothes Washer Rulemaking Framework, which DOE staff describes as a ''roadmap'' for the review process. In that document, DOE stated that it ''believes that there is no basis for maintaining separate classes for horizontal and vertical clothes washers.''

[12] DOE's letter is on the public record in binder R611004–1–1–3.

[13] 59 FR 34014 (July 1, 1994). In addition, in 1996, the Commission amended the Rule to permit Canada's EnerGuide, as well as Mexico's energy label, to be placed ''directly adjoining'' the Rule's required ''EnergyGuide'' label. Previously the Rule prohibited the placement of non-required information ''on or directly adjoining'' the EnergyGuide. 61 FR 33651 (June 28, 1996).

[14] According to NRCan staff, this is because the definition of ''clothes washer'' in the Canadian regulations encompasses both top-loading and front-loading technologies, and the rulemaking staff saw no reason for further differentiation.

DOE's energy conservation standard rule should affect the timing of the amendments (if they become final), and, if so, how.

II. Discussion of the Comments and Final Amendments

A. The Proposed Amendment

The Commission received twenty-three comments in response to the NPR.[15] The comments were from five manufacturers,[16] six non-profit public interest groups,[17] five utilities,[18] two city energy offices,[19] one state energy office,[20] one research laboratory,[21] one intra-state compact,[22] one law firm on behalf of a manufacturer,[23] and one individual.[24] Three of the commenters opposed the Commission's proposal to amend the Rule to eliminate the ''Front-Loading'' and ''Top-Loading'' sub-categories.[25] One other commenter supported the amendment but opposed its becoming effective in advance of anticipated revisions to DOE's test procedure and energy conservation standards for clothes washers, [26] and another opposed the amendment on grounds that will likely be resolved by DOE's revised test and standards.[27]

1. Comments in Support

Eighteen comments expressed general support for the Commission's proposal to eliminate the ''front-loading'' and ''top-loading'' sub-categories for clothes washers.[28] They contended that the current ''front-loading'' and ''top-loading'' sub-categories confuse consumers,[29] undermine efforts to promote high-efficiency clothes washers,[30] or impair a consumer's ability to distinguish highly efficient equipment from standard.[31] The commenters explained that the confusion occurs because under the current labeling system, front-loaders are not compared to top-loaders in any direct way. Consequently, some of the most energy efficient front-loading models have an EnergyGuide label stating ''Uses Most Energy'' because the front-loading models are only compared with other front-loading models.[32] Two commenters pointed out that those same high-efficiency models labeled ''Uses Most Energy'' also bear a DOE/EPA Energy Star endorsement indicating that they are highly efficient.[33] ACEEE stated:

> On one hand, consumers have been told by utilities and DOE to look for the Energy Star and rebate-eligible models. On the other hand, when they look at the Energy Guide, they see that some highly-efficient washers are labeled ''uses most energy'' while other, much less efficient models, are labeled ''uses least energy.[34]

Several commenters stated that combining the categories would enable consumers to compare the different types of machines and be better informed regarding energy efficiency,[35] and that this would provide better quality information to consumers.[36]

Nine commenters stated that typically customers do not choose a washer on the basis of top- versus front-loading.[37] ACEEE stated that its understanding, based on discussions with appliance manufacturers and retailers, as well as discussions with manufacturers of high-efficiency clothes washers, is that many consumers are now considering both top- and front-loading machines and are comparing a range of product attributes, including cleaning ability; wear on clothes; manufacturer reputation; washer capacity; energy, water and

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[15] Willett Kempton (''Kempton'') (1); Consumers Union (''CU'') (2); City of Portland, Oregon Energy Office (''POE'') (3); Amana Appliances (''Amana'') (4); Oregon Office of Energy (''OOE'') (5); Maytag Corporation (''Maytag'') (6); City of Austin, Water Conservation Division (''Austin-WCD'') (7); Boston Edison (8); American Council for an Energy Efficient Economy (''ACEEE'') (9); Whirlpool Corporation (''Whirlpool-1'') (10); Whirlpool Corporation (''Whirlpool-2'') (11) (Whirlpool filed its substantive comments twice; this second version contains a confidential attachment and is not on the public part of the rulemaking record); General Electric Appliances (''GE'') (12); Massachusetts Electric (''Mass. Elec.'') (13); Pacific Northwest National Laboratory (''PNNL'') (14); Natural Resource Defense Council (''NRDC'') (15); Consortium for Energy Efficiency (''CEE'') (16); Northwest Energy Efficiency Alliance (''NEEA'') (17); Commonwealth Electric Company (''Com. Elec.'') (18); Alliance Laundry Services (''Alliance'') (19); White & Case Limited Liability Partnership (''White & Case'') (19A); Bay State Gas Company (''Bay State Gas'') (20); Northwest Power Planning Council (''NPPC'') (21); Tacoma Public Utilities (''TPU'') (22); Northeast Energy Efficiency Partnerships (''NEEP'') (23). The comments are on the public record and are available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and the Commission's Rules of Practice, 16 CFR 4.11, at the Consumer Response Center, Public Reference Section, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, D.C. The comments are organized under the Appliance Labeling Rule, 16 CFR part 305, Matter No. R611004, ''Clothes Washer Categories Rulemaking.''

[16] Amana (4); Maytag (6); Whirlpool-1 (10); GE (12); and Alliance (19).

[17] CU (2); ACEEE (9); NRDC (15); CEE (16); NEEA (17); and NEEP (23).

[18] Boston Edison (8); Mass. Elec. (13); Com. Elec. (18); Bay State Gas (20); and TPU (22).

[19] POE (3); and Austin-WCD (7).

[20] OOE (5).

[21] PNNL (14).

[22] NPPC (21).

[23] White & Case (19A).

[24] Kempton (1) (Willett Kempton is a senior policy scientist at the University of Delaware.)

[25] Amana (4); Alliance (19); White & Case (19A).

[26] Whirlpool-1 (10).

[27] GE (12).

[28] Kempton (1) p. 1; CU (2) p. 1; POE (3) p. 1; OOE (5) p. 1; Maytag (6); Austin-WCD (7) p. 1; Boston Edison (8) p. 1; ACEEE (9) p. 1; Whirlpool-1 (10) p. 1; Mass. Elec. (13) p. 1; NRDC (15); CEE (16) p. 1; NEEA (17) p. 1; Com. Elec. (18) p. 1; Bay State Gas (20) p. 1; NPPC (21) p. 1; TPU (22) p. 1; NEEP (23) p. 1.

[29] OOE (5) p. 2 (Many consumers who have called OOE have asked for clarification regarding what seems to be contradictory information on the EnergyGuide labels.); Maytag (6) p. 2 (Separation of top-loading and front-loading washers into different subdivisions makes the comparison misleading.); Austin-WCD (7) (Received calls from consumers who were confused by the EnergyGuide label.); ACEEE (9) p. 1; NEEA (17) p. 2 (Top- and front-loading subdivisions may confuse consumers interested in purchasing a resource-efficient clothes washer.); Bay State Gas (20) p. 2 (Evidence that the current system of labeling categories is inaccurate and confusing to consumers is overwhelming and agreed upon by a broad cross-section of stakeholders, *e.g.,* utilities, efficiency advocates, manufacturers, Consumer Reports magazine.); NPPC (21) p. 1 (Current label may cause confusion among consumers wanting to purchase a resource-efficient model since the ''least efficient'' front-loading resource-efficient models are far less costly to operate than the ''most efficient'' top-loading models.); NEEP (23) pp. 1–2 (May cause confusion for those who want to buy a resource-efficient model.)

[30] CU (2) p. 1; POE (3) p. 1 (Seeing a highly efficient, horizontal-axis washing machine on the high end of the energy use spectrum is inconsistent with the message about how efficient they are.); Maytag (6) p. 3 (Single EnergyGuide label for all standard size washers could be a significant force in transforming the clothes washer market to high efficiency models.); NRDC (15) p. 1; CEE (16) p. 1; Bay State Gas (20) p. 1; TPU (22) p. 1.

[31] Maytag (6) p.2; CEE (16) p.1; Bay State Gas (20) p.1.

[32] Maytag (6) p.2 (''By placing all front loaders, which tend to be far more efficient, in a separate subdivision, the rating of a specific model front loader washer may appear to be less efficient than a specific model top load washer, when in reality it is much more efficient.''); Boston Edison (8) p.1; Mass. Elec. (13) p.1; Bay State Gas (20) p.1.

[33] CEE (16) p.1; Bay State Gas (20) p.1.

[34] ACEEE (9) p.1.

[35] Kempton (1) p. 1; POE (3) p.1; Austin-WCD (7) p. 1 (''Combining the categories would . . . emphasize the savings derived from the more efficient washers, promoting the more efficient machines at the expense of the less efficient.''); NEEA (17) p. 1; NPPC (21) p. 1; NEEP (23) p. 1.

[36] Maytag (6) p.3 (''Unfortunately, because of the separate classes and labels for H-axis and V-axis, the dramatic difference in energy use between these washer designs is not apparent to the consumer. By combining H-axis and V-axis into a single class and therefore a single, label, the energy savings would be immediately apparent.''); Boston Edison (8) p. 2; Com. Elec. (18) p. 2.

[37] Kempton (1) p. 1 (Most consumers will choose a washer based on other features, including operating cost.); POE (3) p. 1 (Capacity, rather than door configuration, is most consumers' first consideration, and cost is next.); Boston Edison (8) p. 1; Mass. Elec. (13); CEE (16) pp. 3–4; NEEA (17) p. 3 (When consumers were asked which clothes washer features were important to them, they ranked good cleaning first, followed by load capacity, energy/water efficiency, price and operating costs.); Com. Elec. (18) p. 1; NPPC (21) p. 2 (Other features of the clothes washer have more importance in the decision making process than style of loading.); NEEP (23) p. 2 (Current FTC label is based on a now arbitrary distinction regarding how the washers load, a feature that is not considered by consumers when shopping for a new clothes washer.)

detergent use; ease of use; and cycle time.[38]

Maytag stated:

When consumers shop for a washer, their natural inclination is to shop for what they previously owned unless there is a compelling reason to change. When comparing a V-axis to a H-axis, the substantial difference in energy use could be that compelling reason. Unfortunately, because of the separate classes and labels for H-axis and V-axis, the dramatic difference in energy use between these washer designs is not apparent to the consumer.[39]

Several commenters stated that a clear technological distinction between top- and front-loaders can no longer be easily made as a result of the introduction of new products,[40] and that these new products make the current system of rating clothes washers in separate categories based on loading style obsolete.[41] ACEEE stated ''(W)e applaud the FTC for recognizing that the clothes washer market is changing, and that a labeling approach developed several years ago may not be appropriate today.''[42] Four commenters observed that the growth in sales volume of front-loading high efficiency washers shows that they are securing a wider market acceptance and that they are no longer a ''niche'' product that only a subset of consumers are interested in purchasing.[43] Maytag stated that the front-loading Maytag Neptune has proven to have consumer appeal across all demographic segments and is helping to transform the U.S. market by focusing attention on the environmental benefits of high efficiency appliances.[44]

2. Comments in Opposition

Three commenters stated that they opposed the proposed amendment on its merits.[45] Alliance stated that the Commission must respect the existing product class definitions in DOE's energy conservation standards program, which are based largely on capacity and consumer utility, and that the Commission should not combine the categories just because a petitioner believes one class of product is no longer a niche product. Alliance added that consumers who are uncertain why a product carries an Energy Star logo while showing high energy use on the EnergyGuide should consult with a salesperson or look at the EnergyGuides on other models.[46]

White & Case argued that putting front-loading and top-loading washing machines on a single label would combine two products that are not similar and are not within the same product market and, therefore, do not compete pursuant to the Commission's Horizontal Merger Guidelines.[47] Thus, consumers searching for the most efficient top-loading clothes washer among other top-loading washers would confront considerable difficulties with a label that included the energy efficiency of non-competing products.[48] White & Case also asserted that consumers shop exclusively for either a top-loader or a front-loader. It contended that some of the reasons for this are the substantial price difference between the two and that front-loaders must use specially formulated, more expensive laundry detergents because regular detergents do not function well in front-loading machines.[49]

Amana stated that any change in the energy standards or labeling requirements for clothes washers could have a significant impact on its business and associated employment.[50] It contended that elimination of the sub-categories will remove a significant distinction and cause increased confusion to the consumer when trying to compare models in a consolidated category.[51] Amana stated that the justification for separate categories is based on ergonometrics, product utility and technology employed, including costs and energy and water consumption, and that the differences in technology and energy consumption between V-axis and H-axis machines are clearly evident.[52] Amana contended that the retail price of a high end H-axis washer is more than 50% above the most highly featured, stainless steel, electronically-controlled V-axis washer currently available, and argued that this difference is important to a consumer's buying decision.[53]

Amana and Alliance, as well as two other commenters, took the position that the Commission should not make any change to the ''Top-Loading'' and ''Front-Loading'' sub-categories until the effective date of DOE's proposed revisions to its energy conservation standards for clothes washers.[54] Amana stated: ''While we believe there is no justification for, and it is inappropriate for the FTC to consider changing the labels, there is less justification to do it before DOE has established revised Energy Standards in the proposed rulemaking.''[55]

Alliance cited DOE's recent initiation of work on a consumer analysis, which, ''although not necessarily determinative of the issues, is intended to measure and document the 'consumer utility' associated with horizontal-axis and vertical-axis designs.'' Alliance maintained that it was premature to combine the categories before DOE's consumer analysis is completed.[56]

GE said that the Commission should reject the petition, but that if it does not do so, it should not revise the labeling program to eliminate the classes contained in the current DOE standard until the pending DOE clothes washer energy efficiency rulemaking is concluded and the product class issue is resolved.[57] GE also opposed the amendment because it believes that a clothes washer label with a combined front-loading/top-loading range scale would misrepresent the true energy performance of horizontal-axis

[38] ACEEE (9) p. 1.

[39] Maytag (6) p.3.

[40] Maytag (6) p. 1; Boston Edison (8) p. 1; Mass. Elec. (13); CEE (16) pp. 1–2 (Whirlpool has a resource efficient top-loading vertical-axis washer with an annual kWh usage of 451 that is far more comparable in terms of energy efficiency and annual operating cost to the high efficiency horizontal-axis washers than to the standard efficiency vertical-axis washers; under the current system, the Whirlpool Resource Saver would be labeled ''Uses Least Energy,'' while the Maytag Neptune, a front-loading machine that uses only 333 kWh annually would be labeled ''Uses Most Energy.''); Com. Elec. (18) p. 1.

[41] Maytag (6) p. 1 (Top-loading and front-loading subdivisions are becoming ''meaningless'' because of the introduction of new washer designs that no longer fit into those categories in the way they were intended; other designs are possible that will allow for high efficiency with the top-loading capacity or access somewhere in between, *e.g.,* Maytag Neptune.); NEEA (17) p. 1; NPPC (21) p. 1; NEEP (23) p. 2 (Now there are many more choices in the market and distinctions based on how the consumers load washers are no longer relevant.)

[42] ACEEE (9) p. 3.

[43] Maytag (6) p. 2; Austin-WCD (7) p. 1; CEE (16) p. 1; Bay State gas (20) p. 1.

[44] Maytag (6) p. 2.

[45] Amana (4) p. 1; Alliance (19) pp. 1–2; White & Case (19A) pp. 1–3.

[46] Alliance (19) p. 1 (''The current FTC label clearly identifies the product class being compared and it would be no more logical to combine the clothes washer classes than it would (be to combine) those used for the refrigerator-freezer product with its numerous classes and their ranges of comparability.'')

[47] White & Case (19A) pp. 1–3 (''The purpose of the Commission's test for product markets under the Horizontal Merger Guidelines is to determine what the practical demand-side choices are for the buyers of various products. Front-loading washing machines do not compete with top-loading machines at current pricing levels.'')

[48] *Id.* p.3.

[49] *Id.*

[50] Amana (4) p. 1.

[51] *Id.* pp. 2–3.

[52] *Id.* p. 1. (''The typical H-axis machine of comparable washer capacity uses less than half of the water of a typical V-axis machine.'')

[53] *Id.* p. 2.

[54] Amana (4) p. 2; Whirlpool-1 (10) pp. 1,7; GE (12) pp. 2–5; Alliance (19) p. 1.

[55] Amana (4) p. 2.

[56] Alliance (19) p. 1.

[57] GE (12) pp. 1–2.

machines by understating their actual energy consumption.

GE's point was based on the fact that, under the current DOE test procedure, vertical-axis machines are tested for the average energy used in running the machine in the maximum fill and minimum fill cycles with no test load in the tub, while front-loaders are tested for the average energy used in running the machine with three-pound and seven-pound loads. GE argued that thus only the test for V-axis machines accounts for the full range of potential clothes loads. GE contended that ''advocates of horizontal-axis clothes washers tout these machines' ability to hold far more garments than the users of traditional machines would perceive to be optimal,'' and that ''this claimed advantage'' would result in an understatement in energy label values for horizontal-axis washers. GE asserted that this understatement results from the fact that the larger loads would use more water, and thus energy to heat it, which would mean a higher energy use value than what is on the front-loading machines' labels. GE conceded that ''if the DOE eliminates the different product classes [in its revised energy conservation standards and test procedure], the change sought by [CEE's] petition could be reconsidered.'' [58]

Whirlpool stated that consumers know the difference between top- and front-loading and that the vast majority of consumers have strong preferences for the ease of loading offered by top-loaders.[59] Whirlpool also expressed concern about the cost differential between top- and front-loading washing machines. It stated that most consumers cannot afford the high cost of front-loading machines, and thus shop for top-loaders generally because of the perceived or actual convenience that top-loaders offer and because of the price difference. Consumers who wish to shop for the more efficient top-loaders would not be able to discern the ranges of comparability for these products with a consolidated range scale.[60] Whirlpool concluded that the amendment is the best course to follow only if it is made effective in concert with the effective date of new DOE energy standards for clothes washers, when high-efficiency top-loaders have much more market penetration.[61]

[58] *Id.* p. 4.

[59] Whirlpool-1 (10) pp. 3–4.

[60] *Id.* p. 3 (''front-loading machines * * * generally run from $800 to $1100 plus. Most toploaders average about $400.'')

[61] *Id.* p. 1.

3. Comments Addressing the Benefits and Costs of the Proposed Amendment

A majority of the commenters maintained that the amendment would have beneficial results.[62] Several asserted that consumers would be more effectively educated [63] and that there would be consistency with the categories used by the EnerGuide Program in Canada.[64] Four commenters contended that one of the benefits of the proposed amendment would be that some purchasers would choose to buy more efficient washers.[65] Commenters variously stated that the proposed amendment would reduce water consumption,[66] promote energy efficiency,[67] and that saving energy means saving money.[68] Several commenters stated that they believed that the proposed amendment would benefit the environment,[69] consumers,[70] the economy,[71] and retailers and manufacturers.[72] Six commenters urged that the Commission not wait for possible changes to the DOE regulations before implementing the revised sub-categories because the implementation of the test and standards is still at least several years away.[73] Those arguing in favor of immediate implementation contended generally that continuance of the current sub-categories: would continue consumer confusion;[74] could impede DOE/EPA and utilities' efforts to increase consumer awareness about energy efficiency in clothes washers;[75] would result in significant uncaptured energy and water savings due to lost sales of more efficient clothes washer models;[76] and would perpetuate an artificial market barrier to adoption of a highly energy efficient technology.[77]

Amana saw no benefits in the proposed amendment. It is believed that a label change would confuse consumers and adversely impact energy consumption and/or delay purchase decisions in favor of the repair of older, less efficient models.'' [78] Two other commenters said that manufacturers who currently have no front-loading, efficient models would incur the costs of slightly lower sales and that the sales of more efficient washer models would

[62] Kempton (1) p. 1; CU (2) p. 1; POE (4) p. 1: OOE (5) p. 3; Maytag (6) pp. 2–4; Austin-WCD (7) p. 1; Boston Edison (8) pp. 1–2; ACEEE (9) p. 2; Mass. Elec. (13) pp. 1–2; NRDC (15) p. 1; CEE (16) p. 5; Com. Elec. (18) pp. 1–2; Bay State (20) pp. 1–2; NPPC (21) p. 1; TPU (22) p. 1; NEEP (23) pp. 1–2.

[63] OOC (5) p. 3; Maytag (6) p. 3 (Consumers could determine at a glance how any washer compares with the universe of standard size washers of all configurations.); Boston Ed. (8) p. 1 (There would be an increased consumer awareness about energy efficiency.); CEE (16) p. 5 (Better and more accurate information to consumers.); ACEEE (9) p. 2 (''The prime benefits . . . stem from the fact that consumers would better be able to compare different products, with the result that some consumers will likely purchase more efficient washers than if the amendment were not adopted.''); Com. Elec. (18) p. 2 (Increased consumer awareness of energy efficiency.); NPPC (21) p. 2 (The current label may cause confusion among consumers who want to purchase a resource-efficient washer.)

[64] OEE (5) p. 3; CEE (5) p. 3.

[65] Kempton (1) p. 1; CU (2) p. 1; POE (3) p. 1; ACEEE (9) p. 2.

[66] Maytag (6) p. 2.

[67] Maytag (6) p. 2; Boston Edison (8) pp. 1–2; Com. Elec. (18) pp. 1–2; NPPC (21) p. 1.

[68] Kempton (1) p. 1; POE (3) p. 1; TPU (22) p. 1 (There is a cost of about $300 for a rsource-efficient machine, but households that purchase these machines save $75 to $100 in yearly charges for electricity, water and wastewater; which means there is a quick pay-back.)

[69] Kempton (1) p. 1; OOE (5) p. 3 (''[A]s the sales of more efficient clothes washers increase, there will be enormous water, wastewater treatment and energy savings benefits.''); Austin-WCD (7) p. 1 (Emphasizing water conservation.); NRDC (15) p. 1 (There are energy and water savings with more efficient clothes washer models.); CEE (16) p. 5 (''There will be significant energy savings, avoided air pollution and greenhouse gas emissions, substantial water savings, and wastewater treatment savings as sales of more efficient clothes washers increase.''); Bay State Gas (20) p. 1.

[70] Kempton (1) p. 1 (By purchasing more efficient washers, consumers could reduce their non-discretionary expenditures and money would be made available for other consumer spending.); OOE (5) p. 3; Maytag (6) p. 2 (Consumer could determine at a glance how any washer compares with the universe of standard-size washers of all configurations.); Boston Edison (8) p. 1; ACEEE (9) p. 2 (''The prime beneficiary of this change will be consumers who purchase these more efficient washers as the high-efficiency washers now being sold can reduce operating costs by 50% or more relative to typical units being sold.''); Mass. Elec. (13).

[71] Kempton (1) p. 1; CEE (16) p. 5.

[72] ACEEE (9) p. 2; Boston Edison (8) p. 1; Mass. Elec. (13) p. 1.

[73] POE (3) p. 1; OOE (5) p. 5 (''[I]t will be at least five years from the time of the Commission's decision to implementation if the Commission wishes to coordinate with DOE's standard implementation. This is far too long for consumers to live with the disadvantages of the current labeling classifications.''); Maytag (6) p. 4 (''Immediate adoption by the Commission of the proposed amendment, regardless of the timing of the next rulemaking by the Department of Energy, is in the best interests of consumers.''); ACEEE (9) p. 3 (The earliest time that a new DOE standard can take effect is September 2003; that time frame is ''much too long to wait to correct a serious problem with the current label.''); CEE (16) p. 6 (''[I]f the FTC waits for DOE, it could be a very long time before an accurate EnergyGuide label for clothes washers is implemented.''); (NPPC (21) p. 3 (Strongly recommended that the Commission not wait for DOE to make its changes since the earliest possible date that the new standard could take effect is the fall of 2002.)

[74] Boston Edison (8) pp. 1–2; Mass. Elec. (13) p. 2; NRDC (15) p. 1; CEE (16) p. 6.

[75] Boston Edison (8) pp. 1–2; Mass. Elec. (13) p. 2.

[76] NRDC (15) p. 1.

[77] CEE (16) p. 1.

[78] Amana (4) p. 2.

increase at the expense of less efficient models.[79]

Six commenters mentioned specifically the costs associated with changing the EnergyGuide labels.[80] Alliance stated that the cost of creating new labels and scrapping finished printed labels would be borne by manufacturers.[81] Maytag stated, however, that the economic impact should not be detrimental to any manufacturer: ''In fact, in the long run it could result in a small savings for those manufacturers that presently have to stock two different types of labels, one for ''front loader'' and one for 'top loader.' '' [82] Whirlpool was concerned that there would be some engineering, administrative and cost implications that would ultimately be borne by consumers:

> With the constant turnover of personnel in sales, marketing, manufacturing and engineering there would be ongoing confusion between the newly formatted label with one product category and the DOE's vertical and horizontal axis categories. This considerably increases the likelihood of an inadvertent error in energy reporting/certification. At the most, a cost of $100 per unit per day, under Section 333 of the Energy Policy and Conservation Act, could be a serious burden of manufacturers. At the least, there is a real possibility of a lesser fine as well as substantial internal cost of correcting mislabeled units.[83]

Addressing the expense to manufacturers of changing EnergyGuide labels to eliminate the ''Top-loading'' and ''Front-Loading'' categories, some commenters explained that the cost depended on the timing of the change. Amana stated: ''If the label changes are made at some time other than a normal FTC label revision, there would be significant cost impact for the manufacturers.'' [84] Whirlpool stated that if the washer category consolidation could be combined with other changes to the Energy Guide, such as a change in the ranges of comparability, the confusion for manufacturers and potential complications would be minimized.[85] OOE, ACEEE, and CEE pointed out that there are fixed costs incurred any time there is a change to the ranges of comparability, energy prices, model descriptions, or any other information on the label, but that timed to coincide with such a change, and with enough lead time, the costs of changing labels to reflect the eliminated product categories would be near zero.[86]

4. Final Amendments

After careful consideration of the comments, the Commission has decided to amend Appendix F of the Rule, which pertains to the clothes washer category, by eliminating the ''front-loading'' and ''top-loading'' subdivisions of the ''standard'' and ''compact'' sub-categories. The Commission agrees with the comments that maintained that the current ''front-loading'' and ''top-loading'' subdivisions may be confusing to consumers, may impair efforts to promote high-efficiency clothes washers and may hinder a consumer's ability to distinguish highly energy efficient clothes washers.[87] Further, the Commission has determined not to add any additional information or descriptors, other than the current ''standard'' and ''compact'' sub-divisions, to the EnergyGuide label at this time, as discussed in section II.B., below.

In deciding to amend Appendix F, the Commission concludes that the technological distinction between top-loading and front-loading clothes washers is becoming blurred. As several commenters noted, the present system of placing clothes washers in separate product categories based on loading orientation is becoming outmoded.[88] The comments largely showed that consumers are willing to consider both types of washers and that the present labeling system can impair consumers' ability to make meaningful comparisons based on energy efficiency.

The Commission recognizes that consumers are more familiar with top-loading machines, because they have been sold in the U.S. for many years longer than front-loaders. However, the Commission believes that if consumers are provided with the opportunity to compare directly the energy use of both top- and front-loading washers, then, when making a purchase decision, they will be able to consider the purchase cost differential between the two types of washers along with other product attributes, such as cleaning ability, tub capacity, ease of use, and water and energy consumption. Because of being able to compare energy use more efficiently, some consumers may choose to buy more efficient washers. Ultimately, the amendment will help to promote energy efficiency while reducing water and energy consumption, which will save consumers money. The Commission also gave weight to the fact that the proposed amendment will provide consistency with Canada's EnerGuide for clothes washers.

The Commission recognizes the potential, raised by Whirlpool and others, for some negative impact on manufacturers and retailers producing and marketing only top-loading machines (especially resource-efficient models). The Commission believes however, that the beneficial effects on consumers and the environment that are likely to result from the elimination of the top-loading and front-loading sub-categories will significantly outweigh whatever negative impact occurs.

The Commission has decided that the amendment will become effective in July, 2000, rather than after the effective date of DOE's expected changes to its energy conservation standards and test procedure for clothes washers. There is uncertainty about the final date of DOE's changes, and DOE itself has advised Commission staff in its letter of August 14, 1998, that it would be in the consumer's best interest for the Commission to adopt the changes to the clothes washer sub-categories ''as soon as possible.'' [89] Because there are costs associated with changing the EnergyGuide label, as discussed in section II.A.3., above, the Commission is coordinating the effective date of the amendment with the next scheduled change to the ranges of comparability for clothes washers. Consequently, the relabeling costs of eliminating the top-loading and front-loading subdivisions will be minimal. And, as Maytag pointed out, there could be a long-run savings to manufacturers because they will no longer have to stock separate labels for both top-loading and front-loading clothes washers.

The Commission has considered GE's contention that the current differences in the DOE test procedures may affect the comparability of the energy ratings for H-axis and V-axis machines on

[79] Kempton (1) pp.1–2; OOE (5) p. 3.

[80] Amana (4) p. 3; OOE (5) p. 3; Maytag (6) p. 3; Whirlpool–1 (10) p. 5; CEE (16) p. 5; Alliance (19) p. 2.

[81] Alliance (19) p. 2 (''Frequent label changes are disruptive to our business.'')

[82] Maytag (6) p. 3.

[83] Whirlpool–1 (10) p. 5.

[84] Amana (4) p. 3.

[85] *Id.*

[86] OOE (5) p. 3; ACEEE (9) p. 2; CEE (16) p. 5.

[87] The Commission agrees that there is potential for confusion when consumers see a high-efficiency front-loading washer bearing the Energy Star logo with an accompanying EnergyGuide label that shows the model is close to the ''Uses Most Energy'' end of the comparability scale. This would occur only because it is not as efficient as the even more efficient competing models.

[88] In part, this may be due to the fact that the price differential is diminishing. For example, a July, 1999 Consumer Reports article on clothes washers rated four front-loading models priced at $700, $720, $800, and $1,000. The article rated 18 top-loading models, of which the six most costly models were priced at $550 (two models), $580, $600, $640, and $800.

[89] Letter from Dan W. Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy, DOE (Aug. 14, 1998). See note 12, *supra.*

EnergyGuides that do not distinguish between the two subcategories, and that, in particular, H-axis machines would appear to have greater relative efficiency than is actually the case. GE did not provide evidence of consumer behavior respecting the pounds of clothes that consumers wash, or expect to wash, in front-loading machines. And, although GE implies that front-loaders have greater capacity than top-loaders, a recent study by Consumer Reports magazine states that there is little variation in capacity among full-sized washers, including both front- and top-loading.[90] Thus, there is no clear indication that the load used in the DOE test for front-loading machines is too small.

The seven-pound load specified as the large load (to be used with a three-pound load in conducting the test) in the DOE test was the result of a rulemaking procedure conducted by DOE with input from all sectors of the public. One of DOE's goals in developing this aspect of the test was to capture the concept of ''maximum fill'' so that the test results for front-loaders would be analogous to the results for top-loaders. Therefore, in the absence of evidence to the contrary, the Commission believes that the test results are comparable.

The Commission has concluded that any inaccuracies in the relative efficiency of H-axis and V-axis washers that may be caused by the differences in the current DOE test procedures are likely to be small. Accordingly, the Commission has decided not to delay the effective date of these amendments until DOE's amended energy conservation standards and test procedure for clothes washers become effective and possibly eliminate any slight inequalities between the measured energy use of the two types of machines.[91]

The Commission also is not persuaded by the contention of Alliance that the proposed amendment would result in an EnergyGuide label that compares the energy efficiency of two distinct products. An EnergyGuide label that does not categorize washers based on loading orientation will enable consumers who are not looking for a washer with particular loading option to compare easily features and energy consumption for all washers within either the ''standard'' or ''compact'' sub-categories, or both.

Finally, the Commission does not agree with White & Case that top-loading and front-loading washers are necessarily in separate product markets according to the Commission's Horizontal Merger Guidelines. White & Case's argument rests almost entirely on the difference in purchase prices between the two types of washers, but, as noted above, this price differential has changed considerably in recent years and is likely to change in the future. Furthermore, consumers often consider the differences in operating costs of these products, which may reduce the overall price differential between the two types of products.

To implement today's decision, the Commission amends Sample Label 3 in Appendix I of the Rule, which shows the proper format for a clothes washer EnergyGuide label, by deleting references on the label to the ''Top-loading'' and ''Front-Loading'' subcategories.

B. The Need for Additional Information on the Label

1. Comments

Fourteen commenters responded to the question in the NPR asking whether the Commission should add other descriptors of clothes washer capacity (such as tub volume) to the label if it eliminates the ''Top-Loading'' and ''Front-Loading'' sub-categories.[92] Six stated that other information or descriptors are unnecessary.[93]

CU stated that it would like to see the proposed amendment taken one step further, noting that the FTC label looks only at total energy consumption, and not efficiency: ''Therefore, at first glance, small-clothing-capacity washers may appear better than ones with much larger capacities. However, the larger clothing capacity may make for a much more efficient machine.'' [94] To improve on this situation, CU stated that the annual energy cost should be for washing a specific number of pounds of clothing per year, based on the DOE test's assumed average annual use of 392 cycles per year.[95]

Five commenters stated that the Commission should require that the internal tub volume of clothes washers, in cubic feet or in gallons (or both), also be required on the EnergyGuide labels.[96] PNNL pointed out:

> Without some reference to tub volume the consumer may believe that the comparison between two machines of different tub volume is equal. In reality, a comparison of two machines of different tub volumes is not equal. Assuming that near-full loads are washed, the machine with the smaller tub volume will require that more loads be washed per year than the machine with the larger tub volume.[97]

Maytag contended that tub volume measurements in cubic feet are misleading because in H-axis washers the entire measured tub volume is usable, whereas V-axis tub volume measurement includes unusable space at the top of the tub.[98] Maytag also stated that using gallons as a measurement of internal tub volume would likely confuse consumers because it could be construed as a water consumption measurement rather than a capacity measurement.[99] OEE stated that using cubic feet as a capacity indicator is a problem because, according to manufacturers, this metric is not directly comparable from vertical axis to horizontal axis products.[100]

2. The Commission's Conclusions

The Commission has decided not to add other capacity descriptors to labels for clothes washers, and to keep only

[90] Consumer Reports, July 1999. In the article, ''capacity'' is based on how well clothes can circulate in increasingly large loads.

[91] The Commission does not agree, moreover, with FE's contention that the Commission cannot amend the product classes set out in the Appendices to its Rule independent of a DOE determination on product class. The Commission is not constrained by any statutory provisions from establishing the product classes in the Appendices for purposes of the ranges of comparability in whatever form it believes to be most appropriate. For example, until 1994, the product classes for refrigerators, refrigerator-freezers, and freezers in (then) Appendices A–1, A–2, and B were significantly different from the more feature-specific configurations in DOE's energy conservation standards, and the current classes for dishwashers are determined differently (the Commission's Rule differentiates between ''Standard'' and ''Compact'' on the basis of place settings, and DOE uses exterior width). The Commission has chosen to align its product classes with those in the DOF energy conservation standards program whenever it has concluded that doing so is helpful to consumers and competition.

[92] Kempton (1) p. 2; CU (2) p. 1; Amana (4) pp. 2 and 3; OOE (5) p. 4; POE (3) p. 1; OOE (5) p. 5; Maytag (6) p. 4; ACEEE (9) p. 3; Whirlpool-1 (10) p. 6; GE (12) p. 2; PNNL (14) p. 1; NRDC (15) p. 1; CEE (16) p. 5; Alliance (19) p. 2.

[93] Kempton (1) p. 2; OOE (5) p. 5; Maytag (6) p. 4; ACEEE (9) p. 3; NRDC (15) p. 1; CEE (16) p. 5.

[94] CU (2) p. 1.

[95] Id. p. 1 (''We would suggest that the annual pounds-of-clothing be calculated by multiplying 392 by about 8 pounds per load, or 3136 pounds-of-laundry per year. Therefore, the yellow sticker should list the amount of energy used to wash 3136 pounds of clothes, rather than the amount of energy used in 392 cycles regardless of how many pounds of clothes can be washed in those 392 cycles.'')

[96] Amana (4) p. 3; OOE (5) p. 4; ACEE (9) p. 3; PNNL (14) p. 1; CEE (16) pp. 5–6.

[97] PNNL (14) p. 1.

[98] The DOE test measures the tub volume in top-loaders without including the space taken up by the agitator, so the volume figure reflects the amount of water that can actually go into the tub. Maytag suggested applying a factor of 1.2 to the volume of an H-axis machine to correct this inconsistency for test procedure purposes; for example, and H-axis machine with a measured volume of 3.0 cubic feet would have the equivalent usable volume of a 3.6-cubic-foot V-axis machine. Maytag (6) p. 4.

[99] Maytag (6) p. 4.

[100] OOE (5) p. 4.

the ''Standard'' and ''Compact'' descriptors at this time. At present, internal tub volume is a metric that is not directly comparable between vertical and horizontal axis machines. Thus, adding tub volume to the EnergyGuide label might be more confusing, and perhaps misleading, than helpful to consumers.

The Commission also is not adopting CU's suggestion to include operating cost for a specific number of pounds of clothes per year. This information cannot be derived by means of the current DOE test procedure for clothes washers. The Commission is not empowered, therefore, to require that manufacturers include it on EnergyGuides. If DOE decides to provide for the quantification of this information in its test procedure at some future time, the Commission may revisit this issue. In the meantime, because the information could be helpful to consumers, the Commission encourages manufacturers to consider including it, together with a meaningful explanation of its use, in promotional materials relating to their products.

III. Regulatory Flexibility Act

This notice does not contain a regulatory analysis under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 603–604, because the Commission believes that the amendment will not have ''a significant economic impact on a substantial number of small entities,'' 5 U.S.C. 605.

In the NPR, the Commission concluded tentatively that the amendment would not impose any new requirements on manufacturers of clothes washers. Instead, it would require less information than is currently required on labels that clothes washer manufacturers already must affix to their products. The Commission stated that it therefore believed that the impact of the proposed amendment on all entities within the affected industry, if any, would be *de minimis.*

In light of the above, the Commission certified in the NPR, pursuant to section 605 of the RFA, 5 U.S.C. 605, that the proposed amendments would not, if granted, have a significant impact on a substantial number of small entities. To ensure that no substantial economic impact was overlooked, however, the Commission solicited comments concerning the effects of the proposed amendment, including any benefits and burdens on manufacturers or consumers and the extent of those benefits and burdens, beyond those imposed or conferred by the current Rule, that the amendment would have on manufacturers, retailers, or other sellers. The Commission expressed particular interest in comments regarding the effects of the amendment on small businesses. The Commission stated that, after reviewing any comments received, it would determine whether it would be necessary to prepare a final regulatory flexibility analysis if it determined to issue the amendment.

Five comments responded to the Commission's solicitation.[101] ACEEE stated that ''For retailers who sell high efficiency machines, we would expect modest benefits, as sales of high-efficiency machines increase sales and profits.''.[102] OOE, Maytag, and CEC commented that there would be virtually no impact on small businesses.[103] Amana said that label confusion and training costs could have an adverse economic impact on small businesses,[104] and Whirlpool stated that ''Small retailers that specialize in top-loaders only could be disadvantaged.'' [105]

The Commission acknowledges that manufacturers that do not make, and small businesses that do not sell, front-loading clothes washers, and especially those companies that do manufacture and/or sell efficient top-loading models, may, in the short run, be at a slight disadvantage as a result of today's amendment. The Commission has concluded, however, that such disadvantages are offset by the benefits to consumers. Further, continuing developments in clothes washer technology and ongoing changes in the marketplace (and manufacturer and retailer responses to such changes), could quickly overcome any slight disadvantages that may be incurred now.

Therefore, although the comments on this issue seem split as to whether there will be any effect at all on small businesses, the Commission believes that the impact of the results that do accrue will be *de minimis,* because the potential costs will be small in comparison to the overall budgets of the businesses affected, and thus will not be ''significant.''

In light of the above, the Commission certifies, pursuant to section 605 of the RFA, 5 U.S.C. 605, that the amendment published today will not have a significant impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501 *et seq.*, requires government agencies, before promulgating rules or other regulations that require ''collections of information'' (*i.e.,* recordkeeping, reporting, or third-party disclosure requirements), to obtain approval from the Office of Management and Budget (''OMB''), 44 U.S.C. 3502. The Commission currently has OMB clearance for the Rule's information collection requirements (OMB No. 3084–0069).

In the NPR, the Commission concluded that the conditional exemption would not impose any new information collection requirements. To ensure that no additional burden was overlooked, however, the Commission sought public comment on what, if any, additional information collection burden the proposed conditional exemption would impose.

No comments addressed this issue. The Commission again concludes, therefore, that the conditional exemption will not impose any new information collection requirements.

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[101] Amana (4) p. 3; OOE (5) p. 4; ACEEE (9) p. 3; Whirlpool-1 (10) p. 5; and CEE (16) p. 5.

[102] ACEEE (9) p. 3.

[103] OOE (5) p. 4; Maytag (6) p. 3; CEE (16) p. 5.

[104] Amana (4) p. 3.

[105] Whirlpool-1 (10) p. 5.

List of Subjects in 16 CFR Part 305

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

Authority: 42 U.S.C. 6294.

V. Final Amendment

In consideration of the foregoing, the Commission amends title 16, chapter I, subchapter C of the Code of Federal Regulations, as follows:

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

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

Authority: 42 U.S.C. 6294.

2. Appendix F to Part 305—Clothes Washers is revised to read as follows:

Appendix F to Part 305—Clothes Washers

Range Information

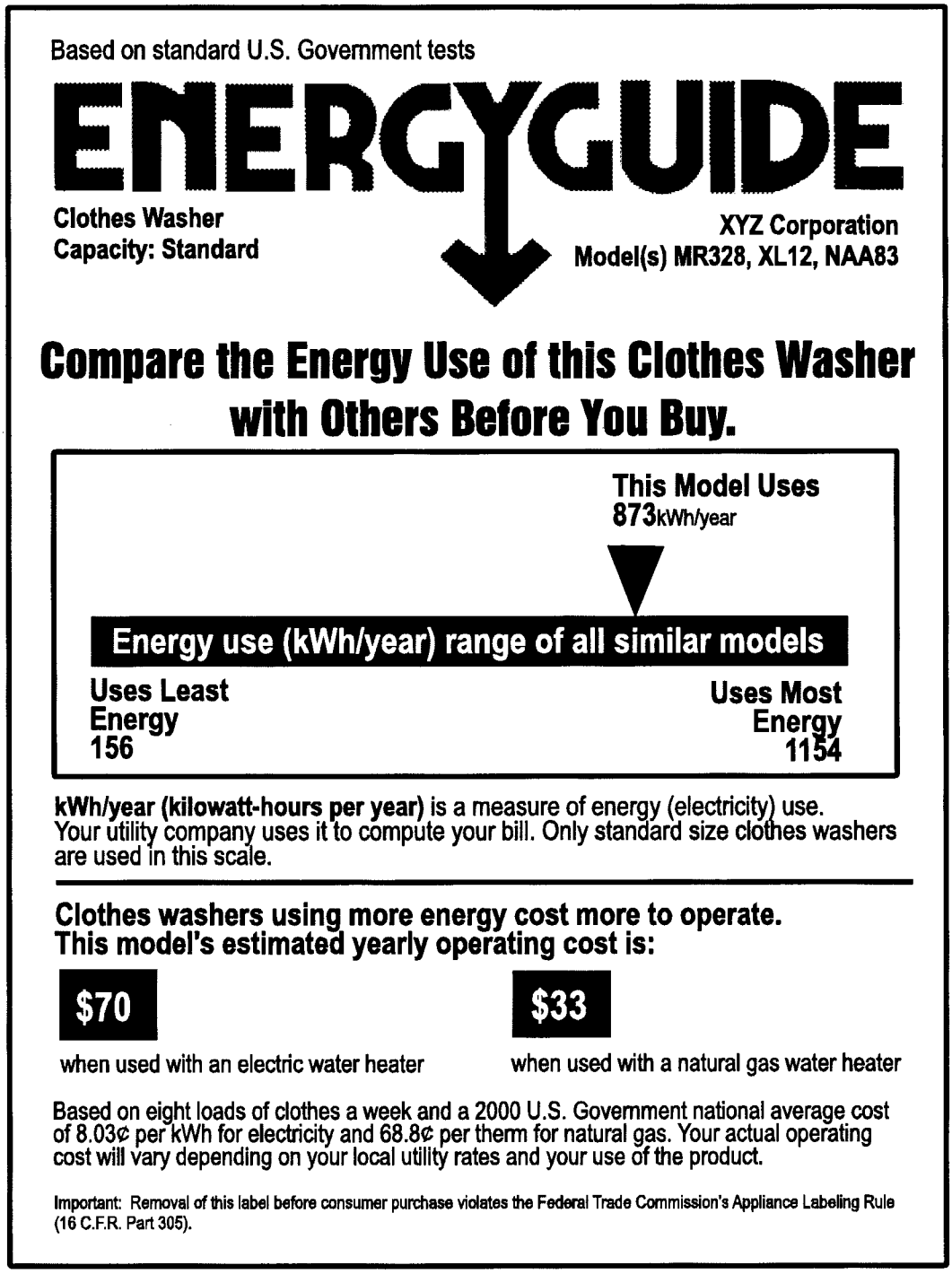
''Compact'' includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

''Standard'' includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
COMPACT	537	607
STANDARD	156	1154

3. Sample Label 3 in Appendix L to Part 305 is revised to read as follows:

BILLING CODE 6750–01–P



Sample Label 3

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 00–7461 Filed 3–24–00; 8:45 am]

BILLING CODE 6750–01–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8874]

RIN 1545–AW10

Travel and Tour Activities of Tax-Exempt Organizations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations which were published in the **Federal Register** on Monday, February 7, 2000 (65 FR 5771), clarifying when the travel and tour activities of tax-exempt organizations are substantially related to the purposes of which exemptions was granted.

DATES: This correction is effective February 7, 2000.

FOR FURTHER INFORMATION CONTACT: Robin Ehrenberg at (202) 622–6080 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 513 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 8874) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8874), which were the subject of FR Doc. 00–2154, is corrected as follows:

1. On page 5772, in the first column, under the caption ''Background'', in the last line of the first paragraph, the language, ''circumstances test in four situations'' is corrected to read ''circumstances test''.

§ 1.513–7 [Corrected]

2. On page 5774, third column, in § 1.513–7(b) *Example 7,* line 10, the language, ''contribution to W of q dollars. Each year, W'' is corrected to read ''contribution to W of $q. Each year, W''.

Dale D. Goode,

Federal Register Liaison, Assistant Chief Counsel (Corporate).

[FR Doc. 00–5248 Filed 3–24–00; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300988; FRL–6498–7]

RIN 2070–AB78

Dichlormid; Time-Limited Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of the inert ingredient (herbicide safener) dichlormid (*N,N*-diallyl dichloroacetamide) in or on corn commodities (forage, grain, stover) at 0.05 ppm. Zeneca Ag Products requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire and be revoked on March 27, 2002.

DATES: This regulation is effective March 27, 2000. Objections and requests for hearings, identified by docket control number OPP–300988, must be received by EPA on or before May 26, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP– 300988 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Treva Alston, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg.,1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (703–308–8373; and e-mail address: alston.treva@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

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

Categories	NAICS	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production. Animal production. Food manufacturing. Pesticide manufacturing.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' 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–300988. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

The Agency previously established under the Federal Food, Drug, and Cosmetic Act in a **Federal Register** Notice dated March 18, 1994 (59 FR 12857), a time-limited tolerances for dichlormid which expired on December 31, 1998. These tolerances were for corn, forage (field), at 0.05 ppm; corn, fodder (field) at 0.05 ppm; and corn, grain (field) at 0.05 ppm. In the **Federal Register** of September 16, 1998 (63 FR 49568–49574) (FRL–6025–8), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of pesticide petition (PP) 6F03344 for tolerance by Zeneca Ag Products, 1800 Concord Pike, Wilmington, DE. This notice included a summary of the petition prepared by Zeneca Ag Products, the petitioner. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.469 be amended to establish again tolerances for residues of the safener dichlormid, in or on field corn grain, field corn forage, and field corn fodder at 0.05 ppm. The tolerances will expire and be revoked on March 27, 2002.

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

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for time limited tolerances for residues of dichlormid on corn, field, forage at 0.05 ppm; corn, field, grain, at 0.05 ppm; corn, field, stover at 0.05 ppm; corn, pop, grain at 0.05 ppm; corn, pop, stover at 0.05 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by dichlormid are discussed in this unit.

1. *Acute oral toxicity to the rat.* Lethal Dose, LD_{50}, is 2,146 mg/kg. Clinical signs of neurotoxicity included upward curvature of the spine, piloerection, salivation, tip toe gait (Toxicity Category III).

2. *Acute dermal toxicity.* $LD_{50} < 2{,}000$ mg/kg (limit dose) (Toxicity Category III).

3. *Acute inhalation.* Lethal Concentration (LC_{50}) is greater than 5.5 mg/L limit dose. Clinical signs of neurotoxicity included head flicking, paw flicking, and salivation.

4. *Primary eye irritation.* Mild Ocular Irritant (Toxicity Category IV).

5. *Primary dermal irritation.* Severe Dermal Irritant (Toxicity Category II).

6. Skin sensitization. Mild dermal sensitizer.

7. *90–day feeding study/rat.* The no-observed-adverse-effect level (NOAEL) is 20 ppm (intake of approximately 1.4 mg/kg/day for males and 1.6 mg/kg/day for females). Based on minor decreases in body weight gains and food efficiency in females and on increased liver weight and a slightly increased incidence of liver lipidosis in males, the lowest-observe-adverse-effect level (LOAEL) is 200 ppm under the conditions of this study (intake of approximately 14 mg/kg/day for males and 16 mg/kg/day for females.

8. *90–day feeding (capsule) study.* The NOAEL is 5 mg/kg/day for both sexes in the 90–day dog study. Based on decreased body weight gains, hematological and clinical chemistry alterations, liver toxicity, and voluntary muscle pathological changes, the LOAEL is 25 mg/kg/day for both males or females under the conditions of this study.

9. *90–day inhalation study.* The NOAEL is 2 mg/m^3 (2 µg/L) in the 90–day rat inhalation study. The LOAEL is 19.9 mg/m^3 (19.9µg/L) based on clinical signs, gross pathology, opthamology, liver and kidney weights, and non-neoplastic histology.

10. *Carcinogenicity in the mouse.* Under the conditions of the study, there was no evidence of carcinogenic potential. The NOAEL for chronic toxicity is 50 ppm (equivalent to 7.0 mg/kg/day for male mice and 9.2 mg/kg/day for females). The LOAEL for chronic toxicity is 500 ppm (equivalent to 70.7 mg/kg/day for male mice and 92.4 mg/kg/day for females) based on changes in reproductive organs and kidney changes in males.

11. *Combined chronic toxicity/carcinogenicity in the rat.* Under the conditions of this study, there was no evidence of carcinogenic potential. The NOAEL for chronic toxicity is 100 ppm (6.5 mg/kg/day and 7.5 mg/kg/day for males and females respectively). The LOAEL is 500 ppm (32.8 mg/kg/day and 37.1 mg/kg/day in males and females respectively) based on liver clinical pathology, liver histopathology, and increased liver weight.

12. *Developmental toxicity in the rat.* The developmental toxicity NOAEL is 40 mg/kg/day. The maternal toxicity NOAEL is 10 mg/kg/day. The maternal toxicity LOAEL is 40 mg/kg/day based on decreased mean absolute body weights, body weight gains, and food consumption. The developmental toxicity LOAEL is 160 mg/kg/day based on a marginal increase in skeletal anomalies.

13. *The developmental toxicity in the rabbit.* The developmental toxicity and the maternal toxicity NOAEL are 30 mg/kg/day. The maternal toxicity LOAEL is 180 mg/kg/day based on an increased incidence of alopecia and decreased

mean maternal body weight gains and food consumption. The developmental toxicity LOAEL is 180 mg/kg/day based on increases in post-implantation loss accompanied by an increased number of resorptions per doe (both early and late resorptions), a decreased number of fetuses per litter, and slightly decreased mean fetal body weights.

14. *Mutagenicity/gene mutation*. Dichlormid was negative for mutagenic activity in *Salmonella typhimurium* strains TA 1535 ,TA 1537, TA 98, & TA 100 in both the absence and presence of metabolic activation up to cytotoxic doses. Dichlormid was positive for mutagenic activity both in the absence and presence of metabolic activation *in vitro* L5178Y Mouse Lymphoma Cells at doses that extend to the cytotoxic range.

15. *Mutagenicity/structural chromosomal aberration*. Dichlormid was negative for mutagenicity in an *in vitro* cytogenetic assay in human lymphocytes in the presence and absence of S–9 up to cytotoxic doses. Dichlormid was not clastogenic or anugenic mutagenicity in an *in vivo* mouse micronucleus assay up to 2,000 mg/kg.

16. *Mutagencity/other*. Dichlormid was negative for induced unscheduled DNA synthesis in rat primary hepatocytes.

B. Toxicological Endpoints

1. *Acute dietary toxicity*. For an acute dietary risk assessment, the Agency selected a maternal toxicity NOAEL of 10 mg/kg/day from the developmental toxicity study in the rat. The LOAEL is 40 mg/kg/day based on decreased body weight gain and food consumption (most significant on days 7–10 of dosing).

2. *Short-term dermal toxicity*. For a short-term dermal risk assessment the Agency selected the maternal toxicity NOAEL of 10 mg/kg/day. The LOAEL of 40 mg/kg/day was based on decreased body weight gain and food consumption. This dose was also selected for the acute toxicity. The duration of the short term dermal scenarios for dichlormid are comparable to the duration of exposure in the rat developmental toxicity study.

3. *Intermediate and long term dermal toxicity.* For intermediate and long-term dermal risk assessment, the Agency selected a NOAEL of 6.5 mg/kg/day (100 ppm) from a 2-year chronic toxicity/carcinogenicity rat feeding study. The LOAEL of 32.8 mg/kg/day (500 ppm) was based on an increased incidence of liver clinical pathology/histopathology and increased liver weight in the 2-year study in rats.

4. *Inhalation (all durations).* For an inhalation risk assessment, the Agency selected an inhalation NOAEL of 2 µg/L based on clinical signs, increased liver and kidney weight, gross pathology findings and non-neoplastic histopathology at the LOAEL of 19.9 µg/L (14-week inhalation study).

5. *Chronic dietary toxicity*. For a chronic dietary risk assessment the Agency selected a NOAEL of 6.5 mg/kg/day (100 ppm) from a 2–year chronic toxicity/carcinogenicity rat feeding study. The LOAEL of 32.8 mg/kg/day (500 ppm) was based on an increased incidence of liver clinical pathology/histopathology and increased liver weight in the 2–year study in rats.

6. *Carcinogenicity*. There is no evidence of carcinogenic potential in the rat and mouse carcinogenicity studies based on evaluation of the above described studies.

7. *Dermal penetration*. Dermal penetration could not be determined due to the absence of appropriate dermal studies and therefore a value of 100% dermal penetration was used.

8. *Safety factors*. The Agency will use the above NOAELs and LOAELs levels to assess the risks of using dichlormid to the general population and certain subgroups of the general population. However, the Agency first modifies these values numerically downward by dividing the NOAEL by two or more safety factors. The safety (uncertainty) factors used are: a 10–fold factor to account for intraspecies variability (the differences in how the test animals reacted to the test substance) and a 10–fold factor to account for interspecies variation (the use of animal studies to predict human risk).

FFDCA Section 408 provides that the Agency shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless the Agency determines that a different margin of safety will be safe for infants and children. As noted, the Agency has added an additional ten fold factor to both the acute and chronic dietary risk assessment due to the qualitative evidence of increased susceptibility demonstrated following *in utero* exposure in the prenatal developmental toxicity study in rabbits; and the incompleteness of the toxicity database. There are data gaps for the 2-generation reproduction study in rats, and acute and subchronic neurotoxicity studies.

i. *Acute dietary toxicity.* The Agency divided the NOAEL by 1,000 (10x interspecies extrapolation, 10x intraspecies variation and 10x safety factor) to address additional susceptibility in the fetus and data gaps. The acute Population Adjusted Dose (aPAD) is equal to 0.010 mg/kg/day.

ii *Chronic dietary toxicity*. The Agency divided the NOAEL of 6.5 mg/kg/day by 3,000 (10x interspecies extrapolation, 10x intraspecies variation, 10x for additional susceptibility and the data gap for the 2 generation reproductive study, and 3x for the data gap for the chronic toxicity study in dogs). The chronic Population Adjusted Dose (cPAD) is equal to 0.0022 mg/kg/day.

C. Exposures and Risks

1. *From food and feed uses*. Time-limited tolerances were previously established in 40 CFR 180.469 for residues of dichlormid at 0.05 ppm, in or on corn. Risk assessments were conducted by EPA to assess dietary exposures from dichlormid as follows:

i. *Acute exposure and risk*. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. In performing the acute dietary risk assessment, the Agency's level of concern is for exposures greater than 100% aPAD. For all population groups, including U.S. Population, infants and children, the acute dietary exposures are less than the Agency's level of concern at the 95th percentile using tolerance level residues and assuming 100%CT. The population groups with the highest dietary exposures are all infants (> 1 year) (5 %), non nursing infants (> 1 year) (5%), and children (1–6 years of age) (4%), children (7–12 years of age) (3%).

ii. *Chronic exposure and risk.* In performing the chronic dietary risk assessment, the Agency's level of concern is for exposures greater than 100% cPAD. Using tolerance level residues and assuming 100%CT, the population groups with the highest percentages are all infants (> 1 year) (7%), non-nursing infants (> 1 year) (9%), Children (1–6 years old) (7%), children (7–12 years old) (5%), and males (13–19 years)(4%).

2. *From drinking water.* A Drinking Water Level of Comparison (DWLOC) is a theoretical exposure to a pesticide in food, drinking water, and through residential uses. A DWLOC will vary depending on the toxic endpoint, with drinking water consumption, and body weights. Different populations will have different DWLOCs. The Agency uses DWLOCs internally in the risk assessment process as a surrogate measure of potential exposure

associated with exposure through drinking water. In the absence of monitoring data for pesticides, it is used as a point of comparison against conservative model estimates of a pesticide's concentration in water. DWLOC values are not regulatory standards for drinking water. They do have an indirect regulatory impact through aggregate exposure and risk assessments.

Dichlormid is relatively short-lived in aerobic soil. Carbon dioxide was the only major identified aerobic soil metabolite. Significant amounts of other soil degradates were resistant to harsher extraction and presumably remain as bound residues. Dichlormid was stable against hydrolysis and photolysis in soil and water. Dichlormid's low sorptivity to soil indicates high mobility. Based on its low sorptivity to soil, high solubility in water (4.4 g/L), and low octanol to water partitioning ratio, bioconcentration is not anticipated.

Drinking water exposure estimates are based on degradation and transport factors for dichlormid coupled with the Agency's current GENEEC (surface water) and SCI-GROW (groundwater) screening models for surface and ground water, respectively. Model results are for an application rate of dichlormid of 0.5 lbs/acre.

For ground water, the Agency used its SCI-GROW (Screening Concentration in Ground Water) screening model and environmental fate data to determine the Estimated Environmental Concentration (EEC) of dichlormid in ground water. SCI-GROW is an empirical model based upon actual ground water monitoring data collected for the registration of a number of pesticides that serve as benchmarks for the model. The current version of SCI-GROW appears to provide realistic estimates of pesticide concentrations in shallow, highly vulnerable ground water sites (i.e., sites with sandy soils and depth to ground water of 10 to 20 feet). The SCI-GROW ground water screening concentration is 0.046 ppb.

For surface water, the Agency used its GEENEC (Generic Estimated Environmental Concentration) screening model and environmental fate data to determine the EECs of dichlormid in surface water. GENEEC simulates a 1 hectare by 2 meter deep edge-of-the-field farm pond which receives pesticide runoff from a treated 10 hectare field. GENEEC can substantially overestimate true pesticide concentrations in drinking water. It has certain limitations and is not the ideal tool for use in drinking water risk assessments. However, it can be used in screening calculations and does provide an upper bound on the concentration of true drinking water concentrations. It will be necessary to refine the GENEEC estimate when the level of concern is exceeded. In those situations where the level of concern is exceeded and the GENEEC value is a substantial part of the total exposure, the Agency can use a variety of methods to refine the exposure estimates.

Using the GENEEC model and available environmental fate data, EPA calculated the following Tier 1 EECs for dichlormid:

Peak (Acute) EEC: 27.29 ppb
Average (Chronic) EEC 26.93 ppb

However, the interim Agency policy allows the average (chronic) GENEEC value to be divided by 3 to obtain a value of 8.98 ppb for use in chronic risk assessment calculations. It is current Agency policy that the following subpopulations be addressed when calculating drinking water levels of concern: U.S. Population (48 States), any other adult populations whose %PAD is greater than that of the U.S. population, and the Female and Infant/Children subgroups (1 each) with the highest food exposure. The subgroups which are listed below are those which fall into these categories.

i. *Acute exposure and risk*. Based on the acute dietary exposure estimates, an acute drinking water level of comparison (DWLOC) for dichlormid was calculated to be 340 ppb and 95 ppb for the U.S. population and non-nursing infants (> 1 year old) respectively.

ii. *Chronic exposure and risk*. Based on the chronic dietary exposure estimates, chronic drinking water levels of comparison (DWLOC) for dichlormid was calculated to be 75 ppb and 20 ppb for the U.S. population and non-nursing infants (> 1 year old), respectively.

iii. *Drinking water risks.* The modeled groundwater and surface water concentrations are less than the DWLOCs for dichlormid in drinking water for acute and chronic aggregate exposures. Thus, the Agency is able to screen out dichlormid drinking water risks.

3. *From non-dietary exposure*. There are no existing residential uses for dichlormid; therefore, no assessment was performed for residential exposure.

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

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

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk*. High-end dietary exposure estimates through food were calculated for the U.S. Population and other subgroups. The % aPADs for the U.S. population and all other subgroups were > 5% which is below the Agency's level of concern of 100% at the 95th percentile. The acute estimated concentrations of dichlormid in surface and ground water are less than the Agency's DWLOCs for dichlormid. Therefore, EPA does not expect the aggregate risk to exceed 100% of the aPAD.

2. *Chronic risk*. There are no registered residential uses for dichlormid. Chronic aggregate exposure will include food and water only. Using tolerance level residues and 100% crop treated assumptions, the percent cPADS for the U.S. population and all other subgroups were > 9%. The estimated chronic dietary risk from food is below the Agency's level of concern (100%). The estimated average concentrations of dichlormid in surface and ground water are less than the Agency's DWLOCs for dichlormid in drinking water. Therefore, EPA does not expect the aggregate risk to exceed 100% of the cPAD.

3. *Short- and intermediate-term risk*. Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. There are no existing residential uses for dichlormid; therefore, no short-term or intermediate-term risk assessment was performed.

4. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to dichlormid residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*—i. *In general*. In assessing the potential for additional sensitivity of infants and children to residues of dichlormid, EPA considered data from developmental toxicity studies in the rat and rabbit. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined interspecies and intraspecies variability) when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Conclusion*. An additional safety factor is to be retained at 10x since: (1) There is qualitative evidence of increased susceptibility in the rabbit developmental study; and (2) the toxicity database is incomplete. There are data gaps for the 2-generation reproduction study in rats, and acute and subchronic neurotoxicity studies.

2. *Acute risk*. From the acute dietary risk assessments, high-end exposure estimates were calculated for the U.S. Population and other subgroups. At the 95 th percentile the highest dietary exposure for infants < 1 year and non-nursing infants (< 1 year old) is 5% aPAD. The estimated acute dietary risk associated with the use of dichlormid on corn is below the Agency's level of concern. The maximum estimated concentrations of dichlormid in surface and ground water are less than the Agency's DWLOCs for dichlormid. Therefore, EPA does not expect the acute risk to exceed 100% of the aPAD.

3. *Chronic (non cancer) risk*. There are no registered residential uses for dichlormid. Therefore, chronic aggregate exposure will include food and water only. Using tolerance level residues and 100% crop treated assumptions, the highest exposure is from an infants and children subgroup, non-nursing infants(< 1year old), with an estimated dietary exposure of 9% cPAD. The estimated chronic dietary risk associated with the use of dichlormid on corn is below the Agency's level of concern. The estimated average concentrations of dichlormid in surface and groundwater are less than the Agency's DWLOCs for dichlormid in drinking water. Therefore, EPA does not expect the chronic risk to exceed 100% of the cPAD.

4. *Short- or intermediate-term risk*. Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. There are no existing residential uses for dichlormid, therefore, no short and intermediate term risk assessment was performed.

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

IV. Other Considerations

A. Endocrine Disruptor Effects

FQPA requires the Agency to develop a screening program to determine whether certain substances (including all pesticides and inerts or active ingredients) ''may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect...'' The Agency has been working with interested stakeholders to develop a screening and testing program as well as a priority setting scheme. As the Agency proceeds with implementation of this program, further testing of products containing the inert ingredient dichlormid for endocrine effects may be required.

B. Metabolism in Plants and Animals

No data pertaining to the metabolism of dichlormid have been submitted. The nature of the residue in corn was previously found to be understood based on the published metabolism studies of *N,N*-diallyl-2-chloroacetamide. It was concluded that the metabolism of dichlormid would follow the pathway of *N,N*-dially-2-chloroacetamide.

C. Analytical Enforcement Methodology

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

D. Magnitude of Residues

Crop field trial data for dichlormid were submitted and reviewed. The submitted data support the time-limited tolerance level of 0.05 ppm for all corn commodities.

E. International Residue Limits

There is neither a Codex proposal, nor Canadian or Mexican limits for residues of dichlormid in corn commodities.

V. Conclusion

Therefore, the time limited tolerances are established for residues of the inert ingredient herbicide safener, *N,N*-diallyldichloracetamide in corn, field, forage at tolerance level of 0.05 ppm; corn, field, grain at a tolerance level of 0.05 ppm; corn, field, stover at a tolerance level of 0.05 ppm; corn, pop, grain at a tolerance level of 0.05 ppm; and corn, pop, stover at a tolerance level of 0.05 ppm. The tolerances will expire and be revoked 2 years from the date of this publication. These tolerances are being established on a time-limited basis due to an incomplete data base. The following toxicological data gaps (OPPTS Harmonized Test Guideline) have been identified (1) Chronic Feeding Study in Dogs, Test Guidelines 870.4100; (2) 2-Generation Reproductive Study in Rats, Test Guideline 870.3800; (3) General Metabolism Study, Test Guideline 870.7485; (4) Acute Neurotoxicity Study, Test Guideline 870.6200; and (5) Subchronic Neurotoxicity Study, Test Guideline 870.6200.

The following product and residue chemistry data were also identified: (1) Product Chemistry Data-color, Test Guideline 830.6302; physical state, Test Guideline 830.6303; odor, 830.6304; melting point, Test Guideline 830.7200; boiling point, Test Guideline 830.7220; water solubility, Test Guideline 830.7840; and stability, Test Guideline 830.6313; (2) Plant Metabolism Study, Test Guideline 860.1300; (3) Animal Metabolism Studies, Test Guideline

860.1300; (4) Crop Field Trials, 860.1500; (5) Rotational Crop Study, Test Guideline 860.1850 (Confined Study). The toxicological, product chemistry and residue chemistry data gaps as identified must be addressed before a permanent tolerance can be established.

VI. Objections and Hearing Requests

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

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–300988 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 26, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

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

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

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–300988, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a time-tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require

Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 16, 2000

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. Section 180.469 is revised to read as follows:

§ 180.469 N,N-diallyl dichloroacetamide; tolerances for residues.

(a) *General.* Tolerances are established for residues of dichlormid; *N,N*-diallyl dichloroacetamide (CAS Reg. No. 37764–25–3) when used as an inert ingredient (safener) in pesticide formulations in or on the following food commodities:

Commodity	Parts per million	Expiration/Revocation Date
Corn, field, forage	0.05	March 27, 2002
Corn, field, grain	0.05	March 27, 2002
Corn, field, stover	0.05	March 27, 2002
Corn, pop, grain	0.05	March 27, 2002
Corn, pop, stover	0.05	March 27, 2002

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 00–7416 Filed 3–24–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–552; MM Docket No. 97–251; RM–9199]

Radio Broadcasting Services; Breckenridge and Graford, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule; dismissal.

SUMMARY: The Commission, at the request of Big Country Radio, Inc., licensee of Station KLXK(FM), Channel 228C2, Breckenridge, Texas, dismisses the petition for rule making requesting the substitution of Channel 228C3 for Channel 228C2 at Brackenridge and the reallotment of Channel 228C3 to Graford, Texas. See 63 FR 02355 (January 15, 1998).

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No.97–251, adopted March 1, 2000, and released March 10, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00–7389 Filed 3–24–00; 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. 032100B]

Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Western Aleutian District of the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting trawling within Steller sea lion critical habitat in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2000 critical habitat percentage of Atka mackerel allocated to the Western Aleutian District has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 22, 2000, until the directed fishery for Atka mackerel closes within the Western Aleutian District.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2000 TAC for Atka mackerel specified for the Western Aleutian District during the 'A' season is 13,736 metric tons (mt), of which no more than 7,829 mt may be harvested from critical habitat (65 FR 8282, February 18, 2000). See § 679.20(c)(3)(iii)(A) and 679.22(a)(8)(iii)(B).

In accordance with § 679.22(a)(8)(iii)(A), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the allowable harvest of Atka mackerel in Steller Sea lion critical habitat in the Western Aleutian District as specified under the 2000 harvest specifications for the 'A' season has been reached. Consequently, NMFS is prohibiting trawling in critical habitat, as defined at 50 CFR part 226, Table 1 and Table 2 in the Western Aleutian District of the BSAI.

Classification

This action responds to the TAC limitations for Atka mackerel in the BSAI. It must be implemented immediately to avoid jeopardy to the continued existence of Steller sea lions. A delay in the effective date is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action should not 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: March 22, 2000.

George H. Darcy,

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

[FR Doc. 00–7488 Filed 3–22–00; 4:30 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 59
Monday, March 27, 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–NM–128–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A300, A310, and A300–600 series airplanes. This proposal would require an inspection to detect damage of the electrical bonding leads in specified locations of the fuel tanks, and replacement of any damaged electrical bonding leads with serviceable electrical bonding leads. For certain airplanes, this proposal also would require modifying the fuel pipe couplings in specified locations of the fuel tank. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent electrical arcing/discharge in the fuel tank due to damaged electrical bonding leads or inadequate electrical bonding of the fuel pipe couplings, which could result in fuel ignition and consequent uncontained rupture of the fuel tank.

DATES: Comments must be received by April 26, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–128–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–128–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–128–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A300, A310, and A300–600 series airplanes. The DGAC advises that, during a maintenance check, an inspection of the inner fuel tanks revealed damage (i.e., breakage and corrosion) to several bonding leads. The damage is a result of normal aging of the bonding leads. Damaged bonding leads could create electrical voltage differentials between the fuel tank components, which could result in electrical arcing inside the fuel tanks. The DGAC advises that electrical arcing also could occur between certain fuel pipe couplings inside the fuel tanks due to their existing design. These conditions, if not corrected, could result in fuel ignition and consequent uncontained rupture of the fuel tank.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A300–28–0072, Revision 01, dated October 01, 1998, including Appendix 1, dated October 01, 1998, and Appendix 2, dated February 20, 1998 (for Model A300 series airplanes); A310–28–2128, Revision 01, dated October 01, 1998, including Appendix 1, dated October 01, 1998, and Appendix 2, dated February 20, 1998 (for Model A310 series airplanes); and A300–28–6057, Revision 01, dated October 01, 1998, including Appendix 1, dated October 01, 1998, and Appendix 2, dated February 20, 1998 (for Model A300–600 series airplanes). These service bulletins describe procedures for inspection of the electrical bonding leads in specified locations of the fuel tank for damage (i.e., breakage, fraying, abrasion damage, looseness of the outer metal braid protection in the end crimp, looseness of the outer metal braid protection on the bonding lead inner core, corrosion, or missing leads), and replacement of any damaged electrical bonding lead with a serviceable electrical bonding lead.

Also, Airbus has issued Service Bulletins A300–28–0073, Revision 01, dated October 01, 1998 (for Model A300

series airplanes); A310–28–2130, Revision 01, dated October 01, 1998 (for Model A310 series airplanes); and A300–28–6058, Revision 01, dated October 01, 1998 (for Model A300–600 series airplanes). For certain airplanes these service bulletins describe procedures for modifying the fuel pipe couplings in specified locations of the fuel tank by removing one bolt from each flanged fuel pipe coupling and reinstalling it as an electrical bonding bolt.

Accomplishment of the actions specified in these service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 98–174–248(B), dated April 22, 1998, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Difference Between Proposed Rule and Foreign Airworthiness Directive

Operators should note that, although the service bulletin and French airworthiness directive recommend that the modification be accomplished within 4 years (after the release of the service bulletin), the FAA has determined that an interval of 4 years would not address the identified unsafe condition in a timely manner.

An electrical discharge in a fuel tank can create a spark that could ignite the fuel vapors inside the tank. The spark energy required to ignite fuel depends on the type of fuel, the fuel temperature, and the air pressure (altitude) inside a fuel tank. Under certain conditions, fuel can be ignited with spark energy levels much lower than the energy required to create a visible mark. Therefore, a spark that has enough energy to cause a mark can ignite fuel vapor under a wider range of fuel tank conditions.

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, the average utilization of the affected fleet, and the time necessary to perform the modification. In light of all of these factors, the FAA finds a 36-month compliance time for accomplishing the inspection and modification to be warranted, in that 36 months represent an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

The FAA estimates that 116 airplanes of U.S. registry would be affected by this proposed AD.

It would take between 70 and 80 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be between $487,200 and $556,800, or between $4,200 and $4,800 per airplane.

It would take between 77 and 103 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $104 per airplane. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be between $547,984 and $728,944, or between $4,724 and $6,284 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have 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 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 99–NM–128–AD.

Applicability: All Model A300, A310, and A300–600 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 electrical arcing/discharge in the fuel tank due to damaged

electrical bonding leads or inadequate electrical bonding of the fuel pipe couplings, which could result in fuel ignition and consequent uncontained rupture of the fuel tank, accomplish the following:

(a) Within 36 months after the effective date of this AD, perform a one-time inspection to detect damage (*i.e.,* breakage, fraying, abrasion damage, looseness of the outer metal braid protection in the end crimp, looseness of the outer metal braid protection on the bonding lead inner core, corrosion, or missing leads) of the electrical bonding leads in specified locations of the fuel tanks, in accordance with the Accomplishment Instructions of Airbus Service Bulletins A300–28–0072, Revision 01, dated October 01, 1998, including Appendix 1, dated October 01, 1998, and Appendix 2, dated February 20, 1998 (for Model A300 series airplanes); A310–28–2128, Revision 01, dated October 01, 1998, including Appendix 1, dated October 01, 1998, and Appendix 2, dated February 20, 1998 (for Model A310 series airplanes); or A300–28–6057, Revision 01, dated October 01, 1998, including Appendix 1, dated October 01, 1998, and Appendix 2, dated February 20, 1998 (for Model A300–600 series airplanes); as applicable.

Note 2: Inspection of the area specified in paragraph (a) of this AD accomplished prior the effective date of this AD in accordance with Airbus Service Bulletins A300–28–0072, A310–28–2128, or A300–28–6057; all dated February 20, 1998; as applicable; is considered acceptable for compliance with the requirements of paragraph (a) of this AD.

(b) If any electrical bonding lead is damaged, prior to further flight, replace the bonding lead with a serviceable bonding lead in accordance with the applicable service bulletin specified in paragraph (a) of this AD.

(c) For airplanes on which Airbus Industrie Modification 11847 (for Model A310 series airplanes) or 11848 (for Model A300/A300–600 series airplanes) has not been accomplished, within 36 months after the effective date of this AD, modify the fuel pipe couplings in the specified locations of the fuel tank in accordance with the Accomplishment Instructions of Airbus Service Bulletins A300–28–0073, Revision 01, dated October 01, 1998 (for Model A300 series airplanes); A310–28–2130, Revision 01, dated October 01, 1998 (for Model A310 series airplanes); or A300–28–6058, Revision 01, dated October 01, 1998 (for Model A300–600 series airplanes); as applicable.

Note 3: Modification of the fuel pipe couplings accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletins A300–28–0073, A310–28–2130, or A300–28–6058; all dated February 20, 1998; as applicable; is considered acceptable for compliance with the requirements of paragraph (c) of this AD.

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with 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.

Note 5: The subject of this AD is addressed in French airworthiness directive 98–174–248(B), dated April 22, 1998.

Issued in Renton, Washington, on March 20, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–7337 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–203–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 series airplanes. That action would have required installation of two reinforcing brackets on the keel beam in the lower shell of the main landing gear bay. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data indicating that the unsafe condition addressed in the NPRM does not exist. Accordingly, the proposed rule is withdrawn.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on April 6, 1998 (63 FR 16715). The proposed rule would have required installation of two reinforcing brackets on the keel beam in the lower shell of the main landing gear bay. That action was prompted by a report of cracking of the keel beam that was discovered during full-scale fatigue testing. The proposed actions were intended to prevent fatigue cracking of the keel beam, which could result in reduced structural integrity of the airplane.

Actions That Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, the manufacturer has provided the FAA with additional information regarding the unsafe condition identified in the proposed AD. The manufacturer states that an analysis has been accomplished that shows that if the cracking addressed by the proposed AD propagated to its maximum limit, the airplane could still withstand ultimate structural loads.

FAA's Conclusions

Upon further consideration, the FAA has determined that fatigue cracking of the keel beam, which was intended to be addressed by the corrective actions required in the proposed AD, does not constitute an unsafe condition. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and

therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 97–NM–203–AD, published in the **Federal Register** on April 6, 1998 (63 FR 16715), is withdrawn.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–7460 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–354–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 340B and SAAB 2000 Series Airplanes

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 certain Saab Model SAAB 340B and SAAB 2000 series airplanes, that currently requires an inspection of the fluorescent lamps in the cabin area to ensure correct installation, and correction, if necessary; and an inspection of the lampholders to identify any discrepancies and to ensure the security of the back covers, and replacement of discrepant lampholders with new lampholders; installation of retaining clips on certain Page Aerospace lampholders; and reinspection of the lamps to ensure correct installation after replacement or reinstallation of the lamps or lampholders, and corrections, if necessary. This action would add a requirement for replacement of the electronic light ballasts with improved ballasts, which would terminate the reinspections. This action would also expand the applicability of the existing AD. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent electrical arcing between the fluorescent tube pins and the lampholders, which could burn the surrounding area and lead to smoke and fumes in the passenger compartment or lavatory area.

DATES: Comments must be received by April 26, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–354–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from SAAB Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–354–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–354–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On June 13, 1997, the FAA issued AD 97–13–06, amendment 39–10052 (62 FR 33545, June 20, 1997), applicable to certain Saab Model SAAB 340B and SAAB 2000 series airplanes, to require an inspection of the fluorescent lamps in the cabin area to ensure correct installation, and corrections, if necessary. That AD also requires an inspection of the lampholders to identify any discrepancies and to ensure the security of the back covers, and replacement of discrepant lampholders with new lampholders; installation of retaining clips on certain Page Aerospace lampholders; and reinspection of the lamps to ensure correct installation after replacement or reinstallation of the lamps or lampholders, and corrections, if necessary. That action was prompted by reports indicating that loose back covers on the lampholders and incorrect lamp installations have led to electrical arcing between fluorescent tube pins and lampholders and consequent charring or melting of the affected areas. The requirements of that AD are intended to prevent such electrical arcing, which could burn the surrounding area and lead to smoke and fumes in the passenger compartment or lavatory area.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the Luftfartsverket (LFV), which is the airworthiness authority for Sweden, has advised the FAA that additional Model SAAB 340B and SAAB 2000 series airplanes may be subject to fluorescent lampholder charring due to the incorrect installation of fluorescent lamps in their holders. Additionally, the LFV has advised the FAA that a modification is now available that will eliminate the need for reinspecting the fluorescent lamps following each replacement or reinstallation of the lamps or lampholders.

In the preamble to AD 97–13–06, the FAA indicated that the actions required by that AD were considered ''interim action'' and that further rulemaking action was being considered. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

Explanation of Relevant Service Information

Saab has issued Service Bulletins 340–33–048, Revision 01, dated January 21, 1999 (for Model SAAB 340B series airplanes), and 2000–33–015 (for Model SAAB 2000 series airplanes), dated January 29, 1999. These service bulletins describe procedures for replacement of the electronic light ballasts with improved ballasts, which would eliminate the need for reinspection of the fluorescent lampholders. Additionally, Service Bulletin 340–33–048, Revision 01, references Service Bulletin 340–33–049, dated January 21, 1999, which describes procedures for concurrent modification of the ballasts to ensure sufficient clearance between the ballast and certain transistors.

Saab also has issued Service Bulletin 340–33–047, Revision 01, dated June 26, 1998. The procedures in Revision 01 are identical to those in the original issue of the service bulletin, which is cited as the appropriate source of service information in AD 97–13–06 for Model SAAB 340B series airplanes. However, Revision 01 specifies additional airplanes in the effectivity of the service bulletin, and adds a reference to Saab Service Bulletin 340–33–048 (Saab Modification No. 2936), which would eliminate the need for reinspections of the lamps.

The LFV classified Service Bulletin 340–33–047, Revision 01, as mandatory, and approved Service Bulletins 340–33–048, Revision 01; 340–33–049; and 2000–33–015; and issued Swedish airworthiness directives 1–113R1 and 1–114R1, both dated September 8, 1998, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

These airplane models are manufactured in Sweden and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 97–13–06 to continue to require the actions specified in that AD, and to add a requirement for replacement of the electronic light ballasts with improved ballasts, which would terminate the requirement for reinspections of the lamps. The proposed AD would also expand the applicability of the existing AD to include additional Model SAAB 340B and SAAB 2000 series airplanes that are also subject to the identified unsafe condition. The actions would be required to be accomplished in accordance with the service bulletins described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that this AD proposes to mandate, within 18 months, the replacement of the light ballasts with improved ballasts as terminating action for the reinspections. (Incorporation of the terminating action specified in this service bulletin is optional in Swedish airworthiness directives 1–113R1 and 1–114R1.)

The FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed replacement requirement is consistent with these conditions.

Cost Impact

There are approximately 78 airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 97–13–06 take approximately 7 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $420 per airplane.

The new actions that are proposed in this AD action would take as much as 9 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would be provided free of charge by the manufacturer. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $42,120, or $540 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10052 (62 FR 33545, June 20, 1997), and by adding a new airworthiness directive (AD), to read as follows:

SAAB Aircraft AB: Docket 99–NM–354–AD. Supersedes AD 97–13–06, Amendment 39–10052.

Applicability: This AD applies to the following airplanes:

- Model SAAB 340B series airplanes having serial numbers –342 and –359 through –460 inclusive, certificated in any category; except those on which Saab Service Bulletin 340–33–048, Revision 01, dated January 21, 1999 (Saab Modification No. 2936), has been incorporated; and
- Model SAAB 2000 series airplanes having serial numbers –004 through –063 inclusive, certificated in any category; except those on which Saab Service Bulletin 2000–33–015, dated January 29, 1999 (Saab Modification No. 6148), has been incorporated.

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 (f)(1) 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 electrical arcing between the fluorescent tube pins and the lampholders, which could burn the surrounding area and lead to smoke and fumes in the passenger compartment or lavatory area, accomplish the following:

Restatement of Requirements of AD 97–13–06

Inspections

(a) For Model SAAB 340B series airplanes having serial numbers –342 and –359 through –439 inclusive; and Model SAAB 2000 series airplanes having serial numbers –004 through –059 inclusive: Within 30 days after July 7, 1997 (the effective date of AD 97–13–06, amendment 39–10052), accomplish the actions required by paragraphs (a)(1), (a)(2), and (a)(3), as applicable.

(1) For all airplanes: Inspect the fluorescent lamps installed in the ceiling/window of the lavatory and passenger compartment to ensure correct installation; and inspect the lampholders for discrepancies such as discoloration, evidence of electrical arcing at the light tube pins, charring or melting, or insecure back covers; in accordance with Saab Service Bulletin 340–33–047, dated May 16, 1997 (for Model SAAB 340B series airplanes); or Saab Service Bulletin 2000–33–014, dated May 16, 1997 (for Model SAAB 2000 series airplanes); as applicable.

(i) If any lamp is installed incorrectly, prior to further flight, install the lamp correctly in accordance with the applicable service bulletin.

(ii) If any discrepancy is found, prior to further flight, replace the lampholder with a new lampholder in accordance with the applicable service bulletin.

(2) For Model SAAB 340B series airplanes on which a Page Aerospace lampholder having part number (P/N) D756–02–001 is installed: Install a retaining clip in accordance with Saab Service Bulletin 340–33–040, Revision 02, dated February 20, 1997.

Note 2: Installation of retaining clips on Page Aerospace lampholders that was accomplished prior to July 7, 1997, in accordance with Saab Service Bulletin 340–33–040, Revision 01, dated January 31, 1997, also is considered acceptable for compliance with the requirement of paragraph (a)(2) of this AD.

(3) For Model SAAB 2000 series airplanes on which a Page Aerospace lampholder having P/N C756–10–001 is installed: Install a retaining clip in accordance with Saab Service Bulletin 2000–33–009, dated June 19, 1996.

Reinspections Following Replacement or Reinstallation

(b) Following the accomplishment of the requirements of paragraph (a) or paragraph (c) of this AD: If any fluorescent lamp or lampholder is replaced or reinstalled, within 7 days after accomplishing such replacement or reinstallation, reinspect the lamp to ensure it is still in the correct position, in accordance with Saab Service Bulletin 340–33–047, dated May 16, 1997, or Revision 01, dated June 26, 1998 (for Model SAAB 340B series airplanes); or Saab Service Bulletin 2000–33–014, dated May 16, 1997 (for Model SAAB 2000 series airplanes); as applicable. If any lamp is installed incorrectly, prior to further flight, make corrections to ensure correct installation in accordance with the applicable service bulletin.

New Requirements of This AD

Inspections for Additional Airplanes

(c) For airplanes other than those specified in paragraph (a) of this AD: Within 30 days after the effective date of this AD, accomplish the requirements of paragraph (a) of this AD, and thereafter accomplish the requirements of paragraph (b) of this AD.

Terminating Modification

(d) For all airplanes: Within 18 months after the effective date of this AD, accomplish the requirements of paragraph (d)(1) or (d)(2) of this AD, as applicable. Accomplishment of the actions required by the applicable paragraph constitutes terminating action for the requirements of this AD.

(1) For Model SAAB 340B series airplanes: Replace the electronic light ballasts with improved ballasts, in accordance with Saab Service Bulletin 340–33–048, Revision 01, dated January 21, 1999. Concurrent with the replacement, modify the ballasts to ensure sufficient clearance between the ballast and certain transistors, in accordance with Saab Service Bulletin 340–33–049, dated January 21, 1999.

(2) For Model SAAB 2000 series airplanes: Replace the electronic light ballasts with improved ballasts, in accordance with Saab Service Bulletin 2000–33–015, dated January 29, 1999.

Spares

(e) As of the effective date of this AD, no person shall install a fluorescent lampholder having Page Aerospace P/N D756–02–001 or Page Aerospace P/N C756–10–001 on any Model SAAB 340B or SAAB 2000 series airplane, unless the lampholder has been modified in accordance with the requirements of paragraph (a)(2) or (a)(3) of this AD, as applicable.

Alternative Methods of Compliance

(f)(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, 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.

(2) Alternative methods of compliance, approved previously in accordance with AD 97–13–06, amendment 39–10052, are approved as

alternative methods of compliance with this AD.

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

(g) 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.

Note 4: The subject of this AD is addressed in Swedish airworthiness directives 1–113R1 and 1–114R1, both dated September 8, 1998.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–7459 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–22–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320–232 and –233 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A320–232 and –233 series airplanes. This proposal would require replacement of the fuel metering units (FMU) of each engine with new FMU's. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent an inadvertent increase in thrust, which could result in reduced controllability of the airplane during final approach.

DATES: Comments must be received by April 26, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–22–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–22–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–22–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A320–232 and –233 series airplanes. The DGAC advises that an inadvertent increase of thrust can occur during a critical phase of flight. Investigation revealed that the cause of the inadvertent increase of thrust is due to a malfunction of the high flow fuel metering unit (FMU), which controls the fuel flow to the engines. This condition, if not corrected, could result in reduced controllability of the airplane during final approach.

Explanation of Relevant Service Information

The manufacturer has issued Airbus Service Bulletin A320–73–1067, dated August 11, 1999, which describes procedures for replacement of the FMU of each engine with new FMU's. Accomplishment of the actions specified in the service bulletin will permit the operators with a mixed fleet (Models A319 and A320 series airplanes) to have a single common FMU, which will eliminate the possibility of inadvertent increase of thrust due to a malfunction of the FMU. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2000–005–143(B), dated January 12, 2000, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require replacement of the high flow FMU of each engine with new FMU's. The

actions would be required to be accomplished in accordance with the service bulletin described previously.

Cost Impact

The FAA estimates that 77 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 14 work hours per airplane (7 work hours per engine) to accomplish the proposed replacements, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer or vendor at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $64,680, or $840 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2000–NM–22–AD.

Applicability: Model A320–232 and –233 series airplanes, certificated in any category, except those airplanes on which Airbus Modification 27146 or 28006 has been installed, or on which Airbus Service Bulletin A320–73–1067 has been accomplished.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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.

To prevent an inadvertent increase in thrust, which could result in reduced controllability of the airplane during final approach, accomplish the following:

Replacement

(a) Within 12 months after the effective date of this AD, replace the fuel metering units (FMU) of each engine with new FMU's in accordance with Airbus Service Bulletin A320–73–1067, dated August 11, 1999.

Alternative Methods of Compliance

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

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

Special Flight Permits

(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.

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–005–143(B), dated January 12, 2000.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–7458 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–23–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes. This proposal would require replacing the smoke detectors in the cargo compartment with new, improved smoke detectors. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent false smoke warnings from the cargo compartment smoke detectors, which could result in aborted takeoffs, diversions of flight routes, and emergency evacuation of flight crew and passengers.

DATES: Comments must be received by April 26, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–23–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft .. Product Support, S–581.88, Linkoping, Sweden. This information may be examined at the FAA, Transport

Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–23–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–23–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, recently notified the FAA that an unsafe condition may exist on certain Saab Model SAAB SF340A and SAAB 340B series airplanes. The LFV advises that in-service experience has indicated that the smoke detectors in the cargo compartment may generate false smoke warnings. Investigation revealed that, during certain environmental conditions (high humidity), a certain type of smoke detector (Fenwall) is apt to generate false smoke warnings. Such warnings could result in aborted takeoffs, diversions of flight routes, and emergency evacuation of flight crew and passengers.

Explanation of Relevant Service Information

The manufacturer has issued SAAB Service Bulletin 340–26–023, dated December 21, 1999, which describes procedures for replacing the smoke detectors in the cargo compartment with new, improved smoke detectors. The improved smoke detectors are less susceptible to humidity, thereby minimizing false smoke warnings. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive 1–151, dated December 28, 1999, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

These airplane models are manufactured in Sweden and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require replacing the smoke detectors in the cargo compartment with new, improved smoke detectors. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Cost Impact

The FAA estimates that 289 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost between $4,022 and $2,011 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be between $4,142, or $2,131 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

SAAB Aircraft AB: Docket 2000–NM23–AD.

Applicability: Model SAAB SF340A series airplanes, manufacturer's serial numbers 004 through 159 inclusive; and Model SAAB 340B series airplanes, manufacturer's serial numbers 160 through 459 inclusive; 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.

To prevent false smoke warnings from the cargo compartment smoke detectors, which could result in aborted takeoffs, diversions of flight routes, and emergency evacuation of flight crew and passengers, accomplish the following:

Replacement

(a) Within 2 years after the effective date of this AD, replace the smoke detectors in the cargo compartment with new, improved smoke detectors, in accordance with Saab Service Bulletin 340–26–023, dated December 21, 1999.

Alternative Methods of Compliance

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

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

Special Flight Permits

(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.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive 1–151, dated December 28, 1999.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–7457 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240, 243, and 249

[Release Nos. 33–7815, 34–42552, IC–24343, File No. S7–31–99]

RIN 3235–AH82

Selective Disclosure and Insider Trading

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Securities and Exchange Commission is extending the comment period for its proposed rules regarding selective disclosure and insider trading, contained in Release No. 33–7787, 64 FR 72590 (Dec. 28, 1999). The original comment period ends March 29, 2000. The new deadline for submitting public comments is April 28, 2000.

DATES: Public comments are due on or before April 28, 2000.

ADDRESSES: Please send three copies of your comment letter to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549–0609. Comments can also be sent electronically to the following e-mail address: rule-comments@sec.gov. Your comment letter should refer to File No. S7–31–99. If e-mail is used, include this file number on the subject line. Anyone can inspect and copy the comment letters in the Commission's Public Reference Room at 450 5th St., N.W., Washington, D.C. 20549. Electronically submitted comments will be posted on the Commission's Internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Richard A. Levine, Assistant General Counsel, Sharon Zamore, Senior Counsel, or Elizabeth Nowicki, Attorney, Office of the General Counsel, at (202) 942–0890.

SUPPLEMENTARY INFORMATION: On December 20, 1999, the Securities and Exchange Commission (Commission) issued a proposal for new rules to address three issues: the selective disclosure by issuers of material nonpublic information; whether insider trading liability depends on a trader's ''use'' or ''knowing possession'' of material nonpublic information; and when the breach of a family or other non-business relationship may give rise to liability under the misappropriation theory of insider trading. The proposals are designed to promote the full and fair disclosure of information by issuers, and to clarify and enhance existing prohibitions against insider trading. The deadline for submitting public comments established by the proposing release was March 29, 2000. The Commission has received requests to extend the deadline. We are therefore extending the comment period to April 28, 2000 so that commenters have adequate time to address the issues raised by the proposing release.

By the Commission.

Dated: March 21, 2000.

Margaret H. McFarland

Deputy Secretary

[FR Doc. 00–7433 Filed 3–24–00; 8:45 am]

BILLING CODE 8010–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–553, MM Docket No. 00–43, RM–9833]

Radio Broadcasting Services; Ebro, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Washington County Communications requesting the allotment of Channel 236A at Ebro, Florida, as the community's first local broadcast service. Channel 236A can be allotted to Ebro with a site restriction 3.3 kilometers (2.0 miles) northwest of the community at coordinates 30–28–15 and 85–53–45.

DATES: Comments must be filed on or before May 1, 2000, and reply comments on or before May 16, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Bruce Eisen, Kaye, Scholer, Fierman, Hays & Handler, LLP, 901 15th Street, NW, Suite 901, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–43, adopted March 1, 2000, and released March 10, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased

from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00–7388 Filed 3–24–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 174 and 177

[Docket No. HM–212]

RIN 2137–AC24

Hazardous Materials: Tank Cars and Cargo Tank Motor Vehicles; Attendance Requirements

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: RSPA is withdrawing the notice of proposed rulemaking (NPRM) issued in 1992 under this docket on attendance requirements for tank cars and cargo tank motor vehicles. RSPA will address the issues raised in that NPRM, including the proposed rewrite of tank car unloading regulations, in rulemaking under RSPA Docket HM–223 (RSPA–98–4952). The HM–223 rulemaking is intended to clarify the applicability of the Hazardous Materials Regulations to specific functions and activities, including hazardous materials loading and unloading operations.

DATES: The proposed rule is withdrawn as of March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Susan Gorsky (202) 366–8553, Office of Hazardous Materials Standards, Research and Special Programs Administration, Department of Transportation.

SUPPLEMENTARY INFORMATION:

I. Background

On September 14, 1992, the Research and Special Programs Administration (RSPA, ''we'') published a notice of proposed rulemaking (NPRM) under Docket HM–212 (57 FR 42466), proposing several changes to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) as they apply to loading and unloading of hazardous materials from rail tank cars and cargo tanks. We proposed to amend the following sections of the HMR:

Section 174.67(i) pertaining to unloading of tank cars and § 177.834(i) pertaining to the loading of cargo tanks to provide for the use of signaling systems to meet attendance requirements.

- Sections 174.67(i) and 174.67(j) to allow a tank car containing hazardous materials, under certain conditions, to remain standing with the unloading connections attached when no hazardous material is being transferred.
- Section 177.834 to remove a requirement that an attendant must be within 25 feet of the cargo tank motor vehicle during loading operations that are monitored by a signaling system.

II. HM–225 and –225A Cargo Tank Rulemaking

Because of safety concerns, we addressed cargo tank attendance requirements in separate rulemakings under Docket Nos. RSPA–97–2133 (HM–225) and RSPA–97–2718 (HM–225A). In a final rule published May 24, 1999 (64 FR 28030), we revised the regulations applicable to transportation and unloading of liquefied compressed gases in cargo tank motor vehicles. The final rule, which became effective on July 1, 1999, established a comprehensive safety program intended to reduce the risk of an unintentional release of a liquefied compressed gas during unloading, assure prompt detection and control of an unintentional release, and make the regulatory requirements easier to understand and comply with. Among the changes effected by that final rule were revisions to the attendance requirements in § 177.834(i). We do not believe that it is appropriate to implement changes to the cargo tank loading requirements before we have had an opportunity to evaluate industry experience under that recent rule.

III. HM–223 Rulemaking on Applicability of the HMR

Since the HM–212 NPRM was issued in 1992, we have initiated a broad rulemaking under HM–223 (Docket No. RSPA–98–4952) designed to clarify the meaning of ''transportation in commerce'' as it is used in federal hazardous material transportation law (49 U.S.C. 5101–5127) and to delineate specific activities that are included in that term and, therefore, subject to regulation under the HMR. In developing this rulemaking, we have four goals. First, we want to ensure that there are uniform national standards applicable to functions performed in advance of transportation that affect the safe transportation of hazardous materials in commerce. Second, we want to ensure that there are uniform national standards applicable to the actual transportation of hazardous materials in commerce. Third, we want to distinguish functions that are subject to the HMR from functions that are not subject to the HMR. Finally, we want to clarify that facilities within which functions subject to the HMR occur may be subject to federal, state, or local regulations governing occupational safety and health and environmental protection.

In 1996, we issued an advance notice of proposed rulemaking (ANPRM; 61 FR 39522) under HM–223 and hosted a series of public meetings to elicit ideas, proposals, and recommendations on the applicability of the HMR. The ANPRM identified loading, unloading, and storage of hazardous materials as areas of particular confusion and concern. On April 27, 1999, we published a supplemental ANPRM (64 FR 22718) requesting additional information on these issues.

We are currently evaluating comments submitted in response to the two ANPRMs and at the public meetings. We expect to issue an NPRM later this year. The NPRM may propose to interpret the statutory definition of ''transportation in commerce'' in a way that could affect how the HMR apply to certain loading, unloading, and storage operations, particularly loading, unloading, and storage of hazardous materials in bulk packages, such as tank cars. Thus, we believe it is more appropriate to address tank car unloading issues in the context of the HM–223 rulemaking. Indeed, commenters to the HM–212 docket recommended that the scope of the 1992 NPRM should be broadened. Several commenters suggested that the tank car unloading requirements in Part 174 be moved to Part 173 because unloading is

not typically performed by rail carriers, but by non-transportation entities. Commenters also suggested that we revise the HMR to more clearly define the term ''in transportation'' and to clarify the regulatory jurisdiction of the Occupational Safety and Health Administration (OSHA) and RSPA with respect to the transfer of hazardous materials.

IV. Withdrawal of NPRM

For the reasons outlined above, we are withdrawing the 1992 NPRM published on September 14, 1992 (57 FR 42466), concerning cargo tank and tank car loading and unloading operations that was issued under HM–212 and closing the HM–212 docket. We are deferring action on the overall rewrite of § 174.67 that was proposed in the 1992 NPRM. Changes to this section will be considered as part of HM–223. Comments submitted to the HM–212 docket will be placed in the HM–223 docket. This action should not be read as an indication of how we intend to resolve the questions at issue in HM–223.

Issued in Washington, DC on March 20, 2000, under authority delegated in 49 CFR Part 106.

Robert A. McGuire,

Acting Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.

[FR Doc. 00–7469 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register
Vol. 65, No. 59
Monday, March 27, 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 COMMISSION ON ELECTRONIC COMMERCE

Meetings

The Advisory Commission on Electronic Commerce was established by Public Law 105–277 to conduct a thorough study of federal, state, local and international taxation and tariff treatment of transactions using the Internet and Internet access and other comparable intrastate, interstate or international sales activities. The Commission is to report its findings and recommendations to Congress no later than April 21, 2000. Notice is hereby given, that the Advisory Commission on Electronic Commerce has scheduled a meeting by telephone conference call on Monday, April 10, 2000, at a time to be determined. Meetings of the Commission shall be open to the public. This meeting will be audiocast live on the World Wide Web. The audiocast will be accessible from the ''Calendar/Meetings'' page of the Commission's Web site, *www.ecommercecommission.org/calendar.htm*. The time for the meeting will be posted on the Web site no later than Friday, April 7, 2000. A verbatim transcript of this meeting will be posted on the Web site no later than April 24, 2000.

Oral comments from the public will be excluded at this meeting.

A listing of the members of the Commission and details concerning their appointment were published in the **Federal Register** on June 9, 1999, at 64 FR 30958.

Heather Rosenker,

Executive Director.

[FR Doc. 00–7594 Filed 3–24–00; 8:45 am]

BILLING CODE 0000–00

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Waters Canoe Area Wilderness Fuels Treatment Environmental Impact Statement

AGENCY: Forest Service, USDA

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: On July 4, 1999, heavy rains and straight-line winds in excess of 90 miles per hour blew down approximately 477,000 acres of forest within northeastern Minnesota. The majority of the blown down forest occurs within the Boundary Waters Canoe Area Wilderness (BWCAW) on the Superior National Forest. As a result of the windstorm, down and dead trees and brush (fuels) on approximately 360,000 acres within the wilderness increased from 5 to 20 tons per acre up to 50 to 100 tons per acre. This fuel loading increases the potential for wildfire to move from within the wilderness to adjacent State, County, federal, and private lands and across the Canadian border, and possibly threaten life, property and other resource values. The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) for the BWCAW to develop a site-specific fuels treatment plan to reduce the fire hazard resulting from the blown down forest. This fuels treatment plan may require an amendment or exception to the Superior National Forest Land and Resource Management Plan (Forest Plan) and the BWCAW Management Plan in order to use prescribed fire (fire ignited by management actions to meet specific objectives) within the Wilderness. The purpose of the project is to improve public safety by reducing the potential for high-intensity wildland fires to spread from the BWCAW into areas of intermingled ownership that includes homes, cabins, resorts, and other improvements both in the United States and Canada. This will be accomplished in a manner which is sensitive to ecological and wilderness values, and protects safety of firefighters and BWCAW visitors during implementation. The proposed action is to treat approximately 47,000 to 81,000 acres with prescribed fire over a five to six year time-period. The proposed action would treat approximately 13 to 22 percent of the area blown down in the July 4, 1999 windstorm or four to seven percent of the 1.1 million acre wilderness. Implementation of the proposed action may require the use of mechanized tools within the BWCAW. A range of alternatives responsive to significant issues will be developed, including a no-action alternative. The Record of Decision will disclose whether or not the Forest Service will manage fuels within the BWCAW to improve public safety. If the decision is to use prescribed fire, the decision will include the following:

- The pattern of treatment to be used;
- The priority areas to be treated;
- The approximate timeframe when each area will be treated;
- The minimum action and tools needed within the wilderness to meet management objectives;
- The environmental conditions (*e.g.*, weather conditions) under which areas will be prescribed burned;
- How wilderness and ecological values and other resources will be protected during treatment;
- Surveys and monitoring that will be conducted before, during and after treatments; and
- How decisions will be coordinated with adjacent landowners and how the public will be notified of prescribed burns.

DATES: Public open houses to solicit comments and to answer questions on the proposed action will be held from 3:00 PM to 8:00 PM, CST at the following locations:

- April 10, 2000 at Cook County Community Center, 317 West 5th St., Grand Marais, MN 55604.
- April 11, 2000 at Holiday Inn SunSpree, Ridgeview Room, 400 North Poineer Rd., Ely, MN 55731.
- April 12, 2000 at Radisson Hotel, Great Hall 1, 505 West Superior St., Duluth, MN 55802.
- April 13, 2000 at Country Inn at White Bear Lake, Lambert Room, 4940 Hwy. 61 N., White Bear Lake, MN 55110 (directly north of Minneapolis and St. Paul, MN).
- April 14, 2000 at U.S. Forest Service, LaCroix Ranger District Office, 320 Hwy 53 N., Cook, MN 55723.

Comments concerning the scope of this project should be received by the Superior National Forest by May 1, 2000.

ADDRESSES: Please send written comments to Superior National Forest, BWCAW Fuels Reduction EIS, 8901 Grand Ave. Place, Duluth, MN 55808.

FOR FURTHER INFORMATION CONTACT: James W. Sanders, Forest Supervisor, Superior National Forest, telephone: (218) 626–4300, or Joyce Thompson, BWCAW EIS Team Leader, Superior National Forest, 8901 Grand Ave. Place, Duluth, MN 55808, telephone (218) 626–4317, email: jelmatho/r9__superior@fs.fed.us. A detailed scoping package is available by contacting Joyce Thompson at the address listed above or on the Superior National Forest's website at http://www.fs.fed.us/r9/superior/.

SUPPLEMENTARY INFORMATION: Public participation will be an integral component of the study process, and will be especially important at several points during the analysis. The first is during the scoping process. The Forest Service will be seeking information, comments and assistance from federal, State, County, and local agencies, individuals and organizations that may be interested in or affected by the proposed activities. The scoping process will include: (1) Identification of potential issues, (2) identification of issues to be analyzed in depth, and (3) elimination of insignificant issues or those which have been covered by a previous environmental review. Written scoping comments will be solicited through a scoping package that will be sent to the project mailing list and the local newspaper. For the Forest Service to best use the scoping input, comments should be received by May 1, 2000. Preliminary issues identified for analysis in the EIS include the potential effects and relationship of the project to fire hazard reduction, safety of firefighters and wilderness visitors during implementation, and the impact of the proposed action on wilderness values (including the use of mechanized equipment within the wilderness, ecological conditions, recreation, scenery, air quality, wildlife habitat, riparian areas, heritage resources, sensitive plants and communities, soil productivity, and water quality).

Based on the results of scoping and the resource conditions within the project area, alternatives (including a no-action alternative) will be developed for the draft EIS. The draft EIS is projected to be filed with the Environmental Protection Agency (EPA) in December 2000. The final EIS is anticipated in April 2001.

The comment period on the draft EIS will be 45 days from the date that the EPA publishes the notice of availability in the **Federal Register**.

At this early stage, the Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EIS's must structure their participation in the environmental review of the proposal, so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could have been raised at the draft EIS stage, but that are not raised until the completion of the final EIS, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2nd 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period on the draft EIS, so that substantive comments and objections are made available to the Forest Service at a time when they can be meaningfully considered and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns of the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may address the adequacy of the draft EIS, or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act in 40 CFR 1503.3, in addressing these points.

The proposed action is to treat between 47,000 to 81,000 acres of fuels within the BWCAW over a five to six year time-period. The proposed action includes a variety of prescribed burning treatments, including patchwork treatment pattern, fuel patch burns, and understory burns. In areas adjacent to the BWCAW boundary and where fuels are the heaviest, a patchwork pattern of prescribed burns across the landscape would be used. Patchwork pattern treatments would be designed to use natural fire breaks and fit into the natural landscape where possible. A patchwork pattern of fuels treatment would break up fuels so that in the event of a wildfire the rate of spread of the fire would be greatly reduced. Within the patchwork treatment areas, a variety of density of treatments are proposed based upon the risk to health and safety and fuel loads. Between 33,524 to 51,576 acres are proposed for treatment under this pattern.

In areas where isolated stands of trees were blown down, treatment of the individual patches (or fuel patch treatment) would be used. Patch fuel treatments would include burning in isolated patches on the landscape. Between 4,195 to 11,310 acres are proposed for fuel patch treatment.

Understory burns (*i.e.,* burning fuels under the main forest canopy) would be used, where the blowdown is patchy and ecological conditions allow the use of burning the understory to reduce fuel ladders, which in turn reduce the potential of high intensity crown fires. Fuel ladders are young trees and dead and down fuels beneath the tops of older trees. These create a ''ladder'' for fire to travel from the ground to the forest canopy and burn more intensely. Between 9,180 to 18,360 acres are proposed for a combination of fuel patch treatment and understory burning.

Implementing the proposed prescribed burns may require the use of mechanized equipment within the wilderness. Prior to using any mechnanized equipment a site-specific minimum requirements and tools analysis will be prepared. Possible mechanized and motorized tools that may be used while implementing the prescribed burns include: chainsaws; portable water pumps; and helicopters and fixed wing aircraft for transporting of fire personnel, igniting prescribed burns and dropping water and fire retardant and motor boats on lakes where use is allowed by the public. Aircraft may need to fly below the 4,000 foot limit above sea-level in the BWCAW or land on waterbodies. Nonmotorized and nonmechanized tools that possibly could be used during implementation of the proposed action include: digging and chopping tools (shovel, pulaski, axe, etc.), crosscut saws, drip torch ignition tools and fusees, fireline construction explosives, hoses and hose-fittings, sprinklers, backpack pumps, and non-motorized boats and canoes. Fire camps (camps where fire crews stay during implementation) and fire caches (caches of fire fighting equipment) within the wilderness may need to be used during implementation.

Permits/Authorizations

The proposed action includes prescribed fire in the BWCAW to reduce heavy fuel accumulation. This action may require an amendment or exception to the Forest Plan and the BWCAW

Management Plan to use prescribed fire within the BWCAW. U.S.D.A. Forest Service, Eastern Region, may request the project be considered an emergency under CFR 215.10(d)(1) in order to allow for implementation during the appeal period. The use of motorized and mechanized tools were not allowed by the general public and flights below 4,000 feet above sea level on National Forest System lands within the BWCAW would also require approval.

Lead and Cooperating Agencies

The Superior National Forest manages approximately 800,000 acres within the boundaries of the BWCAW. It is the lead agency for preparation of this document. The State of Minnesota manages approximately 279,000 acres wthin the boundaries of the BWCAW. In order to achieve the best arrangement of prescribed burn treatment units to minimize the risk of an escaped wildfire it may be necessary to treat State lands. The Minnesota Department of Natural Resources is a cooperating agency on this project. They will provide direction and approval regarding fuels treatment on State lands.

Responsible Official

James W. Sanders, Forest Supervisor, Superior National Forest, is the responsible official. In making the decision, the responsible official will consider the comments; responses; disclosure of environmental consequences; and applicable laws, regulations, and policies. The responsible official will state the rationale for the chosen alternative in the Record of Decision.

Dated: March 20, 2000.

James W. Sanders,

Forest Supervisor.

[FR Doc. 00–7411 Filed 3–24–00; 8:45 am]

BILLING CODE 3410–11–U

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in North Dakota

AGENCY: Natural Resources Conservation Service (NRCS), USDA.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in North Dakota for review and comment.

SUMMARY: It is the intention of the NRCS in North Dakota to issue a revised conservation practice standard, Wetland Restoration (Code 657), in Section IV of the FOTG. This practice may be used in conservation systems that treat wetlands.

DATES: Comments will be received on or before April 26, 2000.

ADDRESSES: Address all requests and comments to Myron P. Senechal, State Resource Conservationist, Natural Resources Conservation Service, P.O. Box 1458 Bismarck, ND 58502–1458. Copies of this standard will be made available upon written request. You may submit electronic requests and comments to Myron.Senechal@nd.usda.gov.

FOR FURTHER INFORMATION CONTACT: Myron P. Senechal, (701) 530–2085.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law, shall be made available for public review and comment. For the next 30 days, the NRCS in North Dakota will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in North Dakota regarding disposition of those comments and a final determination of changes will be made.

Dated: March 16, 2000.

Thomas E. Coleman

Assistant State Conservationist (Operations, Bismarck, North Dakota.

[FR Doc. 00–7398 Filed 3–24–00; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 000207031–0074–02]

RIN Number 0607–XX55

Manufacturers' Shipments, Inventories and Orders (M3) Supplement: Unfilled Orders Benchmark Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

SUMMARY: Notice is hereby given that the Bureau of the Census (Census Bureau) will conduct a survey, the Unfilled Orders Benchmark survey, to supplement the monthly Manufacturers' Shipments, Inventories, and Orders survey for 1999. The Census Bureau has determined that it needs to collect data covering unfilled orders in manufacturing. The data received from this supplement will provide the information necessary to benchmark the monthly estimates of unfilled orders in manufacturing.

FOR FURTHER INFORMATION CONTACT: Lee Wentela, Chief, Manufacturers' Shipments, Inventories, and Orders Branch, Manufacturing and Construction Division, on (301) 457–4832.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code, Sections 182, 224, and 225. The Unfilled Orders Benchmark survey will provide continuing and timely national statistical data for the period between the economic censuses. The next economic census will occur in 2002. Data collected in this survey will be within the general scope, type, and character of those inquiries covered in the economic census.

This survey is a supplement to the Manufacturers' Shipments, Inventories, and Orders survey and will request end-of-year unfilled orders and annual sales data for 1999. The unfilled orders series is an important indicator of economic activity and has significant application to the needs of the public and industry. These data are not available from nongovernmental or other governmental sources.

The survey will require a selected sample of manufacturing companies, classified in industries for which unfilled orders are normally maintained longer than one month, to report in the 1999 Unfilled Orders Benchmark survey. We will furnish report forms and instruction manuals to the firms covered by this survey and will require their submissions within 45 days after receipt. The resulting unfilled orders estimates will be used to revise the levels currently being published for the monthly survey and will improve the accuracy of the data. The current estimates are based on a small sample and are subject to error. The survey is especially critical because of the conversion to the new North American Industry Classification System.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current valid Office of Management and

Budget (OMB) control number. In accordance with the PRA, 44 United States Code, Chapter 35, the OMB approved the 1999 Unfilled Orders Benchmark survey under OMB Control Number 0607–0868. We will furnish report forms to companies included in the survey, and additional copies are available on written request to the Director, U.S. Census Bureau, Washington, DC 20233–0101.

Based on the foregoing, I have directed that a survey be conducted for the purpose of collecting these data.

Dated: March 21, 2000.

Kenneth Prewitt,

Director, Bureau of the Census.

[FR Doc. 00–7443 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities: Proposed Collection Comment Request

TITLE: Internet Export Finance Matchmaker.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 26, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms, Clearance Officer, (202) 482–3272, Email *Lengelme@doc.gov.,* Department of Commerce, Room 5027, 14th & Constitution Avenue, NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: John Shuman, Office of Finance, Room 1800. The U.S. Department of Commerce, 14th & Constitution Ave., NW, Washington, D.C. 20230; Phone number: (202) 482–3277.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Office of Finance assists U.S. firms in identifying trade finance opportunities and promotes the competitiveness of U.S. financial services in international trade. The Office of Finance interacts with private financial institutions in insurance, banking, leasing, factoring, barter, and counter trade; U.S. financing agencies, such as the Export-Import Bank and the Overseas Private Investment Corporation; and multilateral development banks, such as the World Bank, Asian Development Bank, and others. To facilitate contact between exporters and financial institutions, the Office of Finance is developing an interactive INTERNET trade finance match-making program to link exporters seeking trade finance with banks and other financial institutions. The information collected from financial institutions regarding the trade finance products and services they offer will be compiled into a database. An exporter will be able to electronically submit a one page form identifying the potential export transaction and type of financing requested. This information will be electronically matched with the financial institution(s) that meet the requirements of the exporter. After a match has been made, a message will be electronically sent to both the exporter and the financial institution containing information about the match, and contact information for either party to initiate communication. This program is designed to implement the Department of Commerce's goal of improving access to trade financing for small business exporters.

II. Method of Collection

Electronic submission to the International Trade Administration, Office of Finance.

III. Data

OMB Number: 0625–0232.
Form Number: N/A.
Type of Review: Regular Submission.
Affected Public: Business or other for profit.
Estimated Number of Respondents: 2,000.
Estimated Time Per Response: Exporters: 10 minutes, Financial Institution: 30 minutes.
Estimated Total Annual Burden Hours: 350 hours.
Estimated Total Annual Costs: $21,000 (Government $8,750, Respondents $12,250).

IV. Request for Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and costs) 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 forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 21, 2000.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–7423 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Extension of Time Limit for Preliminary Results of Full Five-Year Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of full five-year (''sunset'') reviews.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of two full sunset reviews initiated on December 1, 1999 (64 FR 67247), covering an antidumping and countervailing duty order. Based on adequate responses from domestic and respondent interested parties, the Department of Commerce is conducting full sunset reviews to determine whether revocation of the antidumping duty order on aramid fiber formed of poly para-phenylene terephthalamide from the Netherlands and the countervailing duty order on grain-oriented electrical steel from Italy would be likely to lead to continuation or recurrence of dumping and countervailable subsidy, respectively. As a result of these extensions, the Department of Commerce intends to issue its preliminary results not later than June 19, 2000.

EFFECTIVE DATE: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW,

Washington, DC 20230; telephone: (202) 482–5050, or (202) 482–1560, respectively.

Extension of Preliminary Results

In accordance with section 751(c)(5)(C)(v) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''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). Because the sunset reviews at issue concern transition orders within the meaning of section 751(c)(6)(C)(i) and (ii) of the Act, the Department has determined that the sunset reviews of the following antidumping and countervailing duty orders are extraordinarily complicated:

A–421–805 Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands

C–475–812 Grain-Oriented Electrical Steel from Italy

Therefore, in accordance with section 751(c)(5)(B) of the Act, the Department is extending the time limit for completion of the preliminary results of these reviews until not later than June 19, 2000,

Dated: March 20, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–7382 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–803, A–570–803]

Bars and Wedges and Hammers and Sledges from the People's Republic of China; Corrected Preliminary Results of Full Sunset Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Correction to Preliminary Results of Full Sunset Reviews: Bars and Wedges and Hammers and Sledges from the People's Republic of China.

SUMMARY: On January 24, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of the full sunset reviews of the antidumping duty orders on bars and wedges and hammers and sledges from the People's Republic of China (''PRC'').[1] Subsequent to the publication of the preliminary results, we identified an inadvertent error in the Preliminary Results of Reviews section of the notice. Therefore, we are correcting and clarifying this inadvertent error.

The error lies in the last sentence of the next-to-last paragraph: ''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 26, 2000.'' This sentence should be replaced with: ''The Department will issue a notice of final results of these sunset reviews, which will include the results of its analysis of issues raised in any such comments, no later than May 26, 2000.''

EFFECTIVE DATE: March 27, 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 & Constitution Avenue, NW, Washington, DC 20230: telephone (202) 482–3207 and (202) 482–1560, respectively.

This correction is issued and published in accordance with sections 751(h) and 777(i) of the Act.

Dated: March 20, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–7383 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–701]

Brass Sheet and Strip from the Netherlands; Notice of Second Amended Final Results of Administrative Review in Accordance With Final Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 29, 1998, the U.S. Court of International Trade (the Court) affirmed the Department of Commerce's (the Department's) remand determination of the final results of the antidumping duty administrative review of brass sheet and strip from the Netherlands. No party has appealed this ruling. As there is now a final and conclusive court decision in this action, we are amending our final results.

EFFECTIVE DATE: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Jarrod Goldfeder, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4126 or (202) 482–2305, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1996, the Department published the final results of the third administrative review in Brass Sheet and Strip from the Netherlands (61 FR 1324) (*Brass Final*), covering the period of review (POR) August 1, 1990 through July 31, 1991. On February 12, 1996, the Department received timely allegations from the petitioners and the respondent that the Department had made certain ministerial errors in the *Brass Final* that affected the final dumping margin. Although the Department agreed that certain of the allegations constituted ministerial errors, the Department was unable to issue a determination correcting these errors before the petitioners filed a complaint with the Court challenging the *Brass Final*. Therefore, the Department requested leave from the Court to correct these errors and on August 1, 1996, the Court granted the Department's request. *See* August 1, 1996 Order, *Hussey Copper, Ltd.* v. *United States*, Ct. No. 96–02–00578 (CIT dismissed August 7, 1997). Accordingly, on June 19, 1997, the Department published amended final results (62 FR 33395) (*Amended Brass Final*).

In the original *Brass Final*, the U.S. sales database used to calculate the dumping margin included all entries made during the POR, regardless of date of sale. The respondent alleged that in addition to correcting the ministerial errors identified in the Court's August 1, 1996 order, in the *Amended Brass Final* the Department also excluded several purchase price (PP) transactions and one exporter's sales price (ESP) transaction that entered the United States during, but were sold prior to, the POR. Consequently, the respondent claimed that these changes reduced the number of transactions included in the database from 391 to 150 and increased the weighted-average dumping margin to 5.85%. The Department agreed that it should not have omitted these transactions from the U.S. sales database and requested that the Court remand the

[1] *See Preliminary Results of Full Sunset Reviews: Bars and Wedges and Hammers and Sledges from the People's Republic of China*, 65 FR 3658 (January 24, 2000).

case in order to reinstate the excluded transactions.

Given that the exclusion of transactions from the U.S. sales database used to calculate the dumping margin was neither requested by the parties pursuant to the first remand request nor authorized by the Court in its first remand order, the Court remanded the *Amended Brass Final. See Outokumpu Copper Strip, B.V.* v. *United States*, 15 F. Supp. 2d 806 (CIT 1998). On remand, the Court instructed the Department to recalculate the dumping margins by including in the U.S. sales database (1) all PP transactions of merchandise sold prior to the POR but entered during the POR, and (2) the ESP transaction omitted from the *Amended Brass Final*, and to issue new amended final results.

On September 29, 1998, the Court affirmed the Department's remand results, finding that the Department had complied with the Court's Remand by correcting the two ministerial errors and recalculating the dumping margin for Outokumpu Copper Rolled Products. *See Outokumpu Copper Strip, B.V.* v. *United States*, 24 F. Supp. 2d 318 (CIT 1998). The Court dismissed the case, given that all issues had been decided. No appeal has been filed in this case.

Amendment to Final Results of Review

Because there is now a final and conclusive decision in the court proceeding, effective as of the publication date of this notice, we are amending the *Amended Brass Final*, and establishing the following revised weighted-average dumping margin for the period August 1, 1990 through July 31, 1991:

Manufacturer/exporter	Weighted-average margin (percent)
Outokumpu Copper Rolled Products AB (OBV)	2.03

As the assessment rate is the same as the weighted-average dumping margin, the Department will instruct the United States Customs Service to assess the revised antidumping duty on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Dated: March 20, 2000.

Richard Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–7492 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–804]

Cold-Rolled Carbon Steel Flat Products From the Netherlands; Preliminary Results of Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Full Sunset Review: Cold-Rolled Carbon Steel Flat Products from the Netherlands.

SUMMARY: On September 1, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on cold-rolled carbon steel flat products from the Netherlands (64 FR 47767) 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 responses 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: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick 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, D.C. 20230; telephone: (202) 482–1930 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR Part 351 (1999). 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 September 1, 1999, the Department initiated a sunset review of the antidumping duty order on cold-rolled carbon steel flat products from the Netherlands (64 FR 47767), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of the Bethlehem Steel Corporation, U.S. Steel Group, a unit of USX Corporation, Ispat Inland, Inc., LTV Steel Company, Inc., and National Steel Company (collectively, ''domestic interested parties''), within the applicable deadline (September 15, 1999) specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. On October 1, 1999, Hoogovens Stal BV (''HSBV'') and Hoogovens Steel USA, Inc. (''HS-USA'') (together, ''Hoogovens'') notified the Department that it intended to participate in this review as a respondent interested party. Domestic interested parties claimed interested-party status under section 771(9)(C) of the Act, as U.S. producers of a domestic like product; Hoogovens is an interested party pursuant to section 771(9)(A) of the Act, as a foreign producer and exporter of subject merchandise.

On September 24, 1999, we received a request for an extension to file rebuttal comments from domestic interested parties.[1] Pursuant to 19 CFR 351.302(b), the Department extended the deadline for all participants eligible to file rebuttal comments until October 15, 1999.[2] On October 1, 1999, we received a timely and complete substantive response from domestic interested parties, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i), as well as from Hoogovens. On October 15, 1999, we received rebuttal comments from domestic interested parties and Hoogovens. On October 20, 1999, pursuant to 19 CFR 351.218 (e)(1)(ii)(A), the Department determined to conduct a full (240-day) sunset review of this order.[3]

[1] *See* September 24, 1999, Request for an Extension to File Rebuttal Comments in the Sunset Reviews of Antidumping and Countervailing Duty Orders: A–602–803; A–351–817; C–351–818, A–122–822, A–122–823, A–405-802, A–588–826, A–421–804, A–455–802, A–485–803, C–401–401, C–401–804, C–401–805, from Valerie S. Schindler, Skadden, Arps, Slate, Meagher & Flom LLP, to Jeffrey A. May, Office of Policy.

[2] *See* September 30, 1999, Letter from Jeffrey A. May, Director, Office of Policy to Valerie S. Schindler, Skadden, Arps, Slate, Meagher & Flom LLP.

[3] *See* October 20, 1999, Memorandum for Jeffrey A. May, Re: Certain Cold-Rolled Carbon Steel Flat

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(C)(ii) of the Act. Accordingly, on December 22, 1999, the Department determined that the sunset review of cold-rolled carbon steel flat products is extraordinarily complicated, and extended the time limit for completion of the preliminary results of this review until not later than March 20, 2000, in accordance with section 751(c)(5)(B) of the Act.[4]

Scope of Review

The products covered by this order include cold-rolled (cold-reduced) carbon steel flat-rolled products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (''HTS'') under item numbers 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0090, 7209.17.0030, 7209.17.0060, 7209.17.0090, 7209.18.1530, 7209.18.1560, 7209.18.2550, 7209.18.6000, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6085, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7215.50.0015, 7215.50.0060, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, and 7217.90.5090.

Included in this order are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded from this order is certain shadow mask steel, i.e., aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra-flat, isotropic surface. These HTS item numbers are provided for convenience and customs purposes. The written description of the scope of this order 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. La Russa, Assistant Secretary for Import Administration, dated March 20, 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 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 the Central Records Unit, room B–099, of the main Commerce building.

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/. The paper copy and electronic version of the Decision Memo are identical in content.

Preliminary Results of Review

We preliminarily determine that revocation of the antidumping duty order on cold-rolled carbon steel flat products from the Netherlands would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Margins (percent)
Hoogovens	7.96
All Others	7.96

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 May 17, 2000, in accordance with 19 CFR 351.310(d). Interested parties may submit case briefs no later than May 8, 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 May 15, 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 July 27, 2000, in accordance with section 751(c)(5)(B) of the Act.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: March 20, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–7387 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DS–P

Products from the Netherlands; Adequacy of Respondent Interested Party Response to the Notice of Initiation.

[4] *See Extension of Time Limit for Preliminary Results of Full Five-Year Reviews,* 64 FR 71726 (December 22, 1999).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–826]

Corrosion-Resistant Carbon Steel Flat Products From Japan; Preliminary Results of Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of full sunset review: Corrosion-resistant carbon steel flat products from Japan.

SUMMARY: On September 1, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on corrosion-resistant carbon steel flat products from Japan (64 FR 47767) 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 responses 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: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick 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) 482–1930 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR part 351 (1999). 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 September 1, 1999, the Department initiated a sunset review of the antidumping duty order on Japanese corrosion-resistant carbon steel flat products (64 FR 47767), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of the Bethlehem Steel Corporation and U.S. Steel Group, a unit of USX Corporation (''domestic interested parties''), within the applicable deadline (September 15, 1999) specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. On October 1, 1999, respondent interested party Nippon Steel Corporation (''NSC'') notified the Department that it intended to participate in this review. Domestic interested parties claimed interested-party status under section 771(9)(C) of the Act, as the U.S. producers of a domestic like product; NSC is an interested party pursuant to section 771(9)(A) of the Act as a foreign producer and exporter of subject merchandise.

On September 24, 1999, we received a request for an extension to file rebuttal comments from domestic interested parties.[1] Pursuant to 19 CFR 351.302(b)(1999), the Department extended the deadline for all participants eligible to file rebuttal comments until October 15, 1999.[2] On October 1, 1999, we received a complete substantive response from domestic interested parties, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). On October 1, 1999, we received a complete substantive response from NSC. The Department received rebuttal comments from domestic interested parties and NSC, on October 15, 1999, and October 12, 1999, respectively. On October 20, 1999, pursuant to 19 CFR 351.218 (e)(2), the Department determined to conduct a full (240-day) sunset review of this order.[3]

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(C)(ii) of the Act. Accordingly, on December 22, 1999, the Department determined that the sunset review of corrosion-resistant carbon steel flat products from Japan is extraordinarily complicated, and extended the time limit for completion of the preliminary results of this review until not later than March 20, 2000, in accordance with section 751(c)(5)(B) of the Act.[4]

Scope of Order

These products include flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel-or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or, if of a thickness of 4.75 millimeters or more, are of a width which exceeds 150 millimeters and measures at least twice the thickness.[5] as currently classifiable in the Harmonized Tariff Schedule (''HTS'') under item numbers: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, and 7217.90.5090.

Included in this order are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'')—for example, products which have been bevelled or rounded at the edges.

Excluded from order are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and chromium oxides (''tin-free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from these investigations are clad products in straight lengths of 0.1874 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded are certain clad stainless flat-rolled products which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.74 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20–60–20 percent ratio. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Also excluded are certain corrosion-resistant carbon steel flat products meeting the following specifications: (1) Widths ranging from 10 millimeters (0.394 inches) through 100 millimeters (3.94 inches); (2) thicknesses, including coatings, ranging from 0.11 millimeters (0.004 inches) through 0.60 millimeters (0.024 inches); and (3) a coating that is

[1] *See* September 24, 1999, Request for an Extension to File Rebuttal Comments in the Sunset Reviews of Antidumping and Countervailing Duty Orders: A–602–803; A–351–817; C–351–818, A–122–822, A–122–823, A–405–802, A–588–826, A–421–804, A–455–802, A–485–803, C–401–401, C–401–804, C–401–805, from Valerie S. Schindler, Skadden, Arps, Slate, Meagher & Flom LLP, to Jeffrey A. May, Office of Policy.

[2] *See* September 30, 1999, Letter from Jeffrey A. May, Director, Office of Policy to Valerie S. Schindler, Skadden, Arps, Slate, Meagher & Flom LLP.

[3] *See* October 20, 1999, Memoranda for Jeffrey A. May, Re: Certain Corrosion-Resistant Carbon Steel Flat Products from Japan; Adequacy of Respondent Interested Party Response to the Notice of Initiation.

[4] *See Extension of Time Limit for Preliminary Results of Full Five-Year Reviews,* 64 FR 71726 (December 22, 1999).

[5] *See Certain Corrosion-Resistant Carbon Steel Flat Products from Japan: Preliminary Results of Antidumping Duty Administrative Review,* 64 FR 44483 (August 16, 1999).

from 0.003 millimeters (0.00012 inches) through 0.005 millimeters (0.000196 inches) in thickness and that is comprised of either two evenly applied layers, the first layer consisting of 99 percent zinc, 0.5 percent cobalt, and 0.5 percent molybdenum followed by a layer consisting of chromate, and finally, a layer consisting of silicate.

There have been three changed circumstances administrative reviews. On December 22, 1997, the Department published the final results of a changed circumstances review requested by Sudo Corporation.[6] In this review, the Department revoked the antidumping duty order with regard to certain electrolytic zinc-coated steel coiled rolls from Japan.

In the second changed circumstances review, requested by Uchiyama, the Department revoked the antidumping duty order with regard to certain corrosion-resistant carbon steel flat products used in the manufacture of rubber seals and metal inserts for ball bearings.[7]

The Department completed a third changed circumstances review, requested by Taiho Corporation of America, in which it determined to revoke the order with respect to (1) certain products meeting the requirements of SAE standard 792 for Bearing and Bushing Alloys, and (2) certain products meeting the requirements of SAE standard 783 for Bearing and Bushing Alloys.[8]

There has been one circumvention inquiry initiated regarding this proceeding. On October 30, 1998, the Department initiated an anticircumvention inquiry regarding boron-added corrosion-resistant carbon steel flat products from Japan.[9] The inquiry was subsequently enjoined by the Court of International Trade in *Nippon Steel* v. *United States,* Ct. No. 98–10–03102 (Ct. Int'l Trade). The case is now pending before the Court of Appeals for the Federal Circuit, No. 99–1379, 1386 (Fed. Cir.).

The Department has conducted one scope ruling at the request of Drive Automotive Industries of America, Inc. (''Drive Automotive''). On February 24, 1998, the Department found that steel coils imported by Drive Automotive and having a thickness of 0.8 mm and a width of 2000 mm, electrolytically coated with zinc, were within the scope of the order (63 FR 29700, June 1, 1998).

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. La Russa, Assistant Secretary for Import Administration, dated March 20, 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 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 the Central Records Unit, room B–099, of the main Commerce building.

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. The paper copy and electronic version of the Decision Memo are identical in content.

Preliminary Results of Review

We preliminarily determine that revocation of the antidumping duty order on corrosion-resistant carbon steel flat products from Japan would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Margin (percent)
Nippon Steel Corporation	36.41
Kawasaki Steel Corporation	36.41
All Others	36.41

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 May 17, 2000, in accordance with 19 CFR 351.310(d). Interested parties may submit case briefs no later than May 8, 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 May 15, 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 July 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: March 20, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–7386 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See Certain Corrosion-Resistant Carbon Steel Flat Products from Japan: Final Results of Change Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Duty Order,* 62 FR 66848 (December 22, 1997).

[7] *See Certain Corrosion-Resistant Carbon Steel Flat Products from Japan: Final Results of Change Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Duty Order,* 64 FR 14861 (March 29, 1999).

[8] *See Certain Corrosion-Resistant Carbon Steel Flat Products from Japan: Final Results of Change Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Duty Order,* 64 FR 57032 (October 22, 1999).

[9] *See Corrosion-Resistant Carbon Steel Flat Products from Japan; Initiation of Anticircumvention Inquiry on Antidumping Duty Order,* 63 FR 58364 (October 30, 1998).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–803]

Cut-to-Length Carbon Steel Plate From Romania; Preliminary Results of Full Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Full Sunset Review: Cut-to-Length Carbon Steel Plate from Romania.

SUMMARY: On September 1, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on cut-to-length carbon steel plate from Romania (64 FR 47767) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of notices of intent to participate and adequate substantive responses 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: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick 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) 482–1930 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''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 September 1, 1999, the Department initiated a sunset review of the antidumping duty order on cut-to-length carbon steel plate from Romania (64 FR 47767), pursuant to section 751(c) of the Act. The Department received a notice of intent to participate on behalf of the Bethlehem Steel Corporation and U.S. Steel Corporation, a unit of USX Corporation (''domestic interested parties''), within the applicable deadline (September 15, 1999) specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. On October 4, 1999, Sidex, S.A. (''Sidex'') notified the Department that it intended to participate in this review as a respondent interested party. Domestic interested parties claimed interested-party status under section 771(9)(C) of the Act, as U.S. producers of a domestic like product; Sidex is an interested party pursuant to section 771(9)(A) of the Act, as a foreign producer and exporter of subject merchandise.

On September 24, 1999, we received a request for an extension to file rebuttal comments from domestic interested parties.[1] Pursuant to 19 CFR 351.302(b)(1999), the Department extended the deadline for all participants eligible to file rebuttal comments until October 15, 1999.[2] On October 1, 1999, we received a complete substantive response from domestic interested parties, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i), and a complete substantive response from Sidex. On October 15, 1999, we received rebuttal comments from domestic interested parties. On October 21, 1999, pursuant to 19 CFR 351.218(e)(1)(ii)(A), the Department determined to conduct a full (240-day) sunset review of this order.[3]

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(C)(ii) of the Act. Accordingly, on December 22, 1999, the Department determined that the sunset review of cut-to-length carbon steel flat plate is extraordinarily complicated, and extended the time limit for completion of the preliminary results of this review until not later than March 20, 2000, in accordance with section 751(c)(5)(B) of the Act.[4]

Scope of Review

These products include hot-rolled carbon steel universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (''HTS'') under item numbers: 7208.31.0000, 7208.32.0000, 7208.33.1000. 7208.33.5000, 7208.41.0000, 7208.42.0000, 7208.43.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.11.0000, 7211.12.0000, 7211.21.0000, 7211.22.0045, 7211.90.1000, 7212.40.1000, 7212.50.0000, and 7212.50.5000. Included in this order are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded from this order is grade X–70 plate. These HTS item numbers are 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. La Russa, Assistant Secretary for Import Administration, dated March 20, 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 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 the Central Records Unit, room B–099, of the main Commerce building.

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. The paper copy and electronic version of the Decision Memo are identical in content.

Preliminary Results of Review

We preliminarily determine that revocation of the antidumping duty order on cut-to-length carbon steel plate from Romania would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Margin (percent)
Metalexportimport, S.A.	75.04
All Others	75.04

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,

[1] *See* September 24, 1999, Request for an Extension to File Rebuttal Comments in the Sunset Reviews of Antidumping and Countervailing Duty Orders: A–602–803; A–351–817; C–351–818, A–122–822, A–122–823, A–405–802, A–588–826, A–421–804, A–455–802, A–485–803, C–401–401, C–401–804, C–401–805, from Valerie S. Schindler, Skadden, Arps, Slate, Meagher & Flom LLP, to Jeffrey A. May, Office of Policy.

[2] *See* September 30, 1999, Letter from Jeffrey A. May, Director, Office of Policy to Valerie S. Schindler, Skadden, Arps, Slate, Meagher & Flom LLP.

[3] *See* October 21, 1999, Memoranda for Jeffrey A. May, Re: Certain Cut-to-Length Carbon Steel Plate from Romania; Adequacy of Respondent Interested Party Response to the Notice of Initiation.

[4] *See Extension of Time Limit for Preliminary Results of Full Five-Year Reviews*, 64 FR 71726 (December 22, 1999).

will be held on May 17, 2000, in accordance with 19 CFR 351.310(d). Interested parties may submit case briefs no later than May 8, 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 May 15, 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 July 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: March 20, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–7385 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–859, A–557–810, A–533–819, A–549–816]

Initiation of Antidumping Duty Investigations: Steel Wire Rope From India, Malaysia, the People's Republic of China, and Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Abdelali Elouaradia or Gabriel Adler at (202) 482–0498 and (202) 482–1442, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Initiation of Investigations

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR part 351 (1999).

The Petitions

On March 1, 2000, the Department of Commerce (the Department) received petitions filed in proper form by the Committee of Domestic Steel Wire Rope and Speciality Cable Manufacturers (the petitioner). The Department received information supplementing the petitions throughout the initiation period.

In accordance with section 732(b) of the Act, the petitioner alleges that imports of steel wire rope from India, Malaysia, the People's Republic of China (China), and Thailand are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring an industry in the United States.

The Department finds that the petitioner filed these petitions on behalf of the domestic industry because it is an interested party as defined in sections 771(9)(C) and (D) of the Act and has demonstrated sufficient industry support with respect to each of the antidumping investigations that it is requesting the Department to initiate (*see Determination of Industry Support for the Petitions* below).

Scope of Investigations

For purposes of these investigations, the product covered is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon or stainless steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass-plated wire. Imports of these products are currently classifiable under subheadings: 7312.10.6030, 7312.10.6060, 7312.10.9030, 7312.10.9060, and 7312.10.9090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although HTSUS subheadings are provided for convenience and Customs Service purposes, the written description of the scope of this investigation is dispositive.

During our review of the petitions, we discussed the scope with the petitioner to ensure that it accurately reflects the product for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations (62 FR 27323), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments by April 7, 2000. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determinations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product, and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.[1]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The domestic like product referred to in the petitions is the single domestic like product defined in the ''Scope of Investigations'' section, above. No party has commented on the petition's definition of domestic like product, and there is nothing on the record to

[1] *See Algoma Steel Corp. Ltd.,* v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

indicate that this definition is inaccurate. The Department, therefore, has adopted the domestic like product definition set forth in the petitions.

Moreover, the Department has determined that the petitions contain adequate evidence of industry support; therefore, polling is unnecessary (*see Initiation Checklist*, dated March 16, 2000 (*Initiation Checklist*), at Attachment Re: Industry Support). For all four countries covered by the petitions, the petitioner established industry support representing over 50 percent of total production of the domestic like product. Accordingly, the Department determines that these petitions are filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which the Department based its decision to initiate these investigations. The petitioner, in determining normal value (NV) for India, Malaysia and Thailand, relied upon price data contained in confidential market research reports filed with the Department. At the Department's request, the petitioner arranged for the Department to contact the author of the reports to verify the accuracy of the data, the methodology used to collect the data, and the credentials of those gathering the market research. The Department's discussions with the author of the market research reports are summarized in the *Initiation Checklist.* The sources of data for the deductions and adjustments relating to home market price, U.S. price, and factors of production are also discussed in the Initiation Checklist. Should the need arise to use any of this information as facts available under section 776 of the Act in our preliminary or final determinations, we may re-examine the information and revise the margin calculations, if appropriate.

China

Export Price

The petitioner identified Fasten Bloc. Company (Fasten), Jiangying Wire Rope Plant, Qingdao Steel Wire Rope Plant, Tianjin Wire Rope Factory, Ningxia Shizuishan Steel Plant, Liaoning Metals & Minerals Import and Export Corp, Guizhou Steel Union Metal Limited, Anshan Iron and Steel Company, Wuxi Steel Wire Rope Factory and Sichuan Steel Wire Rope Plant as the major producers and exporters of subject merchandise in China.

The petitioner determined export price (EP) using two different methods. It first calculated EP based on the import average unit value (AUV) for the ten-digit category of the HTSUS (*i.e.*, 7132.10.9030) accounting for the largest volume of in-scope imports from China in 1999. For this HTSUS subheading, the petitioner calculated the AUV using the reported quantity and customs value for imports as recorded in the U.S. Bureau of the Census' IM–146 import statistics for the month of December 1999. The petitioner made a deduction for estimated inland freight charges incurred in moving the subject merchandise from the Chinese plant to the closest port of export.

Second, the petitioner based EP on contemporaneous offers for sale made by Fasten to a U.S. unaffiliated purchaser for seven specific wire rope products, provided through an affidavit. This information was obtained from industry sources in the United States. The petitioner calculated a net U.S. price for each sale by subtracting, where appropriate, estimated international freight and insurance, foreign inland freight, U.S. customs duties, and merchandise processing and harbor maintenance fees.

Normal Value

The petitioner asserts that the Department considers China to be a non-market economy country (NME), and constructed NV based on the factors of production (FOP) methodology pursuant to section 773(c) of the Act. In previous cases, the Department has determined that China is an NME. *See, e.g., Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China,* 64 FR 5770, 5773 (February 5, 1999). In accordance with section 771(18)(C)(i) of the Act, the NME status remains in effect until revoked by the Department. The NME status of China has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, the NV of the product appropriately is based on FOP valued in a surrogate market economy country in accordance with section 773(c) of the Act. In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of China's NME status and the granting of separate rates to individual exporters.

For the NV calculation, the petitioner based the FOP, as defined by section 773(c)(3) of the Act (raw materials, labor, and energy), for steel wire rope on the quantities of inputs used by petitioning companies. The petitioner asserted that detailed information was not available regarding the quantities of inputs used by steel wire rope producers in China. It assumed, for purposes of the petition, that the main producer in China (Fasten) uses the same inputs in the same quantities as the petitioner's most similar plant based on plant facilities and equipment. Based on the information provided by the petitioner, we believe that the adjusted FOP represent information reasonably available to the petitioner and is appropriate for purposes of initiation of this investigation.

In accordance with section 773(c)(4) of the Act, the petitioner valued FOP, where possible, on reasonably available, public surrogate country data. Citing past Department practice, the petitioner used India as the surrogate country. Input and packing materials were valued based on India's import values, as published in the *Monthly Statistics of the Foreign Trade of India.* Labor was valued using the regression-based wage rate for China, in accordance with 19 CFR 351.408(c)(3). Electricity was valued using the rate for India published in the International Energy Agency's *Energy Prices and Taxes Quarterly Statistics.* The petitioner conservatively did not include a value for natural gas. For overhead, SG&A and profit, the petitioner applied rates derived from the public annual report of an Indian producer of subject merchandise, Tata Iron and Steel Company.

Based on comparisons of EP to NV, calculated in accordance with section 773(c) of the Act, the estimated dumping margins for steel wire rope from China range from 5 percent to 58 percent.

India

Export Price

The petitioner used two different methods to determine EP for India. First, the petitioner submitted an Indian producer's offer for sale of two specific wire rope products in the United States. The petitioner calculated an ex-factory U.S. price for each sale by subtracting from each price quote, where appropriate, movement related charges, specifically foreign inland freight, international freight and insurance, U.S. import duties, merchandise processing fees, and harbor maintenance fees.

Second, the petitioner calculated EP using AUV data for the following HTSUS: 7312.10.9090 and 7312.10.9060. The petitioner calculated the AUV using the reported quantity and customs value for imports as recorded in the U.S. Bureau of the

Census' IM–146 import statistics for the month of December 1999. Deductions were made for foreign inland freight charges incurred in moving the subject merchandise from the plant in India to the closest port of export.

Normal Value

The petitioner identified Usha Martin Industries Limited, Mohatta & Heckel Ltd., Bombay Wire Ropes Limited, Bharat Wire Ropes Ltd., Asahi Steel Industries Ltd., Wellworth Wire Ropes Pvt. Ltd., and Davangere Wire Rope Industry Pvt. Ltd. as the producers accounting for almost all steel wire rope production in India. NV was based on actual price quotes from several Indian manufacturers to a customer in India for specific wire rope products. This information was obtained principally through the foreign market researcher. The price quotes are provided on an ex-factory basis, exclusive of all taxes. The petitioner subtracted estimated foreign packing costs and added estimated U.S. packing costs to the price quotes.

Based on comparisons of EP to NV, calculated in accordance with section 773(a) of the Act, the estimated dumping margins for steel wire rope from India range from 59 percent to 142 percent.

Malaysia

Export Price

The petitioner based export price on AUV data, using the reported quantity and customs value for imports as recorded in the U.S. Bureau of the Census' IM–146 import statistics for the following ten-digit categories of the HTSUS: 7312.10.9030, 7312.10.9060 and 7312.10.9090. The petitioner used the AUV data from the month of December 1999. The petitioner conservatively did not make any deductions for movement expenses.

Normal Value

The petitioner identified KISWIRE SDN. BHD (KISWIRE), Southern Wire Industries SDN. BHD. (Southern Wire) and Berjaya Kawat Manufacturing SDN. BHD. as the producers accounting for almost all steel wire rope production in Malaysia. NV is based on Malaysian home market price quotes. The foreign market researcher obtained prices offered by Malaysian distributors to unrelated customers. Since the price quotes came from distributors, the petitioner made a deduction for the estimated distributors' mark-up. Additionally, the petitioner subtracted estimated home market packing expenses and added estimated U.S. packing expenses to calculate net price.

Based on comparisons of EP to NV, calculated in accordance with section 773(a) of the Act, the estimated dumping margins for steel wire rope from Malaysia range from 11 percent to 63 percent.

Thailand

Export Price

The petitioner based export price on AUV data, using the reported quantity and customs value for imports as recorded in the U.S. Bureau of the Census' IM–146 import statistics for the following ten-digit categories of the HTSUS: 7312.10.9030 and 7312.10.9060. The petitioner used the information from the month of December 1999. The petitioner conservatively did not make any deductions for movement expenses.

Normal Value

The petitioner identified Usha Siam Steel Industries Public Co., Ltd. (Usha Siam); Lee Thai Mui 1991 Co., Ltd. (Lee Thai Mui); Jinyang Wire Rope (Thailand) Co., Ltd.; Thai Steel Cable Co., Ltd.; Thai Wire Products Pcl, and Steel Processing (Thailand) Co., Ltd. as the producers which account for almost all steel wire rope production in Thailand. The foreign market researcher obtained five prices quotes for sale offers to unrelated customers in Thailand. The petitioner calculated net prices for sales in Thailand by subtracting estimated home market packing expenses and adding estimated U.S. packing expenses.

Based on comparisons of EP to NV, calculated in accordance with section 773(a) of the Act, the estimated dumping margins for steel wire rope from Thailand range from 49 percent to 69 percent.

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of steel wire rope from China, India, Malaysia and Thailand are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petitions allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than NV. The petitioner contends that the industry's injured condition is evident in the declining trends in net operating profits, net sales volumes, profit to sales ratios, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. We have assessed the allegations and supporting evidence regarding material injury and causation, and have determined that these allegations are properly supported by accurate and adequate evidence and meet the statutory requirements for initiation (*see Initiation Checklist* at Attachment Re: Material Injury).

Initiation of Antidumping Investigations

Based upon our examination of the petitions on steel wire rope, we have found that the petitions meet the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of steel wire rope from China, India, Malaysia and Thailand are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of China, India, Malaysia and Thailand. We will attempt to provide a copy of the public version of each petition to each exporter named in the petition, as appropriate.

International Trade Commission Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine, no later than April 17, 2000, whether there is a reasonable indication that imports of certain steel wire rope products from China, India, Malaysia and Thailand are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 777(i) of the Act.

Dated: March 17, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–7384 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–428–817]

Certain Corrosion-Resistant Carbon Steel Flat Products; Cold-Rolled Carbon Steel Flat Products; and Cut-to-Length Carbon Steel Plate Products From Germany; Preliminary Results of Full Sunset Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce

ACTION: Notice of preliminary results of full sunset reviews: Certain corrosion-resistant carbon steel flat products; cold-rolled carbon steel flat products; and cut-to-length carbon steel plate products from Germany.

SUMMARY: On September 1, 1999, the Department of Commerce (''the Department'') initiated sunset reviews of the countervailing duty orders on certain corrosion-resistant carbon steel flat products, cold-rolled carbon steel flat products, and cut-to-length carbon steel plate products (collectively the ''steel products'') from Germany (64 FR 47767) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of notices of intent to participate filed on behalf of domestic interested parties and substantive responses filed on behalf of domestic and respondent interested parties, the Department is conducting full (240-day) sunset 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 countervailing subsidies at the levels indicated in the Preliminary Results of Review section of this notice.

EFFECTIVE DATE: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Eun W. Cho 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) 482–1698 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department 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 September 1, 1999, the Department initiated sunset reviews of the countervailing duty orders on the steel products from Germany (64 FR 47767). We invited parties to comment. On the basis of notices of intent to participate filed on behalf of domestic interested parties and substantive responses filed on behalf of domestic and respondent interested parties, the Department is conducting full (240-day) sunset reviews. The Department is conducting these sunset reviews in accordance with sections 751 and 752 of the Act.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). These reviews concern transition orders within the meaning of section 751(c)(6)(C)(i) of the Act. Therefore, on December 22, 1999, the Department determined that the sunset reviews of the countervailing duty orders on the steel products from Germany are extraordinarily complicated and extended the time limit for completion of the preliminary results of these reviews until not later than March 19, 2000, in accordance with section 751(c)(5)(B) of the Act.[1]

Scope of Review

The products covered by these reviews are certain corrosion-resistant carbon steel flat products, cold-rolled carbon steel flat products, and cut-to-length steel plate products from Germany.

(1) *Certain corrosion-resistant carbon steel flat products:* The scope of countervailing duty order of certain corrosion-resistant carbon steel flat products (''corrosion-resistant'') includes flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (''HTS'') under item numbers 7210.31.0000, 7210.39.0000, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.60.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.32.5000, 7217.33.5000, 7217.39.1000, and 7217.39.5000. Included in this scope are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been worked after rolling)—for example, products which have been bevelled or rounded at the edges. Excluded from this scope are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and chromium oxides (''tin-free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this scope are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this scope are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a ''20 percent–60 percent–20 percent'' ratio.

[1] See Extension of Time Limit for Preliminary Results of Full Five-Year Reviews, 64 FR 71726 (December 22, 1999).

On September 22, 1999, the Department issued the final results of a changed circumstances review and revoked the order with respect to certain corrosion-resistant steel.[2]

(2) *Certain cold-rolled carbon steel flat products:* The scope of countervailing duty order of certain cold-rolled carbon steel flat products includes cold-rolled (cold-reduced) carbon steel flat-rolled products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (''HTS'') under item numbers 7209.11.0000, 7209.12.0030, 7209.12.0090, 7209.13.0030, 7209.13.0090, 7209.14.0030, 7209.14.0090, 7209.21.0000, 7209.22.0000, 7209.23.0000, 7209.24.1000, 7209.24.5000, 7209.31.0000, 7209.32.0000, 7209.33.0000, 7209.34.0000, 7209.41.0000, 7209.42.0000, 7209.43.0000, 7209.44.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.30.1030, 7211.30.1090, 7211.30.3000, 7211.30.5000, 7211.41.1000, 7211.41.3030, 7211.41.3090, 7211.41.5000, 7211.41.7030, 7211.41.7060, 7211.41.7090, 7211.49.1030, 7211.49.1090, 7211.49.3000, 7211.49.5030, 7211.49.5060, 7211.49.5090, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7217.11.1000, 7217.11.2000, 7217.11.3000, 7217.19.1000, 7217.19.5000, 7217.21.1000, 7217.29.1000, 7217.29.5000, 7217.31.1000, 7217.39.1000, and 7217.39.5000. Included in this scope are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been worked after rolling)—for example, products which have been bevelled or rounded at the edges. Excluded from this scope is certain shadow mask steel; *i.e.*, aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface.

(3) *Certain cut-to-length carbon steel plate products:* The scope of countervailing duty order on certain cut-to-length carbon steel plate products (''cut-to-length steel'') includes hot-rolled carbon steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (''HTS'') under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been worked after rolling) for example, products which have been bevelled or rounded at the edges. Excluded is grade X–70 plate.

On August 25, 1999, the Department issued the final results of a changed-circumstances review revoking the order in part, with respect to certain carbon cut-to-length steel plate with a maximum thickness of 80 mm in steel grades BS 7191, 355 EM and 355 EMZ, as amended by Sable Offshore Energy Project Specification XB MOO Y 15 0001, types 1 and 2.[3]

The HTS item numbers are provided for convenience and custom purposes. The written description remains dispositive.

Analysis of Comments Received

All issues raised in substantive responses and rebuttals 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 Richard W. Moreland, Acting Assistant Secretary for Import Administration, dated March 20, 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 countervailable subsidy, the net countervailable subsidy likely to prevail were the order 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, the Central Records Unit, of the Main Commerce building.

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. The paper copy and electronic version of the Decision Memo are identical in content.

Preliminary Results of Review

We preliminarily determine that revocation of the countervailing duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy at the following net subsidy rates.

Manufacturer/exporters	Margin (percent)
Corrosion-resistant carbon steel flat products: Country-wide rate	0.54

[2] See Notice of Final Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews and Revocation of Orders in Part: Certain Corrosion-Resistant Carbon Steel Flat Products From Germany, 64 FR 51292 (September 22, 1999). The Department noted that the affirmative statement of no interest by petitioners, combined with the lack of comments from interested parties, is sufficient to warrant partial revocation. This partial revocation applies to certain corrosion-resistant deep-drawing carbon steel strip, roll-clad on both sides with aluminum (AlSi) foils in accordance with St3 LG as to EN 10139/10140. The merchandise's chemical composition encompasses a core material of U St 23 (continuous casting) in which carbon is less than 0.08 percent; manganese is less than 0.30 percent; phosphorous is less than 0.20 percent; sulfur is less than 0.015 percent; aluminum is less than 0.01 percent; and the cladding material is a minimum of 99 percent aluminum with silicon/copper/iron of less than 1 percent. The products are in strips with thicknesses of 0.07mm to 4.0mm (inclusive) and widths of 5mm to 800mm (inclusive). The thickness ratio of aluminum on either side of steel may range from 3 percent/94 percent/3 percent to 10 percent/80 percent/10 percent.

[3] See Certain Cut-to-Length Carbon Steel Plate from Finland, Germany, and United Kingdom: Final Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews, and Revocation of Orders in Part, 64 FR 46343 (August 25, 1999).

Manufacturer/exporters	Margin (percent)
Cold-rolled carbon steel flat products: Country-wide rate ..	0.55
Cut-to-length steel plate products:	
Salzgitter	1.62
TKS	0.51
Country-wide (Dillinger)	14.84

Although the programs included in our calculation of the net countervailable subsidy likely to prevail if the orders were revoked do not fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement, they may be subsidies described in Article 6, if the net countervailable subsidy exceeds five 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. Moreover, we note that as of January 1, 2000, Article 6.1 has ceased to apply (see Article 31 of the Subsidies Agreement). As such, we are providing the Commission the following program descriptions:

Capital Investment Grants: This non-recurring program provided grants to reimburse a certain percentage of acquisition-cost of assets purchased or produced after July 1981 but prior to January 1986.

Investment Premium Act: Under this non-recurring program, which was supposedly in effect from 1969 through 1989, grants were provided to companies investing in specific regions of Germany for projects implemented by the company within three years of the certification.

Joint Scheme: This non-recurring program, which was signed in October 1969 and came into force in January 1970, was designed to assist companies in depressed areas.

Aid for Closure of Steel Operations: Based on two laws, this non-recurring program was created to reduce the economic and social costs of plant closings in the steel industry between 1987 and 1990.

Upswing East: This non-recurring program was established to provide a special investment allowance in five new states in Berlin.

TRA/BvS: The purpose of this non-recurring program is to take over the government-held assets in the former GDR and place them within the competition-directed market economy of the unified Germany.

SVK grant: The Government of Saarland and Dillinger's parent company, Usinor Sacilor, created a new holding company, DHS, making Dillinger and Saarstahl wholly-owned subsidiaries of DHS. In this restructuring process, the governments of Germany and Saarland forgave debts owed to them by Saarstahl. Also, private creditors forgave Saarstahl's debts as a part of the aforementioned restructuring.

Structural Improvement Aids: This program was created to provide funds for companies in the iron and steel industry to cover severance pay and transitional assistance for steel workers affected by the restructuring plan within the industry and to assist steel companies with the costs associated with plant closures.

Ruhr District Action Program: This program provided grants for investments in the Ruhr region. Under this program, grants relating to environmental protection were available exclusively to the steel industry.

ECSC 56: This program was created to provide assistance to persons who lost their jobs in iron, steel, and coal industries.

ECSC 54: This program was available only to the iron, steel, and coal industries to purchase new equipment or finance modernization.

ECSC 54 Interest: This program was available only to the iron, steel, and coal industries providing rebates during the restructuring and modernization of the industry beginning in the 1980's.

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 May 17, 2000. Interested parties may submit case briefs no later than May 8, 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 May 15, 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 and/or at a hearing, no later than July 27, 2000.

We are issuing and publishing this determination and notice in accordance with sections section 751(c), 752, and 777(i) of the Act.

Dated: March 20, 2000.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–7493 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Computer System Security and Privacy Advisory Board; Notice of Meeting

AGENCY: National Institute of Standards and Technology.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Privacy Advisory Board (CSSPAB) will meet Wednesday, March 29, 2000, and Thursday, March 30, 2000, from 9 a.m. to 5 p.m. The Advisory Board was established by the Computer Security Act of 1987 (P.L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. All sessions will be open to the public. Details regarding the Board's activities are available at http://csrc.nist.gov/csspab/.

DATES: The meeting will be held on March 29–30, 2000, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will take place at the National Institute of Standards and Technology, Gaithersburg, MD, Administration Building, Lecture Room D.

Agenda

—Welcome and Overview
—Issues Update and Briefings
—Legislative Updates
—Systems Security Engineering-Capability Maturity Model Briefing
—Office of Management and Budget/Office of Information and Regulatory Affairs Briefing
—Update on GSA's Access Certificates Electronic (ACES)
—Best Practices Briefing
—NIST Computer Security Updates
—Planning for Security Program Metrics Workshop
—Pending Business/Discussion
—Public Participation
—Agenda Development for June 2000 Meeting
—Wrap-U

Note that agenda items may change without notice because of possible unexpected schedule conflicts of presenters.

Public Participation

The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are

interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board. It would be appreciated if 35 copies of written material were available for distribution to the Board and attendees at the meeting. Approximately 15 seats will be available for the public and media.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Roback, Board Secretariat, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, telephone: (301) 975–3696.

Dated: March 23, 2000.

Raymond G. Kammer,

Director, NIST.

[FR Doc. 00–7593 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 000314073–0073–01; I.D. 120399C]

RIN 0648–ZA83

Fisheries Finance Program; Program Notice and Announcement of Federal Financial Assistance Availability

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

ACTION: Notice of Federal financial assistance availability.

SUMMARY: NMFS announces the availability of $28.7 million in Fisheries Finance Program (FFP) loans during fiscal year (FY) 2000. This notice establishes FY 2000 loan application priorities.

DATES: Effective March 27, 2000.

ADDRESSES:

(1) *Applicants in the Alaska, Northwest, and Southwest Regions.* Kimberly Ott, Northwest Financial Services Branch (F/SF23), 7600 Sand Point Way, NE (BIN C15700), Building 1, Seattle, WA 98115;

(2) *Applicants in the Northeast Region.* Leo Erwin, Northeast Financial Services Branch (F/SF21), One Blackburn Drive, Gloucester, MA 01930; and

(3) *Applicants in the Southeast Region.* Kell Freeman, Southeast Financial Services Branch (F/SF22), 9721 Executive Center Drive North., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable, 301–713–2390, fax 301–713–1306, E-mail Michael.Grable@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

(1) *Notice purpose.* The notice's purpose is to:

(a) Announce that the FFP has a $28.7 loan ceiling for FY 2000;

(b) Establish loan application priorities for the $23.7 million loan ceiling not dedicated to any specific loan purpose; and

(c) Establish an application selection basis for the $5 million loan ceiling dedicated to purchasing halibut and sablefish individual fishing quota (IFQ).

(2) *FFP description.* The FFP is a direct loan program under Title XI of the Merchant Marine Act, 1936, as amended. Debt maturities can be up to 25 years, but not longer than financed property's economically useful life. Interest rates, which are fixed, are the U.S. Treasury's borrowing cost plus 2 percent. There are no prepayment penalties. Loans may equal 80 percent of financed property's depreciated cost, and may generally be either original financing or refinancing of existing loans.

FFP loans generally require experienced fisheries borrowers with strong primary and secondary means of repayment, including personal guarantees.

FFP loans generally have longer maturities and lower interest rates than private fisheries credit. This stretches the service of lower-cost FFP debt over a longer repayment period more consistent with cyclical fisheries economics.

For further FFP details, see the FFP's operating rules at 50 CFR part 253, subpart B.

(3) *FFP lending purposes.* These are the FFP's statutory lending purposes:

(a) Fishing vessel construction, reconstruction, reconditioning, and acquisition. The FFP rules, however, prohibit loans that increase existing harvesting capacity, as does the FY 2000 appropriations act. FFP loans may not, consequently, originally finance either vessel construction or reconstruction that increases vessel harvesting capacity. Nevertheless, FFP loans remain available for refinancing existing vessel loans for all eligible purposes because this does not increase harvesting capacity. Additionally, FFP loans remain available for originally financing vessel purchase and/or reconditioning;

(b) Fisheries shoreside facilities construction, reconstruction, reconditioning, and acquisition;

(c) Aquacultural facilities construction, reconstruction, reconditioning, and acquisition;

(d) IFQ acquisition. So far, only entry level or small boat fishermen in the halibut and sablefish fisheries are eligible for these loans. Eligibility in additional fisheries depends on Fishery Management Council requests;

(e) Fishing capacity reduction under section 312(b)–(e) of the Magnuson-Stevens Fishery Conservation and Management Act. Fishery Management Councils must also request these loans; and

(f) Acquiring pollock fishing vessels or shoreside facilities. This dedicated use of FFP loan ceilings was available in FY 1999 only to communities eligible to participate in the Western Alaska Community Development Program.

(4) *Federal Credit Reform Act (FCRA) cost effect on loan ceilings.* Congress annually authorizes FFP loan ceilings. Since 1972, Congress has done this by appropriating FCRA costs at rates projected in the President's annual budgets.

FCRA cost is the loan loss that the Office of Management and Budget (OMB) projects for different Federal loan categories. A loan ceiling is the amount that a stated FCRA cost appropriation produces at a stated FCRA cost rate. The following table shows, for example, the loan ceiling effect of different FCRA cost rates for a $0.1 million FCRA cost appropriation:

FCRA Cost Appropriation	FCRA Cost Rate	Loan Ceiling
$0.1 million	1%	$10 million
$0.1 million	2%	$5 million
$0.1 million	5%	$2 million
$0.1 million	10%	$1 million

FCRA Cost Appropriation	FCRA Cost Rate	Loan Ceiling
$0.1 million	20%	$0.5 million
$0.1 million	50%	$0.2 million

The FFP uses FCRA cost appropriations as lending capital, borrowing the balance from the U.S. Treasury. If, for example, the FFP had a $0.1 million FCRA cost appropriation at a 1 percent FCRA cost rate, the FFP's lending capital would be the $0.1 million FCRA cost appropriation plus $9.9 million borrowed from the U.S. Treasury. The FFP would then make loans worth $10 million, using their repayment proceeds to repay (with interest) the FFP's own loan from the Treasury.

(5) *FFP's FY 2000 loan ceiling.* The President's FY 2000 budget established a 1 percent FCRA cost rate for the FFP loan ceiling that the budget requested (which did not include IFQ loans).

Congress enacted a FY 2000 FCRA cost appropriation of $0.338 million and dedicated $0.1 million of it to IFQ loans, leaving the undedicated $0.238 million balance available for the FFP's other lending purposes. OMB reduced the apportioned FCRA cost to $0.337 million.

The President's budgets have not, through FY 2000, requested IFQ loan ceilings. OMB, however, established a 2– percent FCRA cost rate for the first FCRA cost appropriation that Congress dedicated to IFQ loans. This FCRA cost rate has since applied to all FCRA cost appropriations that Congress dedicated to IFQ loans (fiscal years 1998 and 1999).

Consequently, the FFP's apportioned loan ceiling for FY 2000 is as follows:

	FCRA Cost	× FCRA	= Loan
Loan Purpose	*Appropriation*	*Cost Rate*	*Ceiling*
IFQ	$0.1 million	2 percent	$5 million
Other Purposes	$0.237 million	1 percent	$23.7 million
Totals	$0.337 million	-	$28.7 million

(6) *Catalog of Federal Domestic Assistance.* The FFP is listed in the ''Catalog of Federal Domestic Assistance'' under number 11.415: Fisheries Finance Program.

II. $5 Million Ceiling For IFQ Loans During FY 2000

Backlogged IFQ applications from FY 1999 far exceed this $5 million loan ceiling. NMFS will not, consequently, accept new IFQ loan applications during FY 2000. Instead, NMFS will select $5 million worth of backlogged applications for processing. This accords with NMFS' previous **Federal Register** notice (64 FR 25289, May 11, 1999). NMFS will use for FY 2000 selection the same random process it used for FY 1999 selection. NMFS' previous **Federal Register** notice requested, but did not receive, public comment about this.

III. $23.7 Million Ceiling For Other Loan Purposes During FY 2000 (1) *Priority lending purposes***. These are the priority lending purposes for this $23.7 million loan ceiling:**

(a) *Fishing Capacity Reduction.* This is the highest priority because harvesting overcapitalization is a major national fisheries problem.

(b) *Supporting the existing FFP credit portfolio.* This includes: refinancing loans, assuming loans, and other loan servicing actions that protect the Government's interest in the existing FFP portfolio and limit loan loss exposure;

(c) *Backlogged FY 1999 loan applications.* This includes about $10 million in FFP loan applications backlogged from FY 1999; and

(d) *Marine and closed system aquaculture.* This excludes land-based aquaculture not occurring in closed systems.

(2) *Non-priority lending purposes.* These are the non-priority lending purposes for this $23.7 million loan ceiling:

(a) Land based aquaculture in open systems;

(b) Fisheries shoreside facilities; and

(c) Fishing vessels.

(3) *Reserving FY 2000 loan ceiling.* (a) *Before April 17, 2000.* Before this date, NMFS will reserve the entire $23.7 million loan ceiling for applications that involve the priority lending purposes.

(b) *After April 17, 2000.* If any of the $23.7 million loan ceiling remains unreserved after this date, the unreserved amount will then be available to reserve for applications involving any FFP lending purpose.

(c) *Fishing Capacity Reduction Exclusion.* Because this is the highest FFP lending priority, NMFS may at any time during FY 2000 consider reserving for this purpose any or all of the $23.7 FFP loan ceiling not previously reserved for another purpose. NMFS will do so only for accepted fishing capacity reduction requests whose further processing requires FY 2000 loan approval.

(4) *Application fee.* NMFS will reserve loan ceiling for an application only upon the applicant's payment of an application fee. Fifty percent of this fee is non-refundable (NMFS earns the remainder upon loan approval).

(5) *Losing loan ceiling reservations.* NMFS intends to ensure that it obligates this entire $23.7 million loan ceiling before October 1, 2000. If an applicant with a loan ceiling reservation does not comply with NMFS' loan processing requirements promptly enough for NMFS to prospectively achieve this intention, NMFS may transfer the loan ceiling reservation to another applicant who can and will comply.

(6) *Applications and waiting list.* All potential applicants must first discuss their loan projects with the appropriate NMFS Regional Financial Services Branch.

If a potential applicant appears to be ineligible for an FFP loan or unable to meet the FFP's loan risk criteria, NMFS will take no further action.

If, however, a potential applicant prospectively appears to be both eligible and able to meet the loan risk criteria, NMFS will either then advise the

applicant that it may submit an application and application fee or add the applicant to a FFP waiting list for submitting future applications when lending priorities and/or unreserved loan ceilings permit.

NMFS will reserve sufficient loan ceiling for every applicant that submits an application and application fee after NMFS advises the applicant that it may do so.

Although NMFS advises a potential applicant that it may submit a loan application and application fee, only subsequent loan investigation and analysis will determine whether, and under what conditions, NMFS will approve a loan.

Subject to FY 2001 loan priorities and loan ceilings, NMFS will consider as FY 2001 application candidates all parties on the FY 2000 waiting list for whom NMFS did not reserve FY 2000 loan ceiling. NMFS will do so in the chronological order in which parties were added to the waiting list.

All FFP loans are subject to the FFP operating rules. Potential applicants should see these rules for further eligibility and qualification details.

IV. Administrative Requirements

The Debt Collection Improvement Act of 1996 bars additional Federal loans (other than disaster loans) to delinquent Federal borrowers (excluding debt under the Internal Revenue Code of 1986).

Loan applicants are subject to name-check reviews intended to reveal whether applicant principals have been convicted of, or are facing, criminal charges for fraud, theft, perjury, or other matters affecting the applicant's honesty, integrity, or creditworthiness.

False application statements can result in loan denial, loan termination, and possible punishment by fines or imprisonment as provided in 18 U.S.C. 1001.

Applicants must complete a Form CD–511 because they are subject to 15 CFR part 26 (Federal assistance debarment) and the lobbying provisions of 31 U.S.C. 1352 (using appropriated funds to influence Federal financial transactions). NMFS will furnish this form when it advises potential applicants to submit their applications.

Classification

Neither the Administrative Procedure Act nor any other law requires prior notice and opportunity for public comment about this loan notice. Consequently, the Regulatory Flexibility Act does not require a regulatory flexibility analysis.

This notice is not significant for purposes of Executive Order 12866.

FFP applications are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

This notice contains a collection-of-information requirement subject to the Paperwork Reduction Act. OMB approved the required collection of information under control number 0648–0012.

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

Dated: March 16, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–7503 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 00309067–0067–01]

RIN 0648–ZA82]

National Marine Aquaculture Initiative: Request for Proposals for FY–2000

AGENCY: Office of Oceanic and Atmospheric Research (OAR) and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to advise the public OAR is expanding the existing aquaculture initiative that was begun in FY–99 in order to meet the objectives of the new Department of Commerce (DOC) aquaculture policy and the NOAA Strategic Plan to Build Sustainable Fisheries. Because of the limited funds available and the specific objectives that are put forward in the policy and the plan, OAR can only entertain a limited number of proposals in every specific areas which lead to:

1. Improvements to the regulatory framework for marine aquaculture;
2. Definition of elements to be included in a code of conduct for responsible marine aquaculture and stakeholder acceptance of the code;
3. Demonstration of the use of Geographic Information System based Use-mapping of Federal and/or state waters useful to the potential siting of marine aquaculture projects;
4. Environmentally sound technologies and evaluation of impacts associated with grow-out and enhancement activities; and
5. Regional planning and coordination efforts which further regional or national marine aquaculture goals.

The topics are in rank order and some topics will require the participation of government agencies responsible for developing guidelines, rules and regulations for growing aquaculture industry. More specific guidelines for the proposal topics are provided later in this document.

OAR will make available $600,000 in FY2000 for research, developmental and programmatic activities. While matching funds are not required, applicants are encouraged to submit collaborative projects between Federal and state agencies, academic and research interests, private industry, and other partners as necessary to accomplish the tasks of the proposals. Either Grants or Cooperative Agreements will be considered for this competition. If a Cooperative Agreement, OAR will work through the NOAA/DOC Aquaculture Steering Committee to finalize the work plan. OAR recognizes that proposals that interface with ongoing offshore aquaculture or stock enhancement projects may offer opportunities for cost savings, and will be given priority when such cost savings can be realized.

DATES: Full proposals are due to the OAR, by 4 p.m. May 15, 2000. Proposal selection will occur by June 15, 2000, and grant start dates will be September 1, 2000.

ADDRESSES: Applications should be sent to the Office of Oceanic and Atmospheric Research, Attn: National Marine Aquaculture Initiative, Room 11838, NOAA, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: James P. McVey, Program Director for Aquaculture, 301–713–2451, facsimile 301–713–0799, or Edwin Rhodes, National Marine Fisheries Service, 301–713–2334.

SUPPLEMENTARY INFORMATION:

I. Program Authority

Catalog of Federal Assistance Numbers: 11.417. Sea Grant Support.

Authority: 33 U.S.C. 1123(c)(4)(F).

II. Program Description

Background

Worldwide fisheries production will be inadequate to meet the needs of the world's population without

supplementation through aquaculture and marine fish enhancement. The development of a robust aquaculture industry can help meet the Nation's needs for seafood and other non-edible aquaculture products, reduce imports of fishery products and benefit the nation's balance of trade. In the US marine aquaculture has been very slow to develop for a variety of reasons including the lack of appropriate technologies, difficulty in obtaining financing, concerns over environmental impacts, multi-use conflicts in the coastal zone, and difficult and expensive permit and licensing processes. However, none of these problems are insurmountable and the need for creating a marine aquaculture sector has never been greater.

NOAA includes aquaculture in its Strategic Plan under the Build Sustainable Fisheries topic as part of a three part program that integrates aquaculture, capture fisheries and coastal community development in order to maximize value from coastal and ocean resources. This plan calls for NOAA and DOC to undertake research, demonstration, education/outreach, regulatory and financial support activities in support of marine aquaculture. NOAA recognizes the role of other Federal agencies and state management partners in aquaculture and coordinates its aquaculture programs through NOAA/DOC representatives at the regional level and at the national level through the Joint Sub-Committee on Aquaculture. The NOAA/DOC program is aligned with the National Aquaculture Development Plan.

III. Funding Availability and Priorities

The Office of Oceanic and Atmospheric Research encourages proposals that address the following research, development, policy and management priorities that have been developed through the NOAA/DOC budget process. Approximately $600,000 will be available for this competition in FY 2000. We are not placing a maximum on the amount that can be requested for each project but we will be looking for appropriate budget levels relative to the scale of the project being contemplated. Projects below $100,000 are encouraged. Maximum time frame for the proposals is 18 months. Priority will be given to national issues areas, identified here, that combine and leverage the financial, manpower and infrastructure resources of federal, state, academic, non-governmental organizations, and private industry partners to expand US aquaculture. We anticipate this initiative to be long term and we will hold several planning meetings during this year to set the agenda for the following years.

Competitive proposals should be multi-disciplinary, multi-institutional, innovative, and blend the resources of Federal, State, academic and private industry resources when appropriate.

The NOAA/DOC Aquaculture Steering Committee has interpreted the results of a national workshop on aquaculture that was held August 11–13, 1999 at the NOAA facilities in Silver Spring, Maryland, to determine research and program priorities for this aquaculture initiative. As a result of this analysis and in keeping with the NOAA Strategic Plan, OAR would like to ask for proposals in the following topic areas that are listed in rank order:

Regulatory Framework

Proposals to improve understanding of measures which would lead to a more efficient and transparent license and permit procedure for aquaculture facilities and related uses in marine waters including the Exclus Economic Zone (EEZ). Proposals should identify the problem or problems to be addressed and the methodology to be used to identify measures and recommendations for improvements. This program area may require joint efforts by the industry, state and federal regulatory agencies in order to clarify and improve the present regulatory framework. Proposals may address state, regional or national permitting or federal consistency issues.

Code of Conduct for Responsible Aquaculture

NOAA will develop a code of conduct for responsible aquaculture in Federal marine waters (the exclusive economic zone, or EEZ) to guide potential applicants for Federal permits to operate aquaculture facilities in the EEZ, and will be used by Federal agencies to evaluate applications. OAR is seeking proposals that address the content of this code (*e.g.,* aquatic health management, genetic management, *etc.*), and proposals that would improve stakeholder participation and acceptance of such a code. Additionally, OAR is seeking proposals from aquaculture industry sector groups to develop codes of conduct or best management plans for their industries.

Use Suitability-Mapping of EEZ and State Waters To Assist in Aquaculture Siting

OAR is seeking proposals that evaluate use/suitability mapping as a tool to assist in the siting of aquaculture facilities. Proposals should consider all sociological, environmental, technological, physical and other relative parameters that should be included in use/suitability mapping to identify potential lease sites which would avoid conflicts with other major uses and yet satisfy marine aquaculture industry requirements. This would include the need to consider state coastal management interests, fisheries and other maritime interests. Proposals that include testing or demonstration of use/suitability mapping for aquaculture siting will receive additional consideration.

Environmentally Sound Technologies and Impacts (Specifically for Grow-Out and Enhancement)

The NOAA goal to promote the development of environmentally sound aquaculture requires information on the impacts of aquaculture under present operating conditions and predictions of impacts with increased aquaculture activity. Part of this goal includes the development of production technologies to improve the environmental performance of aquaculture production systems and locations.

OAR is seeking proposals that evaluate environmental impacts of aquaculture production systems, particularly those that will provide information on impacts from aquaculture facilities in the EEZ. Proposals that address the environmental aspects of stock enhancement will also be considered.

Regional Planning and Coordination

OAR recognizes the need for integrated regional planning and prioritization in order to focus Federal and assistance efforts. OAR is seeking proposals to establish mechanisms for broad regional planning that would address the NOAA goals to promote environmentally sound marine aquaculture. Specifically, OAR seeks proposals from the northeast, southeast, Gulf, Pacific and Great Lakes regions. Some regional planning groups have formed based on the regional focus sessions at the August 1999 workshop, and these groups will be given priority.

We are particularly interested in working on the above issues in order to create a regulatory and management environment conducive to sound industry development. This will require partnerships between State and Federal agencies, non-government organizations, the industry and the academic and regulatory authorities necessary to achieve this goal.

IV. What To Submit

Full Proposal Guidelines

Each full proposal should include the first six items listed below: the standard forms included as Item 7 will only be required for proposals for selected funding. All pages should be single– or double-spaced, typewritten in at least a 10-point font, and printed on metric A4 (210 mm × 297 mm) or 8 2″ × 11″ paper. Brevity will assist reviewers and program staff in dealing effectively with proposals. Therefore, the Project Description may not exceed 15 pages. Tables and visual materials, including figures, charts, graphs, maps, photographs and other pictorial presentations are included in the 15-page limitation; literature citations and letters of support, if any, are not included in the 15-page limitation. Conformance to the 15-page limitation will be strictly enforced. All information needed for review of the proposal should be included in the main text; no appendices, other than support letters, if any, are permitted. Failure to adhere to the above limitations will result in the proposal being rejected without review.

(2) Signed Title Page

The title page should be signed by the Principal Investigator and the institutional representative and should clearly identify the program area being addressed by starting the project title ''National Marine Aquaculture Initiative.'' The Principal Investigator and institutional representative should be identified by full name, title, organization, telephone number, and address. The total amount of Federal funds being requested should be listed for each budget period; the total should include all subrecipient's budgets on projects involving multiple institutions.

(2) Project Summary

This information is very important. Prior to attending the peer review panel meetings, some of the panelists may read only the project summary. Therefore, it is critical that the project summary accurately describes the research being proposed and conveys all essential elements of the research. Applicants are encouraged to use to Sea Grant Project Summary Form 90–2, but may use their own form as long as it provides the same information as the Sea Grant form. The project summary should include: 1. Title: Use the exact title as it appears in the rest of the application. 2. Investigators: List the names and affiliations of each investigator who will significantly contribute to the project. Start with the Principal Investigator. 3. Funding request for each year of the project, including matching funds if appropriate. 4. Project Period: Start and completion dates. Proposals should request a start date of July 1, 2000, or later. 5. Project Summary: This should include the rationale for the project, the scientific or technical objectives and/or hypotheses to be tested, and a brief summary of work to be completed.

(3) Project Description (15-page limit)

(a) Introduction/Background/Justification: Subjects that the investigator(s) may wish to include in this section are: (i) Current state of knowledge; (ii) Contributions that the study will make to the particular discipline or subject area; (iii) Contributions and impacts the study will make toward advancement of marine aquaculture technology and policy; and iv) As appropriate, contributions of investigator's previously funded research results to current proposal.

(b) Research or Technical Plan: (i) Objectives to be achieved, hypotheses to be tested; (ii) Plan of work—discuss how stated project objectives will be achieved; and (iii) Role of project personnel.

(c) Output: Describe the project outputs and impacts that will enhance the Nation's ability to develop marine aquaculture in an environmentally responsible way.

(d) Coordination with other Program Elements: Describe any coordination with other agency programs or ongoing research efforts. Describe any other proposals that are essential to the success of this proposal.

(e) Literature Cited: Should be included here, but does not count against the 15-page limit.

(4) Budget and Budget Justification

There should be a separate budget for each year of the project as well as a cumulative annual budget for the entire project. Applicants are encouraged to use the Sea Grant Budget Form 90–4, but may use their own form as long as it provides the same information as the Sea Grant form. Successful applicants whose awards would be made through a state Sea Grant Program must consult with that state Sea Grant Program budget office to ensure that all necessary overhead costs are included. Subcontracts should have a separate budget page. Matching funds must be indicated if required; failure to provide adequate matching funds will result in the proposal being rejected without review. Applicants should provide justification for all budget items in sufficient detail to enable the reviewers to evaluate the appropriateness of the funding requested. For all applications, regardless of any approved indirect cost rate applicable to the award, the maximum dollar amount of allocable indirect costs for which the Department of Commerce will reimburse the Recipient shall be the lesser of: (a) The Federal share of the total allocable indirect costs of the award based on the negotiated rate with the cognizant Federal agency as established by audit or negotiation; or (b) The line item amount for the Federal share of indirect costs contained in the approved budget of the award.

(5) Current and Pending Support

Applicants must provide information on all current and pending support for ongoing projects and proposals, including subsequent funding in the case of continuing grants. All current project support from whatever source (*e.g.,* Federal, State, or local government agencies, private foundations, industrial or other commercial organizations) must be listed. The proposed project and all other projects or activities requiring a portion of time of the principal investigator and other senior personnel should be included, even if they receive no Federal salary support from the project(s). The number of person-months per year to be devoted to the projects must be stated, regardless of source of support. Similar information must be provided for all proposals already submitted or submitted concurrently to other possible sponsors, including those within NOAA.

(6) Vitae

(2 pages maximum per investigator).

(7) Standard Application Forms

Applicants may obtain all required application forms at the following Internet website: (http://www.nsgo.seagrant.org/research/rfp/index.html#3), from the state Sea Grant Programs, or from Dr. James McVey at the NSGO (phone: 301–713–2451 x160 or e-mail: Jim.mcvey@noaa.gov). For proposals selected for funding, the following forms must also be submitted:

(a) Standard Form 424, Application for Federal Assistance, and 424B Assurances—Non-Construction Programs, (Rev 4–88). Applications should clearly identify the program area being addressed by starting the project title with ''Marine Aquaculture Initiative.'' Please note that both the Principal Investigator and an administrative contact should be identified in Section 5 of the SF424. For Section 10, applicants should enter ''11.417'' for the CFDA Number and Sea

Grant Support for the title. The form must contain the original signature of an authorized representative of the applying institution.

(b) Primary Applicant Certifications. All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

(i) Non-Procurement Debarment and Suspension. Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Non-Procurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

(ii) Drug-Free Workplace. Grantees (as defined in 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government-wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

(iii) Anti-Lobbying. Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

(iv) Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

(c) Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to the Department of Commerce (DOC). Renewal of an award to increase funding or extend the period of performance is based on satisfactory performance and is at the total discretion of the DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

V. Selection Procedures

All proposals will be sent out for written reviews and a blue ribbon panel of non-government aquaculture experts and NOAA scientists will rate the proposals in rank order for funding based on the written reviews and the panel process. OAR, in cooperation with the NOAA/DOC Steering Committee on Aquaculture, will make the final proposal selection based on the input from the selection panel, but reserves the right to select outside of rank order for programmatic balance and purposes. Selection criteria will be as follows:

60% Scientific and/or technical merit

20% Project relevance to the priorities of the RFP

10% Competency of project team and ability to complete project according to schedule

10% Plan for dissemination and incorporation of project results, including publication and extension opportunities.

Projects will be graded on a percent system with each category contributing towards a total of 100%

VI. Eligibility

Support under this call for proposals is available to all non-federal scientists as well as all federal and state agencies and institutions. Investigators submitting proposals in response to this announcement are strongly encouraged to develop inter-institutions, inter-disciplinary research teams in the form of single, integrated proposals or as individual proposals that are clearly linked together. Persons directly involved in the proposal selection process are not eligible for support. NOAA conflict of interest procedures will be followed.

VII. How To Submit

Proposals can be submitted directly to the National Sea Grant Office (NSGO), according to the schedule outlined above. Although investigators are not required to submit more than 3 copies of full proposals, the normal review process requires 10 copies. Investigators are encouraged to submit sufficient copies for the full review process if they wish all reviewers to receive color, unusually sized (not 8.5″ x 11″), or otherwise unusual materials submitted as part of the proposal. Only three copies of the Federally required forms are needed. Proposals sent to the NSGO should be addressed to: NSGO, R/SG, Attn.: Dr. James P. McVey, National Marine Aquaculture Initiative, 1315 East-West Highway, Room 11838, Silver Spring, MD 20910 (phone number for express mail applications is 301–713–2435).

Applications received after the deadline and application that deviate from the format described above will be returned to the sender without review. Facsimile transmissions and electronic mail submission of pre-proposals and full proposals will not be accepted.

VIII. Other Requirements

(A) Federal Policies and Procedures—Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce (DOC) policies, regulations, and procedures applicable to Federal financial assistance awards.

(B) Past Performance—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(C) Pre-Award Activities—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover pre-award costs.

(B) No Obligation for Future Funding—If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

(E) Delinquent Federal Debts—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(1) The delinquent account is paid in full,

(2) A negotiated repayment schedule is established and at least one payment is received, or

(3) Other arrangement satisfactory to DOC are made.

(F) Name Check Review—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

(G) False Statements—A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(H) Intergovernmental Review—Applications for support from the National Sea Grant College Program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

(I) Purchase of American-Made Equipment and Products—Applicants are hereby notified that they will be encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this program.

(J) Pursuant to Executive Orders 12876, 12900, and 13021, the Department of Commerce, National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of Historically Black Colleges and Universities (HBCU), Hispanic Serving Institutions (HSI), and Tribal Colleges and Universities (TCU) in its educational and research programs. The DOC/NOAA vision, mission, and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal Financial Assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs. Institutions eligible to be considered HBCU/MSIs are listed at the following Internet website: http://www.ed.gov/offices/OCR/99minin.html.

(K) For awards receiving funding for the collection or production of geospatial data (*e.g.,* GIS data layers), the recipient will comply to the maximum extent practicable with E.O. 12906, Coordinating Geographic Data Acquisition and Access, The National Spatial Data Infrastructure, 59 FR 17671 (April 11, 1994). The award recipient shall document all new geospatial data collected or produced using the standard developed by the Federal Geographic Data Center, and make that standardized documentation electronically accessible. The standard can be found at the following Internet website: *(http://www.fgdc.gov/standards/standards/html).*

L. Indirect Costs: If indirect costs are proposed, the following statement applies: The total dollar amount of the indirect costs proposed in an application must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award.

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of E.O. 12866.

This notice contains collection of information requirements subject to the Paperwork Reduction Act. The Sea Grant Budget Form, 90–4, Sea Grant Summary Form, 90–2, and Standard Forms 424, and 424b have been approved under control numbers 0648–0362, 0648–0362, 0348–0043, and 0348–0040 with average responses estimated to take 15, 20, 45, and 15 minutes, respectively. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments on these estimates or any other aspect of these collections to National Sea Grant College Program, R/SG, NOAA, 1315 East-West Highway, Silver Spring, MD 20910 (Attention: Francis S. Schuler). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 00–7512 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–KA–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032000C]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Socioeconomic Panel (SEP).

DATES: A meeting of the SEP will be held beginning at 8:30 a.m. on Thursday, April 13, and will conclude by 4:00 p.m. on Friday, April 14, 2000.

ADDRESSES: The meeting will be held at the Tampa Airport Hilton Hotel, 2225 Lois Avenue, Tampa, FL 33607; telephone: 813–877–6688.

FOR FURTHER INFORMATION CONTACT: Antonio B. Lamberte, Economist, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The SEP will convene to review available social and economic information on the Gulf migratory group of king and Spanish mackerels and to determine the social and economic implications of the levels of acceptable biological catches recommended by the Council's Mackerel Stock Assessment Panel (MSAP). The SEP may recommend to the Council total allowable catch (TAC) levels for the 2000–01 fishing year and certain management measures associated with achieving the TACs.

Composing the SEP membership are economists, sociologists, and anthropologists from various universities and state fishery agencies throughout the Gulf. They advise the Council on the social and economic implications of certain fishery management measures.

A copy of the agenda can be obtained by calling 813–228–2815.

Although other non-emergency issues not on the agendas may come before the SEP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the SEP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

The meeting is open to the public and is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by April 6, 2000.

Dated: March 20, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–7502 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032000E]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling public meetings of its Groundfish, Research Steering and Herring Committees in April, 2000. Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between April 11, 2000 and April 27, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Mansfield and Danvers, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Tuesday, April 11, 2000 at 9:30 a.m.—Groundfish Committee Meeting

Location: Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339–2200.

The committee will continue development of management options for Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). Agenda items include discussion of guidance received from the full Council concerning overfishing definitions and control rules. Current overfishing definitions and control rules for the multispecies complex will be reviewed and the assumptions and policy decisions in those rules examined. The committee will determine the biological goals of the amendment in light of these discussions. The committee also will organize into subcommittees that will be tasked to develop specific management options for consideration by the full committee. These tasks will be based on broad approaches to management selected by the committee.

Tuesday, April 12, 2000, 9 a.m.—Research Steering Committee Meeting

Location: Sheraton Ferncroft Hotel, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500.

The committee will discuss and establish a method to score concept papers received in response to a Request for Information (RFI) distributed by NMFS. The RFI was developed as part of a program to fund collaborative research projects developed by fishermen and scientists to investigate scientific and management questions related to groundfish management in the Northeast. The committee also will develop a procedure to evaluate scallop research proposals to be funded through the Total Allowable Catch set-aside approved by the Council in Framework 13 to the Atlantic Sea Scallop FMP. Additionally, if it is determined to be appropriate and time allows, the committee may begin review of the concept papers received in response to the RFI.

Tuesday, April 25, 2000, 9:00 a.m. and Wednesday, April 26, 2000, 8:30 a.m.—Research Steering Committee Meeting

Location: Sheraton Ferncroft Hotel, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500.

The committee will review and evaluate concept papers submitted to NMFS in response to a Request for Information distributed by NMFS in early March. The RFI was developed as part of a program to fund collaborative research projects developed by fishermen and scientists to investigate scientific and management questions related to groundfish management in the Northeast. Results of this meeting will be discussed at the next full Council scheduled for May 3–4, 2000.

Thursday, April 27, 2000, 10:00 a.m.—Joint New England Fishery Management Council and Atlantic States Marine Fisheries Commission (ASMFC) Herring Section Meeting

Location: Sheraton Ferncroft Hotel, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500.

The two committees will review the comments received from the public during the scoping process for a limited entry or controlled access system for the Atlantic herring fishery. Based on this review, the committees will decide how to proceed in the development of such a system, and will develop a schedule for and provide initial direction to the Plan Development Team (PDT) should they choose to continue development of a limited entry or controlled access system. The committees will discuss options for the protection of spawning herring and will decide whether to make any revisions to the spawning restrictions contained in the ASMFC management plan, and whether to recommend spawning restrictions for the Council's Atlantic Herring FMP. The committees will discuss the impact of the total allowable catch on industry sectors and will determine what action, if any, should be taken to insure the fixed gear sector has access to the fishery. The committees may also discuss the annual specification process and may provide direction to the PDT on how that process should proceed.

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 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 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 Paul J. Howard (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting dates.

Dated: March 21, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–7500 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032100A]

National Plan of Action for the Conservation and Management of Sharks

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

ACTION: Notice of revised timeframe.

SUMMARY: On September 30, 1999, NMFS announced its intention to

develop a National Plan of Action (NPOA) pursuant to the endorsement of the International Plan of Action (IPOA) for the Conservation and Management of Sharks by the United Nations Food and Agriculture Organization (FAO) Committee on Fisheries (COFI) Ministerial Meeting in March 1999. Noting the increased concern about the expanding catches of sharks and their potential negative impacts on shark populations, this IPOA calls on COFI member states to develop voluntarily national plans to ensure the conservation and management of sharks for their long-term sustainable use. The United States has committed to reporting on the implementation of the NPOA to COFI, no later than the 25th COFI session in February 2001. This document provides a revised time frame for the completion of this NPOA.

ADDRESSES: Written comments should be sent to Karyl Brewster-Geisz, NOAA Fisheries / SF1, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz, Margo Schulze-Haugen, or Steve Meyers, 301–713–2347, or fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The IPOA for the conservation and management of sharks was endorsed in principle at the 23rd FAO COFI session in February 1999 and also at the Fisheries Ministerial Meeting in March 1999. As with the two other IPOAs for seabirds and fishing capacity, the IPOA for sharks calls on members to develop voluntarily an NPOA on this issue.

On September 30, 1999, NMFS announced that the NPOA was currently under development, with a draft NPOA for sharks tentatively due for publication in the **Federal Register** in December, 1999, and full completion by February, 2000 (64 FR 52772). Unforseen circumstances require NMFS to change the schedule on the availability of the draft and final NPOA. NMFS now tentatively expects to have a draft NPOA for sharks available for public review in June, 2000, and a final NPOA available in September, 2000.

Dated: March 21, 2000.

Gary C. Matlock,

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

[FR Doc. 00–7504 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032000F]

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings of the North Pacific Fishery Management Council and its advisory committees.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings.

DATES: The Council and its advisory committees will meet in Anchorage, AK the week of April 10, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: All meetings through Saturday, April 15, will be held at the Hilton Hotel, 500 W. Third Avenue, Anchorage, AK. On Sunday and Monday, April 16–17, the Council will meet at the Fourth Avenue Theater, 630 W. Fourth Avenue, in Anchorage.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Council staff, Phone: 907–271–2809.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Times

The Advisory Panel meeting will begin at 8:00 a.m., April 10, and continue through Thursday, April 13.

The Scientific Committee will begin at 9:00 a.m. on Monday, April 10, and continue through Tuesday, April 11.

The Council will begin their plenary session at 8:00 a.m. on Wednesday, April 12, continuing through Monday, April 17.

All meetings are open to the public except Executive Sessions which may be held during the week to discuss litigation and/or personnel matters.

Council:

The agenda for the Council's plenary session will include the following issues:

The Council may take appropriate action on any of the issues identified.

1. Reports

(a) Executive Director's Report.

(b) State Fisheries Report by Alaska Dept. of Fish and Game.

(c) NMFS Management Report.

(d) Enforcement and Surveillance reports by NMFS and the Coast Guard.

(e) Seabird Bycatch Report.

(f) Report on March meeting of the Alaska Board of Fisheries.

(g) Gulf of Alaska Ecosystems Management Report.

2. Halibut Charterboat Guideline Harvest Level/Individual Fishing Quotas (IFQ): Receive committee report on preliminary elements and options for potential IFQ system.

(a) Observer Program:

(b) Observer Committee report.

(c) Review of six regulatory amendments recommended by NMFS.

(d) Report on experimental fishing project for observer sampling methods.

3. Pacific cod license limitation endorsements: Final action.

4. Steller Sea Lions:

(a) Status reports on litigation, implementation of sea lion protective measures, and biological opinion number three.

(b) Extend emergency rule for sea lion protection measures.

5. American Fisheries Act:

(a) Action to extend emergency rules for 180 days.

(b) Status report on development of Environmental Impact Statement.

6. Halibut Subsistence: initial review of amendment.

7. Habitat Areas of Particular Concern: Final action on protection of invertebrates.

8. Groundfish Management:

(a) Review groundfish fishery management plan updates and review Supplemental Environmental Impact Statement (SEIS) scoping document.

(b) Status report on the groundfish specification process.

(c) Review Experimental Fishing Permit for halibut excluders.

9. Crab Management:

(a) Initial review of rebuilding plans for St. Matthew blue and Opilio crabs.

(b) Updates on crab cooperatives and permit buyback program.

Advisory Meetings:

Advisory Panel: With the exception of the reports listed under Item 1, the agenda for the Advisory Panel will mirror that of the Council listed above.

Scientific and Statistical Committee: The Scientific and Statistical Committee (SSC) will address the following items on the Council agenda:

1. Observer Program issues.

2. Progress on the Groundfish SEIS.

3. Pacific cod license limitation endorsements.

4. Habitat areas of particular concern.

5. Crab rebuilding plans.

6. Review Experimental Fishing Permit for halibut excluders.

7. Review and comment on NMFS Economic Guidelines.

Other committees and workgroups may hold impromptu meetings throughout the meeting week. Such meetings will be announced during regularly-scheduled meetings of the Council, Advisory Panel, and SSC, and will be posted at the hotel.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically 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 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

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen at 907–271–2809 at least 7 working days prior to the meeting date.

Dated: March 21, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–7501 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Oman

March 21, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: March 28, 2000.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being increased for carryover and recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 70223, published on December 16, 1999.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 21, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 10, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in Oman and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000.

Effective on March 28, 2000, you are directed to increase the current limits for the following categories, as provided for under the current bilateral textile agreement between the Governments of the United States and the Sultanate of Oman:

Category	Adjusted twelve-month limit [1]
334/634	176,640 dozen.
335/635	314,911 dozen.
338/339	653,441 dozen.
340/640	287,097 dozen.
341/641	236,182 dozen.
347/348	986,616 dozen.
647/648/847	482,765 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–7406 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Thailand

March 21, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being reduced for carryforward used. The current limits are being increased in Category 603 for unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 68336, published on December 7, 1999.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 21, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 1, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the period which began on January 1, 2000 and extends through December 31, 2000, except for the period for Category 603 which began on January 1, 2000 and extends through September 30, 2000.

Effective on March 27, 2000, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
363	23,193,679 numbers.
369–D [2]	263,114 kilograms.
603	1,735,591 kilograms.
619	8,066,394 square meters.
Sublevels in Group II	
336/636	363,239 dozen.
338/339	2,123,160 dozen
340	318,335 dozen.
347/348/847	935,030 dozen.
638/639	2,510,374 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

[2] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–7405 Filed 3–24–00; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed. Currently, the Corporation is soliciting comments concerning its request for approval of a new information collection from representatives of communities served by organizations that conduct community service activities under the sponsorship of Corporation grants. This information will be used by the Corporation to evaluate the nature and effectiveness of its national service programs.

Copies of the proposed information collection request may be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section by May 26, 2000.

ADDRESSES: Send comments to the Corporation for National and Community Service Attn: Marcia Scott, Office of Evaluation, 1201 New York Avenue, N.W., 9th floor, Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Marcia Scott, (202) 606–5000, ext. 100.

SUPPLEMENTARY INFORMATION:

The Corporation is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose 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, *e.g.*, permitting electronic submissions of responses.

Background

The Corporation for National Service has the responsibility to evaluate the effectiveness of its programs. The Corporation's major initiative is AmeriCorps, the national service program funded at $435 million annually. While the primary emphasis of AmeriCorps is on providing services to communities and other beneficiaries, of key importance is participant development. AmeriCorps includes the State/National program and the National Civilian Community Corps (NCCC) program. The objectives of this study are to describe the outcomes that are associated with participating and document changes in those outcomes over time; to identify factors explaining variation in outcomes at different stages of time; and to identify relationships between selected program features and member outcomes. Outcome domains will include civic engagement, educational skill aspiration and achievements, employment skill aspiration and achievements, and life skills.

To meet these objectives, the study has selected a nationally representative sample of 2,500 incoming AmeriCorps members from over 100 programs to ensure generalizability to the overall population. The Corporation is conducting a study to collect baseline data from a self-report survey measuring a variety of life outcomes for AmeriCorps members of State/National and NCCC programs as well as individual background characteristics. To fully understand the impacts that cause change in outcomes, the Corporation has selected a comparison group for both programs and is in the process of collecting baseline information on those individuals.

Current Action

The Corporation seeks approval to continue to study the impact of AmeriCorp*State/National and AmeriCorps*NCCC on members over time. The initial round of data collection for this study was authorized under OMB approval 3045–0060 which expires September 30, 2002. This is a request to conduct two additional rounds of data collection on the study: (1) Surveys of treatment and comparsion group members at two time points: ten months and two years after baseline; and (2) a survey of AmeriCorps program administrators at the end of the 1999–2000 program year.

Type of Review: New approval.

Agency: Corporation for National and Community Service.

Title: Long-term Study of Member Outcomes.

OMB Number: None.

Agency Number: None.

Affected Public: AmeriCorps members, comparison group individuals, AmeriCorps program administrators.

Total Respondents: 4613.

- 2,500 AmeriCorps members (2,000 State/National and 500 NCCC).
- 2,000 individuals in the comparison groups (1,500 individuals who inquired about AmeriCorps through the CNS inquiry line for the State/National comparison group; 500 individuals from the NCCC program's wait list for the NCCC comparison group).
- 113 AmeriCorps program administrators.

Frequency:

- AmeriCorps members at post-program (eight months after baseline).
- Comparison group individuals eight months after baseline.
- Program characteristics from AmeriCorps administrators.
- AmeriCorps member and comparison group follow-up at three years after baseline (approximately two years after the post-program survey).

Average Time Per Response:

- The Post-program survey of members will require an average of 45 minutes per respondent.
- The initial follow-up survey of individuals in the comparison groups will take an average of 30 minutes per respondent.
- The survey of AmeriCorps program administrators will take an average of 30 minutes per program.
- Follow-up surveys of AmeriCorps members and individuals in the comparison group at three years after baseline will take an average of 30 minutes per respondent.

Estimated Total Burden Hours: 5,182 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Dated: March 21, 2000.

Thomasenia P. Duncan,

General Counsel.

[FR Doc. 00–7393 Filed 3–24–00; 8:45 am]

BILLING CODE 6050–28–U

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy; Meeting

AGENCY: United States Military Academy.

ACTION: Notice of Open Meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following meeting:

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 8 May 2000.

Place of Meeting: Superintendent's Conference Room, Taylor Hall, United States Military Academy, West Point, New York.

Start Time of Meeting: Approximately 2:00 pm.

FOR FURTHER INFORMATION CONTACT: For further information, contract Lieutenant Colonel Lawrence J. Verbiest, United States Military Academy, West Point, NY 10996–5000, (914) 938–4200.

SUPPLEMENTARY INFORMATION:

Proposed Agenda: Review of the Academic, Military and Physical Programs, Intercollegiate Sports Programs and Admissions at USMA. All proceedings are open.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–7391 Filed 3–24–00; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army Corps of Engineers

Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for Modifications to Operation and Maintenance Dredging Activities on the Black Warrior and Tombigbee Rivers, Alabama

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Mobile District, U.S. Army Corps of Engineers intends to prepare a SEIS. Operation and maintenance (O&M) dredging needs on the Black Warrior and Tombigbee Rivers (BWT Waterway) have been dynamic over time as has sediment transport. Removal of sediment deposited in the navigation channel has resulted in the need for additional within-bank and upland disposal areas. Diminishing disposal area capacity primarily in upland disposal areas, has begun to impact operation and maintenance dredging activities at several locations along the BWT Waterway. Rock formations have also been identified that are impacting the navigation channel. The Mobile District will evaluate dredging and disposal area needs, develop and evaluate alternatives for long-term operation and maintenance dredging on the BWT Waterway and recommend an environmentally and economically sound plan.

FOR FURTHER INFORMATION CONTACT: Questions about the SEIS can be answered by: Mr. Steve Hrabovsky; Inland Environment Section; U.S. Army Engineer District-Mobile; Post Office Box 2288; Mobile, Alabama 36628–0001; Telephone (334) 690–2872; Fax (334) 694–3815. Mr. Hrabovsky can also be reached by e-mail (steven.l.hrabovsky@sam.usace.army.mil).

SUPPLEMENTARY INFORMATION: The Black Warrior and Tombigbee Rivers Project was authorized by Congress in various River and Harbor Acts from 1884–1986 for the primary purpose of navigation. Construction of the project was completed to existing channel dimensions in 1938. Other project purposes include hydroelectric power, public recreation, regulation of stream flow, water quality, fish and wildlife conservation and fish and wildlife mitigation. O&M dredging activities on the BWT Waterway have been discussed in two environmental impact statements (EISs) prepared by the Corps: (1) Final EIS Black Warrior and Tombigbee Rivers (Maintenance), Alabama, filed with the Council on Environmental Quality on April 16, 1976; and (2) Final Supplement to the Final EIS Black Warrior and Tombigbee Rivers, Alabama (Maintenance), filed with the Council on Environmental Quality on April 13, 1987. However, the dynamics of the river system have forced more changes to meet current O&M needs. The Mobile District has identified additional within-bank disposal areas that are required due to changing sedimentation patterns; additional upland disposal areas required to supplement existing upland sites or establish disposal area capacity in other portions of the BWT Waterway; and changes to the list of small boat access channels to potentially be dredged. These changes to the small boat access channel list consist primarily of corrections/updates in name and river mile number, as well as, dredging quantities and frequency. In

addition to the items listed above the Mobile District proposes to use blasting as an O&M tool to remove rock from the navigation channel at various locations along the BWT Waterway, which would constitute a change to current dredging practices.

Proposed Action and Alternatives

The Mobile District will formulate and evaluate alternatives to address long-term operation and maintenance dredging needs on the BWT Waterway. The ''no action'' alternative evaluation will consist of continuation of the ''status quo'' operation and maintenance dredging activities. Another alternative that the Corps will evaluate is hauling of dredged material from the existing disposal sites for beneficial or other potential commercial uses. This could potentially negate or reduce the need to obtain additional upland disposal areas.

Scoping

The Mobile District will conduct public scoping meetings at Jackson and Tuscaloosa, Alabama during the month of April 2000. As soon as dates of the public scoping meetings have been established, they will be published in local newspapers serving the various cities along the Waterway. The purpose of the meetings will be to gather information from the public about the issues they would like to see addressed in the SEIS. Comments may be made orally or in writing at the meetings, or they may be sent to the Mobile District at the address listed above. Potentially significant issues that will be analyzed in depth in the SEIS include environmental and economic impacts of various dredging and disposal alternatives (*e.g.,* within-bank disposal areas, upland disposal areas, rock removal via blasting, and small boat access channels) on fisheries, waterfowl, water quality, endangered and threatened species, wetlands, cultural resources and wildlife habitat. The evaluation will consider potential direct and indirect effects of these options on the BWT Waterway.

Environmental Review and Consultation Requirements

Coordination with the U.S. Fish and Wildlife Service will be accomplished in compliance with Section 7 of the Endangered Species Act. Coordination required by other laws and regulations will also be conducted.

SEIS Preparation

The Mobile District estimates that the draft SEIS will be available for public review in July 2000.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–7392 Filed 3–24–00; 8:45 am]

BILLING CODE 3710–CR–U

DEPARTMENT OF THE DEFENSE

Department of the Army Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement and Conduct a Public Scoping Meeting for the Marlinton Local Protection Project, Marlinton, Pocahontas County, West Virginia

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, DoD, Huntington District will prepare an Environmental Impact Statement (EIS). The EIS will evaluate potential impacts to the natural, physical, and human environment as a result of the proposed flood damage reduction measure for the City of Marlinton, Pocahontas County, West Virginia (Marlinton Local Protection Project). The proposed project would consist of a levy along the banks of the Greenbrier River and two alternative measures for managing flooding from Knapp Creek. A public scoping meeting is announced for April 11, 2000, from 7:00–10:00 pm in the Marlinton City Hall Auditorium, Marlinton, Pocahontas County, West Virginia.

ADDRESSES: Send written comments and suggestions concerning this proposed project to Nicholas E. Krupa PD–R, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, West Virginia, 25701–2070. Telephone: 304–529–5712. Electronic mail: nickk@lrh.usace.army.mil. Requests to be placed on the mailing list should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: To obtain additional information about the proposed project, contact Curt Murdock PM–P, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, West Virginia, 25701–2070. Telephone: 304–528–7444. Electronic mail: curt.e.murdock@lrh01.usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. Public Participation

a. The Corps of Engineers will conduct a public scoping meeting to gain input from interested agencies, organizations, and the general public concerning the content of the EIS, issues and impacts to be addressed in the EIS, and alternatives that should be analyzed. The meeting is scheduled for:

Date: April 11, 2000.

Time: 7:00–10:00 pm.

Place: The Marlinton City Hall Auditorium, Marlinton, Pocahontas County, West Virginia.

b. The Corps invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Greenbrier River flooding problems as they effect the community of Marlinton, West Virginia and the affected environment are urged to participate in this NEPA environmental analysis process. Assistance will be provided upon request to anyone having difficulty with learning how to participate.

c. Public comments are welcomed anytime throughout the NEPA process. Formal opportunities for public participation include: (1) Public meetings to be held near the community of Marlinton; (2) Anytime during the NEPA process via mail, telephone or e-mail; (3) During Review and Comment on the Draft EIS—approximately July to October 2001; and, (4) Review of the Final EIS —winter 2001–02. Schedules and locations will be announced in local news media. Interested parties may also request to be included on the mailing list for public distribution of meeting announcements and documents. (See **ADDRESSES**).

d. To ensure that all issues related to the proposed project are addressed, the Corps will conduct an open process to define the scope of the EIS. Recommendations from interested agencies, local and regional stakeholders and the general public are encouraged to provide input in identifying areas of concern, issues and impacts to be addressed in the EIS, and the alternatives that should be analyzed. Scoping for the DEIS will continue to build upon the knowledge and information developed during the more than 20 years of Corps of Engineer investigations of flooding in the Greenbrier watershed.

2. Background

a. Flooding has played a significant role in the history of Marlinton. Virtually the entire town lies within the 100-year floodplain of the Greenbrier River. Approximately 465 structures

(both residential and nonresidential) in Marlinton stand within the 100-year floodplain. Potential annual damages for this reach are estimated to be $1.8 million (1997 dollars). Located near the headwaters of the Greenbrier, warning times for floods in Marlinton are short, yet flood flows can be significant because of the large drainage area.

b. The largest known floods in the basin occurred in 1812, 1877, 1985, and 1996. At least eleven other major, but less severe, floods occurred in the 20th centruy. In November 1985, the flood of record for the upper portion of the basin occurred, resulting in five deaths. This event caused an estimated $97 million (1997 dollars) in damages basin-wide, with approximately $20 million (1997 dollars) occurring in Marlinton alone. The most recent major flood occurred in January 1996 and was approximately 1.5 feet lower than the 1985 event in Marlinton, but still caused widespread destruction.

c. Section 579 of the 1996 Water Resources Development Act specifically authorized the Corps to again consider local protection plans that would include such measures as floodwalls, levees, channelization and small tributary impoundments along with the nonstructural plans. The Greenbrier Limited Feasibility Study, completed in 1997 by the Huntington District Corps, evaluated alternatives for three major damage centers, including Marlinton. The 1997 study reevaluated the economic analysis of structural alternatives using more accurate property evaluation data. Three feasible alternatives emerged from the 1997 study for local flood protection at Marlinton. These are:

d. Alternative 1—An earthen levee/concrete floodwall combination to protect Marlinton, and an earthen levee to protect Riverside. The Marlinton levee will begin at high ground 200 feet north, or at the end of First Avenue, and run 6,000 feet along the Greenbrier River to Knapp Creek, and then 2,900 feet up Knapp Creek to the vicinity of the water plant. From this point, a 1,000-foot long floodwall would continue to the protection along Knapp Creek. A 600-foot levee would run from the end of the floodwall to high ground in the vicinity of Wilson's field. Marlin Run, which flows into Knapp Creek and which would be blocked by the proposed levee, would be re-routed to a point upstream of the end of the levee to avoid the need for a pump station. The 5,000-foot long Riverside levee would begin at high ground in the vicinity of Campbelltown, and run along Stoney Creek to the Greenbrier. Along the Greenbrier River, the levee would run to high ground in the vicinity of Burns Motor Freight. The Riverside levee would be required because the Marlinton protection would increase flood heights in the Riverside area.

e. Alternative 2—An earth levee/concrete floodwall combination and a diversion of Knapp Creek to protect Marlinton, and an earth levee to protect Riverside. The Marlinton levee would be the same as in Alternative 1 along the Greenbrier River to Knapp Creek. From that point along Knapp Creek, the levee would then cross Knapp Creek and run 800 feet to high ground. Three, gated culverts would run through this structure at Knapp Creek. A pump station would be mounted on the levee in close proximity. When the level of the Greenbrier River reaches a set point, the culvert gates would close and pumping of Knapp Creek to the Greenbrier River would occur. A 2,200-foot long diversion channel would be cut through Buckley Mountain, from a point approximately 1 mile upstream of the mouth of Knapp Creek to a point on the Greenbrier River 2000 feet downstream of their confluence. This channel diversion would carry Knapp Creek flood flows away from Marlinton. In conjunction with the channel diversion, an 800-foot long, 25foot-high concrete dam would be built across Knapp Creek just downstream of the channel diversion.

f. Alternative 3—Nonstructural plan for both Marlinton and Riverside. The nonstructural plan for the Marlinton/Riverside area involves the raising in place of 260 residential and 5 nonresidential structures and the acquisition of 10 residential structures and 145 nonresidential structures.

g. These alternatives, along with the no-action will be the alternatives the Corps initially proposes to evaluate in the EIS. As necessary, any reasonable alternatives that may become apparent as the evaluation proceeds will be addressed.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–7390 Filed 3–24–00; 8:45 am]

BILLING CODE 3710–GM–U

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 26, 2000.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 22, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Extension.

Title: Final Performance Report for the Business and International Education Program.

Frequency: After the completion of the project.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden: Responses: 30; *Burden Hours:* 150.

Abstract: The data collected through the final performance report will enable ED officials to determine the impact of the Business and International Education federal funds on its recipients. US/ED will sue the information collected to meet Government Performance and Results Act (GPRA) requirements and to provide budget justification.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe__Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–7508 Filed 3–24–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 26, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 21, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Arts in Education Competitive Grants Program.

Frequency: Annually.

Affected Public: Individuals or households; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1.

Burden Hours: 3,200.

Abstract: To provide assistance to eligible schools to support programs for media literacy that will (1) Enable students to critically interpret and analyze the violent messages transmitted through the media and (2) enable students to create their own media-based arts project through the uses of film, video, hypermedia, website design and other contemporary communications media.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at (202) 708–9346 (fax). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–7403 Filed 3–24–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 26, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office

of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 22, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: New.

Title: Star Schools Program Online Annual Performance Reporting System.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 18; *Burden Hours:* 2,700.

Abstract: The proposed interactive, on-line database provides the U.S. Department of Education and funded Star School Program projects with up-to-date information on a number of key issues that include: basic characteristics of the project and key contact information; project partners; project participants; the project focus; project goals and activities; professional development activities; impact on students; dissemination of project products; lessons learned from the project; and the project's budget.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at (202) 708–9346 (fax). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–7507 Filed 3–24–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Web-Based Education Commission; Telephone Conference Call

AGENCY: Office of Postsecondary Education, Education.

ACTION: Notice of full Commission telephone conference call.

SUMMARY: This notice announces the telephone conference call for the full Commission. Notice of this conference call is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to call into the conference.

DATES: The conference call will be on March 27, 2000, from 12:00–1:00 pm eastern standard time. Individuals interested in listening in on the call should contact the Commission for instructions.

FOR FURTHER INFORMATION CONTACT: David S. Byer, Executive Director, Congressional Web-based Education Commission, U.S. Department of Education, 1990 K Street, NW, Washington, DC 20006–8533. Telephone: (202) 219–7045. Fax: (202) 502–7873. You may reach Mr. Byer by email at: *david__byer@ed.gov.*

SUPPLEMENTARY INFORMATION: The Web-based Education Commission is authorized by title VIII, part J of the Higher Education Amendments of 1998, as amended by the Fiscal 2000 Appropriations Act for the Departments of Labor, Health, and Human Services, and Education, and Related Agencies. The Commission is required to conduct a thorough study to assess the critical pedagogical and policy issues affecting the creation and use of web-based and other technology-mediated content and learning strategies to transform and improve teaching and achievement at the K–12 and postsecondary education levels. The Commission must issue a final report to the President and the Congress, not later than 12 months after the first meeting of the Commission, which occurred November 16–17, 1999. The final report will contain a detailed statement of the Commission's findings and conclusions, as well as recommendations.

The purpose of the March 27 conference call is to (1) provide an update on Commission activities; (2) discuss the formation of working groups and the assignment of members to each group; (3) report on web site presence; and (4) plan for the next hearing of the Commission, tentatively scheduled for April 7–8 in Silicon Valley.

The conference call is open to the public. Records are kept of all Commission proceedings and are available for public inspection at the office of the Web-based Education Commission, Room 8089, 1990 K Street, NW, Washington, DC 20006–8533 from the hours of 9:00 am to 5:30 pm. The meeting site is accessible to individuals with disabilities. Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.* interpreting services, assistive listening devices, or materials in alternative format) should contact the person listed in this notice at least two weeks before the scheduled meeting date. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation.

Dated: March 22, 2000.

A. Lee Fritschler,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 00–7510 Filed 3–24–00; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

DOE Response to Recommendation 2000–1 of the Defense Nuclear Facilities Safety Board, Stabilization and Storage of Nuclear Material

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Defense Nuclear Facilities Safety Board published Recommendation 2000–1, concerning the stabilization and storage of nuclear material, on January 26, 2000 (65 FR 4237). Under section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(b), the Department of Energy was required to transmit a response to the Defense Nuclear Facilities Safety Board by March 13, 2000. The Secretary's response follows.

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before April 26, 2000.

ADDRESSES: Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Mr. David Huizenga, Deputy Assistant Secretary for Integration and

Disposition, Environmental Management, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

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

Mark B. Whitaker, Jr.,

Departmental Representative to the Defense Nuclear Facilities Safety Board.

The Secretary of Energy

Washington, DC 20585

March 13, 2000.

The Honorable John T. Conway,
Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004.

Dear Mr. Chairman: This letter acknowledges receipt of your Recommendation 2000–1, ''Stabilization and Storage of Nuclear Materials,'' issued on January 14, 2000, concerning continued efforts to stabilize and safely store the materials identified in your previous Recommendation 94–1. I share the Board's concerns that the nuclear materials remaining to be stabilized throughout the DOE complex pose significant risks, and I agree it is a priority to improve the Department's performance reducing these risks.

The Department has made progress in the last six years. Most of the very immediate concerns prompting Recommendation 94–1 have been mitigated. Stabilization activities are continuing. The Department has updated its safety analyses and implemented needed compensatory measures to ensure interim safe storage of nuclear materials. We recognize, however, that we must remain focussed until the task is complete.

We are working aggressively to complete the resource-loaded baselines for the Savannah River Site and the Los Alamos National Laboratory to finish the stabilization work begun under 94–1. By the end of April, we plan to provide you with an implementation plan for completing the remaining 94–1 activities and satisfying the risk-reduction requirements of Recommendation 2000–1. It is our intention that this combined plan will serve as the Department's 2000–1 Implementation Plan and enable the closure of Recommendation 94–1. Morever, as we proceed with implementing Recommendation 2000–1, we will continually examine options and related resource requirements that may allow schedule acceleration.

Accordingly, the Department accepts sub-recommendations 1 through 9 of Recommendation 2000–1, which deal specifically with the technical aspects of our stabilization plans. We do not accept sub-recommendations 10 and 11. While we agree that the funding requirements of our work need to be addressed, funding is not the only factor affecting the implementation of stabilization activities. Our rate of progress to date has also been affected by such factors as lack of adequate contractor baselines to guide work, technology maturity, facility and operational readiness, and unanticipated difficulties in maintaining and operating aging facilities. Currently, the accepted Implementation Plan for 94–1 is the December 1998 version, which has since been revised to reflect these factors. As such, an analysis of funding requirements for the accepted Implementation Plan would not provide a realistic or meaningful measure of how our stabilization activities could be accelerated. In addition, budgetary shortfalls have not made implementation impracticable and thus do not provide a basis for so notifying the President and the Congress.

Dr. Carolyn Huntoon, Assistant Secretary for Environmental Management, is accountable to me for effective implementation of this recommendation. Mr. David Huizenga, Deputy Assistant Secretary for Integration and Disposition in Environmental Management, is the responsible manager for the preparation of the Implementation Plan. He will work with you, other board members, and your staff to develop an acceptable Implementation Plan meeting our mutual expectations. He can be reached at (202) 586–5151.

Yours sincerely,
Bill Richardson.

[FR Doc. 00–7499 Filed 3–24–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER00–188–000; ER00–213–000 and EL00–22–000]

PSI Energy, Inc.; Cincinnati Gas & Electric Company; Notice of Informal Settlement Conference

March 21, 2000.

Take notice that an informal settlement conference will convened in this proceeding on March 29, 2000, at 10:00 am (in a Room to be posted on the Commission's Posting Screen), and on March 30, 2000, at 10:00 am in Room 3M–3, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Joel Cockrell at (202) 208–1184 or Anja M. Clark at (202) 208–2034.

David P. Boergers,

Secretary.

[FR Doc. 00–7397 Filed 3–24–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–496–005]

Southern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 21, 2000.

Take notice that on March 17, 2000, Southern Natural Gas Company (Southern) tendered for filing to become part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the revised tariff sheets in Appendix A to the filing, with an effective date of March 1, 2000.

Southern hereby files to place into effect as of March 1, 2000 an interim rate reduction as reflected on the tariff sheets listed on Appendix A. The interim rates set forth on such sheets are proposed to go into effect for customers consenting to the offer of settlement filed by Southern on March 10, 2000 in Docket Nos. RP99–495–004 et al. The interim rates will remain in effect pending final Commission action on the settlement in this proceeding.

Southern states that copies of the revised tariff sheets are being filed to Southern's jurisdictional customers and interested state commissions and to parties on the official service list complied by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 27, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–7396 Filed 3–24–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–771–001]

Tucson Electric Power Company; Notice of Filing

March 21, 2000.

Take notice that on March 9, 2000, Tucson Electric Power Company (Tucson) tendered for filing revised tariff sheets in compliance with the Commission's Order of February 8, 2000 in this proceeding. In that order, the Commission required that Tucson modify the methodology for computing load ratios under its Open Access Transmission Tariff (OATT) to conform to the pro forma tariff.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 31, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–7395 Filed 3–24–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting

March 22, 2000.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: March 29, 2000 (Following Regular Commission Meeting).

PLACE: Room 2C, 888 First Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. IN00–1–000, Kinder Morgan Interstate Gas Transmission LLC, *et al.*

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400.

David P. Boergers,

Secretary.

[FR Doc. 00–7645 Filed 3–23–00; 3:56 pm]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6565–3]

Adequacy Status of the New York State Portion of the New York-New Jersey-Connecticut Carbon Monoxide Maintenance Plan 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 that the motor vehicle emissions budgets contained in the November 23, 1999 carbon monoxide maintenance plan for the New York State portion of the New York-New Jersey-Connecticut carbon monoxide nonattainment area are adequate for conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted State implementation plans (SIPs) cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the New York State portion of the New York-New Jersey-Connecticut carbon monoxide nonattainment area must use the motor vehicle emissions budgets from the submitted carbon monoxide maintenance plan for future conformity determinations. This finding is effective April 11, 2000.

FOR FURTHER INFORMATION CONTACT: Rudolph K. Kapichak, Mobile Source Team Leader, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3804, e-mail address: *Kapichak.Rudolph@epa.gov.*

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'').

SUPPLEMENTARY INFORMATION:

Background

Today's notice is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to the New York State Department of Environmental Conservation on March 17, 2000 stating that the motor vehicle emissions budgets for 2000, 2007 and 2012 in the submitted carbon monoxide maintenance plan for the New York State portion of the New York-New Jersey-Connecticut carbon monoxide nonattainment area are adequate. 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 do. 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 have 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: March 17, 2000.

William Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 00–7453 Filed 3–24–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6565–2]

Gulf of Mexico Program Citizens Advisory Committee Meeting

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Act, P.L. 92463, EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Citizens Advisory Committee (CAC) in conjunction with the Gulf of Mexico Symposium.

DATES: The CAC meeting will be held on Monday, April 10, 2000 from 12:00 p.m. to 1:00 p.m. and on Tuesday, April 11, 2000 from 8:00 a.m. to11:00 a.m. and 1:30 p.m. to 4:30 p.m. and on Wednesday, April 12, 2000 from 1:00 p.m. to 3:00 p.m.

ADDRESSES: The meeting will be held at the Mobile Convention Center, 1 South Water Street, Mobile, AL, (334) 415–2100.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Building 1103, Room 202, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: Proposed agenda items will include: Coordination of Gulf of Mexico Symposium activities, Participation in Gulf of Mexico Symposium community action sessions, Progress of place-based work within Gulf States' watersheds, status of CAC membership appointments, review and update on Measures of Success and CAC activities, and Symposium reports.

The meeting is open to the public.

Dated: March 20, 2000.

James D. Giattina,

Director, Gulf of Mexico Program Office.

[FR Doc. 00–7452 Filed 3–24–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6564–9]

National Drinking Water Advisory Council; Small Systems Implementation Working Group; Notice of Conference Call

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under Section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that two conference calls of the Small Systems Implementation Working Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on April 10, 2000, from 1:00 p.m. to 3:00 p.m. EDT, and April 20, 2000 from 1:00 pm to 3:00 pm EDT. The calls will be held at the U.S. Environmental Protection Agency, 401 M Street S.W., Room 1209 East Tower, Washington, D.C. Both meetings are open to the public to observe, but seating will be limited.

The purpose of the first meeting is to review the draft report outlining the working group's final recommendations to the National Drinking Water Advisory Council. These recommendations are based on a series of analyses and deliberations on seven issue areas including water-system capacity development, public awareness and education, water-system governance, water-system organization, water service costs and affordability, unsustainable water systems, and water-policy institutions. The second meeting will be used to reach a final consensus of any revisions made as a result of discussions from the first conference call.

For more information, please contact Peter E. Shanaghan, Designated Federal Officer, Small Systems Implementation Working Group, U.S. EPA, Office of Ground Water and Drinking Water (4606), 401 M Street, S.W., Washington, D.C. 20460. The telephone number is 202–260–5813 and the email address is shanaghan.peter@epa.gov.

Dated: March 21, 2000.

Charlene E. Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 00–7451 Filed 3–24–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34220; FRL–6551–4]

Organophosphate Pesticides; Availability of Revised Risk Assessments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notices announces the availability of the revised risk assessments and related documents for two organophosphate pesticides, phostebupirim and tetrachlorvinphos. In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management ideas or proposals. These actions are in response to a joint initiative between EPA and the Department of Agriculture (USDA) to increase transparency in the tolerance reassessment process for organophosphate pesticides.

DATES: Comments, identified by docket control numbers OPP–34186A for phostebupirim and OPP–34175B for tetrachlorvinphos, must be received by EPA on or before May 26, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control numbers OPP–34186A for phostebupirim and OPP–34175B for tetrachlorvinphos in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does This Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the revised risk assessments and submitting risk management comments on phostebupirim and tetrachlorvinphos, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. As such, the Agency has not attempted to specifically describe all the entities potentially 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.**

II. How Can I Get Additional Information, Including Copies of This Document or Other Related Documents?

A. Electronically

You may obtain electronic copies of this document and other related documents 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/.

To access information about organophosphate pesticides and obtain electronic copies of the revised risk assessments and related documents mentioned in this notice, you can also go directly to the Home Page for the Office of Pesticide Programs (OPP) at http://www.epa.gov/pesticides/op/.

B. In Person

The Agency has established an official record for this action under docket control numbers OPP–34186A for phostebupirim and OPP–34175B for tetrachlorvinphos. 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 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 Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How Can I Respond to This Action?

A. How and to Whom Do I Submit 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 numbers OPP–34186A for phostebupirim and OPP–34175B for tetrachlorvinphos in the subject line on the first page of your response.

1. By Mail

Submit comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. In Person or by Courier

Deliver comments to: Public Information and Records Integrity Branch, Information Resources and Services Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. Electronically

Submit electronic comments by e-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by the docket control numbers OPP–34186A for phostebupirim and OPP–34175B for tetrachlorvinphos. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI Information That I Want To Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

IV. What Action Is EPA Taking in This Notice?

EPA is making available for public viewing the revised risk assessments and related documents for two organophosphate pesticides, phostebupirim and tetrachlorvinphos. These documents have been developed as part of the pilot public participation process that EPA and USDA are now using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pilot public participation process was developed as part of the EPA–USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate pesticide risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation. The documents being released to the public through this notice provide information on the revisions that were made to the phostebupirim and tetrachlorvinphos preliminary risk assessments, which where released to the public on May 26, 1999 (64 FR 101) (FRL–6083–4) for phostebupirim and January 15, 1999 (64 FR 10) (FRL–6056–9) for tetrachlorvinphos through notices in the **Federal Register**.

In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management proposals or otherwise comment on risk managements for phostebupirim and tetrachlorvinphos. The Agency is providing an opportunity, through this notice, for interested parties to provide written risk management proposals or ideas to the Agency on the chemical specified in this notice. Such comments and proposals could address ideas about how phostebupirim and tetrachlorvinphos use sites or crops across the United States or in a particular geographic region of the country. To address dietary risk, for example, commenters may choose to discuss the feasibility of lower application rates, increasing the time interval between application and harvest (''pre-harvest intervals''), modifications in use, or suggest alternative measures to reduce residues contributing to dietary exposure. For occupational risks, commenters may suggest personal protective equipment or technologies to reduce exposure to workers and pesticide handlers. For ecological risks, commentors may suggest ways to reduce environmental exposure, *e.g.,* exposure to birds, fish,

mammals, and other non-target organisms. EPA will provide other opportunities for public participation and comment on issues associated with the organophosphate pesticide tolerance reassessment program. Failure to participate or comment as part of this opportunity will in no way prejudice or limit a commenter's opportunity to participate fully in later notice and comment processes. All comments and proposals must be received by EPA on or before May 26, 2000, at the addresses given under the **ADDRESSES** section. Comments and proposals will become part of the Agency record for the organophosphate pesticides specified in this notice.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: March 20, 2000.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 00–7418 Filed 3–24–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30492; FRL–6494–7]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products, and pesticide products involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30492, must be received on or before April 26, 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–30492 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: The Regulatory Action Leader, Registration Division (7505C), listed in the table below:

Regulatory Action Leader	Mailing address/telephone number	E-mail address
Cynthia Giles-Parker (PM–22)	Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460 (703) 305–7740	giles-parker.cynthia@epa.gov
Mary L. Waller (PM–21)	Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460 (703) 308–9354	waller.mary@epa.gov

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' 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–30492. 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–30492 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 Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–30492. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under ''FOR FURTHER INFORMATION CONTACT.''

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the registration activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number 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. Registration Applications

EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products, and pesticide products involving a changed use pattern pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

A. Products Containing Active Ingredients Not Included in any Previously Registered Products

File Symbol: 71512–R. Applicant: ISK Biosciences Corporation. Product Name: Omega 500F. Fungicide. Active Ingredient: Fluazinam, 3-chloro-*N*-3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl-5-(trifluoromethyl)-2-pyridinamine. Proposed classification/Use: none. For sclerotinia blight, southern blight and limb and pod rot on peanuts. For late blight and white mold on potatoes. (PM 22)

B. Products Involving a Changed Use Pattern

1. EPA File Symbol 264–ATA. Applicant: Aventis CropScience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. Product name: Tatoo C Fungicide. Fungicide. Active ingredient: propyl[3-(dimethyl amino)propyl]carbamate monohydrochloride 30.5% and tetrachloroisophthalonitrile 30.5%. Proposed classification/Use: To include in its presently registered use on turf and ornamentals, new use on potato for the control of late blight. (PM–21)

2. EPA File Symbol 264–ATI. Applicant: Aventis CropScience USA LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. Product name: Previcur Fungicide. Fungicide. Active ingredient: propyl[3-(dimethylamino)propyl]carbamate monohydrochloride 66.5%. Proposed classification/Use: To include in its presently registered use on turf and ornamentals, new use on potato for the control of late blight. (PM–21)

List of Subjects

Environmental protection, Pesticides and pest.

Dated: March 13, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 00–7417 Filed 3–24–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6564–7]

Methods for Measuring the Toxicity and Bioaccumulation of Sediment-Associated Contaminants With Freshwater Invertebrates—Second Edition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of methods for measuring the toxicity and bioaccumulation of sediment-associated contaminants with freshwater invertebrates—second edition.

SUMMARY: The Environmental Protection Agency (EPA) is publishing procedures for testing freshwater organisms in the laboratory to evaluate the potential toxicity or bioaccumulation of chemicals in whole sediments. This second edition updates methods originally published in 1994 (EPA/600/6–94/024). The second edition of the manual includes new methods for evaluating sublethal effects of sediment-associated contaminants utilizing long-term sediment exposures. Procedures are described for testing the freshwater organisms in the laboratory to evaluate the potential toxicity or bioaccumulation of chemicals in whole sediments. Sediments may be collected from the field or spiked with compounds in the laboratory. Toxicity methods are outlined for two (2) organisms, the amphipod *Hyalella azteca,* and the midge *Chironomus tentans.* Toxicity tests with amphipods or midges are conducted for 10 days in 300-mL chambers containing 100 mL of sediment and 175 mL of overlying water. Overlying water is renewed daily and test organisms are fed during the toxicity tests. The endpoints in the 10 day test with *H. azteca* and *C. tentans*

are survival and growth. Procedures are primarily described for testing freshwater sediments; however, estuarine sediments (up to 15‰ salinity) can also be tested in 10 day sediment toxicity tests with *H. azteca.* Guidance is also provided for conducting long-term sediment toxicity tests with *H. azteca* and *C. tentans.* The long-term sediment exposures with *H. azteca* are started with 7-to 8-day old amphipods. On day 28 of the sediment exposure, amphipods are isolated from the sediment and placed in water-only chambers where reproduction is measured on day 35 and 42. Endpoints measured in the amphipod test include survival (day 28, 35, and 42), growth (on day 28 and 42), and reproduction (number of young/female produced from day 28 to 42). The long-term sediment exposures with *C. tentans* start with newly hatched larvae (<24 hours old) and continue through emergence, reproduction, and hatching of the F_1 generation (about 60 day sediment exposures). Survival and growth are determined at 20 days. Starting on day 23 to the end of the test, emergence and reproduction of *C. tentans* are monitored daily. The number of eggs/female is determined for each egg mass, which is incubated for 6 days to determine hatching success. The procedures detailed in this document include measurement of a variety of lethal and sublethal endpoints with *Hyalella azteca* and *Chironomus tentans.* Minor modifications of the basic methods can be used in cases where only a subset of these endpoints is of interest. Guidance for conducting 28 day bioaccumulation tests with the oligochaete *Lumbriculus variegatus* is also provided in the manual. Overlying water is renewed daily and test organisms are not fed during the bioaccumulation tests. Methods are also described for determining bioaccumulation kinetics of different classes of compounds during 28 day exposures with *L. variegatus.*

This guidance is designed to describe procedures for testing freshwater organisms in the laboratory to evaluate the potential toxicity or bioaccumulation of chemicals in whole sediments. This guidance document has no immediate or regulatory consequence. It does not in itself establish or affect legal rights or obligations, or represent a determination of any party's liability. The USEPA may change this guidance in the future.

This guidance document has been reviewed in accordance with USEPA Policy and approved for publication. Any mention of trade names or commercial products does not constitute endorsement or recommendation for use.

Availability of Document: Copies of the complete document, titled Methods for Measuring the Toxicity and Bioaccumulation of Sediment-associated Contaminants with Freshwater Invertebrates—Second Edition (EPA/600/R–99/064) can be obtained from the National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati, OH., 45242 by phone at 1–800–490-9198 or on their web site at *www.epa.gov/ncepihom/orderpub.html.* A pdf version of this document will be made available to be viewed or downloaded from the Office of Science and Technology's home page on the Internet at *www.epa.gov/OST/.*

FOR FURTHER INFORMATION CONTACT: D. Scott Ireland, USEPA, Standards and Applied Science Division (4305), Office of Science and Technology, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; or call (202) 260–6091; fax (202) 260–9830; or e-mail ireland.scott@epa.gov.

SUPPLEMENTARY INFORMATION:

Background Information

Sediment contamination is a widespread environmental problem that can potentially pose a threat to a variety of aquatic ecosystems. Sediment functions as a reservoir for common chemicals such as pesticides, herbicides, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and metals such as lead, mercury, and arsenic.

These methods provide consistent testing protocols for agency-wide use to evaluate risks and provide comparable data. They provide the basis for uniform cross-program decision making within the USEPA. Each program, however, retains the flexibility of deciding whether identified risk would trigger regulatory actions.

Dated: March 22, 2000.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 00–7454 Filed 3–24–00; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

March 20, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 26, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0012.

Title: Application for Additional Time to Construct A Radio Station.

Form Number: FCC Form 701.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 100.

Estimated Time per Response: 2 hours.

Frequency of Response: Reporting on occasion.

Total Annual Burden: 200 hours.

Total Annual Cost: $17,000.00.

Needs and Uses: FCC Form 701 is used when applying for additional time to construct an MDS or international broadcast station. This form is used by agency staff to determine whether to

grant the applicant's request for an additional period of time to construct a station. The agency could not determine whether the applicant's request for additional time to construct should be granted without this collection of information.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–7425 Filed 3–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

March 16, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 26, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: *OMB Control No.:* 3060–0750.

Title: Section 73.673, Public Information Initiatives Regarding Educational and Informational Programming for Children.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, and business or other for-profit.

Number of Respondents: 1,225.

Estimated Time Per Response: 1 minute per program and 5 minutes per program to publishers of program guides.

Frequency of Response: Third party disclosure requirement.

Total Annual Burden: 38,219 hours.

Total Annual Cost: N/A.

Needs and Uses: Section 73.673 requires commercial TV broadcasters to identify programs specifically designed to educate and inform children at the beginning of those programs and to provide information identifying such programs and the age groups for which they are intended to publishers of program guides.

These requirements provide better information to the public about the shows broadcasters air to fulfill their obligation to air educational and informational programming under the Children's Television Act (CTA) of 1990. This information will assist parents who wish to guide their children's television viewing. In addition, if large numbers of parents use that information to choose educational programming for their children, it will increase the likelihood that the market will respond with more educational programming. Better information should help parents and others to have an effective dialogue with broadcasters in their community about children's programming and, where appropriate, to urge programming improvements without resorting to government intervention.

The next television renewal cycle will commence on June 1, 2004. As part of the license renewal applications submission, each commercial television licensee will report on its compliance with the Commission's children's television programming and commercial advertisement regulations during the preceding eight-year license term.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–7427 Filed 3–24–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–00–31–D (Auction No. 31); DA 00–573]

747–762 and 777–792 MHz Band Auction Postponed Until June 7, 2000

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document postpones the upcoming auction originally scheduled to begin May 10, 2000, in order to provide additional time for bidder preparation and planning. The auction is rescheduled to begin June 7, 2000.

DATES: Auction No. 31 will begin June 7, 2000.

FOR FURTHER INFORMATION CONTACT: Howard Davenport, Auctions and Industry Analysis Division, at (202) 418–0660 or Kathy Garland, Auction Operations at (717) 338–2801.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released March 17, 2000. The complete text of the public notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, D.C. 20554. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, D.C. 20036, (202) 857–3800. It is also available on the Commission's web site at *http://www.fcc.gov.*

1. The upcoming auction of licenses in the 747–762 and 777–792 MHz band, originally scheduled to begin on May 10, 2000, is postponed until June 7, 2000, in order to provide additional time for bidder preparation and planning. *See* Auction No. 31 Public Notice, 65 FR 12251 (March 8, 2000). Except for the dates listed below, the information provided in previous public notices remains unchanged. The new schedule is as follows:

Seminar Date: April 24, 2000
FCC Form 175 Filing Deadline: May 8, 2000
Upfront Payments: May 22, 2000
Mock Auction: June 2, 2000
Auction Begins: June 7, 2000

Federal Communications Commission.

Louis J. Sigalos,

Deputy Chief, Auctions & Industry Analysis Division.

[FR Doc. 00–7424 Filed 3–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting; Cancellation

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the previously announced closed meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2 pm on Friday, March 24, 2000, has been Cancelled.

No earlier notice of this cancellation was practicable.

Dated: March 22, 2000.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 00–7546 Filed 3–23–00; 10:13 am]

BILLING CODE 6714–01–M

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 April 10, 2000.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Theresa M. Ward, Peoria, Illinois; to acquire voting shares of Mid Illinois Bancorp, Inc., Peoria, Illinois, and thereby indirectly acquire voting shares of South Side Trust and Savings Bank of Peoria, Peoria, Illinois.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Gunter Family Limited Partnership, Sour Lake, Texas; to acquire voting shares of Norkitt Bancorp, Inc., Hallock, Minnesota, and thereby indirectly acquire voting shares of Northwestern State Bank of Hallock, Hallock, Minnesota.

Board of Governors of the Federal Reserve System, March 21, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–7402 Filed 3–24–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 2000.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Eastern Virginia Bankshares, Inc., Tappahannock, Virginia; to acquire 100 percent of the voting shares of Hanover Bank (in organization), Mechanicsville, Virginia.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. First Security Group, Inc., Deer Lodge, Montana; to become a bank holding company by acquiring 89.4 percent of the voting shares of First Security Bank of Deer Lodge, Deer Lodge, Montana.

Board of Governors of the Federal Reserve System, March 21, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–7401 Filed 3–24–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than April 21, 2000.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Regent Bancorp, Inc., Davie, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Regent Bank, Davie, Florida.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Coloeast Bankshares, Inc., Lamar, Colorado; to acquire 100 percent of the voting shares of Citizens Holding Company, Keenesburg, Colorado; and thereby indirectly acquire Citizens State Bank, Keenesburg, Colorado.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Corpus Christi Bancshares, Inc., Corpus Christi, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The First State Bank, Bishop, Texas.

Board of Governors of the Federal Reserve System, March 22, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–7511 Filed 3–24–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Committees; Notice

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: The purpose of this notice is to solicit nominations for membership on the National Committee on Vital and Health Statistics (NCVHS). The NCVHS is the statutory public advisory body to the U.S. Department of Health and Human Services in the areas of health data policy, data standards, health information privacy and population-based data. In addition, the Committee has been assigned new advisory responsibilities in health data standards and health information privacy as a result of the Health Insurance Portability and Accountability Act of 1996.

One or more vacancies are expected to occur on the Committee as of June 2000. New members of the Committee will be appointed to terms of up to four years by the Secretary of Health and Human Services from among persons who have distinguished themselves in the following fields: health statistics, electronic interchange of health care information, privacy and security of electronic information, population-based public health, purchasing or financing health care services, integrated computerized health information systems, health services research, consumer interests in health information, health data standards, epidemiology, and the provision of health services.

In appointing members, the Department will give close attention to equitable geographic distribution and to minority and female representation. Appointments will be made without discrimination on the basis of age, race, gender, sexual orientation, HIV status, cultural, religious or socioeconomic status.

DATES: Nominations for new members should include a letter describing the qualifications of the nominee and the nominee's current resume or vitae. The closing date for nominations is April 26, 2000.

Nominations should be sent to the person named below. James Scanlon Executive Secretary, HHS Data Council, U.S. Department of Health and Human Services, Room 440–D, 200 Independence Avenue S.W., Washington, DC 20201, (202) 690–7100.

FOR FURTHER INFORMATION CONTACT: James Scanlon (202) 690–7100 or Marjorie Greenberg (301) 458–4245. Additional information about the NCVHS, including the charter, current roster, organization, and previous recommendations and reports is available on the NCVHS website: http://www.ncvhs.hhs.gov.

SUPPLEMENTARY INFORMATION: The National Committee on Vital and Health Statistics serves as the statutory public advisory body to the Department of Health and Human Services in the area of health data policy. In that capacity, the Committee, which will celebrate its 50th anniversary this year, provides advice and assistance to the Department on a variety of key health data issues, including health data standards, privacy, population-based-data, and national health information infrastructure issues.

The Committee also provides advice to HHS on the implementation of the Administrative Simplification requirements of the Health Insurance Portability and Accountability Act of 1996. The Committee consists of 18 members: Of the 18 members, one is appointed by the Speaker of the House of Representatives after consultation with the minority leader of the House of Representatives; one is appointed by the President pro tempore of the Senate after consultation with the minority leader of the Senate, and 16 are appointed by the Secretary of Health and Human Services.

Dated: March 17, 2000.

James Scanlon,

Executive Secretary, HHS Data Council.

[FR Doc. 00–7365 Filed 3–24–00; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control And Prevention

[60Day–00–28]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506 (c) (2) (A) of the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention is providing opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Possible Estuary-Associated Syndrome (PEAS) Surveillance –New– National Center for Environmental Health (NCEH)—In 1997, scientists found a newly identified microorganism, the dinoflagellate Pfiesteria piscicida, in water samples taken from a bay tributary. The presence of large numbers of this organism (a bloom) was purportedly associated with

observations of thousands of dead fish as well as with reports of a wide range of adverse human health effects. Reports of this purported association created excessive public concern about exposure to estuarine waters and a general distrust in seafood that prompted a flood of inquiries to public health and environmental quality agencies.

Since 1997, the Centers for Disease Control and Prevention (CDC) has been working with the States of Delaware, Florida, Maryland, North Carolina, South Carolina, and Virginia in a series of meetings, workshops, and conference calls to design, implement, evaluate, and revise surveillance activities to provide a quantitative estimate of the public health burden associated with responding to Pfiesteria-related events, including blooms, fish kills, and people with health complaints. Cooperative agreement funds were awarded to these states to develop a multi-state surveillance system to examine the effects of Pfiesteria blooms upon humans and to expand the scientific knowledge of the human health effects if Pfiesteria. Specifically, the states will quantify the burden of PEAS on their health agencies by enumerating the number of contacts involving public and professional requests for information as well as symptoms involved in self-reporting. In collaboration with the state health departments, NCEH has developed a standardized data collection instrument that the states may use to collect and store the surveillance data. NCEH has requested that the states report specific data elements back at regular intervals so that NCEH can compile the data and issue periodic aggregate reports. CDC/NCEH is requesting a 3 year clearance. There is no cost to respondents.

Type of burden	Number of respondents	Number of responses	Avg. burden/ Response (in hrs.)	Total burden (in hrs.)
Information only Calls	800	1	5/60	66
Symptomatic Reports—telephone interview	80	1	25/60	33
Total	.....	.....	.....	99

2. Microbial Contamination of Produce: A Field Study in the Lower Rio Grande Valley, Texas—New—National Center for Environmental Health (NCEH). Foodborne diseases are common; an estimated 6–33 million cases occur each year in the United States. Although most of these infections cause mild illness, severe infections and serious complications do occur. The public health challenges of foodborne diseases are changing rapidly. In recent years, new and emerging foodborne pathogens have been described and changes in food production have led to new food safety concerns. Foodborne diseases have been associated with many different foods, including recent outbreaks linked to contaminated fresh fruits (*e.g.*, cantaloupe, strawberries) and vegetables (*e.g.*, leaf lettuce, alfalfa sprouts).

NCEH proposes to conduct a study to determine what specific farm and produce processing practices are associated with fecal contamination of fruits and vegetables. Growing, handling and processing methods used in the produce industry may increase the risk that these foods will become contaminated with fecal matter. The study will describe the chain of farm to shipping practices for three vulnerable produce groups (leafy lettuces, leafy herbs, green onions). Critical agricultural practices where contamination with foodborne pathogens is likely will be identified by measuring the microbial quality of produce at each step during harvesting and processing (farm to shipping). Sources of fecal contamination will be determined by measuring the microbial quality of irrigation and process water, measuring fecal indicator organisms on hand rinses from farm laborers and handlers, and conducting sanitary surveys of sources of human and animal feces in and around the farms and processing areas. CDC/NCEH is requesting a 3-year clearance. There is no cost to respondents.

Respondents	Number of respondents	Responses/ respondents	Avg. burden/ respondent (in hrs.)	Total burden (in hrs.)
Farm Recruiting visit	14	1	30/60	7
Packing Facility Recruiting visit	9	1	30/60	4.5
Farm Manager interview (in person)	12	2	30/60	12
Packing Facility Manager interview (in person)	8	1	30/60	4
Hand rinse sample collection	160	1	10/60	26.7
Total	.....	.....	.....	54.2

3. The National Health and Nutrition Examination Survey (NHANES)—(0920-0237)—Revision— The National Health and Nutrition Examination Survey (NHANES) has been conducted in several cycles since 1970 by the National Center for Health Statistics (NCHS). The current cycle of NHANES began in February 1999. The survey will now be conducted on a continuous, rather than episodic, basis. About 6,700 individuals receive a health interview in their homes annually; of these, 5,000 persons complete a physical examination. Participation in the survey is voluntary and confidential.

NHANES programs produce descriptive statistics which measure the health and nutritional status of the U.S. population. Through the use of questionnaires, physical examinations, and laboratory tests, NHANES studies the relationship between diet, nutrition and health in a representative sample of the United States civilian, noninstitutionalized population. NHANES monitors the prevalence of chronic conditions and risk factors such as coronary heart disease, arthritis, osteoporosis, pulmonary and infectious diseases, diabetes, high blood pressure, high cholesterol, obesity, smoking, drug and alcohol use, environmental

exposures, and diet. NHANES data are used to establish the norms for the general population against which health care providers can compare such patient characteristics as height, weight, and nutrient levels in the blood. Data from NHANES can be compared to those from previous surveys to monitor changes in the health of the U.S. population. NHANES will also establish a national probability sample of genetic material for future genetic research for susceptibility to disease.

Users of NHANES data include Congress; the World Health Organization; Federal agencies such as NIH, EPA, and USDA; private groups such as the American Heart Association; schools of public health; private businesses; individual practitioners; and administrators. NHANES data are used to establish, monitor, and evaluate long-term national health objectives, food fortification policies, programs to limit environmental exposures, immunization guidelines and health education and disease prevention programs. There is no cost to the respondent.

Burden category	Number of respondents between 12/00–12/02	Number of responses/ respondent	Avg. burden per response (in hours)	Total burden (hours)
1. Screening interview only	40,000	1	10/60	6,680
2. Screeners and family interviews only	2,000	1	26/60	868
3. Screeners, family, and SP interviews only	3,000	1	1 6/60	3,303
4. Screener, household, and SP interviews and primary MEC exam only	14,800	1	6 40/60	98,686
5. Screener, household, and SP interviews, primary MEC exam and full MEC replicate exam	740	1	11 40/60	8,634
6. Screener, household, and SP interviews, MEC exam and dietary replicate interview only (5% + optional 15%)	2,960	1	9 1/60	26,693
7. Home exam	200	1	2 36/60	521
8. Telephone follow-up of elderly—option	3,500	1	15/60	875
Total				146,260

Dated: March 20, 2000.

Charles Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–7412 Filed 3–24–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a tentative schedule of forthcoming meetings of its public advisory committees for the remainder of 2000.

At the request of the Commissioner of Food and Drugs (the Commissioner), the Institute of Medicine (the IOM) conducted a study of the use of FDA's advisory committees. The IOM recommended that the agency publish an annual tentative schedule of its meetings in the **Federal Register**. In response to that recommendation, FDA is publishing its annual tentative scheduled meetings for the remainder of 2000.

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4820.

SUPPLEMENTARY INFORMATION: The IOM, at the request of the Commissioner, undertook a study of the use of FDA's advisory committees. In its final report, the IOM recommended that FDA adopt a policy of publishing an advance yearly schedule of its upcoming public advisory committee meetings in the **Federal Register**. FDA has implemented this recommendation. A tentative schedule of forthcoming meetings will be published annually in the **Federal Register**. The annual publication of tentatively scheduled advisory committee meetings will provide both advisory committee members and the public with the opportunity, in advance, to schedule attendance at FDA's upcoming advisory committee meetings. The schedule is tentative and amendments to this notice will not be published in the **Federal Register**. FDA will, however, publish a **Federal Register** notice 15 days in advance of each upcoming advisory committee meeting, announcing the meeting (21 CFR 14.20).

The following list announces FDA's tentatively scheduled advisory committee meetings for the remainder of 2000:

Committee Names	Dates of Meetings
OFFICE OF THE COMMISSIONER	
Science Board to the Food and Drug Administration	April 21
CENTER FOR BIOLOGICS EVALUATION AND RESEARCH	
Allergenic Products Advisory Committee	October 24
Biological Response Modifiers Advisory Committee	March 20–21, October 19–20
Blood Products Advisory Committee	March 16–17, June 15–16, September 14–15, December 14–15
Transmissible Spongiform Encephalopathies Advisory Committee	November 2–3
Vaccines and Related Biological Products Advisory Committee	May 11–12, July 27–28, September 21–22, November 2–3
CENTER FOR DRUG EVALUATION AND RESEARCH	
Advisory Committee for Pharmaceutical Science	April 26, May 15–16, November 2–3
Advisory Committee for Reproductive Health Drugs	March 28–29, April 10, May 4–5
Anesthetic and Life Support Drugs Advisory Committee	November 6–7

Committee Names	Dates of Meetings
Anti-Infective Drugs Advisory Committee	March 24, September 11–12
Antiviral Drugs Advisory Committee	July 20–21
Arthritis Advisory Committee	April 11, June 8–9, September 11–12, November 9–10
Cardiovascular and Renal Drugs Advisory Committee	May 1–2, July 20–21, October 19–20
Dermatologic and Ophthalmic Drugs Advisory Committee	May 4–5
Drug Abuse Advisory Committee	October 19–20
Endocrinologic and Metabolic Drugs Advisory Committee	May 18–19, July 13–14, October 5–6, December 7–8
Gastrointestinal Drugs Advisory Committee	April 12
Medical Imaging Drugs Advisory Committee	May 22–23, October 30–31
Nonprescription Drugs Advisory Committee	June 22–23, July 13–14, October 19–20, December 7–8
Oncologic Drugs Advisory Committee	March 16–17, June 5–6
Peripheral and Central Nervous System Drugs Advisory Committee	October 26
Pharmacy Compounding Advisory Committee	May 15–16
Psychopharmacologic Drugs Advisory Committee	June 28–29, November 2–3
Pulmonary-Allergy Drugs Advisory Committee	November 6–7
CENTER FOR FOOD SAFETY AND APPLIED NUTRITION	
Food Advisory Committee	September 14–15
CENTER FOR DEVICES AND RADIOLOGICAL HEALTH	
Device Good Manufacturing Practice Advisory Committee	No meetings planned
Medical Devices Advisory Committee	
Anesthesiology and Respiratory Therapy Devices Panel	May 25–26, September 7–8, November 2–3
Circulatory System Devices Panel	May 2–3, September 25–26
Clinical Chemistry and Clinical Toxicology Devices Panel	March 24, June 29–30, September 14–15, December 14–15
Dental Products Panel	April 6–7, May 23–24, July 18–19, October 3–4
Ear, Nose, and Throat Devices Panel	May 26, June 23, July 20–21, September 22
Gastroenterology-Urology Devices Panel	April 13–14, August 31–September 1, November 30–December 1
General and Plastic Surgery Devices Panel	June 12–13, September 11–12, December 4–5
General Hospital and Personal Use Devices Panel	May 1–2, August 7–8, November 6–7
Hematology and Pathology Devices Panel	June 12, August 8, November 7
Immunology Devices Panel	June 16, September 15, December 8
Medical Devices Dispute Resolution Panel	To be determined
Microbiology Devices Panel	June 21–22, November 16–17
Molecular and Clinical Genetics Panel	June 23, September 15, December 15
Neurological Devices Panel	March 31, May 11–12, August 17–18, November 16–17
Obstetrics-Gynecology Devices Panel	April 10–11, July 24–25, October 9–10
Ophthalmic Devices Panel	March 17, May 11–12, July 27–28, September 21–22, November 8–9
Orthopaedic and Rehabilitation Devices Panel	March 18, May 4–5, August 24–25, November 16–17
Radiological Devices Panel	May 15, August 14, November 6
National Mammography Quality Assurance Advisory Committee	July 10, December 11
Technical Electronic Product Radiation Safety Standards Committee	June 21–22
CENTER FOR VETERINARY MEDICINE	
Veterinary Medicine Advisory Committee	September 15
NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH	
Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants	No meetings planned
Science Board to the National Center for Toxicological Research	May 1–2

Dated: March 17, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–7429 Filed 3–24–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute: Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Research, Purification, and Further Development of a Factor(s) That Inhibits Human Immunodeficiency Virus (HIV) Replication

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute (NCI) seeks a Cooperative Research and Development Agreement (CRADA) Collaborator to aid NCI in the further characterization and commercial development of a factor(s) that inhibits the replication of the Human Immunodeficiency Virus (HIV). NCI recently discovered that leukocytes stimulated with infectious or ultraviolet-inactivated influenza A virus produce a factor(s) that inhibits the replication of both CCR5- and CXCR4-tropic HIV–1 viral isolates. The factor(s) inhibits replication of the virus after

The National Cancer Institute's Experimental Immunology Branch has identified a factor that is produced by leukocytes when exposed to influenza virus which inhibits HIV replication.

viral binding but prior to reverse transcription. NCI has performed the initial characterization of the HIV–1 replication-inhibiting factor(s). The discovery of this factor(s) raises the possibility that immunization with recombinant influenza viral constructs and/or ultraviolet (UV)-inactivated influenza offers an immune-based therapeutic strategy that could be used to treat HIV-infected patients. NCI is looking for a CRADA Collaborator with a demonstrated record of success in protein purification and HIV therapeutics for the eventual use of this factor(s) in the clinical treatment of patients suffering from Acquired Immunodeficiency Syndrome (AIDS). The proposed term of the CRADA can be up to five (5) years.

DATES: Interested parties should notify this office in writing of their interest in filing a formal proposal no later than May 26, 2000. Potential CRADA Collaborators will then have an additional thirty (30) days to submit a formal proposal. CRADA proposals submitted thereafter may be considered if a suitable CRADA Collaborator has not been selected.

ADDRESSES: Inquiries and proposals regarding this opportunity should be addressed to Holly Symonds Clark, Ph.D., Technology Development Specialist (Tel. # 301–496–0477, FAX # 301–402–2117), Technology Development and Commercialization Branch, National Cancer Institute, 6120 Executive Blvd., Suite 450, Rockville, MD 20852. Inquiries directed to obtaining patent license(s) for the technology described in U.S. Provisional Patent Application Serial No. 60/162,262, filed October 29, 1999 for ''Leukocyte-Derived Anti-Viral Factors'' (Shearer *et al.*) (NCI), should be addressed to J.P. Kim, J.D., M.B.A., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Blvd., Suite 325, Rockville, MD 20852, (Tel. 301–496–7056, ext. 264; FAX 301–402–0220).

SUPPLEMENTARY INFORMATION: A Cooperative Research and Development Agreement (CRADA) is the anticipated joint agreement to be entered into with NCI pursuant to the Federal Technology Transfer Act of 1986 and Executive Order 12591 of April 10, 1987 as amended by the National Technology Transfer Advancement Act of 1995. NCI is looking for a CRADA partner to aide NCI in the characterization and commercial development of the HIV replication-inhibiting factor. The expected duration of the CRADA would be from one (1) to five (5) years.

NCI has discovered a system in which leukocytes can produce an anti-HIV factor following exposure to an influenza virus. Specifically, NCI has found that the factor or factors secreted by the leukocytes inhibit retroviral replication prior to reverse transcription and formation of the provirus. The influenza virus to which the leukocytes are exposed causing them to generate anti-HIV activity include infectious influenza virus and UV-inactivated influenza virus. NCI has found that exposure of the leukocytes to the influenza virus can inhibit viral isolates that use different coreceptors for binding CD4.

The generation of the influenza-stimulated anti-HIV factor(s) can be mediated in the absence of CD4+ or CD8+ cells, and it does not appear to require the presence of both subsets. Thus, it is possible that the anti-HIV factor could be produced in patients exhibiting low CD4 counts. NCI has determined that the anti-HIV factor(s) presently claimed do not include several of the known chemokines or cytokines.

NCI predicts that the influenza-stimulated anti-HIV factor(s) offers the following advantages: 1. The anti-HIV activity appears to be independent of the presence of both CD4+ and CD8+ cells and of ability to generate strong T cell proliferative responses to flu, as well as of influenza-stimulated production of the Th1 cytokine, IFN-gamma. 2. Influenza-stimulated peripheral blood mononuclear cells (PBMCs) from HIV+ patients can generate anti-HIV activity that is as potent as cells from HIV-donors, and this activity appears to be independent of a patient's T helper responses to influenza. 3. Flu-stimulated anti-HIV–1 activity is broadly reactive in that it inhibits HIV–1 isolates that use different coreceptors for entry, and is therefore not a beta-chemokine. 4. NCI's demonstration that inhibition occurs prior to HIV reverse transcription distinguishes it from the CD8 anti-viral factor (CAF), which inhibits at transcription. 5. The fact that UV-inactivated flu can stimulate anti-HIV activity indicates the potential clinical feasibility of immunizing HIV+ patients. NCI believes that the utilization of an attenuated form of live influenza virus might represent the best form of immunization to HIV–1.

The described methods are the subject of U.S. Provisional Patent Application Serial No. 60/162,262, filed on October 29, 1999 by the Public Health Service on behalf of the Federal Government. Furthermore, the initial report and characterization of the invention is described in: J. Virol., in press, May 2000.

Under the present proposal, the goal of the CRADA will be to enhance the development of the influenza-stimulated, anti-HIV factor(s) in the following areas:

1. Further purification and characterization of the factor(s).
2. Determination of the factor's mechanism of viral replication inhibition.
3. Determination as to whether or not the factor(s) is unique by cloning and sequencing the gene.
4. Utilization of the SIV/macaque model to determine efficacy of flu-based therapy.
5. Development of clinical trials to test the efficacy of the flu-based therapy.

Party Contributions

The role of the NCI in the CRADA may include, but not be limited to:

1. Providing intellectual, scientific, and technical expertise and experience to the research project.
2. Providing the CRADA Collaborator with information and data relating to the influenza-stimulated, anti-HIV factor(s).
3. Planning research studies and interpreting research results.
4. Carrying out research to validate the anti-viral activities of the influenza-stimulated factor(s).
5. Publishing research results.
6. Developing additional potential applications of the factor(s).

The role of the CRADA Collaborator may include, but not be limited to:

1. Providing significant intellectual, scientific, and technical expertise or experience to the research project.
2. Planning research studies and interpreting research results.
3. Providing technical and/or financial support to facilitate scientific goals and for further design of applications of the technology outlined in the agreement.
4. Publishing research results.

Selection criteria for choosing the CRADA Collaborator may include, but not be limited to:

1. A demonstrated record of success in the areas of protein purification, characterization and therapeutic development.
2. A demonstrated background and expertise in immunological sciences and AIDS therapeutics.
3. The ability to collaborate with NCI on further research and development of this technology. This ability will be demonstrated through experience and expertise in this or related areas of technology indicating the ability to contribute intellectually to ongoing research and development.

4. The demonstration of adequate resources to perform the research and development of this technology (*e.g.* facilities, personnel and expertise) and to accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.

5. The willingness to commit best effort and demonstrated resources to the research and development of this technology, as outlined in the CRADA Collaborator's proposal.

6. The demonstration of expertise in the commercial development and production of products related to this area of technology.

7. The level of financial support the CRADA Collaborator will provide for CRADA-related Government activities.

8. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

9. The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

10. The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern the distribution of future patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization that is the employer of the inventor, with (1) the grant of a license for research and other Government purposes to the Government when the CRADA Collaborator's employee is the sole inventor, or (2) the grant of an option to elect an exclusive or nonexclusive license to the CRADA Collaborator when the Government employee is the sole inventor.

Dated: March 20, 2000.

Karen Maurey,

Deputy Chief, Technology Development and Commercialization Branch, National Cancer Institute, National Institutes of Health.

[FR Doc. 00–7380 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute: Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Screening, Development and Commercialization of Novel Inhibitors of GADD45 Polypeptide Activity for the Treatment of Cancer

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice.

The National Cancer Institute's Laboratory of Human Carcinogenesis (LHC) has created and characterized *in vitro* and *in vivo* methods designed to screen for modulators of GADD45 polypeptide activity. Furthermore, LHC has developed methods for sensitizing proliferating cells to DNA damaging agents by inhibiting GADD45 polypeptide activity. Identification of novel inhibitors of GADD45 using LHC's screening assays would provide potential new treatments for cancer.

SUMMARY: The National Cancer Institute (NCI) seeks a Cooperative Research and Development Agreement (CRADA) Collaborator to aid NCI in the screening, development and commercialization of novel compounds for the treatment of cancer. These methods focus on the identification of small molecule inhibitors of GADD45 polypeptide activity.

NCI has developed a series of *in vitro* and *in vivo* assays to screen for modulators of GADD45 polypeptide activity. These assays may identify novel small molecule inhibitors of GADD45 activity that, when used in conjunction with current chemotherapeutics, reduce the toxicity of and enhance the effectiveness of current treatments of cancer. NCI is looking for a CRADA Collaborator with a demonstrated record of success in cancer diagnostics and therapeutics. The proposed term of the CRADA can be up to five (5) years.

DATES: Interested parties should notify the Technology Development and Commercialization Branch of the NCI in writing of their interest in filing a formal proposal no later than May 26, 2000. Potential CRADA Collaborators will then have an additional thirty (30) days to submit a formal proposal. CRADA proposals submitted thereafter may be considered if a suitable CRADA Collaborator has not been selected.

ADDRESSES: Inquiries and proposals regarding this opportunity should be addressed to Holly Symonds Clark, Ph.D., Technology Development Specialist (Tel. # 301–496–0477, FAX # 301–402–2117), Technology Development and Commercialization Branch, National Cancer Institute, 6120 Executive Blvd., Suite 450, Rockville, MD 20852. Inquiries directed to obtaining patent license(s) for the technology described in U.S. Provisional Patent Application Serial No. 60/126,069, filed March 25, 1999, for ''Methods for Identifying Modulators of GADD45 Polypeptide Activity'' (Harris *et al.*) should be addressed to Vasant Gandhi, J.D., Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Blvd., Suite 325, Rockville, MD 20852, (Tel. 301–496–7056; FAX 301–402–0220).

SUPPLEMENTARY INFORMATION: A Cooperative Research and Development Agreement (CRADA) is the anticipated joint agreement to be entered into with NCI pursuant to the Federal Technology Transfer Act of 1986 and Executive Order 12591 of April 10, 1987 as amended by the National Technology Transfer Advancement Act of 1995. NCI is looking for a CRADA partner to collaborate with NCI in the further development and commercialization of screening assays and methods relating to the analysis of small molecule inhibitors of GADD45 polypeptide activity. The expected duration of the CRADA would be from one (1) to five (5) years.

Mammalian cells cycle through a series of ordered stages that involve various cellular components during normal cellular growth (for reviews: 1, 2). A normal cell can arrest cell cycle progression when DNA damage is incurred. Cell cycle ''checkpoints'' exist at two different stages in cell cycle progression: the G1 to S (replication) stage and the G2–M (mitosis) stage. These checkpoints are essentially stages in which the cell ''stalls'' its cell cycle to repair any damaged DNA that may exist prior to entry into mitosis. The G2–M checkpoint prevents the improper segregation of chromosomes likely to be important in human tumorigenesis (3, 4). The G2-specific kinase composed of Cdc2 and cyclin B1 is a regulator of the cell cycle transition from G2 to M (1). NCI has recently reported the identification of one of the gene products that controls the G2–M checkpoint: the ubiquitously expressed polypeptide, GADD45. GADD45 was originally identified on the basis of its rapid transcriptional induction following ultraviolet (UV) irradiation (5). Induction of GADD45 has also been observed following various types of pathological stimuli including various environmental stresses, hypoxia, IR, genotoxic drugs and growth factor withdrawal (6). The GADD45-induced G2/M checkpoint is at least in part mediated through inactivation of the Cdc2/cyclin B1 kinase (1).

NCI believes that the GADD45-mediated G2–M checkpoint could be a new target for the development of anti-cancer agents. Inhibitors of GADD45 activity at the G2–M checkpoint could destroy the cell's ability to stall its proliferative cycle to correct damaged DNA. Cancer cells are often deficient in the G1–S checkpoint, thus, the G2–M

checkpoint is necessary for the repair of damaged DNA in cancer cells. Currently, high levels of radiation and chemotherapy are necessary to target cancer cells that are stalled at the G2–M checkpoint. Such levels of treatment are often toxic to normal cells also undergoing proliferation. However, when both checkpoints are abolished in cancer cells, the cells proceed at a greater rate, without stalling, into mitosis where they are susceptible to DNA damaging chemotherapeutic agents. Thus, in the presence of a G2–M checkpoint inhibitor, a reduced amount of radiation or chemotherapeutic agent is needed to kill all of a population of cancer cells. A reduced level of DNA damaging agent would also lessen the toxicity to normal cells since many of these cells would be stalled at their intact G1–S checkpoints. In effect, the use of a G2–M checkpoint inhibitor would selectively target cancer cells by ''sensitizing'' them to the anti-cancer treatments. NCI believes that small molecule inhibitors of GADD45 polypeptide activity could be used to abolish the G2–M checkpoint in cancer cells. Indeed, a previous report has found that blocking GADD45 expression by constitutive antisense oligonucleotide expression sensitized a human colon carcinoma cell line to killing by UV irradiation and by cisplatin, a DNA-damaging cancer chemotherapy drug (7). Thus, the identification of novel inhibitors of GADD45 activity would provide a new means to treat cancers in conjunction with current chemotherapy methods. In the clinic, such combined treatment would reduce the uncomfortable side-effects of current anti-cancer treatments, thus, improving the quality of life for cancer patients.

NCI has developed several *in vitro* and in vivo methods for assaying for modulators of GADD45 polypeptide activity. The methods focus on the ability to assess the binding activities of the GADD45 polypeptide during the cell cycle. NCI has identified a functional domain of GADD45 that is involved in the G2–M checkpoint and in binding to the cell cycle regulator, cdc2. Deletion analysis indicates that the central region of this functional domain mediates the G2/M arrest. Specifically, the central region contains a unique acidic motif that appears to be important for the induction of a G2/M arrest because changes in the acidic residues abolish the G2/M checkpoint. Small molecule compounds that are designed to target the region of the GADD45 polypeptide would affect 1. GADD45/cdc2 binding, 2. the GADD45 polypeptide-mediated dissociation of the cdc2/cyclinB1 protein complex, and 3. the ability of the cdc2/cyclinB1 complex to phosphorylate histone H1. NCI suggests that the small acidic motif may, in itself, be a possible small molecule, dominant negative inhibitor of GADD45 activity. Once other small molecule GADD45 modulators are identified, NCI would be interested in a collaboration to further characterize all candidate GADD45 modulators using preclinical and clinical assays.

NCI is seeking a CRADA Collaborator to aid in the screening, development and commercialization of small molecule inhibitors of GADD45 polypeptide activity for use in the preclinical and clinical treatment of cancer. NCI has developed various *in vitro* and in vivo methods that could be applied to a drug screening protocol in which potential modulators of GADD45 could be identified and characterized. Once identified and characterized, novel GADD45 inhibitors may be administered to candidate cancer patients and evaluated in their ability to treat various tumors in conjunction with current chemotherapeutic treatments. The described methods are the subject of U.S. provisional patent application, USSN 60/126,069, filed on March 25, 1999 by the Public Health Service on behalf of the Federal Government. Furthermore, the initial report and characterization of the invention is described in Wang, X.W. *et al,* PNAS, vol. 96: 3706–3711.

References

1. Nurse, P., 1994, Cell 79: 547–550.
2. Sherr, C.J., 1996, Science 274: 1672–1677.
3. Hartwell, L.H. and M.B. Kastan, 1994, Science 266: 1821–1828.
4. Paulovich, A.G., *et al.,* 1997, Cell 88: 315–321.
5. Fornace, A.J., Jr., *et al.,* 1989, Mol. Cell Biol. 9: 4196–4203.
6. Papathanasiou, M.A., *et al.,* 1991, Mol. Cell Biol. 11: 1009–1016.
7. Smith, M.L., *et al.,* 1996, Oncogene 13: 2255–2263.

Under the present proposal, the overall goal of the CRADA collaboration will involve the following:

1. To use the current technology developed by NCI to screen for modulators of GADD45 polypeptide activity.

2. To conduct preclinical and clinical assays to test the effectiveness of the candidate GADD45 polypeptide modulators in the treatment of different cancers.

Party Contributions

The role of the NCI in the CRADA may include, but not be limited to:

1. Providing intellectual, scientific, and technical expertise and experience to the research project.

2. Providing the CRADA Collaborator with information and data relating to the methods developed to assess the activity of the GADD45 polypeptide.

3. Planning research studies and interpreting research results.

4. Carrying out research to validate the use of the GADD45-related methods and candidate GADD45 polypeptide modulators in preclinical, diagnostic and clinical settings.

5. Publishing research results.

6. Developing additional potential applications of the screening methods.

The role of the CRADA Collaborator may include, but not be limited to:

1. Providing significant intellectual, scientific, and technical expertise or experience to the research project.

2. Planning research studies and interpreting research results.

3. Providing technical and/or financial support to facilitate scientific goals and for further design of applications of the technology outlined in the agreement.

4. Publishing research results.

Selection criteria for choosing the CRADA Collaborator may include, but not be limited to:

1. A demonstrated record of success in the screening of chemotherapeutic agents.

2. A demonstrated background and expertise in cancer research and treatment.

3. The ability to collaborate with NCI on further research and development of this technology. This ability will be demonstrated through experience and expertise in this or related areas of technology indicating the ability to contribute intellectually to ongoing research and development.

4. The demonstration of adequate resources to perform the research and development of this technology (*e.g.* facilities, personnel and expertise) and to accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.

5. The willingness to commit best effort and demonstrated resources to the research and development of this technology, as outlined in the CRADA Collaborator's proposal.

6. The demonstration of expertise in the commercial development and production of products related to this area of technology.

7. The level of financial support the CRADA Collaborator will provide for CRADA-related Government activities.

8. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

9. The agreement to be bound by the appropriate DHHS regulations relating to human subjects and to all PHS policies relating to the use and care of laboratory animals.

10. The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern the distribution of future patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization that is the employer of the inventor with (1) the grant of a license for research and other Government purposes to the Government when the CRADA Collaborator's employee is the sole inventor, or (2) the grant of an option to elect an exclusive or nonexclusive license to the CRADA Collaborator when the Government employee is the sole inventor.

Dated: March 20, 2000.

Karen Maurey,

Deputy Chief, Technology Development and Commercialization Branch, National Cancer Institute, National Institutes of Health.

[FR Doc. 00–7381 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Director's Council of Public Representatives.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Director's Council of Public Representatives.

Date: April 6–7, 2000.

Time: 8:30 a.m. to 1:00 p.m.

Agenda: Among topics proposed for discussion are: (1) health disparities; (2) human subject protections; (3) constituency outreach; and (4) public involvement in programs of the NHGRI and NIMH.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Contact Person: Jennifer E. Gorman, Public Liaison/COPR Coordinator, Office of the Communications and Public Liaison, Office of the Director, National Institutes of Health, 9000 Rockville Pike, Building 1, Room 344, Bethesda, MD 20892, (301) 435–4448.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7370 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee C—Basic & Preclinical.

Date: April 12–14, 2000.

Time: 7:30 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Virginia P. Wray, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8046, Rockville, MD 20895–7405, 301/496–9236.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 20, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7374 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Mouse Phenotyping RFA.

Date: April 12, 2000.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Valerie L. Prenger, PhD, Health Science Administrator, NIH, NHLBI, DEA, Review Branch, Rockledge Center II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892–7924, (301) 435–0297.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Protease Inhibitor Related Atherosclerosis in HIV Infection.

Date: April 18–19, 2000.

Time: 7:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Joyce A. Hunter, PhD, NIH, NHLBI, DEA, Rockledge Center II, 6701

Rockledge Drive, Suite 7192, Bethesda, MD 20892–7924, (301) 435–0287.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 20, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7373 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given to the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel To Review Applications in Racism, Stress, and Chronic Disease in Older Blacks.

Date: April 10, 2000.

Time: 2:10 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications

Place: 7201 Wisconsin Avenue, Bethesda, MD 20814 (Telephone Conference Call)

Contact Person: William A. Kachadorian, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel To Review Program Project in Biomedical Outcomes in Aging.

Date: April 10, 2000.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: William A. Kachadorian, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: April 12–13, 2000.

Time: 6:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: William A. Kachadorian, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7371 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: April 4, 2000.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892.

Contact Person: Gerald E. Calderone, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: April 6, 2000.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gerald E. Calderone, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: March 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7375 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, ;''Phase II SBIR (Develop Prevention Research Dissemination—Topic 021)''.

Date: March 31, 2000.

Time: 10:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural

Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, (301) 435–1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: March 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7376 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: April 13–14, 2000.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, Mirage I, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Ken Wasserman, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2220, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD, 301 496–2550, kw159p@nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7377 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: March 27, 2000.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Willco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: March 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7379 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel, SEP Review Phone Conference.

Date: April 4, 2000.

Time: 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Division of Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sharee Pepper, PhD, Scientific Review Administrator, Health Scientist Administrator, Office of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, (301) 594–4933.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: March 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7372 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 22, 2000.
Time: 11:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Michael J. Kozak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, (301) 435–0913.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 29, 2000.
Time: 9:00 a.m. to 10:00 a.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Syed Quadri, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435–1211.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 29, 2000.
Time: 12:00 p.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Karen Sirocco, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–0676.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 30, 2000.
Time: 10:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: J. Scott Osborne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, (301) 435–1782.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: March 31, 2000.
Time: 10:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: J. Scott Osborne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, (301) 435–1782.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 4, 2000.
Time: 10:30 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Mariana Dimitrov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, Bethesda, MD 20892, (301) 435–1281.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 4, 2000.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Eugene M. Zimmerman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, (301) 435–1220, zimmerng@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 4, 2000.
Time: 2:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Marcia Steinberg, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7840, Bethesda, MD 20892, (301) 435–1023.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 HEM–2 (01).
Date: April 4, 2000.
Time: 4:00 p.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Jerrold Fried, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, (301) 435–1777.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 5, 2000.
Time: 1:00 p.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1167, srinivar@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 5, 2000.
Time: 1:00 p.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Joanne T. Fujii, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, Bethesda, MD 20892, (301) 435–1178, fujiij@drg.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 5, 2000.
Time: 1:30 p.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Abubakar A. Shaikh, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 435–1042.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 5, 2000.

Time: 2 p.m. to 4:40 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Marcus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, 301–435–1245, richard,marcus@nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 HEM–2 (03)M.

Date: April 5, 2000.

Time: 2 p.m. to 3:30 p.m.

Agenda To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contract Person: Jerrold Fried, PhD, Scienticific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, (301) 435–1777.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 6, 2000.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Gopa Rakhit, PhD, Scientific Review Administrator, Center for Scientific Review, National Insitutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–1721.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 6, 2000.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: N. Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 6, 2000.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Kathryn Meadow-Orlans, PhD, Scientific Review Administrator, Center of Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, (301) 435–0902.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Insitutes of Health, HHS)

Dated: March 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7369 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 23, 2000, 2:00 PM to March 23, 2000, 3:00 PM, NIH, Rockledge 2, Bethesda, MD, 20892 which was published in the **Federal Register** on March 9, 2000, 65 FR 12565.

The meeting will be held on April 5, 2000 from 3:00 PM to 4:00 PM. The location remains the same. The meeting is closed to the public.

Dated: March 16, 2000.

LaVerne Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–7378 Filed 3–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4579–FA–01]

Announcement of Funding Awards—Fiscal Year 1999; Office of Troubled Agency Recovery; Cooperative Agreements

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department from funds distributed to the Office of Troubled Agency Recovery during Fiscal Year 1999. This announcement contains the name and address of all awardees and the amount of each award.

FOR FURTHER INFORMATION CONTACT: Kathryn Edgar, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–1141 (this is not a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Cooperative Agreement with each of the following recipients was issued pursuant to Section 6(j) of the United States Housing Act of 1937. The awards will be used to provide technical assistance to support troubled agency recovery efforts and funding assistance as necessary to remedy the substantial deterioration of living conditions in public housing or other related emergencies that endanger the health, safety, and welfare of the residents.

The Catalog of Federal Domestic Assistance number for this program is 14.859.

In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the name, address, and amount of each award as follows:

FISCAL YEAR 1999 TROUBLED AGENCY RECOVERY RECIPIENTS OF FUNDING DECISIONS

Awardee	Amount
Mobile County Housing Authority, P.O. Box 303, Citronelle, AL 36522–0309	$20,000
New Haven Housing Authority, 360 Orange Street, New Haven, CT 06501	$577,500
New London Housing Authority, 78 Walden Avenue, New London, CT 06320	$259,220
Sarasota Housing Authority, 1300 Sixth Street, Sarasota, FL 34236	$50,000 & $45,000
Venice Housing Authority, 201 North Strove Street, Venice, FL 34292	$8,010

FISCAL YEAR 1999 TROUBLED AGENCY RECOVERY RECIPIENTS OF FUNDING DECISIONS—Continued

Awardee	Amount
Housing Authority of the City of Alma, 401 East Twelfth Street, P.O. Box 190, Alma, GA 31510–0190	$30,000
Housing Authority of the City of Greenville, P.O. Box 83, Greenville, GA 30222–0083	$5,000
City Of Topeka Housing Authority, 2101 Southeast California, Topeka, KS 66607	$40,000
Tulane University (Campus Affiliates Program), Tulane-Xavier National Center for the Urban Community, 31 McAlister, New Orleans, LA 70118–5698.	$2,000,000
Dracut Housing Authority, 971 Mammoth Road, Dracut, MA 01826	$15,000
Muskegon Housing Commission, 1823 Commerce Street, Muskegon, MI 49440	$5,000
Muskegon Heights Housing Commission, 615 East Hovey Avenue, Muskegon Heights, MI 49444	$495,000
Hayti Heights Housing Authority, 100 North Martin Luther King Drive, Hayti Heights, MO 63851	$106,800
Housing Authority of Kansas City, 299 Paseo, Kansas City, MO 64106	$425,000
Marionville Housing Authority, 105 East O'Dell, Marionville, MO 65705	$15,000 & $5,000
St. Louis Housing Authority, 4100 Lindell Boulevard, Saint Louis, MO 63108	$200,000
Sainte Genevieve Housing Authority, 225 St. Joseph Street, St. Genevieve, MO 63670	$9,000
Wellston Housing Authority, 1584 Ogdon Avenue, Wellston, MO 63112	$6,500
Bellevue Housing Authority, 8214 Armstrong Circle, Bellevue, NE 68147	$9,500
Greeley Housing Authority, P.O. Box 219, Greeley, NE 68842	$4,675
North Platte Housing Authority, 900 Autumn Park Drive, North Platte, NE 69101	$8,500
Rensselaer Housing Authority, 85 Aiken Avenue, Rensselaer, NY 12144	$40,000
Clinton Metropolitan Housing Authority, 478 Thorne Avenue, Wilmington, OH 45177	$40,000
Springfield Metropolitan Housing Authority, 437 East John, Springfield, OH 45505	$200,000 & $165,000
Waynoka Housing Authority, P.O. Box 183, Waynoka, OK 73860	$4,900
Bellville Housing Authority, P.O. Box 247, Bellville, TX 77418	$12,000
Orange County Housing Authority, 205 Vidor, Vidor, TX 77662	$40,000

Dated: March 20, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 00–7367 Filed 3–24–00; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4513–N–03]

Credit Watch Termination Initiative

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice advises of the cause and effect of termination of Origination Approval Agreements taken by HUD's Federal Housing Administration against HUD-approved mortgagees through its Credit Watch Termination Initiative. This notice includes a list of mortgagees which have had their Origination Approval Agreements (Agreements) terminated.

FOR FURTHER INFORMATION CONTACT: The Quality Assurance Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh St. SW, Room B133-P3214, Washington, DC 20410; telephone (202) 708–2830 (This is not a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: HUD has the authority to address deficiencies in the performance of lenders' loans as provided in the HUD mortgagee approval regulations at 24 CFR 202.3. On May 17, 1999 (64 FR 26769), HUD published a notice on its procedures for terminating origination approval agreements with FHA lenders and placement of FHA lenders on Credit Watch status (an evaluation period). In the May 17, 1999 notice, HUD advised that it would publish in the **Federal Register** a list of mortgagees which have had their Origination Approval Agreements terminated.

Termination of Origination Approval Agreement

Approval of a mortgagee by HUD/FHA to participate in FHA mortgage insurance programs includes an Agreement between HUD and the mortgagee. Under the Agreement, the mortgagee is authorized to originate single family mortgage loans and submit them to FHA for insurance endorsement. The Agreement may be terminated on the basis of poor performance of FHA-insured mortgage loans originated by the mortgagee. The Termination of a mortgagee's Agreement is separate and apart from any action taken by HUD's Mortgagee Review Board under HUD's regulations at 24 CFR part 25.

Cause

HUD's regulations permit HUD to terminate the Agreement with any mortgagee having a default and claim rate for loans endorsed within the preceding 24 months that exceeds 200 percent of the default and claim rate within the geographic area served by a HUD field office, and also exceeds the national default and claim rate. For the second review period, HUD is only terminating the Agreement of mortgagees whose default and claim rate exceeds both the national rate and 300 percent of the field office rate.

Effect

Termination of the Agreement precludes that branch(s) of the mortgagee from originating FHA-insured single family mortgages within the area of the HUD field office(s) listed in this notice. Mortgagees authorized to purchase, hold, or service FHA insured mortgages may continue to do so.

Loans that closed or were approved before the Termination became effective may be submitted for insurance endorsement. Approved loans are (1) those already underwritten and approved by a Direct Endorsement (DE) underwriter employed by an unconditionally approved DE lender and (2) cases covered by a firm commitment issued by HUD. Cases at earlier stages of processing cannot be submitted for insurance by the terminated branch; however, they may be transferred for completion of processing and underwriting to another mortgagee or branch authorized to originate FHA insured mortgages in that area. Mortgagees are obligated to continue to pay existing insurance premiums and meet all other obligations associated with insured mortgages.

A terminated mortgagee may request to have its authority to originate FHA loans reinstated no earlier that six months after the effective date of the Termination. The request, addressed to the Director, Office of Lender Activities and Program Compliance, should describe any actions taken (*e.g.,* changes in operations and/or personnel) to eliminate the cause(s) of the poor loan performance that led to the Termination.

Action

The following mortgagees have had their Agreements terminated by HUD:

Mortgagee name	Mortgagee branch address	HUD office jurisdictions	Termination effective date	Home ownership centers
Atlantic Vanguard Mortgage dba First Advantage Mortgage.	251 Maitland Ave., Suite 304 Altamonte Springs, FL 32701.	Orlando, FL	01/17/2000	Atlanta.
CTX Mortgage Company	151 Kalmus STE J–4 Costa Mesa, CA 92626.	Los Angeles, CA	11/01/1999	Santa Ana.
Embassy Mortgage Corp	6817 W 167th St. Tinley Park, IL 60477 ...	Chicago, IL	01/21/2000	Atlanta.
Paradigm Mortgage Associates Inc	7845 Baymeadows Way Jacksonville, FL 32256.	Coral Gables, FL	11/01/1999	Atlanta.
RE Mortgage Group dba American Pacific Mortgage Corp.	8141 E Kaiser Blvd, Suite 212 Anaheim Hills, CA 92808.	Santa Ana, CA	01/21/2000	Santa Ana.

Dated: March 21, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 00–7421 Filed 3–24–00; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare an Environmental Impact Statement/ Environmental Impact Report on the Restoration and Management Plan for Bair Island, Don Edwards San Francisco Bay National Wildlife Refuge, San Mateo County, California, and Announcement of Public Scoping Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an environmental impact statement/ environmental impact report and notice of public meeting.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the development of a Restoration and Management Plan (RMP) for Bair Island located in San Mateo County, California. Interested persons are encouraged to submit written comments and/or attend a public scoping meeting to identify and discuss issues and alternatives that should be addressed in the RMP and in the EIS/EIR. The Service is furnishing this notice in compliance with the National Environmental Policy Act (NEPA) regulations (40 CFR 1501.7) for the following purposes: (1) To advise other agencies and the public of our intentions; (2) to obtain suggestions and information on the scope of issues to be addressed in the EIS/EIR; and (3) to announce a public scoping meeting. Comments and participation in this scoping process are solicited. We estimate the Draft Environmental Impact Statement will be made available to the public by February 2001.

DATES: A public scoping meeting will be held on April 27, 2000, from 7:00 p.m. to 9:00 p.m., see addresses for location. Written comments related to the scope and content of the Restoration and Management Plan and EIS/EIR should be received by the Service at the Newark address below by April 26, 2000.

ADDRESSES: The public meeting will be held at the Community Activities Building, 1400 Roosevelt Avenue, Redwood City, California. Oral and written comments will be taken at the meeting. Written comments also may be mailed to Ms. Margaret T. Kolar, Refuge Complex Manager, San Francisco Bay National Wildlife Refuge Complex, P.O. Box 524, Newark, California 94560; or sent by facsimile to (510) 792–5828.

FOR FURTHER INFORMATION CONTACT: Clyde Morris, Refuge Manager, Don Edwards San Francisco Bay National Wildlife Refuge, Newark, California, telephone (510) 792–0222.

SUPPLEMENTARY INFORMATION:

Background Information

The U.S. Fish and Wildlife Service (Service) will manage all State and Federal land on Bair Island as a part of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge). Lands owned by the California Department of Fish and Game on Bair Island will be managed as a part of the Refuge in compliance with a Memorandum of Understanding.

The Service proposes to restore Bair Island to tidal wetlands. The purpose of the project is to restore saltwater marsh habitat for endangered species and other native wildlife; and to enhance the public's appreciation and awareness of the unique resources of Bair Island.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), NEPA Regulations (40 CFR 1500–1508), other appropriate Federal regulations, and Service procedures for compliance with those regulations.

Project Objectives

The objectives of the project follow.

1. Restore and enhance habitat for the endangered California clapper rail and salt marsh harvest mouse.

2. Create and enhance habitat for other endangered and threatened species, and other wetland dependent species if compatible with restoration for the clapper rail and harvest mouse.

3. Minimize disturbance to any sensitive species (clapper rail, harbor seals, *etc.*).

4. Provide for control of undesirable species including invasive plants, undesirable predators, and mosquitos.

5. Enhance the public's awareness of the unique resources at Bair Island by providing opportunities for wildlife-oriented recreation and nature study.

Questions and Issues

Questions and issues identified to date include the following.

1. What recreational uses are compatible with restoration?

2. How will historic and cultural resources be protected?

3. What are the impacts of restoration activities on sensitive wildlife resources?

4. How will invasive non-native and undesirable species be controlled?

5. Would this project improve flood conditions along Redwood, Pulgas, and Cordilleras creeks, or affect the stability of Highway 101 and flood control levees along Steinberger Slough and Redwood Creeks?

6. How will San Carlos Airport property on Inner Bair Island be protected from tidal inundation?

7. What impacts will there be to adjacent marinas and the Port of Redwood City from increased tidal currents?

8. What are the risks to low flying aircraft from increased waterbird use?

9. How will this project impact the South Bayside System Authority's pipeline and Pacific Gas and Electric's towers?

Public Comments

Comments already received are on record and need not be resubmitted. All comments received from individuals on the EIS/EIR become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act, the Council on Environmental Quality's NEPA regulations (40 CFR 1506.6(f)), and other Service and Departmental policy and procedures. When requested, the Service generally will provide comment letters with the names and addresses of the individuals who wrote the comments. Telephone numbers of commenting individuals, however, will not be provided in response to such requests to the extent permissible by law. Additionally, public comment letters are not required to contain the commentator's name, address, or other identifying information. Such comments may be submitted anonymously to the Service.

Dated: March 17, 2000.

Elizabeth H. Stevens,

Acting Manager, California/Nevada Operations, Sacramento, California.

[FR Doc. 00–7168 Filed 3–24–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force *Caulpera taxifolia* (Mediterranean strain) Prevention Committee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the *Caulpera taxifolia* (Mediterranean strain) Prevention Committee of the Aquatic Nuisance Species Task Force. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION.**

DATES: The Committee will meet from 1:30 pm to 5 pm, on Wednesday, April 5, 2000.

ADDRESSES: The meeting will be held at the Rosenstiel School of Marine and Atmospheric Science, Cooperative Institute for Marine and Atmospheric Studies (CIMAS) Building, 3rd floor conference room, 4600 Rickenbacker Causeway, Miami, Florida.

FOR FURTHER INFORMATION CONTACT: Sandra Keppner, U.S. Fish and Wildlife Service at 716–691–5456 or by email at *sandra__keppner@fws.gov* 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 *Caulpera taxifolia* (Mediterranean strain) Prevention 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: reviewing the roles and responsibilities of the committee, reviewing the draft Prevention Program, reviewing existing authorities that could be used to regulate import of the Mediterranean strain of *Caulpera taxifolia*, identifying gaps in the draft Prevention Program, and developing criteria for prioritizing actions in the Prevention Program.

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. Minutes for the meetings will be available at this location for public inspection during regular business hours, Monday through Friday.

Dated: March 20, 2000.

Rowan Gould,

Acting Aquatic Nuisance Species Task Force, Acting Assistant Director—Fisheries.

[FR Doc. 00–7364 Filed 3–24–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–957–00–1420–BJ: GPO–0149]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 25 S., R. 1 W., accepted January 27, 2000
T. 29 S., R. 10 W., accepted February 7, 2000
T. 20 S., R. 1 W., accepted February 18, 2000
T. 14 S., R. 31 E., accepted February 25, 2000
T. 19 S., R. 2 W., accepted March 6, 2000

Washington

T. 27 N., R. 13 W., accepted February 28, 2000
T. 27 N., R. 12 W., accepted February 28, 2000
T. 16 N., R. 19 E., accepted March 6, 2000
T. 31 N., R. 11 W., accepted March 6, 2000

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey, and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue P.O. Box 2965, Portland, Oregon 97208.

Dated: March 10, 2000.

Robert D. DeViney, Jr.,

Branch of Realty and Records Services.

[FR Doc. 00–7455 Filed 3–24–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Notice of Intent To Prepare a Draft Environmental Impact Statement on the Construction and Operation of the Navajo-Gallup Water Supply Project and Announcement of Public Scoping Meetings

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement on the construction and operation of the Navajo-Gallup Water Supply Project and announcement of public scoping meetings.

SUMMARY: The Department of the Interior, Bureau of Reclamation, announces its intent to prepare a Draft Environmental Impact Statement (DEIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, on the Navajo-Gallup Water Supply Project to supply municipal and industrial water to the New Mexico portion of the Navajo Nation south of the San Juan River and the Window Rock area within Arizona, and the City of Gallup, New Mexico. The DEIS will evaluate alternatives for the construction and operation of the Navajo-Gallup Water Supply Project and act as the final planning report to support a request for construction authorization.

A long-term high quality municipal and industrial water supply is needed to improve the standard of living for current and future populations and to support economic growth of the Navajo Nation and the City of Gallup. The Navajo-Gallup Water Supply Project has evolved as a major infrastructure initiative to supply approximately 40,000 acre-feet of municipal and industrial water annually from the San Juan River to meet these needs. To achieve this initiative, the following organizations have worked closely in a cooperative effort: the Navajo Nation Department of Water Resources, Northwest New Mexico Council of Governments, City of Gallup, Bureau of Indian Affairs, and the Bureau of Reclamation.

Two structural alternatives for the Navajo-Gallup Water Supply Project are currently under study and proposed: The Navajo Indian Irrigation Project (NIIP) Alternative and the San Juan River Diversion Alternative. The DEIS will examine both of these proposed alternatives as well as a Non-Structural Water Conservation Alternative, a No Action Alternative, and any other proposed alternatives brought forth as a result of the public scoping meetings that will be conducted in April and May 2000 (See **SUPPLEMENTARY INFORMATION** section).

Reclamation invites other federal agencies, states, Indian Tribes, local governments, and the general public to submit written comments or suggestions concerning the scope of the issues to be addressed in the DEIS. This is intended to meet the public involvement requirements of both NEPA and the National Historic Preservation Act. The public is invited to participate in a series of scoping meetings that will be held in late April and early May 2000 in New Mexico and Arizona (see **SUPPLEMENTARY INFORMATION** section). Those not desiring to submit comments or suggestions at this time, but who would like to receive a copy of the DEIS, should write to the address given below. When the DEIS is complete, its availability will be announced in the **Federal Register**, local news media, and through direct contact with interested parties. Comments will be solicited on the document.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. If you want us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

DATES AND LOCATIONS: See **SUPPLEMENTARY INFORMATION** section meeting dates and locations.

FOR FURTHER INFORMATION CONTACT: Mr. Rege Leach, Bureau of Reclamation, Western Colorado Area Office, 835 East Second Avenue, Suite 300, Durango, Colorado 81301; telephone (970) 385–6553; faxogram (970) 385–6539; E-mail: rleach@uc.usbr.gov.

SUPPLEMENTARY INFORMATION:

Background

Recognizing the severe water supply problems facing the Navajo Nation and the City of Gallup, the Navajo Nation and the City signed a Memorandum of Agreement on April 17, 1998, to proceed with planning and developing the Navajo-Gallup Water Supply Project. The two parties, working as partners with the Bureau of Reclamation and the Bureau of Indian Affairs, propose to plan, implement environmental compliance, secure water supplies, obtain Congressional authorization, and construct and operate the Navajo-Gallup Water Supply Project. The project will serve the residents of the Navajo Nation and the City of Gallup.

Purpose and Need for Action

The purpose and need of the proposed federal action is to provide a long-term, high quality municipal and industrial water supply to improve the standard of living for current and future populations and to support economic growth of the Navajo Nation and the City of Gallup.

Range of Alternatives

As part of its NEPA analysis, Reclamation intends to evaluate the following alternatives:

NIIP Alternative—This alternative would supply approximately 40,000 acre-feet of water annually. The water would be diverted from the Navajo Reservoir through the Main and Burnham Lateral Canals of the NIIP and delivered to a proposed 8,800 acre-foot Moncisco Dam and Reservoir (to be constructed under this alternative). A treatment plant and pumping station would be constructed near Moncisco Reservoir. The pipeline alignment would run south from the treatment plant to an existing natural gas line corridor used by the El Paso San Juan Triangle Mainline and by the Transwestern San Juan Lateral System. The main pipeline route would follow the gas line corridor to the vicinity of Twin Lakes where it would turn south to Yah-ta-hey. At Yah-ta-hey, the main pipeline would connect to smaller spur water lines heading west along Highway 64 to Window Rock, Arizona, and south along Highway 666 to the City of Gallup, and surrounding areas. Three other spur pipelines would connect to the mainline. They would include a pipeline from Naschitti north along Highway 666 to Sanostee, pipeline from Twin Lakes east along Indian Route 9 to Dalton Pass, and a pipeline from the treatment plant along Highway 44 to Nageezi and then south to Torreon. Storage tanks and rechlorination facilities would be included in the project.

San Juan River Diversion Alternative—This alternative would

divert water directly out of the San Juan River below the confluence of the La Plata and San Juan Rivers. The existing Hogback Diversion structure or the Public Service Company of New Mexico's nearby weir would be used to divert the water. The Hogback structure is located on the San Juan River at river mile 158.9 downstream of the La Plata River confluence and upstream from Chaco Wash. A treatment plant, storage reservoir, and pumping plant would be constructed near the point of diversion. From the pumping plant, the pipeline alignment would proceed south along Highway 666 of Yah-ta-hey. At Yah-ta-hey, the main pipeline would connect to smaller spur water lines for the Window Rock, Arizona, and Gallup areas. Compared to the water from Navajo Reservoir, the water quality of the San Juan River is poorer and will require additional water treatment.

To service the eastern portion of the Navajo Reservation, an additional mainline would be constructed. This eastern pipeline would originate at a treatment and pumping plant to be constructed at Cutter Reservoir. The eastern pipeline would carry water from the pumping plant south to Huerfano, follow Highway 44 to Nageezi, and then head south to Torreon. Cutter Reservoir, part of the NIIP canal system, receives water from Navajo Reservoir.

Under both structural alternatives, the locations of the points of diversion have critical hydrologic implications for the endangered species in the San Juan River and project purposes of the Navajo Reservoir as authorized by the Colorado River Storage Project Act.

Non-Structural Water Conservation Alternative—Non-structural alternatives to developing a water supply project include water conservation and reuse. Significant and cost effective water conservation opportunities may not be available due to the already low water use. Current safe Drinking Water Act regulations limit water reuse applications.

No Action Alternative—Under this alternative, the project would not be constructed and there would be no federal action taken to meet the current and future water needs of the Navajo Nation and the City of Gallup.

Public Scoping

Public scoping meetings will be held in New Mexico and Arizona in late April and early May 2000 to obtain input on the significant issues related to the proposed action. The schedule and locations of the meetings are shown below. The public is asked to provide input on the following:

1. Whether the overall range of alternative is appropriate and are there additional alternatives to consider.

2. Identification of relevant issues related to the proposed action.

Schedule of Scoping Meetings

Each of the scoping meetings will begin with a one-hour open house where the public can informally discuss issues and ask questions of staff and managers. The open house will be followed by a more formal scoping hearing in which participants will be given time to make official comments. These comments will be formally recorded. Speakers are encouraged to provide written versions of their oral comments, and any other additional written materials, for the record.

Comments may also be sent directly to the Bureau of Reclamation's Western Colorado Area Office, 835 East Second Avenue, Suite 300, Durango, CO 81301. Written comments should be received no later than Friday, May 26, 2000, to be most effectively considered.

Dates of Scoping Meetings

- April 25, 2000, 6 to 9 p.m., Crownpoint Chapter House, Crownpoint, New Mexico.
- April 26, 2000, 6 to 9 p.m., St. Michaels (Chi'hootso) Chapter House, St. Michaels, Arizona.
- April 27, 2000, 6 to 9 p.m., University of New Mexico Gallup Campus, Auditorium 248,200 College Road, Gallup, New Mexico.
- May 2, 2000, 6 to 9 p.m., Dine College, Shiprock Campus Gymnasium, Shiprock, New Mexico.
- May 3, 2000, 6 to 9 p.m., San Juan College Lecture Hall 7103, Computer Science Building, 4601 College Boulevard, Farmington, New Mexico.

Dated: March 21, 2000.

Charles A. Calhoun,

Regional Director, Upper Colorado Region.

[FR Doc. 00–7442 Filed 3–24–00; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,801 and TA–W–36801A and NAFTA–3546 and NAFTA–3546A]

Case Corp., Racine, Wisconsin and East Moline, IL; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at the Case Corporation, Racine, Wisconsin and East Moline, Illinois. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–36,801 and TA–W–36,801A and NAFTA–3418 and NAFTA–3418A, Case Corporation, Racine, Wisconsin and East Moline, Illinois (March 15, 2000).

Signed at Washington, DC, this 21st day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–7479 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 6, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 6, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment

and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC, this 22nd day of February, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED ON 02/22/2000

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,357	Alliant Tech Systems (Wrks)	Totowa, NJ	02/01/2000	Tank Ammunition for US Military.
37,358	Epson Portland, Inc (Wrks)	Hillsboro, OR	02/11/2000	Printers.
37,359	General Electric Co (IUE)	Warwick, RI	02/08/2000	Programable Lighting.
37,360	Geo Drilling Fluids (Wrks)	Bakersfield, CA	01/13/2000	Drilling Fluids.
37,361	Motch Corp./MGS, Inc (IAM/Co)	Cleveland, OH	02/09/2000	Vertical Chuckers & Inverted Self Loader.
37,362	Jasper Sportswear Corp (Comp)	Brooklyn, NY	02/01/2000	Ladies' Knitted Outerwear.
37,363	George Bassi Distributing (IBT)	Watsonville, CA	02/07/2000	Wooden Pallets.
37,364	Robinson Manufacturing (Wrks)	Madisonville, TN	02/02/2000	Shorts and Shirts.
37,365	Borg-Warner Automative (Wrks)	Blytheville, AR	01/25/2000	Transmission Solenoids.
37,366	California Shirt Sales (Comp)	Fullerton, CA	01/26/2000	Fleece Pants, Crewneck Shirts.
37,367	KeyBank USA NA (Wrks)	Albany, NY	02/01/2000	Collect Auto Loans.
37,368	ITT Jabsco (IBT)	Springfield, OH	01/03/2000	Recreational & Marine Products.
37,369	Ikeda Interior Systems (Wrks)	Sidney, OH	02/03/2000	Seats for Nissan.
37,370	Lees Curtain (Wrks)	Mansfield, MO	02/01/2000	Curtains for Windows.
37,371	Burlington Industries (Wrks)	Belmont, NC	01/07/2000	Fabrics.
37,372	Deer Valley Apparel, Inc (Wrks)	Chilhowie, VA	01/28/2000	Knitted Apparel.
37,373	Sawdust Pencil Co (Comp)	Edison, NJ	02/14/2000	Pencils and Markers.
37,374	T and K Manufacturing (Comp)	Brownstown, PA	02/07/2000	Underwear and Outerwear—Men, Women.
37,375	Mitec Wireless, Inc (Comp)	Tinton Falls, NJ	01/21/2000	Micro Basestations, Radio Frequency Amp.
37,376	Oneida Limited (Wrks)	Sherrill, NY	02/04/2000	Oneida Flatware.
37,377	Duro Finishing (UNITE)	Fall River, MA	02/09/2000	Dye and Finishing Cloth.
37,378	Bugbee and Niles Co., Inc (Comp)	Providence, RI	02/10/2000	Costume Jewelry.
37,379	Emerson Electric Co (Wrks)	Rogers, AR	02/03/2000	Electric Motors.
37,380	American Sewn Products (Wrks)	Bremerton, WA	02/08/2000	Customize Bags.
37,381	U.S. Leather (IBT)	Milwaukee, WI	02/04/2000	Process Leather.
37,382	Alaska Petroleum (Wrks)	Kenai, AK	11/12/1999	Oil and Gas Equipment.

[FR Doc. 00–7476 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36–647 and TA–W–36–647C]

Cluett, Peabody and Company, Inc., The Enterprise Plant, Enterprise, AL and Albertville, AL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 16, 1999, applicable to workers of Cluett, Peabody and Company, Inc., the Enterprise Plant, Enterprise, Alabama, the Austell Plant, Austell, Georgia and New York, New York. The notice was published in the **Federal Register** on October 14, 1999 (64 FR 55750).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations are occurring at the Albertville Plant, Albertville, Alabama location of Cluett, Peabody and Company, Inc. The workers are engaged in employment related to the production of men's shirts.

Accordingly, the Department is amending the certification to cover workers of Cluett, Peabody and Company, Inc., Albertville Plant, Albertville, Alabama.

The intent of the Department's certification is to include all workers of Cluett, Peabody and Company, Inc. adversely affected by increased imports of men's shirts.

The amended notice applicable to TA–W–36,647 is hereby issued as follows:

All workers of Cluett, Peabody and Company, Inc., The Enterprise Plant, Enterprise, Alabama (TA–W–36,647) and Albertville Plant, Albertville, Alabama (TA–W–36,647C) who became totally or partially separated from employment on or after August 10, 1998 through September 16, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 20th day of March 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–7485 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,024]

Condor DC Power Supplies, Inc., The Todd Products Group, Brentwood, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 9, 1998, applicable to workers of Todd Products Corporation, Brentwood, New York. The notice was

published in the **Federal Register** on December 4, 1998 (63 FR 67140).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of electronic power supply devices. New information received from the company shows that in July, 1999, Condor DC Power Supplies, Inc. purchased Todd Products Corporation and became known as Condor DC Power Supplies, Inc., The Todd Products Group. Information also shows that workers separated from employment at Todd Products Corporation had their wages reported under a separate unemployment insurance (UI) tax account for Condor Power Supplies, Inc., The Todd Products, Group.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–35,024 is hereby issued as follows:

All workers of Condor DC Power Supplies, Inc., The Todd Products Group, Brentwood, New York who becomes totally or partially separated from employment on or after September 15, 1997 through November 9, 2000 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 10th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–7484 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,557]

Freeport-McMoRan Sulphur, L.L.C., Culberson Mine, a.k.a. McMoRan Exploration Co., Pecos, TX, Including Leased Workers of Pecos Valley Field Services, Inc., Pecos, Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the U.S. Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 5, 1999 applicable to workers of Freeport-McMoRan Sulphur, L.L.C., Culberson Mine, Pecos, Texas, including leased workers of Pecos Valley Field Services, Inc., Pecos, Texas. The notice was published in the **Federal Register** on May 21, 1999 (64 FR 27811).

At the request of the company and State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of molten elemental sulphur. Company information shows that Freeport-McMoRan Sulphur, L.L.C. ''became also known as McMoRan Exploration Company'' after its merger in November, 1998.

Accordingly, the Department is amending the certification determination to correctly identify the new ownership to read ''Freeport-McMoRan Sulphur L.L.C, Culberson Mine, also known as McMoRan Exploration Company,'' Pecos, Texas.

The intent of the Department's certification is to include all workers of Freeport-McMoRan Sulphur, L.L.C. who were adversely affected by increased imports of molten elemental sulphur.

The amended notice applicable to TA–W–35,557 is hereby issued as follows:

All workers of Freeport-McMoRan Sulphur, L.L.C, Culberson Mine, also known as McMoRan Exploration Company, Pecos, Texas, including leased workers of Pecos Valley Field Services, Inc., working at Freeport-McMoRan Sulphur, L.L.C., Pecos, Texas engaged in employment related to the production of molten elemental sulphur who became totally or partially separated from employment on or after January 12, 1998 through April 5, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 7th day of March, 1998.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–7482 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,886, TA–W–35,886A, TA–W–886B and TA–W35,886C]

Justin Boot Company, Justin Management Company, Sarcoxie, MO, et al.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 20, 1999, applicable to workers of Justin Boot Company, Sarcoxie, Missouri, Cassville, Missouri, Carthage, Missouri and Fort Worth, Texas. The notice was published in the **Federal Register** on August 11, 1999 (64 FR 43724).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of boots and related components. New information received from the company shows that some workers separated from employment at Justin Boot Company had their wages reported under a separate unemployment insurance (UI) tax account for Justin Management Company.

The intent of the Department's certification is to include all workers of Justin Boot Company who were adversely affected by increased imports. Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–35,886 is hereby issued as follows:

All workers of Justin Boot Company, Justin Management Company, Sarcoxi, Missouri (TA–W–35,886), Cassville, Missouri (TA–W–886A), Carthage, Missouri (TA–W–35,886B) and Fort Worth, Texas (TA–W–886C) who became totally or partially separated from employment on or after March 3, 1998 through July 20, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 7th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–7483 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total

or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address show below, not later than April 6, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 6, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of February, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED ON 02/28/2000

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,383	Philadelphia Gear Corp. (IAMAW)	King of Prussia, PA	02/07/2000	Gears & Gear Boxes—Power Transmissions.
37,384	FNA Acquisitions (Co.)	Mooresville, NC	02/11/2000	Textile Prints & Dyed Fabrics.
37,385	Kryptonite Corporation (Co.)	Canton, MA	01/11/2000	Locks—Motorcycle and Bicycle.
37,386	Southside Sportswear (Co.)	Florence, SC	02/15/2000	Shirts, Tank Tops, Shorts, Pants.
37,387	Timbergon (Wkrs)	Redmond, OR	02/10/2000	Door and Window Jambs.
37,388	Sullivan Die Casting (Wkrs)	Kenilworth, NJ	02/09/2000	Auto Mirror Castings, Sunroof Castings.
37,389	Langenberg Hat (Wkrs)	New Haven, MO	02/11/2000	Hats and Caps.
37,390	Target (Wkrs)	Mt. Carmel, IL	02/18/2000	Retail Store.
37,391	Hewlett Packard (Wkrs)	San Jose, CA	02/08/2000	Opticouplers.
37,392	Alphabet (UNITE)	El Paso, TX	02/10/2000	Wiring Harness.
37,393	Preston Trucking Co. (GT)	Pittsburgh, PA	02/11/2000	Trucking—General Freight.
37,394	Corporate Expressions (Co.)	Salisbury, NC	02/14/2000	Golf Shirts, Athletic Wear.
37,395	Johnson Matthey/Allied (Wkrs)	Chippewa Falls, WI	02/15/2000	Plastic Laminated Semiconductor Packages.
37,396	Elliott Corporation (Wkrs)	Gillett, WI	02/10/2000	Safety Clothing.
37,397	Katz Lace Corp. (Wkrs)	New York, NY	02/08/2000	Lace.
37,398	Kenro, Inc. (Co.)	Fredonia, WI	02/17/2000	Fiberglass.
37,399	Tanner Companies Limited (Co.)	Rutherfordton, NC	02/16/2000	Ladies' Apparel.

[FR Doc. 00–7477 Filed 3–24–00; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address show below, not later than April 6, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 6, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 6th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED ON 03/06/2000

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,400	Renfro Corp. (Wkrs)	South Pittsburg, IN	02/17/2000	Package Socks.
37,401	Arbor Acres (Wkrs)	Carthage, MS	02/12/2000	Breeder Stock for Poultry.
37,402	Midas International (Wkrs)	Bedford, IL	02/05/2000	Mufflers, Pipes, Brackets.
37,403	R. Kaye Ltd (Co.)	New York, NY	02/16/2000	Rhinestone Buttons and Buckles.
37,404	Border Apparel Laundry (UNITE)	El Paso, TX	02/11/2000	Jeans.
37,405	GCC Cutting, Inc (Wkrs)	El Paso, TX	01/14/2000	Garment Cutting.

APPENDIX.—PETITIONS INSTITUTED ON 03/06/2000—Continued

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,406	York International (UAW)	Waynesboro, PA	02/15/2000	Oil Separators—Commercial Refrigeration.
37,407	Briggs Manufacturing (GMP)	Robinson, IL	02/04/2000	Toilet Bowls, Lavatories Tanks.
37,408	Raco—Hubbell (IUE)	So. Bend, IN	02/07/2000	Electrical Boxes and Fittings.
37,409	Quaker Oats (UFCW)	St. Joseph, MO	02/11/2000	Ready to Eat Cereals.
37,410	Trico Product of Lawrence (Wkrs)	Lawrenceburg, TN	01/29/2000	Windshield Wiper Systems.
37,411	Monet Group (The) (Co.)	East Providence, RI	02/18/2000	Fashion Jewelry.
37,412	Sun Apparel of Texas (Co.)	El Paso, TX	02/22/2000	Jeans, Jackets, Shirts & Shorts.
37,413	Cebeco Lilies (Co.)	Aurora, OR	02/16/2000	Lily Bulbs.
37,414	Proper International (Wkrs)	Waverly, TN	02/11/2000	Jeans, Shirts and Jackets.
37,415	Parker Drilling Co (Wkrs)	Tulsa, OK	02/24/2000	Oil Drilling.
37,416	Triboro Electric Co. (IBEW)	Doylestown, PA	02/22/2000	Lighting Components and Switches.
37,417	Microtek Medical (Wkrs)	Columbus, MS	02/16/2000	Medical Drapes.
37,418	Baker Atlas (Comp)	Prudhoe Bay, AK	02/15/2000	Wireline Logging.
37,419	Compaq Computer (Wrks)	Houston, TX	02/08/2000	Printed Circuit Boards.
37,420	Western Gas Resources (Wrks)	Midkiff, TX	02/17/2000	Natural Gas Processing.
37,421	Whistler Automation (Comp)	Novi, MI	02/26/2000	Electronic Transmitters.
37,422	BTR Sealing Systems (UNITE)	Maryville, TN	02/23/2000	Autombile Weatherstripping.
37,423	Warren Leasing (Wrks)	New York, NY	01/21/2000	Woven Textiles.
37,424	Pincus Brothers (UNITE)	Philadelphia, PA	02/23/2000	Men's Clothing.
37,425	SKF USA, Inc (Wrks)	Glasgow, KY	02/24/2000	Hub Bearings.
37,426	Leather Specialty Co/Howg (Comp)	Sanford, FL	02/22/2000	Tool Cases, Business Cases.
37,427	Kongsberg (Wrks)	Livonia, MI	02/15/2000	Foam Seat Heaters.
37,428	Valley Cities Apparel (Wrks)	Sayre, PA	01/28/2000	Lingerie—Sleepwear.
37,429	Basset Upholstery (Wrks)	Dumas, AR	02/22/2000	Furniture.
37,430	Square D Co. (IBEW)	OshKosh, WI	02/17/2000	Transformers.
37,431	Magnecomp Corp (Comp)	Temecula, CA	02/24/2000	Computer Hard Disk, Drive Suspension.
37,432	Globe Manufacturing Corp (Comp)	Fall River, MA	02/24/2000	Extruded Latex Thread.
37,433	Smithville Sportswear (Wrks)	Smithville, TN	02/24/2000	Men's and Ladies' Knit Apparel.
37,434	Bula, Inc. (Comp)	Durango, CO	02/24/2000	Winter Headwear.
37,435	OshKosh B'Gosh, Inc (Comp)	OshKosh, WI	02/23/2000	Men's and Children's Clothing.
37,436	Alliance Labeling (Wrks)	Allentown, PA	02/15/2000	Labeled Glass and Plastic Bottles.
37,437	Elliot Turbomachinery (Comp)	Jeannette, PA	02/15/2000	Turbines and Compressors.

[FR Doc. 00–7478 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,019]

Thomas Energy Services, MWD Division, a.k.a. Pathfinder Energy Services, Inc., New Iberia, LA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 3, 1999, applicable to workers of Thomas MWD, a/k/a Pathfinder Energy Services, Inc., New Iberia, Louisiana. The notice was published in the **Federal Register** on December 28, 1999 (64 FR 72692).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers provided engineering, logging and drilling services related to the exploration and production of crude oil and natural gas. New information received from the company shows that in March, 1999, Thomas MWD merged with PathFinder Energy Services and became known as Thomas Energy Services, MWD Division, a/k/a PathFinder Energy Services. Information also shows that workers separated from employment at Thomas MWD, a/k/a Pathfinder Energy Services, Inc. had their wages reported under a separate unemployment insurance (UI) tax account for Thomas Energy Services, MWD Division, a/k/a Pathfinder Energy Services, Inc.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–37,019 is hereby issued as follows:

All workers of Thomas Energy Services, MWD Division, a/k/a Pathfinder Energy Services, Inc., New Iberia, Louisiana who became totally or partially separated from employment on or after October 22, 1998 through December 3, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 10th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–7486 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps: Preliminary Finding of No Significant Impact (FONSI) for the Proposed Job Corps Center at the Gillis W. Long Hansen's Disease Center, 5445 Point Clair Road, Carville, Iberville Parish, LA

AGENCY: Employment and Training Administration, Labor.

ACTION: Preliminary Finding of No Significant Impact (FONSI) for the proposed Job Corps Center to be located at the Gillis W. Long Hansen's Disease Center, 5445 Point Clair Road, Carville, Iberville Parish, Louisiana.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, Employment and Training Administration, Office of Job Corps, in accordance with 29 CFR 11.11(d), gives notice that an Environmental Assessment (EA) has been prepared for a new Job Corps Center to be located in Carville, Louisiana, and that the proposed plan for a new Job Corps Center will have no significant environmental impact. This Preliminary Finding of No Significant Impact (FONSI) will be made available for public review and comment for a period of 30 days.

DATES: Comments must be submitted by April 26, 2000.

ADDRESSES: Any comment(s) are to be submitted to Eric Luetkenhaus, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–4659, Washington, DC, 20210, (202) 219–5468 ext. 118 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Copies of the EA and additional information are available to interested parties by contacting Jose M. de Olivares, Region VI (Six) Office of Job Corps, Federal Building Room 403, 525 Griffin Street, Dallas, TX 75202, (214) 767–2567 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This Environmental Assessment (EA) summary addresses the proposed construction of a new Job Corps Center in Carville, Louisiana. The subject property for the proposed Job Corps Center is an approximately 28.8-acre parcel within the approximately 331-acre site formally known as the Gillis W. Long Hansen's Disease Center (GWLHDC), operated by the United States Department of Health and Human Services (HHS). The GWLHDC has been acquired by the State of Louisiana for the purpose of establishing a multi-purpose educational and military training facility. Planned programs include not only a Job Corps, but also the Youth Challenge Program and a military training unit for the Louisiana Army National Guard (LAARNG). The U.S. Department of Labor will be leasing the 28.8 acre Job Corps Center site from the State of Louisiana.

The EA indicates that an existing golf course located on the east side of the GWLHDC complex will be utilized for the 28.8-acre Job Corps Center parcel. The new center will require construction of seven (7) new buildings. The proposed Job Corps Center will provide housing, training, and support services for 272 resident students. The current facility utilization plan includes new dormitories (53,000 square feet), a heavy vocational building (17,300 square feet), a cafeteria building (10,300 square feet), administration/medical/dental offices (11,200 square feet), recreation facilities (18,000 square feet), and classroom facilities (21,600 square feet).

The construction of the Job Corps Center on this proposed site would be a positive asset to the area in terms of environmental and socioeconomic improvements, and long-term productivity. The proposed Job Corps Center will be a new source of employment opportunity for people in the Carville, Louisiana area. The Job Corps program provides basic education, vocational skills training, work experience, counseling, health care and related support services. The program is designed to graduate students who are ready to participate in the local economy.

The proposed project will not have any significant adverse impact on any natural systems or resources. No state or federal threatened or endangered species (proposed or listed) have been on the subject property.

The Job Corps Center construction will not affect any existing historic structures on the GWLHDC, and there are no historic or archeologically sensitive areas on the proposed property parcel.

Air quality and noise levels should not be affected by the proposed development project. Due to the nature of the proposed project, it would not be a source of air pollutants or additional noise, except possibly during construction of the facility. All construction activities will be conducted in accordance with applicable noise and air pollution regulations, and all pollution sources will be permitted in accordance with applicable pollution control regulations. The proposed Job Corps Center is not expected to significantly increase the vehicle traffic in the vicinity.

The proposed project will not have any significant adverse impact on the surrounding water, sewer, and storm water management infrastructure. Currently, drinking water at the site is drawn from two (2) 400-foot wells and pumped to the GWLHDC water treatment plant via pipeline. According to the GWLHDC, the maximum treatment capacity for the water treatment plant is 430,000 gallons per day. The projected usage requirements for all proposed tenants at the GWLHDC, including the Job Corps Center, is less than 200,000 gallons per day. The new buildings to be constructed for the proposed Job Corps Center will be tied in to the existing GWLHDC water distribution system. The current water treatment facility appears more than adequate to support the proposed Job Corps Center, and should only require continued maintenance and cost effective upgrades.

The new buildings to be constructed for the proposed Job Corps Center will also be tied in to the existing GWLHDC sewer system for treatment at the GWLHDC wastewater treatment plant. The wastewater treatment plant currently possesses the capacity to effectively treat up to 150,000 gallons per day. Based upon the maximum estimated site occupancy for all proposed tenants (± 1,250) and using an established figure of 60 gallons of wastewater production per day per person, the volume of wastewater is estimated at approximately 75,500 gallons per day. The current system should be more than capable of handling the volume of wastewater generated by the proposed Job Corps Center and all other proposed uses of the property.

Currently, all garbage and solid wastes generated at the site are disposed under a contract with the GWLHDC. All materials are collected and disposed of in accordance with all federal, state and local regulations. No solid waste is disposed on site. The proposed Job Corps Center will continue to use solid waste contractor to provide waste disposal. While the Job Corps Center may increase the amount of solid waste generated on-site, this increase will be accommodated through additional collection containers (dumpsters) and an increased frequency of collection by the contractor. It is not anticipated that this added capacity will create a significant impact on the ability of regional waste handlers to collect and dispose of waste materials in a safe, timely, and efficient manner. Local off-site approved disposal facilities should not be impacted by the proposed Job Corps Center.

Gulf State Utilities provides the primary supply of electricity (a 4,160 volt power line) to the GWLHDC. The GWLHDC owns and maintains the 208/480 volt distribution lines throughout the facility. An engineering review of the existing electrical infrastructure has determined that the existing electrical capacity on the GWLHDC is not adequate to provide electrical service to the new buildings proposed for the Job Corps Center, so electrical service will

be extended to the proposed Job Corps Center property parcel in accordance with all applicable building codes. This is not expected to create any significant impacts to the environment or to the regional utility infrastructure.

The major highway that connects the GWLHDC facility with nearby metropolitan cities is U.S. Highway 10, located east of the Carville property. No public transportation is available to or from the proposed Job Corps Center. Private bus transportation is available from the Greyhound Bus Company with a bus station located in St. Gabriel. Rail transportation is provided by Amtrak with a station located in Baton Rouge. Air transportation is provided by several commercial carriers, including American Eagle, Continental, Delta Northwest, and USAirways, at the Baton Rouge Metropolitan Airport. The construction of a new Job Corps Center will not have any significant impact on the regional transportation infrastructure.

No significant adverse affects to local medical, emergency, fire and police services are anticipated. The primary medical provider located closest to the proposed Job Corps parcel is the Baton Rouge General Medical Center, approximately 15 miles from the proposed Job Corps parcel. The Job Corps Center will have a small medical and dental facility on-site for use by the residents as necessary. Security services at the Job Corps will be provided by the center's security staff, with two (2) personnel on the day shift, three (3) on the evening shift, and two (2) on the night shift. Law enforcement services are provided by the Iberville Parish Sheriff Office Substation, located approximately 5 miles from the proposed project site. The local fire station is the East Iberville Fire Department located in St. Gabriel. The fire department consists of three (3) stations with approximately 35 volunteers. The GWLHDC has entered into a Memorandum of Agreement with the Iberville Volunteer Fire Department for all emergency services.

The proposed project will not have a significant adverse sociological affect on the surrounding community. Similarly, the proposed project will not have a significant adverse affect on demographic and socioeconomic characteristics of the area.

The alternatives considered in the preparation of this FONSI were as follows: (1) No Action; (2) Construction at an Alternate Site; and (3) Continue Construction as Proposed. The ''No Action'' alternative was not selected. The U.S. Department of Labor's goal of expanding the Job Corps Program by establishing new Job Corps Center in under-served regions of the United States would not be met under this alternative. ''Construction at an Alternate Site'' was not selected because the Carville site was the only proposed facility in the State of Louisiana, and no alternative sites are available for construction within the State of Louisiana. Due to the suitability of the proposed site for establishment of a new Job Corps Center, and the absence of any identified significant adverse environmental impacts from locating a Job Corps Center on the subject property, the ''Continue Construction as Proposed'' alternative was selected.

Based on the information gathered during the preparation of the EA, no environmental liabilities, current or historical, were found to exist on the proposed Job Corps Center site. The construction of the Job Corps Center at the Gillis W. Long Hansen's Disease Center, 5445 Point Clair Road, in Carville, Iberville Parish, Louisiana will not create any significant adverse impacts on the environment.

Dated at Washington, DC, this 21st day of March, 2000.

Mary H. Silva,

Director of Job Corps.

[FR Doc. 00–7472 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–U

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act and Workforce Investment Act; Migrant and Seasonal Farmworker Employment and Training Advisory Committee; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463) as amended, notice is hereby given of the scheduled meeting of the Migrant and Seasonal Farmworker Employment and Training Advisory Committee.

Time and Date: The meeting will begin at 9:00 a.m. on May 4, 2000, and continue until approximately 4:30 p.m., and will reconvene at 9:00 a.m. on May 5, 2000, and adjourn at close of business that day. Time is reserved from 1:30 to 3:00 p.m. on May 4, 2000 for participation and presentations by members of the public.

Place: Mexican American Unity Council Building, Conference Room, 2300 West Commerce Street, San Antonio, Texas 78207–3841.

Status: The meeting will be open to the public. Persons with disabilities who need special accommodations should contact the telephone number provided below no less than ten days before the meeting.

Matters to be Considered: The agenda will focus on the following topics:

Brief report of meeting of December 2, 3, 1999
Public Comment Session
Division of Seasonal Farmworker Program Report and Update
Presentation on Final Workforce Investment Act Regulations
Preparation of Strategic Plan for Advisory Committee

FOR FURTHER INFORMATION CONTACT: Alicia Fernandez-Mott, Chief, Division of Migrant and Seasonal Farmworker Programs, Office of National Programs, Employment and Training Administration, Room N–4641, 200 Constitution Ave., NW, Washington, DC 20210. Telephone: (202) 219–5500.

Signed at Washington, DC, this 21st day of March, 2000.

Alicia Fernandez-Mott,

Acting Director, Office of National Programs, Employment and Training Administration.

[FR Doc. 00–7487 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–3415]

AMP, Inc., a Tyco International Ltd. Company, Fiber Optic Division, Middletown, Pennsylvania; Notice of Revised Determination on Reconsideration

By letter of February 10, 2000, petitioners requested reconsideration of the Department's negative determination applicable to workers and former workers of the subject firm.

The initial investigation resulted in a negative determination issued on December 28, 1999, based on the finding that criterion (1) of the worker group eligibility requirements of paragraph (a)(1) of section 250 of the Trade Act of 1974, as amended, was not met. Net employment at the Larue facility increased in 1999 compared to 1998. The notice of negative determination was published in the **Federal Register** on January 14, 2000 (65 FR 2433).

The petitioners presented information showing that the articles subject of the petition investigation were produced in Middletown, not Larue, Pennsylvania. On reconsideration the company provided employment data for the Middletown, Pennsylvania plant of the

subject firm. Employment declined from 1998 to 1999 and in the first two months of 2000. The initial investigation confirmed that there was a shift in production of fiber optic connectors from Middletown to Mexico. The workers at the plant are not separately identifiable by product line.

Conclusion

After careful consideration of the new facts obtained on reconsideration, I conclude that there was a shift in production from the workers' firm to Mexico of articles that are like or directly competitive with those produced by the subject firm. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of AMP, Incorporated, A Tyco International LTD. Company, Fiber Optic Division, Middletown, Pennsylvania, who became totally or partially separated from employment on or after August 30, 1998, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC this 20th day of March 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–7481 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–3369]

Superior-Essex, Pauline, KS; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of February 25, 2000, the United Steelworkers of America (USWA) request administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for North American Free Trade Agreement—Transitional Adjustment Assistance (NAFTA–TAA) for workers of the subject firm. The denial notice was signed January 14, 2000, and published in the **Federal Register** on February 4, 2000 (FR 65 5691).

The USWA acknowledges that the subject firm is not shifting production of copper building wire to Mexico, but states that the production of copper rod has been shifted from the Pauline, Kansas plant of Superior-Essex to Mexico.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC this 20th day of March 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–7480 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Fire Protection (Underground Coal Mines)

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before May 26, 2000.

ADDRESSES: Send comments to Theresa M. O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, 4015 Wilson Boulevard, Room 715, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to tomalley@msha.gov, along with an original printed copy. Ms. O'Malley can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Theresa M. O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 719, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. O'Malley can be reached at tomalley@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Subpart L of 30 CFR part 75, establishes minimum fire protection requirements for underground coal mines. This subpart contains provisions requiring that a program for the instruction of miners in fire fighting and evacuation procedures be adopted by the mine operator and approved by the MSHA district manager. Subpart L also contains provisions requiring fire extinguishers to be examined every 6 months, fire drills to be conducted every 90 days, automatic fire sensor and warning device systems to be examined weekly and tested annually, and fire hydrants and hose to be tested at least once a year. These provisions also require that the mine operator maintain a record or certification that the fire drills and examinations and tests are conducted.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Fire Protection (Underground Coal Mines). MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (*http://www.msha.gov*) and then choosing ''Statutory and Regulatory Information'' and ''Paperwork Reduction Act Submissions (http://www.msha.gov/regspwork.htm)'', or by contacting the employee listed above in

the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

III. Current Actions

MSHA believes that the requirement for distinct fire fighting and evacuation programs for coal mines promotes the objectives of the Federal Mine Safety and Health Act of 1977 by ensuring that miners are able to safely evacuate a mine in the event of a fire and that fires are extinguished as soon as possible. MSHA uses the programs and the fire drill and fire fighting equipment certifications to determine whether a mine operator has adequate procedures and equipment to protect miners in the event of a fire.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Fire Protection (Underground Coal Mines)

OMB Number: 1219–0054.

Affected Public: Business or other for-profit institutions.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden hours*
75.1100–3	1,424	Semi-annually	56,960	2 minutes	1,899
33975.1101–23(a)	339	On occasion	339	30 minutes	170
75.1101–23(c)	1,424	Quarterly	17,088	30 minutes	8,544
75.1103–8	685	Weekly	178,100	25 minutes	41,558
75.1103–8 (Test)	685	Annually	2,740	15 minutes	685
75.1103–11	685	Annually	41,100	30 minutes	20,550
Total			296,327	15 minutes	73,406

*Discrepancies due to rounding.

Total Burden Cost (capital/startup) $0.

Total Burden Cost (operating/maintaining: $1,695.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 21, 2000.

Theresa M. O'Malley,

Program Analysis Officer, Program Evaluation and Information Resources.

[FR Doc. 00–7473 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Underground Retorts

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before May 26, 2000.

ADDRESSES: Send comments to Theresa O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, 4015 Wilson Boulevard, Room 715, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to tomalley@msha.gov, along with an original printed copy. Ms. O'Malley can be reached at (703) 235–1470 (voice) or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Theresa O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 719, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. O'Malley can be reached at tomalley@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

This regulation pertains to the safety requirements to be followed by the mine operators in the use of underground retorts to extract oil from shale by heat or fire. Prior to ignition of retorts, the mine operator must submit a written plan indicating the acceptable levels of combustible gases and oxygen; specifications and location of off-gas monitoring procedures and equipment; procedures for ignition of retorts and details of area monitoring and alarm systems for hazardous gases and actions to be taken to assure safety of miners.

II. Desire Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to Underground Retorts. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (http:///www.msha.gov) and then choosing ''Statutory and Regulatory Information'' and ''Paperwork Reduction Act Submissions (http:www.msha.gov/regspwork.htm)'', or by contacting the employee listed above the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

III. Current Actions

This request for information contains provisions whereby mine operators can maintain compliance with the safety of mining personnel where underground retorts are used.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Underground Retorts.

OMB Number: 1219–0096.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Cite/Reference/Form/etc: 30 CFR 57.22401.

Total Respondents: 1.

Total Responses: 1.

Average Time per Response: 160 hours.

Estimated Total Burden Hours: 160 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 21, 2000.

Theresa O'Malley,

Program Analysis Officer, Program Evaluation and Information Resources.

[FR Doc. 00–7474 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Petitions for Modification of Mandatory Safety Standards

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before May 26, 2000.

ADDRESSES: Send comments to Theresa O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, 4015 Wilson Boulevard, Room 715, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to tomalley@msha.gov, along with an original printed copy. Ms. O'Malley can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 811(c), provides that a mine operator or a representative of miners may petition the Secretary to modify the application of a mandatory safety standard. A petition for modification may be granted if the Secretary of Labor (Secretary) determines: (1) That an alternative method of achieving the results of the standard exists and that it will guarantee, at all times, no less than the same measure of protection for the miners affected as that afforded by the standard; or (2) that the application of the standard will result in a diminution of safety to the miners affected.

Petitions for Modification must be in writing and contain the petitioner's name and address, the mailing address and mine identification number of the mine or mines affected, the mandatory safety standard to which the petition is directed, a concise statement of the modification requested; a detailed statement of the facts that show the grounds upon which a modification is claimed or warranted; and, if the petitioner is a mine operator, the identity of any representative of miners at the affected mine.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Petitions for Modification. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (*http://www.msha.gov*) and then choosing ''Statutory and Regulatory Information: and then ''Paperwork Reduction Act Submissions'' (http://www.msha.gov/regspwork.htm) or by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

Each petition for modification must be investigated by MSHA on a mine-by-mine basis and a decision reached on the merits. A mine operator may only request modification of one mandatory safety standard per petition. However, a mine operator may file a petition for more than one mine by showing that identical issues of law and fact exist for each mine.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Petitions for Modification of Mandatory Safety Standards.

OMB Number: 1219–0065.

Affected Public: Business or other for-profit institutions.

Frequency: On occasion.

Cite/Reference/Form/etc: 30 CFR 44.9, 44.10, and 44.11

Total Respondents: 140 mine operators.

Total Responses: 110.

Average Time per Response: 40 hours.

Estimated Total Burden Hours: 4,400 hours.

Estimated Total Burden Cost: $150,420.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 21, 2000.

Theresa M. O'Malley,

Program Analysis Officer, Program Evaluation and Information Resources.

[FR Doc. 00–7475 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–43–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice [00–028]

NASA Advisory Council (NAC), Aero-Space Technology Advisory Committee (ASTAC); 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 forthcoming meeting of the NASA Advisory Council, Aero-Space Technology Advisory Committee.

DATES: Wednesday, April 12, 2000, 1 p.m. to 5 p.m.; and Thursday, April 13, 2000, 8:30 a.m. to 5 p.m.

ADDRESSES: Holiday Inn, Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia 22209; and National Aeronautics and Space Administration, Room 6H46, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Mary-Ellen McGrath, Office of Aero-Space Technology, National Aeronautics and Space Administration, Washington, DC 20546 (202/358–4729).

SUPPLEMENTARY INFORMATION: The April 12, 2000, meeting will be a Joint Aero-Space Technology Advisory Committee (ASTAC) and Research, Engineering and Development (R,E&D) Advisory Committee session. The meeting will be open to the public up to the seating capacity of the room.

The agenda for the meeting is as follows:

Wednesday, April 12—Holiday Inn, Rosslyn Westpark Hotel

—Opening Comments for Joint Aero-Space Technology Advisory Committee (ASTAC) and Research, Engineering and Development (R,E&D) Advisory Committee
—Icing Research Overview
—Small Aircraft Transportation System (SATS) Report
—Air Traffic Management Steering Committee Report
—Aviation Systems After Next R&D Planning

Thursday, April 13—National Aeronautics and Space Administration

—Aero-Space Technology Overview
—Intelligent Synthesis Environment (ISE) Briefing
—Revolutionary Concepts (REVCON) Selection Report
—High-Speed Research Program Status
—University Strategy Update
—Subcommittee Reports

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: March 21, 2000.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 00–7414 Filed 3–24–00; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–029)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Horton's Orthotic Lab, Inc., of Little Rock, Arkansas, has applied for an exclusive license for the field of use in orthotics and prosthetics of the invention disclosed in NASA Case No. MFS–31258 entitled ''Releasable Conical Roller Clutch'' which has been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. 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 26, 2000.

FOR FURTHER INFORMATON CONTACT: Ms. Caroline Wang, Mail Code CD30, Marshall Space Flight Center, Huntsville, AL 35812; telephone 256–544–3887.

Dated: March 21, 2000.

Edward A. Frankle,

General Counsel.

[FR Doc. 00–7415 Filed 3–24–00; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

NARA Scheduling and Appraisal Review

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice; request for comment.

SUMMARY: The National Archives and Records Administration (NARA) is conducting a review of its records scheduling and appraisal policies and process. NARA invites comment on a proposed Work Plan for Stage I supporting this Scheduling and Appraisal Project. Work under this proposed Plan includes:

1. Developing a methodology for gathering information from customers (Federal agencies, including NARA staff, and the public);
2. Developing data gathering tools such as customer surveys and focus group sessions;
3. Performing the information collections;
4. Analyzing the data gathered; and,
5. Analyzing a number of policy issues relating to scheduling and appraising Federal records.

The Draft Work Plan is available at http://www.nara.gov/records/sap/

DATES: Comments must be received by April 11, 2000.

ADDRESSES: Paper copies of the document are also available from the contact person in **FOR FURTHER INFORMATION CONTACT** section of this notice.

Send comments electronically in the body of the message to *comments@nara.gov*. Comments may also be mailed to Scheduling and Appraisal Project Comments, Rm 4100, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740–6001 or faxed to 301 713–7270.

FOR FURTHER INFORMATION CONTACT: Susan Cummings by email at *susan.cummings@arch2.nara.gov* or by telephone at 301 713–7360, ext. 238.

SUPPLEMENTARY INFORMATION: This notice is also published in the Commerce Business Daily.

Lewis J. Bellardo,

Deputy Archivist of the United States.

[FR Doc. 00–7438 Filed 3–24–00; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–247]

Consolidated Edison Company of New York, Inc.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–26 issued to Consolidated Edison

Company of New York, Inc. (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

The proposed amendment would revise Technical Specifications (TSs) associated with probes used in steam generator tube inspections, specifically TS Section 4.13.A.3.f. The proposed change would provide more flexibility in the type of probe used and to reflect current technological advances in inspection equipment, while still maintaining the current 610-mil diameter probe restriction.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant hazards consideration because:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed changes facilitate the application of current diagnostic techniques. The changes involve updating Section 4.13.A.3.f, to permit more flexibility in the eddy current probes used in steam generator tube inspection and to reflect current technological advances in inspection equipment, while still maintaining the 610-mil diameter probe restriction. These changes do not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed changes would not involve a significant increase in the probability or [* * *] consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed changes facilitate the application of current diagnostic techniques. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which the design basis accidents have been evaluated are still valid. The operating procedures and emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed changes would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed changes facilitate the application of current diagnostic techniques. Since there are no changes to the operation of the facility or the physical design, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed changes do not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 26, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the

petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Brent L. Brandenburg, Assistant General Counsel, Consolidated Edison Company of New York, Inc., 4 Irving Place—1822, New York, NY 10003, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors.

For further details with respect to this action, see the application for amendment dated March 17, 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 22nd day of March 2000.

For the Nuclear Regulatory Commission.

Jefferey F. Harold,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–7430 Filed 3–24–00; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

[RI 34–16]

Proposed Collection; Comment Request for Review of a New 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) intends to submit to the Office of Management and Budget a request for a new information collection. RI 34–16, Information for Individuals Who Have Received an Overpayment From the Civil Service Retirement and Disability Fund (CSRDF), will be used to submit a lump-sum payment to settle an overpayment from the CSRDF, request an installment repayment agreement, or request reconsideration, waiver or compromise.

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 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 use of the appropriate technological collection techniques or other forms of information technology.

Approximately 1,000 RI 34–16 forms are completed per year. Each form will take approximately 1 hour to complete. The annual estimated burden will be 1,000 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 26, 2000.

ADDRESSES: Send or deliver comments to—William J. Washington, Chief, Financial Management Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3H19, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Phyllis R. Pinkney, Management Analyst, Budget &

Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–7440 Filed 3–24–00; 8:45 am]

BILLING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Reclearance of an Information Collection

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. Standard Form 3112, CSRS/FERS Documentation in Support of Disability Retirement Application, collects information from applicants for disability retirement so that OPM can determine whether to approve a disability retirement. The applicant will only complete Standard Forms 3112A and 3112C. Standard Forms: 3112B, 3112D, and 3112E will be completed by the immediate supervisor and the employing agency of the applicant.

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.

Approximately 12,100 Standard Form 3112, SF 3112A and SF 3112C will be completed annually. The SF 3112A requires approximately 30 minutes to complete and the SF 3112C requires approximately 60 minutes to complete. The annual burden is 12,775 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 26, 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.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–7441 Filed 3–24–00; 8:45 am]

BILLING CODE 6325–01–U

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–8037]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (Aeroflex Incorporated, Common Stock, Par Value $.10, and Preferred Share Purchase Rights)

March 21, 2000.

Areoflex Incorporated (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d)[2] thereunder, to withdraw the securities described above (''Securities'')[3] from listing and registration on the New York Stock Exchange,Inc. (''NYSE'').

The Securities, which have been listed and registered on the NYSE pursuant to Section 12(b)[4] of the Act, have become registered under Section 12(g) of the Act,[5] pursuant to a Registration Statement filed with the Commission on Form 8–A which became effective on March 20, 2000. The Securities have been designated for quotation on the National Market of the Nasdaq Stock Market, Inc. (''Nasdaq''), and trading in the Securities on the Nasdaq is scheduled to commence at the opening of business on March 21, 2000.

The Company has stated that it has complied with the Rules of the NYSE governing the withdrawal of its Security from listing and registration on the NYSE and that the NYSE in turn has indicated that it will not oppose such withdrawal.

The Company's application relates solely to the withdrawal of the Securities from listing and registration on the NYSE and shall have no effect upon the Securities' continued designation for quotation and trading on the Nasdaq. By reason of Section 12(g) of the Act[6] and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports with the Commission required by Section 13 of the Act.[7]

Any interested person may, on or before April 11, 2000, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the NYSE 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.[8]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–7436 Filed 3–24–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–9997]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (Koger Equity, Inc., Common Stock, Par Value $.01 per Share)

March 21, 2000.

Koger Equity, Inc. (''Company''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw the security described above (''Security'') from listing and registration on the American Stock Exchange LLC (''Amex'').

The Security, which has been listed registered on the Amex, has recently become listed and registered on the New

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] The Preferred Share Purchase Rights currently are attached to and trade together with shares of the Common Stock.

[4] 15 U.S.C. 78*l*(b).

[5] 15 U.S.C. 78*l*(g).

[6] *Id.*

[7] 15 U.S.C. 78m.

[8] 17 CFR 200.30–3(a)(1).

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

York Stock Exchange, Inc. (''NYSE''), under a Registration Statement, filed with the Commission on Form 8–A, which became effective on March 6, 2000. Trading in the Security commenced on the NYSE, and was simultaneously suspended on the Amex, at the opening of business on March 9, 2000.

The Company has stated that it has complied with Amex Rules relating to the withdrawal of its Security, and that the Amex in turn has indicated that it does not oppose such withdrawal. In obtaining a listing and registration for its Security on the NYSE, the Company hopes to realize a broader market for shares of its Security than was available through the Amex.

The Company's application relates solely to the withdrawal of the Security from listing and registration on the Amex and shall have no effect upon the Security's 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 April 11, 2000, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex 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. 00–7435 Filed 3–24–00; 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).

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–12811]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (U.S.B. Holding Co., Inc., Common Stock, Par Value $.01 per Share)

March 21, 2000.

U.S.B. Holding Co., Inc. (''Company''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder, [2] to withdraw the security specified above (''Security'') from listing and registration on the American Stock Exchange LLC (''Amex'').

The Security has been listed and registered on the Amex. On December 16, 1999, the Company's Registration Statement on Form 8–A, filed with the Commission on December 8, 1999, became effective and the Security became listed and registered on the New York Stock Exchange, Inc. (''NYSE''). Trading in the Company's Security commenced on the NYSE, and was simultaneously suspended on the Amex, at the opening of business on December 28, 2000.

The Company has stated that it has complied with the rules of the Amex governing the withdrawal of its Security and that the Amex in turn has indicated that it will not oppose such withdrawal. The Company hopes that, by listing and registering its Security on the NYSE, it will benefit from the NYSE's deep and liquid market, and that the Company will gain better exposure to the marketplace than it has had through the Amex. The Company does not see any merit in having its Security listed on two exchanges simultaneously.

The Company's application relates solely to the withdrawal of the Security from listing and registration on the Amex and shall have no effect upon the Security's 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 April 11, 2000, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex 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. 00–7434 Filed 3–24–00; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b)

[4] 15 U.S.C. 78m.

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 27, 2000.

A closed meeting will be held on Thursday, March 30, 2000 at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to hte Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration for the scheduled matters at the closed meeting.

Commissioner Carey, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matters of the closed meeting scheduled for Thursday, March 30, 2000 are:

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–7515 Filed 3–22–00; 4:08 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42546; File No. SR–NYSE–00–02]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change and Amendment No. 1 by the New York Stock Exchange, Inc. To Amend the Schedule of Continued Annual Listing Fees for Non-U.S. Companies

March 20, 2000.

On January 4, 2000, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the schedule of continuing annual fees for non-U.S. companies. Amendment No. 1 was filed on January 27, 2000.[3] The proposed rule change, as amended, was published for comment in the **Federal Register** on February 17, 2000.[4] No comments were received on the proposal. This order approves the proposal, as amended.

The proposed rule change amends the listed company fee schedule, set forth in Paragraph 902.04 of the NYSE's Listed Company Manual (''Manual''), as it applies to continuing annual listing fees for non-U.S. companies. The current continuing annual listing fee for non-U.S. companies is equal to the greater of the fee calculated on a per share or American Depositary Receipts (''ADR'') (or similar security) basis or based on the range minimums listed in the Manual. The proposal would combine the three lowest range of shares or ADRs (up to 10 million, from 10 to 20 million, and from 20 to 50 million) and their respective fees ($16,170, $24,260, and $32,340) into one range minimum (up to 50 million) with one fee ($35,000).

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with the requirements of Section 6(b).[5] The proposal would establish a range minimum fee for non-U.S. companies with up to 50 million shares or ADRs (or similar securities) of $35,000 per year. In light of the increased costs of providing market place services,[6] the Commission believes that the proposal is consistent with the Section 6(b)(4)[7] requirements that an Exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.[8]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NYSE–00–02), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–7400 Filed 3–24–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42550; File No. SR–PCX–99–38]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Pacific Exchange, Inc. Relating to Statistical Reports Provided to Market Makers

March 20, 2000.

I. Introduction

On October 5, 1999, the Pacific Exchange, Inc. (''Exchange'' or ''PCX''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to statistical reports provided to market makers. The Exchange filed Amendment No. 1 to the proposed rule change on January 11, 2000.[3] The proposed rule change, as amended, was published for comment in the **Federal Register** on February 15, 2000.[4] The Commission received no comments on the proposal. This order approves the proposal, as amended.

II. Description of the Proposal

The Exchange proposes to furnish its market makers with statistical reports designed to measure trading volume and participation in trading activity in each option issue traded on the Exchange. The reports will identify which order flow providers currently are bringing trades to the PCX and how those orders are being executed. Specifically, the reports will include monthly trading information that describes, by order flow provider, the issue and number of contracts traded, the Lead Market Maker post where the issue is traded, the contra and executing broker symbols, and whether the trade was executed through the Exchange's Automatic Execution System, through the Limit Order Book, or manually in the trading crowd.

The Exchange believes these reports will help market makers develop marketing plans specific to order flow providers that the market makers can use to help increase order flow to the PCX. In addition, the reports are designed to help market makers support their business relationships and encourage further business development with order flow providers. Furthermore, these reports will help the market makers identify specific customers to whom they should direct their marketing efforts. The Exchange believes that these reports will help the market makers focus on specific business needs of their customers, so that they can attract more business to the PCX. Finally, the Exchange believes the reports will help the Exchange compete for order flow in multiple traded issues.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Richard Strasser, Assistant Director, Division of Market Regulation, SEC, dated January 21, 2000 (''Amendment No. 1'').

[4] Securities Exchange Act Release No. 42406 (February 8, 2000), 65 FR 8222.

[5] 15 U.S.C. 78f(b).

[6] According to the NYSE, the proposal is necessary because of the increased costs of providing market place services to issuers, such as research analysis. Telephone conversation between Amy Bilbija, Counsel, NYSE, and Heather Traeger, Attorney, Division of Market Regulation, SEC, on March 8, 2000.

[7] 15 U.S.C. 78f(b)(4).

[8] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital information. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78b(b)(2).

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Robert P. Pacileo, Staff Attorney, Regulatory Policy, PCX, to Richard C. Strasser, Assistant Director, Division of Market Regulation, Commission, dated January 7, 2000 (''Amendment No. 1''). Amendment No. 1 adds Exchange Rule 6.41 to the text of Exchange Rule 6.

[4] Securities Exchange Act Release No. 42401 (Feb. 7, 2000), 65 FR 6647.

particular, the requirements of Section 6 of the Act.[5] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[6] in that it is designed to facilitate securities transactions and to remove impediments to and perfect the mechanism of a free and open market.[7]

The Commission recognizes the extent to which the proposed rule change may facilitate the practice of market makers offering incentives such as payment for order flow to firms that agree to direct their order flow to the Exchange. Specifically, by providing market makers with firm-specific volume breakdowns, the reports will permit market makers to identify firms that have not historically provided significant order flow to the Exchange. Market makers may in turn seek to attract new orders from these firms by offering payment in exchange for the new order flow. Such arrangements, standing along, are not inconsistent with the purposes of the Act as long as price competition remains vigorous and brokers vigilantly pursue their best execution obligation.

Accordingly, the Commission does not believe the proposal's potential to facilitate payment for order flow arrangements constitutes a barrier to approval. We will, however, monitor the manner in which the reports are used, to ensure that they are used in a manner consistent with the purposes of the Act.

IV. Conclusion

For the above reasons, the Commission finds that the proposed rule change is consistent with the provisions of the Act, and in particular with Section 6(b)(5).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–PCX–99–38), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–7437 Filed 3–24–00; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] In approving this rule change, the Commission has considered the proposal's impact on efficiency, competition, and capital formation, consistent with Section 3 of the Act. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Region I—SBA Providence District Office, Rhode Island SBA Advisory Council; Notice of Public Meeting

The Rhode Island SBA Advisory Council located in Providence, Rhode Island, will hold a public meeting at 8:00 a.m. on Friday, April 28, at the ToKalon Club, 26 Main Street, Pawtucket, RI 02860, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information write or call Mark S. Hayward, Acting District Director, 380 Westminster Street, Room 511, Providence, Rhode Island 02903 or telephone at (401) 528–4561.

Bettie Baca,

Counselor to the Administrator/Public Liaison.

[FR Doc. 00–7505 Filed 3–24–00; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Region I—SBA Providence District Office Rhode Island SBA Advisory Council; Notice of Public Meeting

The Rhode Island SBA Advisory Council located in Providence, Rhode Island, will hold a public meeting at 8:00 a.m. on Friday, May 19, 2000, at the ToKalon Club, 26 Main Street, Pawtucket, RI 02860, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information write or call Mark S. Hayward, Acting District Director, 380 Westminster Street, Room 511, Providence, Rhode Island 02903 or telephone at (401) 528–4561.

Bettie Baca,

Counselor to the Administrator/Public Liaison.

[FR Doc. 00–7506 Filed 3–24–00; 8:45 am]

BILLING CODE 8025–01–U

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Request for Emergency Review, Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with P.L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collection(s) should be submitted to the SSA Reports Clearance Officer and to the OMB Desk Officer at the following addresses:

(OMB) Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503

(SSA) Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235

I. The information collection listed below has been submitted to OMB for emergency clearance. OMB approval has been requested by April 7, 2000. Comments will be most useful if submitted to OMB and SSA by this date.

Medicare Part B Buy-in Screening Project—0960–0601. Public Law (Pub. L.) 105–277 authorized SSA to conduct a Medicare buy-in demonstration project to evaluate means to promote the Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act. P.L. 106–113 extends the authority established for fiscal year (FY) 1999 and allows SSA to use money still available to continue exploring the Medicare buy-in program in FY 2000. A lack of awareness about the Medicare buy-in programs appears to be one of the major obstacles to enrollment. Other obstacles to enrollment include the confusion of potential eligibles as to how to apply for these programs and a preference for dealing with SSA field offices rather than with local Medicaid offices.

SSA will screen respondents voluntarily for potential Medicare Part B buy-in eligibility using a screening guide developed for this purpose. The screening guide will collect information from SSA beneficiaries regarding income, resources, marital status, and living arrangements and also ask questions about how they became aware of Medicare Part B buy-in programs. SSA will gather this information to identify and overcome obstacles to Medicare Part B buy-in enrollments and to determine potential eligibility for Medicare Part B benefits.

In one of the models, the Decisionmaking Model, SSA employees will complete State buy-in application forms for beneficiaries screened potentially eligible. SSA will then make a decision about the beneficiary's eligibility, following the State's Medicaid eligibility rules, and will pass all materials and its decision to the county welfare office for issuance of the buy-in award or denial notice. In another model called the Widow(er)s Model, SSA employees will complete the State buy-in application but not make the eligibility decision. The completed application will be submitted to the county welfare office for an eligibility determination.

Collection Instrument	SSA Screening Guide	State Buy-In Guide Application.
Number of Respondents	25,000	15,000.
Frequency of Response	1	1.
Average Burden Per Response	20 minutes	124 minutes.
Estimated Annual Burden	8,333 hours	31,000 hours.

II. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–4145, or by writing to him at the address listed above.

1. Statement of Claimant or Other Person—0960–0045. In special situations when there is no standard form or questionnaire, Form SSA–795 is used by SSA to obtain information from claimants or other persons having knowledge of facts in connection with claims for Social Security or Supplementary Supplemental Security Income. The information collected is used to process claims for benefits. The respondents are applicants for Social Security or Supplemental Security Income benefits.

Number of Respondents: 305,500.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 76,375 hours.

2. Student Statement Regarding School Attendance—0960–NEW. The information on Form SSA–1372–TEST is needed to determine whether children of an insured worker are eligible for benefits as a student. SSA will conduct a limited trial of a revised SSA–1372 (Student Statement Regarding School Attendance) designated as SSA–1372–TEST. This limited test will study the efficacy and usability of the new format. Results of the testing will formulate SSA's decision to reject, modify or institute the revised form. The respondents are student claimants for Social Security Benefits and their respective schools.

Number of respondents: 2,000.

Number of Response: 1.

Average burden per response: 10 minutes.

Estimated Annual Burden: 333 hours.

III. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed above.

1. Privacy and Disclosure of Official Records and Information: Availability of Information and Records to the Public—20 CFR 401 and 402—0960–0566. The respondents are individuals requesting access to their SSA records, correction of their SSA records and disclosure of SSA records. This information is required to:

(a) Identify individuals who request access to their records:

Number of Respondents: 10,000.

Frequency of Response: On Occasion.

Average Burden Per Response: 11 minutes.

Estimated Annual Burden: 1,833 hours.

(b) Designate an individual to receive and review a recordholder's sensitive medical records in accordance with 20 CFR 401.55 and for disclosure of such records to the recordholder by his/her designee:

Number of Respondents: 3,000.

Frequency of Response: On Occasion.

Average Burden Per Response: 2 hours.

Estimated Annual Burden: 6,000 hours.

(c) Correct or amend records:

Number of Respondents: 100.

Frequency of Response: On Occasion.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 17 hours.

(d) Obtain consent from an individual to release his/her records to others. Consents are submitted by letter in writing or by use of an SSA–3288:

Number of Respondents: 2,200,000.

Frequency of Response: On Occasion.

Average Burden Per Response: 3 minutes.

Estimated Annual Burden: 110,000 hours.

(e) Facilitate the release of information under the Freedom of Information Act (FOIA):

Number of Respondents: 15,000.

Frequency of Response: On Occasion.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 1,250.

(f) Grant Waiver or reduction of fees for records requested under FOIA:

Number of Respondents: 400.

Frequency of Response: On Occasion.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 33 hours.

2. Annual Registration Statement Identifying Separated Participants with Deferred Benefits, Schedule SSA—0960–0606 (1999 edition). Schedule SSA is a form filed annually as part of a series of pension plan documents required by Section 6057 of the IRS Code. Administrators of pension benefit plans are required to report specific information on future plan benefits for those participants who left plan coverage during the year. SSA maintains the information until a claim for Social Security benefits has been approved. At that time, SSA notifies the beneficiary of his/her potential eligibility for payments from the private pension plan. The respondents are administrators of pension benefit plans or their service providers employed to prepare the Schedule SSA on behalf of the pension benefit plan.

Below is an estimate of the cost and hour burdens in completing and filing Schedule SSA(s). The burden estimates will vary for different plans and service providers, depending on individual circumstances. Therefore, the estimate below is simply an average.

Number of Respondents: 88,000.

Frequency of Response: Annually.

Average Burden Per Respondent: 2.5 hours.

Estimated Annual Burden: 220,074 hours.

Estimated Annual Cost Burden for All Respondents: $12,194,400.

Dated: March 21, 2000.

Frederick W. Brickenkamp,

Reports Clearance Officer.

[FR Doc. 00–7422 Filed 3–24–00; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3262]

Information Collection; Comment Request

AGENCY: Department of State.

ACTION: 30-Day Notice of Information Collection; Joint Survey on Public-Private Partnership of the Alliance for International Educational and Cultural Exchange (Alliance) and the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG).

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New information collection request.

Originating Office: ECA/C.

Title of Information Collection: Joint Survey on Public-Private Partnership of the Alliance for International Educational and Cultural Exchange (Alliance) and the Interagency Working Group on U.S. Government-sponsored International Exchanges and Training (IAWG).

Frequency: This collection is the first effort and every effort will be made to keep additional information collection activities to the minimum required for effective reporting within the IAWG mandate.

Form Number: None.

Respondents: Private sector organizations that are involved in international training and exchange activities.

Estimated Number of Respondents: 1,200.

Average Hours Per Response: 45 minutes.

Total Estimated Burden: None, the total time, effort or financial resources expended to generate survey responses would not go beyond those that would be incurred in the normal course of an organization's administrative activities.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Mary O'Boyle Franko, Suite 320, 301 4th Street, SW, 202–260–5124, ECA/C, U.S. Department of State, Washington, DC 20520. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, (202) 395–5871.

Dated: February 18, 2000.

James D. Whitten,

Executive Director, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 00–7353 Filed 3–24–00; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[DA1–239]

Bureau of Educational and Cultural Affairs Redelegation of Authority to the Principal Deputy Assistant Secretary and Deputy Assistant Secretary for Policy and Resources and to the Chief, Exchange Visitor Program Designation Staff

By virtue of the authority vested in me and in accordance with Delegation of Authority No. 236–1, dated November 9, 1999, I hereby redelegate to the Principal Deputy Assistant Secretary and Deputy Assistant Secretary for Policy and Resources (ECA/D) and to the Chief, Exchange Visitor Program Designation Staff and designated members of the Exchange Visitor Program Designation Staff (ECA/GCV), the authority to exercise the following-described authorities:

To ECA/D, the functions in sections 101(1)(15)(J) and 212(j) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J) and 1182 (J)), and section 641 of Pub L. 104–208 (8 U.S.C. 1372(h)(2)(A)) as they relate to the designation, redesignation, suspension, or revocation of Exchange Visitor Programs.

To ECA/GCV, the functions in sections 101(l)(15)(J) and 212(j) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J) and 1182(J)), and section 641 of Pub. L. 104–208 (8 U.S.C. 1372(h)(2)(A)) as they relate to all other Exchange Visitor Program matters. (In exercising this authority, ECA/GCV shall consult, as necessary, with ECA/D.)

Notwithstanding any other provision of this Order, the Assistant Secretary retains, and may at any time exercise, any function or authority redelegated herein.

All actions related to the responsibilities described herein which have been taken pursuant to any authority delegated prior to this Order or delegated by this Order, and which have been taken prior to and are in effect on the date of this Order, are hereby confirmed and ratified. Such actions shall remain in force as if taken under this Order, unless or until rescinded, amended or superseded.

This Redelegation shall be published in the **Federal Register**.

This Order is effective immediately.

Dated: March 10, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 00–7354 Filed 3–24–00; 8:45 am]

BILLING CODE 4710–08–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1517).

TIME AND DATE: 9 a.m. (CST), March 29, 2000.

PLACE: Nashville Convention Center, Level One, Rooms 103 and 104, 601 Commerce Street, Nashville, Tennessee.

STATUS: Open.

Agenda: Approval of minutes of meeting held on February 22, 2000.

New Business

B—Purchase Award

B1. Contract with Key Services, Inc., for telephone moves, additions, and changes.

B2. Contract with IBM Corporation for mainframe computer products and services.

C—Energy

C1. Extension of blanket agreement with A & G Tree Service, Inc., for transmission line right-of-way reclearing and maintenance.

C2. Extension of blanket agreement with Three Rivers Contracting for transmission line right-of-way reclearing and maintenance.

E—Real Property Transactions

E1. Amendment to Guntersville Reservoir Land Management Plan to change the allocated use for an 18.5-acre portion of Tract No. XGR–20PT from timber and wildlife management to industrial use and grant of a permanent easement for a road easement (Tract No. XTGR–166H) and a permanent industrial easement (Tract No. XTGR—1671E), both without charge, except for payment of TVA's administrative costs, to the City of Guntersville, affecting approximately 62.1 acres of land on Guntersville Reservoir in Marshall County, Alabama.

E2. Abandonment of approximately 14.7 acres of the Waterville-Kingsport Nolichucky Tap Transmission Line right-of-way easement in Greene County, Tennessee (Tract No. NOLT–2).

F—Unclassified

1. Filing of condemnation cases to acquire permanent easements, rights-of-way, right to enter, and fee simple ownership, affecting the Murfreesboro-Smyrna No. 2 Transmission Line, Rutherford County, Tennessee; West Ringgold-Center Point Transmission Line, Whitfield County, Georgia; and acquisition of 2.77 acres of land in Todd County, Kentucky, for the expansion of TVA's Elkton, Kentucky, Substation from a 69-kV to a 161-kV substation.

Information Items

1. Approval of the membership and chair appointments to the Regional Resource Stewardship Council.

For more information: Please call TVA Public Relations at (423) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000.

Dated: March 22, 2000.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 00–7592 Filed 3–23–00; 1:21 pm]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending February 25, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–6969.
Date Filed: February 22, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC2 EUR–AFR 0098 dated 18 February 2000
Europe-Africa Expedited Resolution 002hh
Intended effective date: 1 April 2000

Docket Number: OST–2000–6988.
Date Filed: February 25, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC12 NMS–AFR 0079 dated 15 February 2000
North Atlantic-Africa Resolutions r1–r21
Minutes—PTC12 NMS–AFR 0081 dated 18 February 2000
Tables—PTC12 NMS–AFR FARES 0048 dated 22 February 2000
Intended effective date: 1 April 2000

Docket Number: OST–2000–6989.
Date Filed: February 25, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC12 SATL–EUR 0058 dated 11 February 2000
South Atlantic-Europe Resolutions r1–r14
Minutes—PTC12 SATL–EUR 0059 dated 22 February 2000
Tables—PTC12 SATL–EUR FARES 0016 dated 18 February 2000
Intended effective date: 1 April 2000

Docket Number: OST–2000–6990.
Date Filed: February 25, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC12 MEX–EUR 0031 dated 15 February 2000
Mid Atlantic-Europe Resolutions r1–r22
Minutes—PTC12 MEX–EUR 0030 dated 11 February 2000
Tables—PTC12 MEX-EUR FARES 0010 dated 25 February 2000
Intended effective date: 1 May 2000

Docket Number: OST–2000–6991.
Date Filed: February 25, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC2 ME–AFR 0046 dated 22 February 2000
TC2 Middle East-Africa Expedited Resolutions r1–r3
Intended effective date: 1 April 2000s

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 00–7462 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending March 10, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–7042.
Date Filed: March 7, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC COMP 0589 dated 7 March 2000
Composite Resolution 002y
Minutes—PTC COMP 0588 dated 7 March 2000
Intended effective date: 1 April 2000 (except to/from Japan 15 April 2000)

Docket Number: OST–2000–7043.
Date Filed: March 8, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC12 NMS–AFR 0078 dated 10 February 2000 (Mail Vote 064)
Mid Atlantic-Africa Resolutions r1–r9
PTC12 NMS–AFR 0082 dated 7 March 2000 adopting (Mail Vote 064)
PTC12 NMS–AFR 0080 dated 15 February 1999
South Atlantic-Africa Resolutions r10–r22
Minutes—PTC12 NMS–AFR 0081 dated 18 February 2000 filed with Docket OST–00–6988
Tables—PTC12 NMS–AFR FARES 0050 dated 7 March 2000
PTC12 NMS–AFR FARES 0049 dated 25 February 2000 Intended effective date: 1 April 2000

Docket Number: OST–2000–7044.
Date Filed: March 8, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC2 EUR–AFR 0099 dated 25 February 2000
TC2 Europe–Africa Resolutions r1–r56
PTC2 EUR–AFR 0101 dated 3 March 2000 (Technical Correction)
Minutes—PTC2 EUR–AFR 0100 dated 29 February 2000
Tables—PTC2 EUR–AFR Fares 0061 dated 3 March 2000
PTC2 EUR–AFR Fares 0062 dated 3 March 2000
PTC2 EUR–AFR Fares 0063 dated 3 March 2000
PTC2 EUR–AFR Fares 0064 dated 3 March 2000

PTC2 EUR–AFR Fares 0065 dated 3 March 2000
PTC2 EUR–AFR Fares 0066 dated 3 March 2000
Intended effective date: 1 May 2000

Docket Number: OST–2000–7067.
Date Filed: March 10, 2000.
Parties: Members of the International Air Transport Association.

Subject

PTC2 ME–AFR 0047 dated 29 February 2000
TC2 Middle East–Africa Resolutions r1–r18
Minutes—PTC2 ME–AFR 0048 dated 7 March 2000
Tables—PTC2 ME–AFR FARES 0032 dated 7 March 2000
Intended effective date: 1 May 2000

Dorothy Walker,

Federal Register Liaison.

[FR Doc. 00–7464 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 25, 2000

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2000–6962.
Date Filed: February 22, 2000.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: March 21, 2000.
Description: Application of the Flight International Group, Inc. (''Flight International'' or ''Group''), Flight Alaska, Inc. (''Flight Alaska''), and Yute Air Alaska, Inc. (''Yute'') pursuant to 49 U.S.C. 41105 and Subpart Q, jointly seek expedited approval by the Department of Transportation, of the transfer of Yute's Certificate of Public Convenience and Necessity to Flight Alaska d/b/a Yute Air Alaska.

Docket Number: OST–2000–6978.
Date Filed: February 24, 2000.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: March 23, 2000.
Description: Application of Servicios Aereos Profesionales, Inc. pursuant to 49 U.S.C. 41102 and Subpart Q, requests a Certificate of Public Convenience and Necessity to engage in Foreign Scheduled Air Transportation of persons, property and mail.

Docket Number: OST–2000–6979.
Date Filed: February 24, 2000.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: March 23, 2000.
Description: Application of Servicios Aereos Profesionales, Inc. pursuant to 49 U.S.C. 41102 and Subpart Q, requests a Certificate of Public Convenience and Necessity authorizing Interstate Scheduled Air Transportation of person, property and mail.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 00–7463 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending March 10, 2000

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2000–7060.
Date Filed: March 9, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 6, 2000.
Description: Application of Air Malta P.L.C. (''Air Malta'') pursuant to 49 U.S.C. 41302 and Subpart Q, requests the issuance of a foreign air carrier permit to Air Malta to provide scheduled and charter foreign air transportation of passenger, property (including cargo), and mail between Malta and the United States, commencing on or about May 1, 2000.

Docket Number: OST–2000–7069.
Date Filed: March 10, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 31, 2000.
Description: Application of Airline Partner Associates, Inc. d/b/a TransPacific Airlines pursuant to 49 U.S.C. 41102 and Subpart B (formerly Subpart Q), requests a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property, and mail.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 00–7465 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–62–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Government Industry Free Flight Steering Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for an RTCA Government/Industry Free Flight Steering Committee meeting to be held April 13, 2000, starting at 1:00 pm. The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, in the Bessie Coleman Conference Center, Room 2AB (second floor).

The agenda will include: (1) Welcome and Opening Remarks: (a) Recognizing Departing Members of the Steering Committee; (b) Welcome Incoming Members. (2) Review Summary of the Previous Meeting; (3) Report and Recommendations from the Free Flight Select Committee: (c) Status Report—Merging Government/Industry and FAA Operational Concepts; (d) Safe Flight 21 Update. (4) Reports from FAA on: (e) Free Flight Phase 1 Baseline Data and Performance Assessments Update; (f) Controller-Pilot Data Link Communications (CPDLC) Update. (5) Other Business; (6) Date and Location of Next Meeting; (7) Closing Remarks.

Attendance is open to the interested public but limited to space availability. With the approval of the co-chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA, Inc., at (202) 833–9339 (phone), (202) 833–9434 (facsimile).

Issued in Washington, DC on March 21, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–7496 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Program Management Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Program Management Committee meeting to be held April 19, 2000, starting at 9 a.m. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW, Suite 1020, Washington, DC 20036.

The agenda will include: (1) Welcome and Introductions; (2) Review/Approve Summary of Previous Meeting; (3) Publication Consideration/Approval: (a) Final Draft, Minimum Operational Performance Standards (MOPS) for Geosynchronous Orbit Aeronautical Mobile Satellite Services (AMASS) Avionics (RTCA Paper No. 054–00/PMC–077, prepared by SC–165); (b) Final Draft, DO–201A, Standards for Aeronautical Information, (RTCA Paper No. 058–00/PMC–080, prepared by SC–181); (c) Final Draft, Design Assurance Guidance for Airborne Electronic Hardware, (RTCA Paper No. 0 60–00/PMC–081, prepared by Joint Committee SC–180/WG–46); (4) Action Item Review: (d) Action Item 00–02, Update on ADS–B Ad Hoc Group; (5) Discussion: (e) Update on request for RTCA Comment on EUROCONTROL Document, Use of Safety Management Systems by ATM Service Providers; (f) SC–159 Status Report—GNSS Application to Airport Surface Operation; (g) Proposed revision to Terms of Reference for SC–194, Air Traffic Management Data Link Implementation; (6) Other Business; (7) Date and Location of Next Meeting; (8) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

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

Janice L. Peters,

Designated Official.

[FR Doc. 00–7497 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Government/Industry Certification Steering Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for RTCA Government/Industry Certification Steering Committee meeting to be held April 18, 2000, from 10 a.m. to 12 p.m. The meeting will be held at Federal Aviation Administration (FAA), 800 Independence Avenue, SW, Washington, DC, 20591, in Conference Room 5ABC (5th Floor).

Formation of the Certification Steering Committee is a follow-on initiative recommended in RTCA's Report of Task Force 4, Certification. The concept of the Certification Steering Committee is supported by the FAA and will provide a public advisory forum for developing consensus-based recommendations for implementing the opportunities identified by Task Force 4. The Task Force completed its work in 1999 and published its findings in the ''Final Report of RTCA TASK FORCE 4, Certification.'' This report serves as a starting point for the Certification Steering Committee.

The Certification Steering Committee is co-chaired by Mr. Tom McSweeney, FAA Associate Administrator for Regulation and Certification, and Mr. Clay Jones, president, Rockwell Collins. The Certification Steering Committee will function as a Federal Advisory Committee with all meetings open to the public.

The agenda will include: (1) Welcome and Introductory Remarks: (a) RTCA Certification Activity Structure and Procedures; (b) Review Steering Committee Charter; (2) Background: (c) Task Force Four (TF4) Recommendations; (3) Certification Select Committee: (d) Membership; (e) Terms of Reference and Proposal for Implementing TF4 Recommendations; (f) Working Group Organization and Work Plans; (g) Near Term Certification Improvement Goals; (h) Deliverables and Milestones; (4) Other Business; (5) Date and Location of Next Meeting; (6) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the co-chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW, Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the Committee at any time.

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

Janice L. Peters,

Designated Official.

[FR Doc. 00–7498 Filed 3–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33847]

Nebraska Central Railroad Company—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company

Nebraska Central Railroad Company (NCRC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire approximately 18.2 miles of rail line owned by The Burlington Northern and Santa Fe Railway Company (BNSF). The rail line is located between milepost 17.50, near Central City, NE, and milepost 35.70, at Palmer, NE. In conjunction with the acquisition of the rail line, NCRC will acquire incidental overhead trackage rights over BNSF's rail line between milepost 52.7, at David City, NE, and milepost 66.5, at Columbus, NE, restricted to serving the facilities of Minnesota Corn Processors at Columbus.

Because the projected revenues of the rail line to be operated will exceed $5 million, NCRC certified to the Board, on January 14, 2000, that the required notice of its rail line acquisition was posted at the workplace of the employees on the affected lines on January 6, 2000. *See* 49 CFR 1150.42(e). The transaction was expected to be consummated on or shortly after March 14, 2000.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33847, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Esq., Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: March 20, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–7470 Filed 3–24–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Renewal of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the OCC is soliciting comment concerning its extension, without change, of an information collection titled, ''Leasing—12 CFR 23.''

DATES: You should submit written comments by May 26, 2000.

ADDRESSES: You should direct all written comments to the Communications Division, Attention: 1557–0206, Third Floor, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. In addition, you may send comments by facsimile transmission to (202) 874–5274, or by electronic mail to regs.comments@occ.treas.gov.

FOR FURTHER INFORMATION CONTACT: You can request additional information from Jacqueline Lussier, Senior Attorney, (202) 874–5090; or a copy of the collection from Jessie Dunaway or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division (1557–0206), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. You can inspect and photocopy the comments at the OCC's Public Reference Room, 250 E Street, SW, Washington, DC, between 9:00 a.m. and 5:00 p.m. on business days. You can make an appointment to inspect the comments by calling (202) 874–5043.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Leasing—12 CFR 23.

OMB Number: 1557–0206.

Form Number: None.

Abstract: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation.

The information requirements in 12 CFR part 23 are located as follows:

12 CFR 23.4(c)—Reporting: A national bank must liquidate or re-lease property that is no longer subject to lease (off-lease property) as soon as practicable, but no later than five years from the lease expiration. A bank wishing to extend that five-year holding period for up to an additional five years must obtain OCC approval. To ensure that a bank is not holding property for speculative reasons, the OCC requires the bank to provide a clearly convincing demonstration why an additional holding period is necessary. This requirement confers a benefit on national banks and may result in cost savings. This requirement provides flexibility for a bank when it faces unusual and unforeseen conditions under which it would be imprudent to dispose of the off-lease property.

12 CFR 23.4(c)—Recordkeeping: A national bank must value off-lease property at the lower of current fair market value or book value promptly after the property comes off-lease.

12 CFR 23.5—Recordkeeping: A national bank may engage in two types of lease financing. First, a national bank may acquire tangible or intangible personal property for purposes of lease financing if the lease serves as the functional equivalent of a loan. There is no aggregate volume limitation on a bank's investment in personal property that it leases. Second, a national bank may acquire tangible personal property for purposes of lease financing up to 10 percent of the assets of the bank. Section 23.5 requires that if a bank enters into both types of leases, its records must distinguish between the two types of leases.

National banks need these information collections to ensure that they conduct their operations in a safe and sound manner and in accordance with Federal banking statutes and regulations. These information collections also provide needed information for examiners and protections for banks. The OCC uses this information to verify compliance.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 660.

Estimated Total Annual Responses: 710.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 1,820 burden hours.

COMMENTS: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 21, 2000.

Mark Tenhundfeld,

Assistant Director, Legislative & Regulatory Activities Division.

[FR Doc. 00–7444 Filed 3–24–00; 8:45 am]

BILLING CODE 4810–33–P

TWENTY-FIRST CENTURY WORKFORCE COMMISSION

Notice of Business Meeting

AGENCY: Twenty-First Century Workforce Commission.

ACTION: Notice of business meeting.

SUMMARY: This notice is to announce a business meeting on Thursday, March 30, 2000. Members of the public are invited to attend the meeting. The agenda is set forth below.

The purpose of the meeting is for Commissioners to formulate next steps in carrying out its statutory requirements. The Commissioners and Commission staff will discuss trends and findings arising from its public information gathering hearings, and from site visits conducted by Commission staff. In addition, Commissioners will discuss best practices in Information Technology

Workforce Development, and how federal programs and policies affect these practices. Finally, the Commissioners will discuss the format of the Commission's report, and how the recommendations of the report will be transmitted to Congress and the Administration.

DATES: The business meeting will be held on Thursday, March 30, 2000, from 9:00 am to approximately 2:00 p.m. Registration is from 9:00 am to 10:00 am. The dates, locations and times for subsequent meetings will be announced in advance in the **Federal Register**.

ADDRESSES: George Mason University, Fairfax Campus is located at 4400 University Drive, Fairfax, VA 22030. Main Phone: (703) 993–1000. The meeting will be held at the Johnson Center in Meeting Room A. Web-based directions can be found at: http://coyote.gmu.edu/map/. All interested parties are invited to attend this business meeting. Seating may be limited and will be available on a first-come, first-serve basis.

FOR FURTHER INFORMATION CONTACT: Mr. Hans Meeder, Executive Director, Twenty-First Century Workforce Commission, 1201 New York Avenue, NW, Suite 700, Washington, DC 20005. (Telephone (202–289–2939. TTY (202) 289–2977) These are not toll-free numbers. Email: *Workforce21@nab.com.*

SUPPLEMENTARY INFORMATION: Establishment of the Twenty-First Century Workforce Commission was mandated by Subtitle C of Title III of the Workforce Investment Act, Sec. 331 of Pub. L. 105–220, 112 Stat. 1087–1091, (29 U.S.C. 2701 note), signed into law on August 7, 1998. The 15 voting member Twenty-First Century Workforce Commission is charged with studying all aspects of the information technology workforce in the United States. Notice is hereby given of a business meeting of the Twenty-First Century Workforce Commission.

The Workforce Investment Act (Pub. L. No. 105–220), signed into law on August 7, 1998, established the Twenty-First Century Workforce Commission. The Commission is charged with carrying out a study of the information technology workforce in the U.S., including the examination of the following issues:

1. What skills are currently required to enter the information technology workforce? What technical skills will be demanded in the near future?

2. How can the United States expand its number of skilled information technology workers?

3. How do information technology education programs in the United States compare with other countries in effectively training information technology workers? [The Commission study should place particular emphasis upon contrasting secondary, non-and-post-baccalaureate degree education programs available within the U.S. and foreign countries.]

The Workforce Investment Act directs the Commission to issue recommendations to the President and Congress within six months. The Commission first met on November 16, 1999, and will issue its recommendations by May 16, 2000.

Agenda

At the Fairfax, Virginia meeting, the Commission working group conducting the meeting will discuss trends and findings arising from its public information gathering hearings, and from site visits conducted by Commission staff. In addition, Commissioners will discuss best practices in Information Technology Workforce Development, and how federal programs and policies affect these practices. Finally, the Commissioners will discuss the format of the Commission's report, and how the recommendations of the report will be transmitted to Congress and the Administration.

Commission Membership

The Workforce Investment Act mandates that 15 voting members be appointed by the President, Majority Leader of the Senate, and Speaker of the House (5 members each), including 3 educators, 3 state and local government representatives, 8 business representatives and 1 labor representative. The Act also mandates that the President appoint 2 ex-officio members, one each from the Departments of Labor and Education.

The Commissioners are: Chairman Lawrence Perlman, Ceridian Corporation, Minneapolis, MN; Vice Chair, Katherine K. Clark, Landmark Systems Corporation, Reston, VA; Susan Auld, Capitol Strategies, Ltd., Montpelier, VT; Morton Bahr, Communication Workers of America, Washington, DC; Patricia Gallup, PC Communications, Inc., Merrimack, NH; Dr. Bobby Garvin, Mississippi Delta Community College, Moorhead, MS; Susan M. Green (ex officio), U.S. Department of Labor, Washington, DC; Randel Johnson, U.S. Chamber of Commerce, Washington, DC; Roger Knutsen, National Council for Higher Education, Auburn, WA; Patricia McNeil (ex officio), U.S. Department of Education, Washington, DC; The Honorable Mark Morial, Mayor, City of New Orleans, LA; Thomas Murrin, Ph.D., Duquesne University, Pittsburgh, PA; Leo Reynolds, Electronic Systems, Inc., Sioux Falls, SD; The Honorable Frank Riggs, National Homebuilders Institute, Washington, DC; The Honorable Frank Roberts, Mayor, City of Lancaster, California; Kenneth Saxe, Stambaugh-Ness, York, PA; David L. Steward, World Wide Technology, Inc., St. Louis, MO; Hans K. Meeder, Executive Director, Washington, DC.

Public Participation

Members of the public are invited to attend this meeting. Members of the public may also submit written statements for distribution to the Commissioners and inclusion in the public record without presenting oral statements. Such written statements should be sent to Mr. Hans Meeder, as shown above, or may be submitted at the meeting site.

The Commission has established a web site, *www.workforce21.org.* Any written comments regarding documents published on this web site should be directed to Mr. Hans Meeder, as shown above.

Special Accomodations

Reasonable accommodations will be available. Persons needing any special assistance such as sign language interpretation, or other special accommodation, are invited to contact Mr. Hans Meeder, as shown above. Requests for accommodations must be made four days in advance of the meeting.

Due to difficulties of scheduling the members we are unable to provide a full 15-day advance notice of this meeting.

Signed at Washington, DC this 21th day of March 2000.

Hans K. Meeder,

Executive Director, Twenty-First Century Workforce Commission.

[FR Doc. 00–7471 Filed 3–24–00; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs

ACTION: Notice

SUMMARY: The Veterans Health Administration (VHA), Department of

Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine whether Agent Orange exposure has significantly affected the health of those exposed and whether genetic predisposition played a role in the outcome of the exposure.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 26, 2000.

ADDRESSES: Submit written comments on the collection of information to Ann W. Bickoff, Veterans Health Administration (193B1), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann W. Bickoff at (202) 273–8310 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: The Association of Agent Orange Exposure with Adverse Outcomes, VA Forms 10–21035a (NR) and 10–21035b (NR).

OMB Control Number: 2900-NEW.

Type of Review: New collection.

Abstract: The purpose of this study is to determine whether Agent Orange exposure has significantly affected the health of those exposed and whether genetic predisposition has played a significant role in the outcome of the exposure.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 10–21035a—250 hours.

b. VA Form 10–21035b—250 hours.

Estimated Average Burden Per Respondent:

a. VA Form 10–21035a—15 minutes.

b. VA Form 10–21035b—15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,000.

Dated: March 15, 2000.

By direction of the Secretary.

Sandra McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–7358 Filed 3–24–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0524]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Office of Security and Law Enforcement, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Security and Law Enforcement, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a previously approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to document the pre-employment screening process and special background checks for applicants seeking employment as VA police officers.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 26, 2000.

ADDRESSES: Submit written comments on the collection of information to Tanya Al-Khateeb, Office of Security and Law Enforcement (07C), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0524'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Tanya Al-Khateeb at (202) 273–5510.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, the Office of Security and Law Enforcement invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VA's functions, including whether the information will have practical utility; (2) the accuracy of the Office of Security and Law Enforcement's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA Police Officer Pre-Employment Screening Checklist, VA Form 0120.

OMB Control Number: 2900–0524.

Type of Review: Extension of a currently approved collection.

Abstract: It is the policy of VA that no person be employed as a VA police officer who has been convicted of a serious crime or whose history reflects a disregard for laws and regulations, questionable character, or a pattern of misconduct or poor work habits. Pre-employment screening for VA police officers and full verification of qualifications and suitability has been a long-standing policy. The form provides a record of the accomplishment of pre-employment vouchering following selection standards which serve as VA's basic assurance that Federal criminal law enforcement authority is granted cautiously and responsibly.

Affected Public: State, Local or Tribal Governments, and Business or other for-profit.

Estimated Annual Burden: 300 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Respondents: 1,800.

Dated: March 15, 2000.

By direction of the Secretary.

Sandra McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–7359 Filed 3–24–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0112]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a currently approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine whether a veteran can be release from liability on a Government home loan.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 26, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0112'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Statement of Holder or Servicer of Veteran's Loan, VA Form 26–559.

OMB Control Number: 2900–0112.

Type of Review: Reinstatement, without change, of a currently approved collection for which approval has expired.

Abstract: Veteran-borrowers may sell their home subject to the existing VA-guaranteed mortgage lien without the prior approval of the VA if the commitment for the loan was made prior to March 1, 1988. However, if they request to be released from personal liability to the Government in the event of a subsequent default by a transferee, VA must determine, that (1) the loan payments are current; (2) the transferee will assume the veteran's legal liabilities in connection with the loan; and (3) the purchaser qualifies from a credit standpoint. Also, a veteran-borrower may sell their home to a veteran-transferee. However, eligible transferees must meet all the requirements in addition to having sufficient available loan guaranty entitlement to replace the amount of entitlement used by the seller in obtaining the original loan.

Affected Public: Individuals or households, Business or other for profit.

Estimated Annual Burden: 1,167 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 7,000.

Dated: March 3, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–7360 Filed 3–24–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0156]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to report changes in a student enrollment status.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 26, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0156'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501—3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Notice of Change in Student Status, VA Form 22–1999b.

OMB Control Number: 2900–0156.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 22–1999b is used by educational institution to report changes in the enrollment of students in receipt of VA education benefits. The information is used to determine a student's entitlement to educational benefits or whether the benefit should be increased, decreased, or terminated. Without this information, VA might underpay or overpay benefits.

Affected Public: State, Local or Tribal Government, Business or other for-profit, and Not-for-profit institutions.

Estimated Annual Burden: 68,716 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Annual Responses: 824,588.

Estimated Number of Respondents: 7,514.

Dated: March 3, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–7361 Filed 3–24–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0399]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 26, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0399.''

SUPPLEMENTARY INFORMATION: *Title:* Student Beneficiary Report—REPS, VA Form 21–8938.

OMB Control Number: 2900–0399.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to verify that an individual who is receiving the REPS (Restored Entitlement Program for Survivors) benefits based on schoolchild status is in fact enrolled full-time in an approved school and is otherwise eligible for continued benefits. The form is released each March and sent to all student beneficiaries. Without this form payments would continue to be made to ineligible payees and substantial overpayments would result.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 29, 1999, at pages 66695 and 66696.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,767 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 5,300.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0399'' in any correspondence.

Dated: March 3, 2000.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 00–7362 Filed 3–24–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group; Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act, as amended (Public Law 92–463; 5 U.S.C. App.), that the Department of Veterans Affairs' Special Medical Advisory Group has been renewed for a 2-year period beginning March 9, 2000, through March 9, 2002.

Dated: March 9, 2000.

By direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 00–7356 Filed 3–24–00; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice that a meeting of the Advisory Committee on Cemeteries and Memorials, authorized by 38 U.S.C. 2401, will be held Wednesday, May 3, from 8:30 am and adjourn at 5 pm and Thursday, May 4, 2000, from 8:30 am and adjourn at 5 pm, at the Arlington Hilton and Towers, Gallery Ballroom, 950 North Stafford Street, Arlington, VA. This will be the Committee's second meeting of Fiscal Year 2000.

The purpose of the Committee is to review the administration of VA's cemeteries and burial benefits program.

On Wednesday, May 3, the Committee will be updated on National Cemetery Administration (NCA) issues, including state cemetery grants program, cemetery construction, budget and legislation. In the afternoon, members will depart for the Arlington National Cemetery. Members will return to the Arlington Hilton and Towers. A reception will be held for members to meet the NCA staff.

On Thursday, May 4, the Committee will reconvene for updates and reports on military funeral honors and DOD Military Honors Legislation. In the afternoon, the Committee will discuss recommendations and endorsements.

The meeting will be open to the public. Individuals wishing to attend the meeting should contact Mrs. Paige Lowther, National Cemetery Administration, [phone (202) 273–5164] no later than 12 noon (EDT), April 26, 2000.

Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to

appear before the Committee should indicate this in a letter to Mrs. Paige Lowther, Designated Federal Official, National Cemetery Administration (40), 810 Vermont Avenue, NW, Washington, DC. 20420. In any such letters, the writers must fully identify themselves and state the organization, association or person(s) they represent. In addition, to the extent practicable, letters should indicate the subject matter to be discussed. Oral presentations should be limited to 10 minutes in duration. Individuals wishing to file written statements to be submitted to the Committee must also mail, or otherwise deliver, them to Mrs. Lowther.

Letters and written statements as discussed above must be mailed or delivered in time to reach Mrs. Lowther by 12 noon (EDT), April 26, 2000. Oral statements will be heard between 1 pm and 1:30 pm (EDT), May 4, 2000, at Arlington Hilton and Towers in Arlington, VA.

Dated: March 16, 2000.

By direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 00–7355 Filed 3–24–00; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group; Notice of Meeting

As required by the Federal Advisory Committee Act, the VA hereby gives notice that the Special Medical Advisory Group has scheduled a meeting on April 5, 2000. The meeting will convene at 8:30 am and end at 2 pm. The meeting will be held in Room 830 at VA Central Office, 810 Vermont Avenue, NW, Washington, DC. The purpose of the meeting is to advise the Secretary and Under Secretary for Health relative to the care and treatment of disabled veterans, and other matters pertinent to the Department's Veterans Health Administration (VHA).

The agenda for the meeting will include discussion of Patient Safety Program, Capital Asset Realignment for Enhanced Services (CARES) Program, VISN 12 Options Study, National Formulary Process, Office of Research Compliance and Assurance, and an update on the service line implementation.

All sessions will be open to the public up to the seating capacity of the meeting room. Those wishing to attend should contact Celestine Brockington, Office of the Under Secretary for Health, Department of Veterans Affairs. Her phone number is 202.273.5878.

Dated: March 16, 2000.

By direction of the Secretary of Veterans Affairs.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 00–7357 Filed 3–24–00; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Monday,
March 27, 2000

Part II

Nuclear Regulatory Commission

10 CFR Parts 170 and 171
Revision of Fee Schedules; 100% Fee Recovery, FY 2000; Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150–AG50

Revision of Fee Schedules; 100% Fee Recovery, FY 2000

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which mandates that the NRC recover approximately 100 percent of its budget authority in Fiscal Year (FY) 2000, less amounts appropriated from the Nuclear Waste Fund (NWF) and the General Fund. The amount to be recovered for FY 2000 is approximately $447.0 million.

DATES: The comment period expires April 26, 2000. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure only that comments received on or before this date will be considered. Because OBRA–90 requires that NRC collect the FY 2000 fees by September 30, 2000, requests for extensions of the comment period will not be granted.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone 301–415–1678).

Comments may also be submitted via the NRC's interactive rulemaking website (http://ruleforum.llnl.gov). This site provides the ability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, 301–415–5905; e-mail *CAG@nrc.gov.* Comments received may also be viewed and downloaded electronically via this interactive rulemaking website.

With the exception of restricted information, documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 202–634–3273 or by email to *pdr@nrc.gov.*

Copies of comments received and the agency workpapers that support these proposed changes to 10 CFR Parts 170 and 171 may be examined at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC 20555–0001.

FOR FURTHER INFORMATION CONTACT: Glenda Jackson, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone 301–415–6057.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Action
III. Plain Language
IV. Voluntary Consensus Standards
V. Environmental Impact: Categorical Exclusion
VI. Paperwork Reduction Act Statement
VII. Regulatory Analysis
VIII. Regulatory Flexibility Analysis
IX. Backfit Analysis

I. Background

OBRA–90, as amended, requires that the NRC recover approximately 100 percent of its budget authority, less the amount appropriated from the Department of Energy (DOE) administered Nuclear Waste Fund (NWF). Certain NRC costs related to reviews and other assistance provided to the Department of Energy (DOE) and other Federal agencies were excluded from the fee recovery requirement for FY 2000 by the FY 2000 Energy and Water Development Appropriations Act.

The NRC assesses two types of fees to recover its budget authority. First, license and inspection fees, established at 10 CFR Part 170 under the authority of the Independent Offices Appropriation Act of 1952 (IOAA), 31 U.S.C. 9701, recover the NRC's costs of providing special benefits to identifiable applicants and licensees. Examples of the services provided by the NRC for which these fees are assessed are the review of applications for the issuance of new licenses, approvals or renewals, and amendments to licenses or approvals. Second, annual fees, established in 10 CFR Part 171 under the authority of OBRA–90, recover generic and other regulatory costs not recovered through 10 CFR Part 170 fees.

This proposed rule is based on the current 100 percent fee recovery requirement under OBRA–90. To address fairness and equity concerns related to NRC licensees paying for agency expenses which do not provide a direct benefit to them, the NRC has submitted legislation to the Congress which would reduce the fee recovery amount to 98 percent for FY 2001, and further reduce the fee recovery amount by an additional two percent per year beginning in FY 2002 until the fee recovery requirement is reduced to 90 percent by FY 2005.

Also, in the FY 1999 final fee rule published June 10, 1999 (64 FR 31450), the NRC responded to a comment requesting that NRC designate as small entities, for reduced fee purposes, all those companies with small business certification under the U.S. Small Business Administration's (SBA) Small Disadvantaged Business Program, commonly known as the 8(a) Program. The Commission agreed to give further consideration to the issue raised by this commenter.

The Commission has declined to adopt the suggested approach, for the following reasons. On April 11, 1995 (60 FR 18344), the NRC promulgated a final rule, after notice and comment rulemaking, that revised its size standards. The final rule established the small entity classification applicable to small businesses as follows. Those companies providing services having no more than $5 million in average annual gross receipts over its last three completed fiscal years, or, for manufacturing concerns, having an average of 500 or fewer employees during the preceding 12-month period would qualify as small entities (10 CFR 2.810).

The NRC promulgated this rule pursuant to Section 3(a)(2) of the Small Business Act, which permits Federal agencies to establish size standards via notice and comment rulemaking, subject to the approval of the SBA Administrator. Unlike the NRC, the SBA's Standard Industrial Classification (SIC) System establishes size standards based on types of economic activity or industry. The NRC rule, which the SBA approved, established generic size standards for small businesses because NRC's regulatory scheme is not well suited to setting standards for each component of the regulated nuclear industry.

II. Proposed Action

The NRC is proposing to amend its licensing, inspection, and annual fees to recover approximately 100 percent of its FY 2000 budget authority, including the

budget authority for its Office of the Inspector General, less the appropriations received from the NWF and the General Fund. For FY 2000, the NRC's budget authority is $470.0 million, of which $19.15 million has been appropriated from the NWF. In addition, $3.85 million has been appropriated from the General Fund for activities related to regulatory reviews and other assistance provided to the DOE and other Federal agencies. The NRC's FY 2000 Appropriations Act states that this $3.85 million appropriation shall be excluded from license fee revenues. Therefore, the NRC is required to collect approximately $447.0 million in FY 2000 through 10 CFR Part 170 licensing and inspection fees and 10 CFR Part 171 annual fees. The total amount to be recovered in fees for FY 2000 is $2.6 million less than the total amount estimated for recovery in the NRC's FY 1999 fee rule.

The NRC estimates that approximately $106.0 million will be recovered in FY 2000 from Part 170 fees and other offsetting receipts. The remaining $341.0 million would be recovered through the Part 171 annual fees.

The NRC also estimates a net adjustment for FY 2000 of approximately $5.7 million for the small entity subsidy, for FY 2000 invoices that would not be paid in FY 2000, and for payments received in FY 2000 for FY 1999 invoices. These adjustments are approximately $2.5 million more than in FY 1999. In addition, there are approximately 530 fewer licenses subject to annual fees in FY 2000 than in FY 1999, due primarily to Ohio becoming an Agreement State in August, 1999.

As a result of these changes, the proposed FY 2000 annual fees would increase slightly, by approximately 1.4 percent, compared to the FY 1999 actual (prior to rounding) annual fees. As a result of rounding, the proposed FY 2000 annual fees for several fee categories are the same as the final (rounded) FY 1999 annual fees. The change to the annual fees is described in more detail in Section B. The following examples illustrate the changes in annual fees:

	FY 1999 annual fee	FY 2000 proposed annual fee
Class of Licensees:		
Power Reactors (Including Spent Fuel Storage/Reactor Decommissioning fee)	$2,776,000	$2,815,000
Spent Fuel Storage/Reactor Decommissioning	206,000	209,000
Nonpower Reactors	85,900	87,100
High Enriched Uranium Fuel Facility	3,281,000	3,327,000
Low Enriched Uranium Fuel Facility	1,100,000	1,116,000
UF_6 Conversion Facility	472,000	478,000
Uranium Mills	131,000	132,000
Typical Materials Licenses:		
Radiographers	14,700	14,900
Well Loggers	9,900	10,100
Gauge Users	2,600	2,600
Broad Scope Medical	27,800	28,100

The final FY 2000 fee rule will be a ''major'' final action as defined by the Small Business Regulatory Enforcement Fairness Act of 1996. Therefore, the NRC's fees for FY 2000 would become effective 60 days after publication of the final rule in the **Federal Register**. The NRC will send an invoice for the amount of the annual fee to reactors and major fuel cycle facilities upon publication of the FY 2000 final rule. For these licensees, payment would be due on the effective date of the FY 2000 rule. Those materials licensees whose license anniversary date during FY 2000 falls before the effective date of the final FY 2000 rule would be billed during the anniversary month of the license and continue to pay annual fees at the FY 1999 rate in FY 2000. Those materials licensees whose license anniversary date falls on or after the effective date of the final FY 2000 rule would be billed at the FY 2000 revised rates during the anniversary month of the license and payment would be due on the date of the invoice.

As a matter of courtesy, the NRC plans to continue to mail the proposed fee rules to all licensees. However, the NRC announced in FY 1998 that, as a cost-saving measure, it planned to discontinue mailing the final rule to all licensees. Accordingly, the NRC does not plan to mail the FY 2000 final rule, or future final rules, to all licensees. However, the NRC will send the final rule to any licensee or other person upon request. To request a copy, contact the License Fee and Accounts Receivable Branch, Division of Accounting and Finance, Office of the Chief Financial Officer, at 301–415–7554, or e-mail us at fees@nrc.gov. It is our intent to publish the final rule in late May or early June of 2000. In addition to publication in the **Federal Register**, the final rule will be available on the internet at *http://ruleforum.llnl.gov.*

The NRC is also proposing to make other changes to 10 CFR Parts 170 and 171 as discussed in Sections A and B below:

A. Amendments to 10 CFR Part 170: Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended

The NRC is proposing to revise the hourly rates used to calculate fees and to adjust the 10 CFR Part 170 fees based on the revised hourly rates. The NRC is also proposing an administrative amendment to § 170.12(c) to clarify that the site to which a resident inspector is assigned will not be assessed Part 170 fees for time spent by the resident inspector in support of activities at another site. The proposed amendments are as follows:

1. Hourly Rates

The NRC is proposing to revise the two professional hourly rates for NRC staff time established in § 170.20. These proposed rates would be based on the number of FY 2000 direct program full time equivalents (FTEs) and the FY 2000 NRC budget, excluding direct program support costs and NRC's appropriations from the NWF and the General Fund. These rates are used to determine the Part 170 fees. The

proposed hourly rate for the reactor program is $144 per hour ($255,844 per direct FTE). This rate would be applicable to all activities for which fees are based on full cost under § 170.21 of the fee regulations. The proposed hourly rate for the nuclear materials and nuclear waste program is $143 per hour ($253,450 per direct FTE). This rate would be applicable to all activities for which fees are based on full cost under § 170.31 of the fee regulations. In the FY 1999 final fee rule, these rates were $141 and $140, respectively. The proposed increase is primarily due to the Government-wide pay increase in FY 2000.

The method used to determine the two professional hourly rates is as follows:

a. Direct program FTE levels are identified for the reactor program and the nuclear material and waste program.

b. Direct contract support, which is the use of contract or other services in support of the line organization's direct program, is excluded from the calculation of the hourly rates because the costs for direct contract support are charged directly through the various categories of fees.

c. All other direct program costs (i.e., Salaries and Benefits, Travel) represent ''in-house'' costs and are allocated by dividing them uniformly by the total number of direct FTEs for the program. In addition, salaries and benefits plus contracts for non-program direct management and support, and the Office of the Inspector General are allocated to each program based on that program's direct costs. This method results in the following costs which are included in the hourly rates.

TABLE 1. FY 2000 BUDGET AUTHORITY TO BE INCLUDED IN HOURLY RATES

	Reactor program	Materials program
Direct Program Salaries & Benefits	$103.3M	$29.0M
Overhead Salaries & Benefits, Program Travel and Other Support	53.2M	15.3M
Allocated Agency Management and Support	98.8M	27.9M
Subtotal	$255.3M	$72.2M
Less offsetting receipts	−.1M	
Total Budget Included in Hourly Rate	$255.2M	$72.2M
Program Direct FTEs	997.5	284.9
Rate per Direct FTE	255,844	253,450
Professional Hourly Rate (Rate per direct FTE divided by 1,776 hours)	144	143

As shown in Table I, dividing the $255.2 million (rounded) budgeted amount included in the hourly rate for the reactor program by the reactor program direct FTEs (997.5) results in a rate for the reactor program of $255,844 per FTE for FY 2000. The Direct FTE Hourly Rate for the reactor program would be $144 per hour (rounded to the nearest whole dollar). This rate is calculated by dividing the cost per direct FTE ($255,844) by the number of productive hours in one year (1,776 hours) as set forth in the revised OMB Circular A–76, ''Performance of Commercial Activities.'' Dividing the $72.2 million (rounded) budgeted amount included in the hourly rate for the nuclear materials and nuclear waste program by the program direct FTEs (284.9) results in a rate of $253,450 per FTE for FY 2000. The Direct FTE Hourly Rate for the materials program would be $143 per hour (rounded to the nearest whole dollar). This rate is calculated by dividing the cost per direct FTE ($253,450) by the number of productive hours in one year (1,776 hours).

2. Fee Adjustments

The NRC is proposing to adjust the current Part 170 fees in §§ 170.21 and 170.31 to reflect the changes in the revised hourly rates. The full cost fees assessed under §§ 170.21 and 170.31 would be based on the proposed professional hourly rates and any direct program support (contractual services) costs expended by the NRC. Any professional hours expended on or after the effective date of the final rule would be assessed at the FY 2000 hourly rates.

The fees in §§ 170.21 and 170.31 that are based on the average time to review an application (''flat'' fees) would be adjusted to reflect the increase in the professional hourly rates from FY 1999. The amounts of the materials licensing ''flat'' fees were rounded so that the amounts would be de minimis and the resulting flat fee would be convenient to the user. Fees under $1,000 are rounded to the nearest $10. Fees that are greater than $1,000 but less than $100,000 are rounded to the nearest $100. Fees that are greater than $100,000 are rounded to the nearest $1,000.

The proposed licensing ''flat'' fees are applicable to fee categories K.1 through K.5 of § 170.21, and fee categories 1.C, 1.D, 2.B, 2.C, 3.A through 3.P, 4.B through 9.D, 10.B, 15.A through 15.E, and 16 of § 170.31. Applications filed on or after the effective date of the final rule would be subject to the revised fees in this proposed rule.

3. Administrative Amendment

The NRC is proposing to amend § 170.12(c)(1) to clarify that the fees assessed for a resident inspector's time will exclude time spent by the resident inspector in support of activities at another site. This provision was inadvertently omitted from the revision of 10 CFR 170 in the FY 1999 fee rule.

4. Other

The NRC solicited public comment in the FY 1999 proposed fee rulemaking (April 1, 1999; 64 FR 15878) on whether to include the development of orders, evaluation of responses to orders, development of Notices of Violations (NOVs) accompanying escalated enforcement actions, and evaluation of responses to NOVs in the fees collected for identifiable services under Part 170 in the FY 2000 proposed fee rule. Those commenting on this issue presented arguments both for and against assessing Part 170 fees for these activities. The NRC stated in the final fee rulemaking (June 10, 1999; 64 FR 31452), that it would further evaluate this issue prior to promulgation of the FY 2000 fee rule.

Three of the four commenters who addressed this issue in FY 1999 did not support recovering the costs for these activities under Part 170. These commenters were concerned that assessing these costs to the specific licensees under Part 170 could be viewed as penalizing the licensee when the licensee identifies and corrects violations. One commenter supported Part 170 fee assessment for escalated enforcement actions, indicating that it is

inappropriate for one licensee to subsidize oversight for another licensee. This commenter also stated that the perception that these actions serve as an industry-wide deterrent is not borne out.

In addition to concerns raised by the commenters, there are other problems with assessing Part 170 fees for these activities. These problems include the handling of escalated enforcement costs if the enforcement action is reduced to a non-escalated enforcement action or is dropped altogether. Based on the public comments received in FY 1999 and legal and policy concerns, the NRC will continue to recover costs for orders and escalated enforcement actions through Part 171 annual fees.

In summary, the NRC is proposing to amend 10 CFR Part 170 to:

1. Revise the two hourly rates;

2. Revise the licensing fees to be assessed to reflect the revised hourly rates; and

3. Make an administrative amendment to § 170.12(c) to clarify that the site to which a resident inspector is assigned will not be assessed Part 170 fees for time spent by the resident inspector in support of activities at another site.

B. Amendments to 10 CFR Part 171: Annual Fees for Reactor Licenses, and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals, and Government Agencies Licensed by the NRC

The NRC proposes to revise the annual fees for FY 2000, to increase the maximum annual fees assessed to those licensees who qualify as small entities, and to make several administrative amendments. The proposed amendments are as follows:

1. Annual Fees

The NRC proposes to amend §§ 171.15 and 171.16 to revise the annual fees for FY 2000 to recover approximately 100 percent of the FY 2000 budget authority, less fees collected under 10 CFR Part 170 and funds appropriated from the NWF and the General Fund. In the FY 1995 final rule, the NRC stated that it would stabilize annual fees as follows. Beginning in FY 1996, the NRC would adjust the annual fees only by the percentage change (plus or minus) in NRC's total budget authority, unless there was a substantial change in the total NRC budget authority or the magnitude of the budget allocated to a specific class of licensees. If either case should occur, the annual fee base would be recalculated (June 20, 1995; 60 FR 32225). The NRC also indicated that the percentage change would be adjusted based on changes in 10 CFR Part 170 fees and other adjustments as well as on the number of licensees paying the fees. In addition, beginning in FY 1997, the NRC made an adjustment to recognize that all fees billed in a fiscal year are not collected in that year.

In the FY 1999 proposed fee rule (April 1, 1999; 63 FR 15884), public comment was solicited on whether the NRC should, in future years, continue to use the percent change method and rebaseline annual fees every several years, as established in FY 1995, or return to a policy of rebaselining annual fees every year. The majority of those commenting on the frequency for rebaselining annual fees supported rebaselining every several years, as warranted. Based on the comments received, licensees have continuing concerns about fee stability. Therefore, in the final FY 1999 fee rule (64 FR 31448; June 10, 1999), the NRC stated that it is continuing the policy of adjusting the annual fees only by the percent change in the NRC's total budget, with additional adjustments for the numbers of licensees paying fees, changes in Part 170 fees, and other adjustments that may be required, unless there is a substantial change in the total NRC budget or the magnitude of the budget allocated to a specific class of licensees, in which case the annual fee base would be reestablished. However, based on experience gained from applying the criteria from FY 1996 to FY 1999, the Commission determined that, in the future, annual fees should be rebaselined at least every three years, or earlier, if warranted.

After evaluating NRC's budget data for FY 2000 and concluding that there has not been a substantial change in the NRC budget or in the magnitude of a specific budget allocation to a class of licensees, the NRC intends to continue to stabilize annual fees by adjusting the FY 1999 annual fees by the percent change in the NRC's total budget, with adjustments for the number of licensees paying fees, changes in estimated Part 170 collections and other offsetting receipts, and other changes required to assure that the amounts billed result in the required collections.

The $447.0 million to be recovered through Part 170 and Part 171 fees for FY 2000 is $2.6 million less than the total amount estimated for recovery in the NRC's FY 1999 fee rule. The NRC estimates that approximately $106.0 million will be recovered in FY 2000 from Part 170 fees and other offsetting receipts, compared to $107.7 million in FY 1999, a $1.7 million decrease. As the NRC explained in the FY 1999 proposed and final fee rules (April 1, 1999; 64 FR 15876 and June 10, 1999; 64 FR 31458), the amount for FY 1999 included a $4.1 million carryover from additional FY 1998 collections which reduced the total fee recovery amount for FY 1999. This circumstance does not exist for FY 2000. The $1.7 million decrease for FY 2000 is the difference between the $4.1 million reduction available in FY 1999 from FY 1998 collections and an estimated $2.4 million increase in Part 170 collections FY 2000 compared to FY 1999. The increase in estimated Part 170 collections, from $103.5 in FY 1999 to $105.9 for FY 2000, is largely attributable to changes in Commission policy included in the FY 1999 final fee rule, such as billing full cost under Part 170 for project managers, performance assessments, incident investigations, and reviews of reports and other documents that do not require formal or legal approval.

The remaining $341.0 million ($447.0 million total FY 2000 fee recovery amount less $106.0 million for estimated Part 170 collections and other receipts) would be recovered through the Part 171 annual fees. The $341.0 million annual fee recovery amount for FY 2000 is approximately $1.0 million less than in FY 1999.

In addition to the slight reduction in the amount to be recovered through annual fees, the NRC estimates a net annual fee billing adjustment of approximately $5.7 million for FY 2000 resulting from: (1) Bills that will not be paid in FY 2000; (2) the small entity subsidy; and (3) payments received in FY 2000 for FY 1999 invoices. The billing adjustment, which is necessary to assure that the ''billed'' amount results in the required collections, is approximately $2.5 million more than in FY 1999.

In addition to these changes, there are approximately 530 fewer licenses subject to annual fees in FY 2000 than in FY 1999, due primarily to Ohio becoming an Agreement State in August 1999. As a result of these changes, the proposed FY 2000 annual fees would increase slightly, by approximately 1.4 percent, compared to the FY 1999 actual (prior to rounding) annual fees. As a result of rounding, the proposed FY 2000 annual fees for several fee categories are the same as the final (rounded) FY 1999 annual fees. The effects of these changes on the annual fees are shown in Table II.

TABLE II.—CALCULATION OF THE PERCENTAGE CHANGE TO THE FY 1999 ANNUAL FEES

[Dollars in millions]

	FY 1999	FY 2000
Total Budget	$469.80	$470.0
Less NWF	−17.00	−19.15
Less General Fund (Regulatory reviews, and other assistance to other Federal agencies)	−3.20	−3.85
Total Fee Base	$449.60	$447.00
Less Part 170 Fees	−103.50	−105.90
Less other receipts	−4.20	−0.10
Part 171 Fee Collections Required	$341.90	$341.00
Part 171 Billing Adjustment:[1]		
Small Entity Allowance	5.30	5.60
Estimated Unpaid Current FY Part 171 Invoices	3.40	3.30
Estimated Payments from Prior Year Invoices	−5.50	−3.20
Subtotal	3.20	5.70
Total Part 171 Billing	$345.10	$346.70

[1] These adjustments are necessary to ensure that the ''billed'' amount results in the required collections. Positive amounts indicate amounts billed that will not be collected in FY 2000.

2. Small Entity Annual Fees

The NRC is proposing to increase the current maximum small entity annual fee and the lower tier small entity annual fee by 25 percent. The maximum small entity annual fee would be increased from $1,800 to $2,300, and the lower tier small entity fee would be increased from $400 to $500. The current maximum small entity annual fee was established in FY 1991; the current lower tier small entity annual fee was established in FY 1992. The proposed 25 percent increase is consistent with the increase in NRC fees for other NRC materials licensees since FY 1991. The proposed increase is less than the increase in the average fees paid by small entity licensees in Agreement States during this time.

Between 1991 and 1999, changes in both the external and internal environment have affected NRC's costs and those of its licensees. Increases in the NRC materials license fees, Agreement States' materials license fees, and the Consumer Price Index all indicate that the NRC small entity fee established in 1991 should be revised. In addition, the structure of the fees that NRC charges to its materials licensees changed during the period between 1991 and 1999. In the past, costs for materials license inspections, renewals, and amendments were recovered through Part 170 fees for services. The costs of these activities are now included in the Part 171 annual fees assessed to materials licensees.

While the annual fees increased for most materials licensees as a result of these changes, the NRC's annual fees assessed to small entities have not been adjusted to include the additional costs. As a result, small entities are currently paying a smaller percentage of the total NRC regulatory costs related to them than they did in FY 1991 and FY 1992 when the small entity fees were established.

Based on the changes that have occurred since FY 1991, the NRC has reanalyzed its maximum small entity annual fee. As part of the reanalysis, the NRC considered the 1999 fees assessed by Agreement States, the NRC's FY 1999 fee structure, and the increase in the Consumer Price Index between FY 1991 and FY 1999. The reanalysis and alternatives considered by the NRC for revising the small entity annual fees are described in the Regulatory Flexibility Analysis, which is Appendix A to this proposed rule.

In the future, the NRC plans to re-examine the small entity fees each year that annual fees are rebaselined.

3. Administrative Amendments

a. The NRC is proposing to revise § 171.5, Definitions, to include Certificates of Compliance (Certificates) issued under Part 76. The NRC issued two Certificates of Compliance under Part 76 to the United States Enrichment Corporation (USEC) for the operation of the gaseous diffusion uranium enrichment plants located at Paducah, Kentucky, and Piketon, Ohio. This proposal would add Part 76 Certificates to the definition of Materials License in § 171.5. This proposed change is an administrative change to codify agency practice in the definitions for 10 CFR Part 171. Section 171.16(a)(1) already provides that annual fees covered by the section apply to person(s) authorized to conduct activities under 10 CFR Part 76 for uranium enrichment. USEC has been subject to annual fees since FY 1997.

b. Section 171.15 would be revised as follows:

(1) Paragraphs (b) and (c) of § 171.15 would be revised in their entirety to establish the FY 2000 annual fees for operating power reactors, power reactors in decommissioning or possession only status, and Part 72 licensees who do not hold Part 50 licenses. The fees would be established by increasing the FY 1999 actual (prior to rounding) annual fees by approximately 1.4 percent. In the FY 1999 fee rule, the NRC stated it would continue to stabilize annual fees by adjusting the annual fees only by the percentage change (plus or minus) in NRC's total budget authority, adjusted for changes in estimated collections for 10 CFR Part 170 fees, the number of licensees paying annual fees, and other adjustments that may be required, unless there is a substantial change in the total NRC budget or the magnitude of the budget allocated to a specific class of licensees, in which case the annual fee base would be reestablished. The activities comprising the FY 1999 base annual fees and the additional charge (surcharge) are listed in § 171.15(b)(2), (c)(2) and (d)(1) for convenience purposes.

Each operating power reactor would pay an FY 2000 annual fee of $2,815,000, which includes the proposed annual fee of $209,000 for spent fuel storage/reactor decommissioning. Each power reactor holding a Part 50 license that is in decommissioning or possession only status and has spent fuel on-site and each independent spent fuel storage Part

72 licensee who does not hold a Part 50 license would pay the spent fuel storage/reactor decommissioning annual fee of $209,000 in FY 2000.

(2) Paragraph (e) of § 171.15 would be revised to establish the FY 2000 annual fee for non-power (test and research) reactors. The fee would be established by increasing the FY 1999 actual (prior to rounding) annual fee by approximately 1.4 percent. Each non-power reactor would pay an annual fee of $87,100 in FY 2000. The NRC would continue to grant exemptions from the annual fee to Federally-owned and State-owned research and test reactors that meet the exemption criteria specified in § 171.11(a)(2).

c. Section 171.16 would be amended as follows:

(1) Section 171.16(c) covers the fees assessed for those licensees that can qualify as small entities under NRC size standards. A materials licensee may pay a reduced annual fee if the licensee qualifies as a small entity under the NRC's size standards and certifies that it is a small entity using NRC Form 526. This section would be revised to reflect the proposed 25 percent increase in the small entity fees. The NRC would maintain a two-tier fee structure for licensees that qualify as small entities under the NRC's size standards. In general, licensees who qualify as small entities would pay a maximum annual fee of $2,300. A second or lower-tier small entity fee of $500 would be in place for those licensees who are considered to be very small entities for the purposes of this regulation.

(2) Section 171.16(d) would be revised to establish the FY 2000 annual fees for materials licensees, including Government agencies, licensed by the NRC. The proposed FY 2000 annual fees were determined by increasing the FY 1999 actual (prior to rounding) annual fees by approximately 1.4 percent. After rounding, the FY 2000 annual fees for several categories of materials licenses would be the same as in FY 1999. The amount or range of the proposed FY 2000 annual fees for materials licenses is summarized as follows:

MATERIALS LICENSES—ANNUAL FEE RANGES

Category of license	Annual fees
Part 70—High enriched fuel facility	$3,327,000
Part 70—Low enriched fuel facility	1,116,000
Part 40—UF_6 conversion facility	478,000
Part 40—Uranium recovery facilities	30,800 to 132,000
Part 30—Byproduct Material Licenses	620 to 28,100 [1]
Part 71—Transportation of Radioactive Material	2,300 to 67,600

[1]Excludes the annual fee for a few military ''master'' materials licenses of broad-scope issued to Government agencies, which is $363,000.

(3) Footnote 1 of § 171.16(d) would be amended to provide a waiver of the annual fees for materials licensees, and holders of certificates, registrations, and approvals, who either filed for termination of their licenses or approvals or filed for possession only/storage only licenses before October 1, 1999, and permanently ceased licensed activities entirely by September 30, 1999. All other licensees and approval holders who held a license or approval on October 1, 1999, would be subject to the FY 2000 annual fees.

Holders of new licenses issued during FY 2000 would be subject to a prorated annual fee in accordance with the current proration provision of § 171.17. For example, those new materials licenses issued during the period October 1, 1999, through March 31, 2000, would be assessed one-half the annual fee in effect on the anniversary date of the license. New materials licenses issued on or after April 1, 2000, would not be assessed an annual fee for FY 2000. Thereafter, the full annual fee would be due and payable each subsequent fiscal year on the anniversary date of the license. Beginning June 11, 1996 (the effective date of the FY 1996 final rule), affected materials licensees are subject to the annual fee in effect on the anniversary date of the license. The anniversary date of the materials license for annual fee purposes is the first day of the month in which the original license was issued.

d. Section 171.19 Payment, would be amended as follows:

(1) Section 171.19(b) would be revised to update the fiscal year references, and to give credit for partial payments made by certain licensees in FY 2000 toward their FY 2000 annual fees. The NRC anticipates that the first, second, and third quarterly payments for FY 2000 will have been made by operating power reactor licensees and some large materials licensees before the final rule becomes effective. Therefore, the NRC would credit payments received for those quarterly annual fee assessments toward the total annual fee to be assessed. The NRC would adjust the fourth quarterly invoice to recover the full amount of the revised annual fee or to make refunds, as necessary. Payment of the annual fee is due on the date of the invoice and interest accrues from the invoice date. However, interest would be waived if payment is received within 30 days from the invoice date.

(2) The remainder of this section, although unchanged, is presented for the convenience of the user. As in FY 1999, the NRC would continue to bill annual fees for most materials licenses on the anniversary date of the license (licensees whose annual fees are $100,000 or more would continue to be assessed quarterly). The annual fee assessed would be the fee in effect on the license anniversary date, unless the annual fee for the prior year was less than $100,000 and the revised annual fee for the current fiscal year is $100,000 or more. In this case, the revised amount would be billed to the licensees upon publication of the final rule in the **Federal Register**, adjusted for any annual fee payments already made for that fiscal year based on the anniversary month billing process. For FY 2000, the anniversary date billing process applies to those materials licenses in the following fee categories: 1C, 1D, 2A(2) Other, 2A(3), 2A(4), 2B, 2C, 3A through 3P, 4A through 9D, 10A, and 10B. For annual fee purposes, the anniversary date of the materials license is considered to be the first day of the month in which the original materials license was issued. For example, if the original materials license was issued on June 17 then, for annual fee purposes, the anniversary date of the materials license is June 1 and the licensee would continue to be billed in June of each year for the annual fee in effect on June 1. Materials licensees with anniversary dates in FY 2000 before the effective date of the FY 2000 final rule would be billed during the anniversary month of the license and continue to pay annual fees at the FY 1999 rate in FY 2000. Those materials licensees with license anniversary dates falling on or after the

effective date of the FY 2000 final rule would be billed at the FY 2000 revised rates during the anniversary month of their license.

The NRC reemphasizes that the annual fee will be assessed based on whether a licensee holds a valid NRC license that authorizes possession and use of radioactive material.

In summary, the NRC is proposing to:

1. Use the percent change method to determine annual fees for FY 2000. The FY 2000 annual fee for each license fee category would be determined by increasing the FY 1999 actual annual fee by approximately 1.4 percent;

2. Increase the maximum small entity annual fee from $1,800 to $2,300 and increase the lower tier small entity fee from $400 to $500; and

3. Add Certificates of Compliance issued under Part 76 to the definition of Materials License in § 171.5.

III. Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing,'' directed that the Federal government's writing be in plain language (63 FR 31883; June 10, 1998). The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments on the language used should be sent to the NRC as indicated under the **ADDRESSES** heading.

IV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC is amending the licensing, inspection, and annual fees charged to its licensees and applicants as necessary to recover approximately 100 percent of its budget authority in FY 2000 as is required by the Omnibus Budget Reconciliation Act of 1990, as amended. This action does not constitute the establishment of a standard that contains generally applicable requirements.

V. Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental impact assessment has been prepared for the proposed regulation. By its very nature, this regulatory action does not affect the environment, and therefore, no environmental justice issues are raised.

VI. Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VII. Regulatory Analysis

With respect to 10 CFR Part 170, this proposed rule was developed pursuant to Title V of the Independent Offices Appropriation Act of 1952 (IOAA) (31 U.S.C. 9701) and the Commission's fee guidelines. When developing these guidelines the Commission took into account guidance provided by the U.S. Supreme Court on March 4, 1974, *in National Cable Television Association, Inc.* v. *United States,* 415 U.S. 36 (1974) and *Federal Power Commission* v. *New England Power Company,* 415 U.S. 345 (1974). In these decisions, the Court held that the IOAA authorizes an agency to charge fees for special benefits rendered to identifiable persons measured by the ''value to the recipient'' of the agency service. The meaning of the IOAA was further clarified on December 16, 1976, by four decisions of the U.S. Court of Appeals for the District of Columbia: *National Cable Television Association* v. *Federal Communications Commission,* 554 F.2d 1094 (D.C. Cir. 1976); *National Association of Broadcasters* v. *Federal Communications Commission,* 554 F.2d 1118 (D.C. Cir. 1976); *Electronic Industries Association* v. *Federal Communications Commission,* 554 F.2d 1109 (D.C. Cir. 1976) and *Capital Cities Communication, Inc.* v. *Federal Communications Commission,* 554 F.2d 1135 (D.C. Cir. 1976). The Commission's fee guidelines were developed based on these legal decisions.

The Commission's fee guidelines were upheld on August 24, 1979, by the U.S. Court of Appeals for the Fifth Circuit in *Mississippi Power and Light Co.* v. *U.S. Nuclear Regulatory Commission,* 601 F.2d 223 (5th Cir. 1979), *cert. denied,* 444 U.S. 1102 (1980). This court held that—

(1) The NRC had the authority to recover the full cost of providing services to identifiable beneficiaries;

(2) The NRC could properly assess a fee for the costs of providing routine inspections necessary to ensure a licensee's compliance with the Atomic Energy Act and with applicable regulations;

(3) The NRC could charge for costs incurred in conducting environmental reviews required by NEPA;

(4) The NRC properly included the costs of uncontested hearings and of administrative and technical support services in the fee schedule;

(5) The NRC could assess a fee for renewing a license to operate a low-level radioactive waste burial site; and

(6) The NRC's fees were not arbitrary or capricious.

With respect to 10 CFR Part 171, on November 5, 1990, the Congress passed Pub. L. 101–508, the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), which required that, for FYs 1991 through 1995, approximately 100 percent of the NRC budget authority be recovered through the assessment of fees. OBRA–90 was amended in 1999 to extend the 100 percent fee recovery requirement for the NRC through FY 2000. To comply with this statutory requirement, and in accordance with § 171.13, the NRC is publishing the proposed amount of the FY 2000 annual fees for reactor licensees, fuel cycle licensees, materials licensees, and holders of Certificates of Compliance, registrations of sealed source and devices and QA program approvals, and Government agencies. OBRA–90, consistent with the accompanying Conference Committee Report, and the amendments to OBRA–90, provide that—

(1) The annual fees be based on the Commission's FY 2000 budget of $470.0 million less the amounts collected from Part 170 fees and the funds directly appropriated from the NWF to cover the NRC's high level waste program;

(2) The annual fees shall, to the maximum extent practicable, have a reasonable relationship to the cost of regulatory services provided by the Commission; and

(3) The annual fees be assessed to those licensees the Commission, in its discretion, determines can fairly, equitably, and practicably contribute to their payment.

In addition, the NRC's FY 2000 appropriations language provides that $3.85 million appropriated from the General Fund for activities related to regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies be excluded from fee recovery.

10 CFR Part 171, which established annual fees for operating power reactors effective October 20, 1986 (51 FR 33224; September 18, 1986), was challenged and upheld in its entirety in *Florida Power and Light Company* v. *United States,* 846 F.2d 765 (D.C. Cir. 1988), *cert. denied,* 490 U.S. 1045 (1989).

Further, the NRC's FY 1991 annual fee rule methodology was upheld by the D.C. Circuit Court of Appeals in *Allied Signal* v. *NRC,* 988 F.2d 146 (D.C. Cir. 1993).

VIII. Regulatory Flexibility Analysis

The NRC is required by the Omnibus Budget Reconciliation Act of 1990 to recover approximately 100 percent of its budget authority through the assessment of user fees. OBRA-90 further requires that the NRC establish a schedule of charges that fairly and equitably allocates the aggregate amount of these charges among licensees.

This proposed rule establishes the schedules of fees that are necessary to implement the Congressional mandate for FY 2000. The proposed rule would result in increases in the annual fees charged to licensees and holders of certificates, registrations, and approvals, including those that qualify as a small entity under NRC's size standards in 10 CFR 2.810. The Regulatory Flexibility Analysis, prepared in accordance with 5 U.S.C. 604, is included as Appendix A to this proposed rule.

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) was signed into law on March 29, 1996. The SBREFA requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. Therefore, in compliance with the law, Attachment 1 to the Regulatory Flexibility Analysis is the small entity compliance guide for FY 2000.

IX. Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and that a backfit analysis is not required for this proposed rule. The backfit analysis is not required because these proposed amendments do not require the modification of or additions to systems, structures, components, or the design of a facility or the design approval or manufacturing license for a facility or the procedures or organization required to design, construct or operate a facility.

List of Subjects

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, registrations, approvals, Intergovernmental relations, Non-payment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Parts 170 and 171.

PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. The authority citation for Part 170 continues to read as follows:

Authority: 31 U.S.C. 9701, 96 Stat. 1051; sec. 301, Pub. L. 92–314, 86 Stat. 222 (42 U.S.C. 2201w); sec. 201, Pub. L. 93–4381, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 205, Pub. L. 101–576, 104 Stat. 2842, (31 U.S.C. 901).

2. In § 170.12, paragraph (c)(1) is revised to read as follows:

§ 170.12 Payment of Fees.

* * * * *

(c) *Inspection fees.* (1) Inspection fees will be assessed to recover full cost for each resident inspector (including the senior resident inspector), assigned to a specific plant or facility. The fees assessed will be based on the number of hours that each inspector assigned to the plant or facility is in an official duty status (*i.e.,* all time in a non-leave status), excluding time spent by a resident inspector in support of activities at another site. The hours will be billed at the appropriate hourly rate established in 10 CFR 170.20. Resident inspectors' time related to a specific inspection will be included in the fee assessed for the specific inspection in accordance with paragraph (c)(2) of this section.

* * * * *

3. Section 170.20 is revised to read as follows:

§ 170.20 Average cost per professional staff-hour.

Fees for permits, licenses, amendments, renewals, special projects, Part 55 requalification and replacement examinations and tests, other required reviews, approvals, and inspections under §§ 170.21 and 170.31 will be calculated using the following applicable professional staff-hour rates:

	Per hour
Reactor Program (§ 170.21 Activities)	$144
Nuclear Materials and Nuclear Waste Program (§ 170.31 Activities)	143

4. In § 170.21, the introductory text, Category K, and footnotes 1 and 2 to the table are revised to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections and import and export licenses.

Applicants for construction permits, manufacturing licenses, operating licenses, import and export licenses, approvals of facility standard reference designs, requalification and replacement examinations for reactor operators, and special projects and holders of construction permits, licenses, and other approvals shall pay fees for the following categories of services.

SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees [1 2]
* * * * * * *	
K. Import and export licenses:	
Licenses for the import and export only of production and utilization facilities or the export only of components for production and utilization facilities issued under 10 CFR Part 110:	
1. Application for import or export of reactors and other facilities and exports of components which must be reviewed by the Commissioners and the Executive Branch, for example, actions under 10 CFR 110.40(b)	
Application-new license	$9,300

SCHEDULE OF FACILITY FEES—Continued

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
Amendment	9,300
2. Application for export of reactor and other components requiring Executive Branch review only, for example, those actions under 10 CFR 110.41(a)(1)–(8)	
Application-new license	5,700
Amendment	5,700
3. Application for export of components requiring foreign government assurances only	
Application-new license	1,700
Amendment	1,700
4. Application for export of facility components and equipment not requiring Commissioner review, Executive Branch review, or foreign government assurances	
Application-new license	1,100
Amendment	1,100
5. Minor amendment of any export or import license to extend the expiration date, change domestic information, or make other revisions which do not require in-depth analysis or review	
Amendment	210

[1] Fees will not be charged for orders issued by the Commission under § 2.202 of this chapter or for amendments resulting specifically from the requirements of these types of Commission orders. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (*e.g.,* §§ 50.12, 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. Fees for licenses in this schedule that are initially issued for less than full power are based on review through the issuance of a full power license (generally full power is considered 100 percent of the facility's full rated power). Thus, if a licensee received a low power license or a temporary license for less than full power and subsequently receives full power authority (by way of license amendment or otherwise), the total costs for the license will be determined through that period when authority is granted for full power operation. If a situation arises in which the Commission determines that full operating power for a particular facility should be less than 100 percent of full rated power, the total costs for the license will be at that determined lower operating power level and not at the 100 percent capacity.

[2] Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of the final rule will be determined at the professional rates in effect at the time the service was provided. For those applications currently on file for which review costs have reached an applicable fee ceiling established by the June 20, 1984, and July 2, 1990, rules but are still pending completion of the review, the cost incurred after any applicable ceiling was reached through January 29, 1989, will not be billed to the applicant. Any professional staff-hours expended above those ceilings on or after January 30, 1989, will be assessed at the applicable rates established by § 170.20, as appropriate, except for topical reports whose costs exceed $50,000. Costs which exceed $50,000 for any topical report, amendment, revision or supplement to a topical report completed or under review from January 30, 1989, through August 8, 1991, will not be billed to the applicant. Any professional hours expended on or after August 9, 1991, will be assessed at the applicable rate established in § 170.20.

* * * * *

5. Section 170.31 is revised to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

Applicants for materials licenses, import and export licenses, and other regulatory services and holders of materials licenses, or import and export licenses shall pay fees for the following categories of services. This schedule includes fees for health and safety and safeguards inspections where applicable.

SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
1. Special nuclear material:	
A. Licenses for possession and use of 200 grams or more of plutonium in unsealed form or 350 grams or more of contained U–235 in unsealed form or 200 grams or more of U–233 in unsealed form. This includes applications to terminate licenses as well as licenses authorizing possession only:	
Licensing and Inspection	Full Cost.
B. Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI):	
Licensing and inspection	Full Cost.
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers: [4]	
Application	$660.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in § 150.11 of this chapter, for which the licensee shall pay the same fees as those for Category 1A: [4]	
Application	$1300.
E. Licenses or certificates for construction and operation of a uranium enrichment facility	
Licensing and inspection	Full Cost.
2. Source material:	

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
A.(1) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, refining uranium mill concentrates to uranium hexafluoride, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode:	
Licensing and inspection	Full Cost.
(2) Licenses that authorize the receipt of byproduct material, as defined in Section 11e(2) of the Atomic Energy Act, from other persons for possession and disposal except those licenses subject to fees in Category 2.A.(1)	
Licensing and inspection	Full Cost.
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(1)	
Licensing and inspection	Full Cost.
B. Licenses which authorize the possession, use, and/or installation of source material for shielding:	
Application	$160.
C. All other source material licenses:	
Application	$5,600.
3. Byproduct material:	
A. Licenses of broad scope for the possession and use of byproduct material issued under Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution:	
Application	$6,700.
B. Other licenses for possession and use of byproduct material issued under Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution:	
Application	$2,500.
C. Licenses issued under §§ 32.72, 32.73, and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under 10 CFR 170.11(a)(4). These licenses are covered by fee Category 3D	
Application	$10,300.
D. Licenses and approvals issued under §§ 32.72, 32.73, and/or 32.74 of this chapter authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources or devices not involving processing of byproduct material. This category includes licenses issued under §§ 32.72, 32.73, and/or 32.74 of this chapter to nonprofit educational institutions whose processing or manufacturing is exempt under 10 CFR 170.11(a)(4)	
Application	$2,400.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units):	
Application	$1,700.
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes	
Application	$3,300.
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes	
Application	$3,500.
H. Licenses issued under Subpart A of Part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of Part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of Part 30 of this chapter:	
Application	$2,100.
I. Licenses issued under Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of Part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of Part 30 of this chapter:	
Application	$3,200.
J. Licenses issued under Subpart B of Part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under Part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under Part 31 of this chapter:	
Application	$1,000.
K. Licenses issued under Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under Part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under Part 31 of this chapter:	
Application	$590.
L. Licenses of broad scope for possession and use of byproduct material issued under Parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution:	
Application	$5,600.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
M. Other licenses for possession and use of byproduct material issued under Part 30 of this chapter for research and development that do not authorize commercial distribution:	
Application	$2,300.
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3P; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4A, 4B, and 4C:	
Application	$2,400.
O. Licenses for possession and use of byproduct material issued under Part 34 of this chapter for industrial radiography operations:	
Application	$5,900.
P. All other specific byproduct material licenses, except those in Categories 4A through 9D:	
Application	$1,300.
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material:	
Licensing and inspection	Full Cost.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material:	
Application	$1,700.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material:	
Application	$2,600.
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies:	
Application	$6,100.
B. Licenses for possession and use of byproduct material for field flooding tracer studies:	
Licensing	Full Cost.
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material:	
Application	$11,400.
7. Medical licenses:	
A. Licenses issued under Parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:	
Application	$6,200.
B. Licenses of broad scope issued to medical institutions or two or more physicians under Parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:	
Application	$4,500.
C. Other licenses issued under Parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:	
Application	$2,400.
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities:	
Application	$330.
9. Device, product, or sealed source safety evaluation:	
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution:	
Application—each device	$5,300.
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices:	
Application—each device	$3,800.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution:	
Application—each source	$1,600.
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel:	
Application—each source	$540.
10. Transportation of radioactive material:	
A. Evaluation of casks, packages, and shipping containers:	
Licensing and inspections	Full Cost.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
B. Evaluation of 10 CFR Part 71 quality assurance programs:	
Application	$400.
Inspections	Full Cost.
11. Review of standardized spent fuel facilities:	
Licensing and inspection	Full Cost.
12. Special projects: [5]	
Approvals and preapplication/Licensing activities	Full Cost.
Inspections	Full Cost.
13. A. Spent fuel storage cask Certificate of Compliance:	
Licensing	Full Cost.
B. Inspections related to spent fuel storage cask Certificate of	
Compliance	Full Cost.
C. Inspections related to storage of spent fuel under § 72.210 of this chapter	Full Cost.
14. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under Parts 30, 40, 70, 72, and 76 of this chapter:	
Licensing and inspection	Full Cost.
15. Import and Export licenses:	
Licenses issued under 10 CFR Part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, heavy water, or nuclear grade graphite	
A. Application for export or import of high enriched uranium and other materials, including radioactive waste, which must be reviewed by the Commissioners and the Executive Branch, for example, those actions under 10 CFR 110.40(b). This category includes application for export or import of radioactive wastes in multiple forms from multiple generators or brokers in the exporting country and/or going to multiple treatment, storage or disposal facilities in one or more receiving countries	
Application—new license	$9,300.
Amendment	$9,300.
B. Application for export or import of special nuclear material, source material, tritium and other byproduct material, heavy water, or nuclear grade graphite, including radioactive waste, requiring Executive Branch review but not Commissioner review. This category includes application for the export or import of radioactive waste involving a single form of waste from a single class of generator in the exporting country to a single treatment, storage and/or disposal facility in the receiving country	
Application—new license	$5,700.
Amendment	$5,700.
C. Application for export of routine reloads of low enriched uranium reactor fuel and exports of source material requiring only foreign government assurances under the Atomic Energy Act	
Application—new license	$1,700.
Amendment	$1,700.
D. Application for export or import of other materials, including radioactive waste, not requiring Commissioner review, Executive Branch review, or foreign government assurances under the Atomic Energy Act. This category includes application for export or import of radioactive waste where the NRC has previously authorized the export or import of the same form of waste to or from the same or similar parties, requiring only confirmation from the receiving facility and licensing authorities that the shipments may proceed according to previously agreed understandings and procedures	
Application-new license	$1,100.
Amendment	$1,100.
E. Minor amendment of any export or import license to extend the expiration date, change domestic information, or make other revisions which do not require in-depth analysis, review, or consultations with other agencies or foreign governments	
Amendment	$210.
16. Reciprocity:	
Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20	
Application (initial filing of Form 241)	$1,200.
Revisions	$200.

[1] Types of fees—Separate charges, as shown in the schedule, will be assessed for preapplication consultations and reviews and applications for new licenses and approvals, issuance of new licenses and approvals, certain amendments and renewals to existing licenses and approvals, safety evaluations of sealed sources and devices, and certain inspections. The following guidelines apply to these charges:

(a) *Application fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(1) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(2) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee Category 1C only.

(b) *Licensing fees.* Fees for reviews of applications for new licenses and for renewals and amendments to existing licenses, for preapplication consultations and for reviews of other documents submitted to NRC for review, and for project manager time for fee categories subject to full cost fees (fee Categories 1A, 1B, 1E, 2A, 4A, 5B, 10A, 11, 12, 13A, and 14) are due upon notification by the Commission in accordance with § 170.12(b).

(c) *Amendment/revision fees.*

Applications for amendments to export and import licenses and revisions to reciprocity initial applications must be accompanied by the prescribed amendment/revision fee for each license/revision affected. An application for an amendment to a license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment unless the amendment is applicable to two or more fee categories in which case the amendment fee for the highest fee category would apply.

(d) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

[2] Fees will not be charged for orders issued by the Commission under 10 CFR 2.202 or for amendments resulting specifically from the requirements of these types of Commission orders. However, fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (*e.g.,* 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now in the future) regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in Categories 9A through 9D.

[3] Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect at the time the service is provided, and the appropriate contractual support services expended. For applications currently on file for which review costs have reached an applicable fee ceiling established by the June 20, 1984, and July 2, 1990, rules, but are still pending completion of the review, the cost incurred after any applicable ceiling was reached through January 29, 1989, will not be billed to the applicant. Any professional staff-hours expended above those ceilings on or after January 30, 1989, will be assessed at the applicable rates established by § 170.20, as appropriate, except for topical reports whose costs exceed $50,000. Costs which exceed $50,000 for each topical report, amendment, revision, or supplement to a topical report completed or under review from January 30, 1989, through August 8, 1991, will not be billed to the applicant. Any professional hours expended on or after August 9, 1991, will be assessed at the applicable rate established in § 170.20.

[4] Licensees paying fees under Categories 1A, 1B, and 1E are not subject to fees under Categories 1C and 1D for sealed sources authorized in the same license except for an application that deals only with the sealed sources authorized by the license.

[5] Fees will not be assessed for requests/reports submitted to the NRC:

(a) In response to a Generic Letter or NRC Bulletin that does not result in an amendment to the license, does not result in the review of an alternate method or reanalysis to meet the requirements of the Generic Letter, or does not involve an unreviewed safety issue;

(b) In response to an NRC request (at the Associate Office Director level or above) to resolve an identified safety, safeguards, or environmental issue, or to assist NRC in developing a rule, regulatory guide, policy statement, generic letter, or bulletin; or

(c) As a means of exchanging information between industry organizations and the NRC for the purpose of supporting generic regulatory improvements or efforts.

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIAL LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

6. The authority citation for Part 171 continues to read as follows:

Authority: Sec. 7601, Pub. L. 99–272, 100 Stat. 146, as amended by sec. 5601, Pub. L. 100–203, 101 Stat. 1330, as amended by Sec. 3201, Pub. L. 101–239, 103 Stat. 2106 as amended by sec. 6101, Pub. L. 101–508, 104 Stat. 1388, (42 U.S.C. 2213); sec. 301, Pub. L. 92–314, 86 Stat. 222 (42 U.S.C. 2201(w)); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 2903, Pub. L. 102–486, 106 Stat. 3125, (42 U.S.C. 2214 note).

7. In Section § 171.5, the definition of the term Materials License is revised to read as follows:

§ 171.5 Definitions.

* * * * *

Materials License means a license, certificate, approval, registration or other form of permission issued by the NRC under the regulations in 10 CFR parts 30, 32 through 36, 39, 40, 61, 70, 71, 72, and 76.

* * * * *

8. In § 171.15, paragraphs (b), (c), (d)(1), and (e) are revised to read as follows:

§ 171.15 Annual Fees: Reactor licenses and spent fuel storage/reactor decommissioning.

* * * * *

(b)(1) The FY 2000 annual fee for each operating power reactor which must be collected by September 30, 2000, is $2,815,000. This fee has been determined by adjusting the FY 1999 actual (prior to rounding) annual fee upward by approximately 1.4 percent.

(2) The FY 1999 annual fee was comprised of a base operating power reactor annual fee, a base spent fuel storage/reactor decommissioning annual fee, and associated additional charges (surcharges). The activities comprising the FY 1999 spent storage/reactor decommissioning base annual fee are shown in paragraph (c)(2)(i) and (ii) of this section. The activities comprising the FY 1999 surcharge are shown in paragraph (d)(1) of this section. The activities comprising the FY 1999 base annual fee for operating power reactors are as follows:

(i) Power reactor safety and safeguards regulation except licensing and inspection activities recovered under Part 170 of this chapter and generic reactor decommissioning activities.

(ii) Research activities directly related to the regulation of power reactors except those activities specifically related to reactor decommissioning.

(iii) Generic activities required largely for NRC to regulate power reactors, *e.g.,* updating Part 50 of this chapter, or operating the Incident Response Center. The base annual fee for operating power reactors does not include generic activities specifically related to reactor decommissioning.

(c)(1) The FY 2000 annual fee for each power reactor holding a Part 50 license that is in a decommissioning or possession only status and has spent fuel on-site and each independent spent fuel storage Part 72 licensee who does not hold a Part 50 license is $209,000. This fee has been determined by increasing the FY 1999 actual (prior to rounding) annual fee by approximately 1.4 percent.

(2) The FY 1999 annual fee was comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section), and an additional charge (surcharge). The activities comprising the FY 1999 surcharge are shown in paragraph (d)(1) of this section. The activities comprising the FY 1999 spent fuel storage/reactor decommissioning base annual fee are:

(i) Generic and other research activities directly related to reactor decommissioning and spent fuel storage; and

(ii) Other safety, environmental, and safeguards activities related to reactor decommissioning and spent fuel storage, except costs for licensing and inspection activities that are recovered under part 170 of this chapter.

(d)(1) The activities comprising the FY 1999 surcharge are as follows:

(i) Low level waste disposal generic activities;

(ii) Activities not attributable to an existing NRC licensee or class of licensees (*e.g.,* international cooperative safety program and international safeguards activities, support for the Agreement State program, and site decommissioning management plan (SDMP) activities); and

(iii) Activities not currently subject to 10 CFR Part 170 licensing and inspection fees based on existing law or Commission policy, *e.g.,* reviews and inspections conducted of nonprofit educational institutions, licensing actions for Federal agencies, and costs that would not be collected from small entities based on Commission policy in accordance with the Regulatory Flexibility Act.

* * * * *

(e) The FY 2000 annual fees for licensees authorized to operate a nonpower (test and research) reactor

licensed under Part 50 of this chapter have been determined by revising the FY 1999 actual (prior to rounding) annual fee upward by approximately 1.4 percent. The FY 2000 annual fee for each nonpower reactor, unless the reactor is exempted from fees under § 171.11(a), is as follows:

Research reactor: $87,100

Test reactor: $87,100

9. In § 171.16, paragraphs (c), (d), and (e) are revised to read as follows:

§ 171.16 Annual Fees: Materials Licensees, Holders of Certificates of Compliance, Holders of Sealed Source and Device Registrations, Holders of Quality Assurance Program Approvals and Government Agencies Licensed by the NRC.

* * * * *

(c) A licensee who is required to pay an annual fee under this section may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification with the annual fee payment, the licensee may pay reduced annual fees as shown below. Failure to file a small entity certification in a timely manner could result in the denial of any refund that might otherwise be due.

	Maximum annual fee per licensed category
Small Businesses Not Engaged in Manufacturing and Small Not-For-Profit Organizations (Gross Annual Receipts):	
$350,000 to $5 million	$2,300
Less than $350,000	500
Manufacturing entities that have an average of 500 employees or less:	
35 to 500 employees	2,300
Less than 35 employees	500
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 50,000	2,300
Less than 20,000	500
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Less:	
35 to 500 employees	2,300
Less than 35 employees	500

(1) A licensee qualifies as a small entity if it meets the size standards established by the NRC (See 10 CFR 2.810).

(2) A licensee who seeks to establish status as a small entity for the purpose of paying the annual fees required under this section must file a certification statement with the NRC. The licensee must file the required certification on NRC Form 526 for each license under which it is billed. The NRC will include a copy of NRC Form 526 with each annual fee invoice sent to a licensee. A licensee who seeks to qualify as a small entity must submit the completed NRC Form 526 with the reduced annual fee payment.

(3) For purposes of this section, the licensee must submit a new certification with its annual fee payment each year.

(4) The maximum annual fee a small entity is required to pay is $2,300 for each category applicable to the license(s).

(d) The FY 2000 annual fees for materials licensees and holders of certificates, registrations or approvals subject to fees under this section are shown below. The FY 2000 annual fees, which must be collected by September 30, 2000, have been determined by adjusting the FY 1999 actual (prior to rounding) annual fees upward by approximately 1.4 percent. As a result of rounding, the FY 2000 annual fee for several fee cateogries is the same as the FY 1999 annual fee. In the FY 1999 final rule, the NRC stated it would stabilize annual fees by adjusting the annual fees only by the percentage change (plus or minus) in NRC's total budget authority and adjustments based on changes in 10 CFR Part 170 fees, the number of licensees paying the fees, and other required adjustments. The FY 1999 annual fees were comprised of a base annual fee and an additional charge (surcharge). The activities comprising the FY 1999 surcharge are shown for convenience in paragraph (e) of this section.

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
1. Special nuclear material:	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material:	
Babcock & Wilcox SNM–42	$3,327,000
Nuclear Fuel Services SNM–124	3,327,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel:	
Combustion Engineering (Hematite) SNM–33	1,116,000
General Electric Company SNM–1097	1,116,000
Siemens Nuclear Power SNM–1227	1,116,000
Westinghouse Electric Company SNM–1107	1,116,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities	
(a) Facilities with limited operations:	
Framatome Cogema SNM–1168	438,000
(b) All Others:	
General Electric SNM–960	319,000

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
B. Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI). See 10 CFR 171.15(c).	
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers	1,200
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in §150.11 of this chapter, for which the licensee shall pay the same fees as those for Category 1.A.(2)	3,400
E. Licenses or certificates for the operation of a uranium enrichment facility	2,072,000
2. Source material:	
A.(1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride.	478,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
Class I facilities [4]	132,000
Class II facilities [4]	111,000
Other facilities [4]	30,800
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4)	81,700
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2)	12,900
B. Licenses that authorize only the possession, use and/or installation of source material for shielding	630
C. All other source material licenses	11,800
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution	26,300
B. Other licenses for possession and use of byproduct material issued under Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution	6,400
C. Licenses issued under §§32.72, 32.73, and/or 32.74 of this chapter authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material. This category also includes the possession and use of source material for shielding authorized under Part 40 of this chapter when included on the same license. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under 10 CFR 171.11(a)(1). These licenses are covered by fee Category 3D.	15,600
D. Licenses and approvals issued under §§32.72, 32.73, and/or 32.74 of this chapter authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material. This category includes licenses issued under §§32.72, 32.73 and 32.74 of this chapter to nonprofit educational institutions whose processing or manufacturing is exempt under 10 CFR 171.11(a)(1). This category also includes the possession and use of source material for shielding authorized under Part 40 of this chapter when included on the same license	3,800
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units).	3,500
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes	5,800
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes	15,000
H. Licenses issued under Subpart A of Part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of Part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of Part 30 of this chapter	3,300
I. Licenses issued under Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of Part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of Part 30 of this chapter	4,700
J. Licenses issued under Subpart B of Part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under Part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under Part 31 of this chapter	2,100
K. Licenses issued under Subpart B of Part 31 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under Part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under Part 31 of this chapter	1,800
L. Licenses of broad scope for possession and use of byproduct material issued under Parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution	11,300

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
M. Other licenses for possession and use of byproduct material issued under Part 30 of this chapter for research and development that do not authorize commercial distribution	5,000
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3P; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4A, 4B, and 4C	5,300
O. Licenses for possession and use of byproduct material issued under Part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under Part 40 of this chapter when authorized on the same license	14,900
P. All other specific byproduct material licenses, except those in Categories 4A through 9D	2,600
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material	[5] N/A
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material	11,500
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material	8,500
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies	10,100
B. Licenses for possession and use of byproduct material for field flooding tracer studies	[5] N/A
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material	19,200
7. Medical licenses:	
A. Licenses issued under Parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license	15,500
B. Licenses of broad scope issued to medical institutions or two or more physicians under Parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license [9]	28,100
C. Other licenses issued under Parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license [9]	5,900
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities	1,200
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	6,100
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	4,400
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	1,900
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	620
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
Spent Fuel, High-Level Waste, and plutonium air packages	[6] N/A
Other Casks	[6] N/A
B. Quality assurance program approvals issued under 10 CFR Part 71	
Users and Fabricators	67,600
Users	2,300
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210. N/A (See 10 CFR 171.15(c)).	
14. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under 10 CFR Parts 30, 40, 70, 72, and 76 of this chapter	[7] N/A
15. Import and Export licenses	[8] N/A
16. Reciprocity	[8] N/A

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
17. Master materials licenses of broad scope issued to Government agencies	363,000
18. Department of Energy:	
A. Certificates of Compliance	[10] 884,000
B. Uranium Mill Tailing Radiation Control Act (UMTRCA) activities	881,000

[1] Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the fiscal year. However, the annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses prior to October 1, 1999, and permanently ceased licensed activities entirely by September 30, 1999. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession only license during the fiscal year and for new licenses issued during the fiscal year will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (e.g., human use and irradiator activities), annual fees will be assessed for each category applicable to the license. Licensees paying annual fees under Category 1A(1) are not subject to the annual fees for Category 1C and 1D for sealed sources authorized in the license.

[2] Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of Parts 30, 40, 70, 71, 72, or 76 of this chapter.

[3] Each fiscal year, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the Federal Register for notice and comment.

[4] A Class I license includes mill licenses issued for the extraction of uranium from uranium ore. A Class II license includes solution mining licenses (in-situ and heap leach) issued for the extraction of uranium from uranium ores including research and development licenses. An ''other'' license includes licenses for extraction of metals, heavy metals, and rare earths.

[5] There are no existing NRC licenses in these fee categories. Once NRC issues a license for these categories, the Commission will consider establishing an annual fee for that type of license.

[6] Standardized spent fuel facilities, 10 CFR Parts 71 and 72 Certificates of Compliance, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to the users of the designs, certificates, and topical reports.

[7] Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.

[8] No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.

[9] Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under Categories 7B or 7C.

[10] This includes Certificates of Compliance issued to DOE that are not under the Nuclear Waste Fund.

(e) The activities comprising the surcharge are as follows:

(1) LLW disposal generic activities;

(2) Activities not directly attributable to an existing NRC licensee or classes of licensees; *e.g.,* international cooperative safety program and international safeguards activities; support for the Agreement State program; site decommissioning management plan (SDMP) activities; and

(3) Activities not currently assessed licensing and inspection fees under 10 CFR Part 170 based on existing law or Commission policy, *e.g.,* reviews and inspections conducted of nonprofit educational institutions and reviews for Federal agencies; activities related to decommissioning and reclamation; and costs that would not be collected from small entities based on Commission policy in accordance with the Regulatory Flexibility Act.

10. Section 171.19 is revised to read as follows:

§ 171.19 Payment.

(a) Method of payment. Annual fee payments, made payable to the U.S. Nuclear Regulatory Commission, are to be made in U.S. funds by electronic funds transfer such as ACH (Automated Clearing House) using EDI (Electronic Data Interchange), check, draft, money order, or credit card. Federal agencies may also make payment by the On-line Payment and Collection System (OPAC's). Where specific payment instructions are provided on the invoices to applicants and licensees, payment should be made accordingly, *e.g.* invoices of $5,000 or more should be paid via ACH through NRC's Lockbox Bank at the address indicated on the invoice. Credit card payments should be made up to the limit established by the credit card bank, in accordance with specific instructions provided with the invoices, to the Lockbox Bank designated for credit card payments. In accordance with Department of the Treasury requirements, refunds will only be made upon receipt of information on the payee's financial institution and bank accounts.

(b) Annual fees in the amount of $100,000 or more and described in the **Federal Register** document issued under § 171.13 must be paid in quarterly installments of 25 percent as billed by the NRC. The quarters begin on October 1, January 1, April 1, and July 1 of each fiscal year. The NRC will adjust the fourth quarterly invoice to recover the full amount of the revised annual fee. If the amounts collected in the first three quarters exceed the amount of the revised annual fee, the overpayment will be refunded. Licensees whose annual fee for FY 1999 was less than $100,000 (billed on the anniversary date of the license), and whose revised annual fee for FY 2000 would be $100,000 (subject to quarterly billing), would be issued a bill upon publication of the final rule for the full amount of the FY 2000 annual fee, less any payments received for FY 2000 based on the anniversary date billing process.

(c) Annual fees that are less than $100,000 are billed on the anniversary date of the license. For annual fee purposes, the anniversary date of the license is considered to be the first day of the month in which the original license was issued by the NRC. Licensees that are billed on the license anniversary date will be assessed the annual fee in effect on the anniversary date of the license. Materials licenses subject to the annual fee that are terminated during the fiscal year but before the anniversary month of the license will be billed upon termination for the fee in effect at the time of the billing. New materials licenses subject to the annual fee will be billed in the month the license is issued or in the next available monthly billing for the fee in effect on the anniversary date of the license. Thereafter, annual fees for new licenses will be assessed in the anniversary month of the license.

(d) Annual fees of less than $100,000 must be paid as billed by the NRC. Materials license annual fees that are less than $100,000 are billed on the anniversary date of the license. The materials licensees that are billed on the anniversary date of the license are those covered by fee categories 1C, 1.D, 2(A)(2) other, 2A(3), 2A(4), 2B, 2C, 3A through 3P, 4B through 9D, 10A, and 10B.

(e) Payment is due on the invoice date and interest accrues from the date of the invoice. However, interest will be waived if payment is received within 30 days from the invoice date.

Dated at Rockville, Maryland, this 14th day of March, 2000.

For the Nuclear Regulatory Commission.

Jesse L. Funches,

Chief Financial Officer.

Note: This Appendix Will Not Appear in the Code of Federal Regulations.

Appendix A to This Proposed Rule—Draft Regulatory Flexibility Analysis for the Amendments to 10 CFR Part 170 (License Fees) and 10 CFR Part 171 (Annual Fees)

I. Background

The Regulatory Flexibility Act (RFA), as amended, (5 U.S.C. 601 *et seq.*) requires that agencies consider the impact of their rulemakings on small entities and, consistent with applicable statutes, consider alternatives to minimize these impacts on the businesses, organizations, and government jurisdictions to which they apply.

The NRC has established standards for determining which NRC licensees qualify as small entities (10 CFR 2.801). These size standards reflect the Small Business Administration's most common receipts-based size standards and include a size standard for business concerns that are manufacturing entities. The NRC uses the size standards to reduce the impact of annual fees on small entities by establishing a licensee's eligibility to qualify for a maximum small entity fee. The small entity fee categories in § 171.16(c) of this proposed rule are based on the NRC's size standards.

The Omnibus Budget Reconciliation Act (OBRA–90), as amended, requires that the NRC recover approximately 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund, by assessing license and annual fees. OBRA–90 requires that the schedule of charges established by rule should fairly and equitably allocate the total amount to recover from NRC's licensees and be assessed under the principle that licensees who require the greatest expenditure of agency resources pay the greatest annual charges. The amount to be collected for FY 2000 is approximately $447.0 million.

Since 1991, the NRC has complied with OBRA–90 by issuing a final rule that amends its fee regulations. These final rules have established the methodology used by NRC in identifying and determining the fees to be assessed and collected in any given fiscal year.

In FY 1995, the NRC announced that, in order to stabilize fees, annual fees would be adjusted only by the percentage change (plus or minus) in NRC's total budget authority, adjusted for changes in estimated collections for 10 CFR Part 170 fees, the number of licensees paying annual fees, and as otherwise needed to assure the billed amounts resulted in the required collections. The NRC indicated that if there was a substantial change in the total NRC budget authority or the magnitude of the budget allocated to a specific class of licensees, the annual fee base would be recalculated.

In FY 1999, the NRC concluded that there had been significant changes in the allocation of agency resources among the various classes of licensees and established rebaselined annual fees for FY 1999. The NRC stated in the final FY 1999 rule that to stabilize fees it would continue the policy established in FY 1995 to adjust the annual fees by the percent change method, unless there was a substantial change in the total NRC budget or the magnitude of the budget allocated to a specific class of licensees, in which case the annual fee base would be reestablished.

After evaluating budget data for FY 2000, the NRC has concluded that there has not been a substantial change in the total NRC budget authority or the magnitude of the budget allocated to a specific class of licensees since FY 1999. Therefore, the NRC's proposed FY 2000 annual fees have been determined by the percent change method based on FY 1999 annual fees. As a result, the FY 2000 annual fees for all licenses would increase by about 1.4 percent.

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) is intended to reduce regulatory burdens imposed by Federal agencies on small businesses, nonprofit organizations, and governmental jurisdictions. SBREFA also provides Congress with the opportunity to review agency rules before they go into effect. Under this legislation, the NRC annual fee rule is considered a ''major'' rule and must be reviewed by Congress and the Comptroller General before the rule becomes effective. SBREFA also requires that an agency prepare a guide to assist small entities in complying with each rule for which final regulatory flexibility analysis is prepared. This Regulatory Flexibility Analysis and the small entity compliance guide (Attachment 1) have been prepared for the FY 2000 fee rule as required by law.

II. Impact on Small Entities

The fee rule results in substantial fees being charged to those individuals, organizations, and companies that are licensed by the NRC, including those licensed under the NRC materials program. The comments received on previous proposed fee rules and the small entity certifications received in response to previous final fee rules indicate that NRC licensees qualifying as small entities under the NRC's size standards are primarily materials licensees. Therefore, this analysis will focus on the economic impact of the annual fees on materials licensees. About 20 percent of these licensees (approximately 1,200 licensees for FY 1999) have requested small entity certification in the past. A 1993 NRC survey of its materials licensees indicated that about 25 percent of these licensees could qualify as small entities under the NRC's size standards.

The commenters on previous fee rulemakings consistently indicated that the following results would occur if the proposed annual fees were not modified.

1. Large firms would gain an unfair competitive advantage over small entities. Commenters noted that small and very small companies (''Mom and Pop'' operations) would find it more difficult to absorb the annual fee than a large corporation or a high-volume type of operation. In competitive markets, such as soils testing, annual fees would put small licensees at an extreme competitive disadvantage with their much larger competitors because the proposed fees would be the same for a two-person licensee as for a large firm with thousands of employees.

2. Some firms would be forced to cancel their licenses. A licensee with receipts of less than $500,000 per year stated that the proposed rule would, in effect, force it to relinquish its soil density gauge and license, thereby reducing its ability to do its work effectively. Other licensees, especially well-loggers, noted that the increased fees would force small businesses to get rid of the materials license altogether. Commenters stated that the proposed rule would result in about 10 percent of the well-logging licensees terminating their licenses immediately and approximately 25 percent terminating their licenses before the next annual assessment.

3. Some companies would go out of business.

4. Some companies would have budget problems. Many medical licensees noted that, along with reduced reimbursements, the proposed increase of the existing fees and the introduction of additional fees would significantly affect their budgets. Others noted that, in view of the cuts by Medicare and other third party carriers, the fees would produce a hardship and some facilities would experience a great deal of difficulty in meeting this additional burden.

Since annual fees for materials licenses were first established, approximately 3,000 license, approval, and registration terminations have been requested. Although some of these terminations were requested because the license was no longer needed or licenses or registrations could be combined, indications are that other termination requests were due to the economic impact of the fees.

To alleviate the significant impact of the annual fees on a substantial number of small entities, the NRC considered the following alternatives, in accordance with the RFA, in developing each of its fee rules since 1991.

1. Base fees on some measure of the amount of radioactivity possessed by the licensee (*e.g.*, number of sources).

2. Base fees on the frequency of use of the licensed radioactive material (*e.g.,* volume of patients).

3. Base fees on the NRC size standards for small entities.

The NRC has reexamined its previous evaluations of these alternatives and continues to believe that establishment of a maximum fee for small entities is the most appropriate and effective option for reducing the impact of its fees on small entities.

III. Maximum Fee

The RFA and its implementing guidance do not provide specific guidelines on what constitutes a significant economic impact on a small entity. Therefore, the NRC has no benchmark to assist it in determining the amount or the percent of gross receipts that should be charged to a small entity. In developing the maximum small entity annual fee in FY 1991, the NRC examined its 10 CFR Part 170 licensing and inspection fees and Agreement State fees for those fee categories which were expected to have a substantial number of small entities. Six Agreement States; Washington, Texas, Illinois, Nebraska, New York, and Utah were used as benchmarks in the establishment of the maximum small entity annual fee in 1991. Because small entities in those Agreement States were paying the fees, the NRC concluded that these fees did not have a significant impact on a substantial number of small entities. Therefore, those fees were considered a useful benchmark in establishing the NRC maximum small entity annual fee.

The NRC maximum small entity fee was established as an annual fee only. In addition to the annual fee, NRC small entity licensees were required to pay amendment, renewal and inspection fees. In setting the small entity annual fee, NRC ensured that the total amount small entities paid annually would not exceed the maximum paid in the six benchmark Agreement States.

Of the six benchmark states, the maximum Agreement State fee of $3,800 in Washington was used as the ceiling for the total fees. Thus the NRC's small entity fee was developed to ensure that the total fees paid by NRC small entities would not exceed $3,800. Given the NRC's 1991 fee structure for inspections, amendments, and renewals, a small entity annual fee established at $1,800 allowed the total fee (small entity annual fee plus yearly average for inspections, amendments and renewal fees) for all categories to fall under the $3,800 ceiling.

In 1992, the NRC introduced a second, lower tier to the small entity fee in response to concerns that the $1,800 fee, when added to the license and inspection fees, still imposed a significant impact on small entities with relatively low gross annual receipts. For purposes of the annual fee, each small entity size standard was divided into an upper and lower tier. Small entity licensees in the upper tier continued to pay an annual fee of $1,800 while those in the lower tier paid an annual fee of $400.

Between 1991 and 1999, changes in both the external and internal environment have impacted NRC costs and those of its licensees. The upper and lower tier maximum small entity annual fees did not change in those years. Increases in the NRC materials license fees, Agreement States' materials license fees, and the Consumer Price Index all indicate that the NRC small entity fee established in 1991 should be revised. In addition to these increases, the structure of the fees that NRC charges to its materials licensees changed during the period between 1991 and 1999. Costs for materials license inspections, renewals, and amendments, which were previously recovered through Part 170 fees for services, are now included in the Part 171 annual fees assessed to materials licensees.

While the annual fees increased for most materials licensees as a result of these changes, the NRC's annual fees assessed to small entities have not been adjusted to include the additional costs. As a result, small entities are currently paying a smaller percentage of the total NRC regulatory costs related to them than they did in FY 1991 and FY 1992 when the small entity fees were established. The amount of the small entity subsidy paid by other licensees for these regulatory costs was $4.3 million in FY 1991. With the addition of the lower tier small entity fee in FY 1992, the small entity subsidy increased to $5.4 million, or about $2,700 for each of the 2000 small entities in FY 1992. Although the number of small entities had declined to approximately 1,200 by 1999, the FY 1999 small entity subsidy was $5.3 million, or about $4,400 for each small entity.

Based on the changes that have occurred since FY 1991, the NRC has reanalyzed its maximum small entity annual fee. As part of the reanalysis, the NRC considered the 1999 fees assessed by Agreement States, the NRC's FY 1999 fee structure, and the increase in the Consumer Price Index between FY 1991 and FY 1999. The reanalysis and alternatives considered by the NRC for revising the small entity annual fees are described below.

A. Analysis of Maximum Small Entity Annual Fee

The analysis included a review of the fee structures in Agreement States to determine what fees they currently assess small entities. To maintain consistency and to facilitate direct comparisons between 1991 and 1999, the analysis focused on the fee categories used in 1991 and included fees imposed by the six benchmark Agreement States used in 1991 and five other Agreement States with the highest number of licenses.

The eleven states selected were: California, Texas, New York, Florida, Illinois, Tennessee, Maryland, Georgia, Washington, Utah, and Nebraska. Seven NRC fee categories were selected for review based on the number of small entities present in the category and inclusion of the category in the 1991 review. The fee categories selected were: 3M—Research and Development, 3N—Services, 3O—Industrial Radiography, 3P—Gauges and Other Industrial Uses, 5A—Well Logging, 7A—Teletherapy, and 7C—Nuclear Medicine. Together these categories comprise 80 percent of NRC's small entity licensees for FY 1999.

Among the eleven Agreement States reviewed, the fee structures varied both in terms of the fee amounts and the services included in the fees. Of the eleven states, only Georgia and Washington provide a separate small entity fee for qualified licensees. The remaining nine states do not identify small entities in their fee structure and therefore assess the same fee to all licensees regardless of their size.

Increases in the materials license fees since 1991 for the eleven Agreement States selected ranged from 10 percent in New York to 218 percent in Utah (see Table 1). Of particular note are the increases in the States of Washington, Georgia, and Utah. Washington and Utah are two of the original states benchmarked in 1991. Georgia and Washington are the two Agreement States reviewed that have a separate annual fee for small entities.

The structure of the total fees per year in Georgia is similar to that used to determine the total fees paid by NRC small entity licensees in 1991. In Georgia, this fee increased by 64 percent from 1991 to 1999. The increase in Georgia is directly comparable to the NRC context since Georgia uses the same two-tier structure for its small entity annual fees.

Washington's maximum fee assessed to small entities increased by 25 percent, from approximately $3,800 in 1991 to approximately $4,700 in 1999. The $4,700 fee is charged for an Industrial Radiography license. Washington had the highest maximum fee in 1991 and it was this fee that provided the basis for the maximum fees assessed to NRC small entity licensees.

Utah had the lowest maximum fee of the six benchmark states in 1991 . By 1999, Utah's maximum fee had increased by 218 percent, from $440 to $1,400. As in Washington, the maximum fee is charged for an Industrial Radiography license.

Table 1 shows the increases in the maximum total fees paid by small entities in the selected Agreement States from 1991 to 1999. Data is not presented in the Table for the State of California because California does not use fee categories that are directly mapped to NRC fee categories. California charges a base fee plus a fee based on the number of millicuries handled. In addition, because the FY 1991 fees for the State of Maryland were not available, only the maximum fee for FY 1999 is shown in the Table. The change in the maximum fee paid by NRC small entity licensees over the same period is included for purposes of comparison. This fee decreased by 47 percent while fees in the Agreement States were increasing. The reason for this decrease is discussed in B. below.

TABLE 1.—PERCENTAGE CHANGE IN THE MAXIMUM TOTAL FEE ASSESSED TO SMALL ENTITIES ANNUALLY

State	Maximum fee 1991	Maximum fee 1999	Percent change
Utah	$440	$1,400	218
Nebraska	1,456	2,925	101
Texas	2,100	4,230	101
Tennessee	2,000	4,000	100
Georgia	1,650	2,700	64
Florida	1,925	2,657	38
Illinois	2,000	2,733	37
Washington	3,760	4,699	25
New York	1,000	1,100	10
Maryland	(1)	1,350	(1)
NRC Small Entity	3,400	1,800	(−47)

[1] Not available.

The increases in the fees assessed to small entities in Agreement States between 1991 and 1999 suggest that the cost to support radioactive materials licensees has increased over time. Because small entities in Agreement States are currently paying the increased fees, it can be inferred that the fees do not have a significant impact on them.

B. Analysis of Changes in the NRC Small Entity Fee Structure

When NRC established its small entity annual fee in 1991, the fee was viewed as one component of the total annual costs that would be assessed to small entities. Table 2 presents the composition of the 1991 total annual cost for small entities.

TABLE 2.—TOTAL FEES ASSESSED TO NRC SMALL ENTITIES IN 1991

Fees	Selected Fee Categories						
	7A Teletherapy	7C Nuclear medicine	3M Research and development	3N Services	3O Industrial radiography	3P Gauges	5A Well logging
Annualized Inspection Fee [1]	$920	$ 420	$ 200	$140	$920	$180	$210
Amendment Fee [2]	340	340	630	320	390	300	430
Annualized Renewal Fee [3]	130	170	40	130	280	80	320
Subtotal	1,390	930	870	590	1,590	560	960
Annual Fee for Small Entity	1,800	1,800	1,800	1,800	1,800	[4] 1,500	1,800
Total Fees (Rounded)	3,200	2,700	2,700	2,400	3,400	2,100	2,800

[1] NRC charged a separate fee for inspections under Part 170. The inspection frequency, defined as years between inspections, varies with each category of license. To annualize the inspection fee, the fee charged per inspection was divided by the inspection frequency.

[2] NRC charged a fee for each amendment to a license. In determining the total annual cost, one amendment per year was assumed.

[3] In 1991 NRC issued materials licenses for a five-year period. At the end of this period each licensee paid a fee under Part 170 to renew the license. Because the licensee paid this fee once every five years, in calculating the total annual cost, the renewal fee was annualized by dividing by five.

[4] The FY 1991 annual fee of $1,500 for category 3P was less than the $1,800 small entity annual fee. Therefore, small entities in this category paid the $1,500 annual fee, not $1,800.

Since 1991, NRC's Part 170 inspection, renewal, and amendment fees for materials licenses have been eliminated and the costs of those services included in the annual fee. Although the annual fee now covers the costs for inspections, renewals, and amendments, the small entity fee itself remained unchanged. As a result, the maximum NRC fees paid by small entities has declined by 47 percent, from $3,400 in 1991 to $1,800 in 1999. This decrease occurred while the average total non-small entity annual fee for other NRC materials licenses increased by 25 percent and the average maximum annual fee for small entity licensees in Agreement States increased by 54 percent.

Table 3 compares the total fees (annual, inspection, renewal, and amendment) assessed to NRC materials licensees in 1991 with the total fees (annual) assessed to these licensees in 1999. In five of the seven categories the fee increases were over 20 percent. Of particular note are the increases in categories 7C—Nuclear Medicine, 3O—Industrial Radiography, and 3P—Gauges. These categories contain 67 percent of the small entity licenses invoiced for FY1999. The average fee increase for these three categories is 31 percent, compared to the 25 percent average for the seven categories reviewed.

TABLE 3.—COMPARISON BETWEEN TOTAL NRC ANNUAL FEES FOR SELECTED CATEGORIES FOR 1991 AND 1999

NRC Fees	7A Tele-therapy	7C Nuclear medicine	3M Research & devel-opment	3N Services	3O Industrial radiog-raphy	3P Gauges	5A Well logging	Average
1991 Annual Fee	$9,700	$3,500	$4,000	$4,400	$9,300	$1,500	$7,000	$5,600
1991 Other Fees:								
Annualized Inspection Fee	920	420	200	140	920	180	200	
Amendment Fee	340	340	630	320	390	300	430	
Annualized Renewal Fee	130	170	40	130	280	80	320	
Total Other Fees	1,390	930	870	590	1,590	560	950	
Total Fee in 1991 (Rounded)	11,100	4,400	4,900	5,000	10,900	2,100	8,000	6,700
Total (Annual) Fee In 1999	15,300	5,800	5,000	5,200	14,700	2,600	9,900	8,400
Fee Increase from 1991 to 1999	38%	32%	2%	4%	35%	24%	24%	25%

Table 4 compares the 1991 fees for amendments and inspections with the cost to provide these services in 1999. The cost was determined by multiplying the average hours to complete amendments and inspections by the hourly rate. The 1999 cost for amendments is on average 60 percent higher than the amendment fee assessed in 1991; inspection costs are 260 percent higher. These services are provided to all licensees, both small entities and non-small entities. However, under the current fee structure these costs are recovered only from annual fees assessed to non-small entities. Because the small entity annual fee has remained static, it does not reflect any increases in NRC's costs since 1991.

TABLE 4.—COMPARISON OF NRC INSPECTION AND AMENDMENT COSTS IN 1991 AND 1999

	Amendments			Inspections		
	1991	1999	Increase (percent)	1991	1999	Increase (percent)
7A—Teletherapy	$340	$450	32	$920	$3,200	248
7C—Nuclear Medicine	340	520	53	830	3,100	273
3M—Research & Development	630	710	13	800	2,300	188
3N—Services	320	690	116	550	2,700	391
3O—Industrial Radiography	390	780	100	920	3,300	259
3P—Gauges	300	390	30	920	2,200	139
5A—Well Logging	430	950	121	640	2,700	322
Average	400	640	60	800	2,900	263

Given NRC's 100 percent cost recovery requirement, the portion of annual fees not recovered from small entities is passed to other NRC licensees. The increasing disparity between the small entity fee and the cost of NRC services included in the annual fee calls for a more equitable distribution of the NRC costs to these licensees. An increase in the small entity fee would mitigate the cost differences and would permit small entities to assume a greater portion of NRC costs attributable to them. If everything else remains the same, an increase in the small entity fee would result in a decrease in the small entity subsidy paid by other licensees.

C. Analysis of Increases in the Consumer Price Index

On a national level the cost of goods and services increased between 1991 and 1999. According to the U.S. Department of Labor, Bureau of Labor Statistics, the Consumer Price Index (CPI) increased 28.8 points, from 136.2 in 1991 to 165.0 for the first half of 1999, an increase of 21 percent. This index is an accepted economic indicator of price changes in the US economy. The 21 percent increase in the CPI is evidence that costs in NRC's external environment have increased. Obviously, NRC's cost of providing services to its licensees will be impacted by these increases.

D. Alternatives for Revising the Maximum Annual Fee

1. Increase Small Entity Fees Using the 1991 Methodology

Following the reasoning used in the 1991 process, the maximum annual fee for small entities could be revised to reflect the current maximum fees charged by Agreement States and the changes in the NRC fee structure since 1991. The maximum Agreement State fee assessed to small entities in 1999 is $4,700. Therefore, the maximum value for NRC's small entity fee could be set at $4,700.

This method would allow the NRC to recover from small entities 48 percent of the total amount of the small entity annual fee invoices. Although this method is defensible, because it is based on sound reasoning used in the original establishment of the small entity fees that have been in place since 1991, it is based on an external fee that is outside NRC's direct control.

2. Increase the Small Entity Fee Using the Average Increase in NRC Materials License Fees From 1991 to 1999

From 1991 to 1999 total NRC fees for materials licenses increased, on average, by 25 percent. This percentage could be applied to the existing small entity fee to give a new small entity fee of $2,300.

This method is a simple and obvious means of applying the rates of increase in NRC fees since FY 1991 to the small entity fees. This method does not consider the changes to the total fees paid by small entities since FY 1991 and does not incorporate changes in the composition of the total fees assessed to small entities per year by Agreement States. However, it does rely on the increases to the total fees paid by other NRC materials licensees since FY 1991. This method could also provide a sustainable and simple means of determining whether NRC's small entity fees should be revised in the future.

3. Add the 1991 Amendment, Renewal, and Inspection Costs to the Existing Small Entity Fee and Increase the Sum by the Average Increase in NRC Materials License Fees From 1991 to 1999

The small entity fee could be increased by loading the existing small entity annual fee of $1,800 with the amendment, renewal, and inspection costs used in 1991 and increasing the total by 25 percent. This method not only incorporates the average increase in NRC fees but it bases the increase on the total annual costs that were assessed to small entities in 1991.

To revise the small entity fee using this method, a category must be selected as the 1991 base. The total annual cost for this

category, as presented in Table 3, will then be increased by the NRC average of 25 percent. Five possible approaches to selecting the 1991 base were explored.

Method 3A—Maximum Fee Category in the Benchmark States

Method 3A uses the Industrial Radiography category as the base. This category had the maximum fee in the Agreement States benchmarked in 1991. The total NRC fee assessed to the Industrial Radiography category in 1991 was $3,400. Increasing this fee by 25 percent gives a new small entity fee of $4,300.

Method 3B—Highest Number of Small Entities Present

Method 3B uses the fee category with the highest number of small entities. In FY1999, Category 3P, Gauges and Other Industrial Uses, had 30 percent of all NRC small entity licensees. This was the highest number of small entities present in a single category. In 1991, the total fees for Category 3P was $2,100. A 25 percent increase in this fee would set the small entity fee at $2,600.

Method 3C—Highest Number of Upper Tier Small Entities Present

Method 3C uses Category 7C, Nuclear Medicine as the base. This category has the highest number of upper tier small entities and is considered a viable base because the small entity annual fee originally established in FY 1991 was the upper tier fee. In 1991, Category 7C had a total fee of $2,700; this base would give a new small entity fee of $3,400.

Method 3A yields a 45 percent recovery of the invoiced amounts from small entities, the highest recovery rate under Method 3. However, the Industrial Radiography category contains only 7 percent of all NRC small entity licensees in 1999 and arguably does not affect a significant number of the small entities. Method 3B addresses this issue and uses Category 3P, the category with the highest number of small entities. However, the 3P Category also has the lowest 1991 total cost and results in a recovery rate of 34 percent from small entities, the lowest under Method 3. Method 3C uses Category 7C, Nuclear Medicine, and is preferable to both Methods 3A and 3B in that it yields a 37 percent recovery rate from small entities and contains 30 percent of the small entity licensees.

Methods 3A, 3B and 3C are all based on the selection of a single fee category as the 1991 base. Using the fee from a specific fee category as the base fee can implicitly make the category a benchmark. This increases the risk of challenges to the fee if significant changes occur in the benchmark category.

Method 3D—Weighted Average of the Total Fees in the Seven Categories

Method 3D uses the number of upper tier small entities in each category to weight the total fee assessed to each category in 1991. The weighted-average of $2,700 is then used as the base. This gives a new small entity fee of $3,400.

Method 3E—Average of the Total Fees for the Seven Categories

Method 3E uses the average total fee for the categories reviewed as the base fee. The average total fee of $2,800 is then increased by 25 percent to give a new small entity fee of $3,500.

Both Methods 3D and 3E use averages to determine the base fee and this reduces the risks associated with Methods 3A, 3B and 3C. Both methods yield the same recovery rate of 37 percent and can be considered equally acceptable from a monetary perspective.

Because Method 3D uses a weighted average, the number of small entities in each of the seven categories are factored into the selection process while smoothing the impact of the highest and lowest fee categories.

While Methods 3D and 3E would consider the total fees paid by small entities in FY 1991 and would increase the amounts recovered from small entities thereby reducing the small entity subsidy paid by other licensees, the percentage increase under either of these methods would be larger than the average percentage increase in the total fees assessed to other NRC materials licensees since FY 1991.

IV. Conclusion

Based on the results of the reanalysis, the NRC is proposing to increase the maximum small entity annual fee by 25 percent, based on the percentage increase since FY 1991 in the average total fees paid per year by other NRC materials licensees. As a result, the maximum small entity annual fee would increase from $1,800 to $2,300. By increasing the maximum annual fee for small entities from $1,800 to $2,300, the annual fee for many small entities is reduced while at the same time materials licensees, including small entities, would pay for most of the costs attributable to them. The costs not recovered from small entities are allocated to other materials licensees and to power reactors.

While reducing the impact on many small entities, the proposed maximum annual fee of $2,300 for small entities may continue to have a significant impact on materials licensees with annual gross receipts in the thousands of dollars. Therefore, the NRC would continue to provide a lower-tier small entity annual fee for small entities with relatively low gross annual receipts. The lower-tier small entity fee also applies to manufacturing concerns, and educational institutions not State or publicly supported, with less than 35 employees. The NRC is proposing to increase the lower tier small entity fee by the same percentage increase to the maximum small entity annual fee. This 25 percent increase would result in the lower tier small entity fee increasing from $400 to $500.

In the future, the NRC plans to re-examine the small entity fees each year that annual fees are rebaselined. As part of the re-examination, the NRC will consider the percentage increase in fees paid by other NRC materials licensees since the last rebaselining to determine if the maximum small entity annual fees should be revised.

The NRC continues to believe that the 10 CFR Part 170 application fees, or any adjustments to these licensing fees during the past year, do not have a significant impact on small entities.

V. Summary

The NRC has determined that the 10 CFR Part 171 annual fees significantly impact a substantial number of small entities. A maximum fee for small entities strikes a balance between the requirement to collect 100 percent of the NRC budget and the requirement to consider means of reducing the impact of the fee on small entities. On the basis of its regulatory flexibility analyses, the NRC concludes that a maximum annual fee of $2,300 for small entities and a lower-tier small entity annual fee of $500 for small businesses and not-for-profit organizations with gross annual receipts of less than $350,000, small governmental jurisdictions with a population of less than 20,000, small manufacturing entities that have less than 35 employees and educational institutions that are not State or publicly supported and have less than 35 employees reduces the impact on small entities. At the same time, these reduced annual fees are consistent with the objectives of OBRA–90. Thus, the fees for small entities maintain a balance between the objectives of OBRA–90 and the RFA.

Attachment 1 to Appendix A.—U.S. Nuclear Regulatory Commission, Small Entity Compliance Guide, Fiscal Year 2000

Contents

Introduction
NRC Definition of Small Entity
NRC Small Entity Fees
Instructions for Completing NRC Form 526

Introduction

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires all Federal agencies to prepare a written guide for each ''major'' final rule as defined by the Act. The NRC's fee rule, published annually to comply with the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), requires the NRC to collect approximately 100 percent of its budget authority each year through fees. This rule is considered a ''major'' rule under this law. This compliance guide has been prepared to assist NRC material licensees comply with the FY 2000 fee rule.

Licensees may use this guide to determine whether they qualify as a small entity under NRC regulations and are eligible to pay reduced FY 2000 annual fees assessed under 10 CFR Part 171. The NRC has established two tiers of separate annual fees for those materials licensees who qualify as small entities under NRC's size standards.

Licensees who meet NRC's size standards for a small entity must complete NRC Form 526 to qualify for the reduced annual fee. This form accompanies each annual fee invoice mailed to materials licensees. The completed form, the appropriate small entity fee, and the payment copy of the invoice, should be mailed to the U.S. Nuclear Regulatory Commission, License Fee and Accounts Receivable Branch, to the address indicated on the invoice. Failure to file a small entity certification in a timely manner may result in the denial of any refund that might otherwise be due.

NRC Definition of Small Entity

The NRC has defined a small entity for purposes of compliance with its regulations (10 CFR 2.810) as follows:

1. Small business—a for-profit concern that provides a service or a concern not engaged in manufacturing with average gross receipts of $5 million or less over its last 3 completed fiscal years;

2. Manufacturing industry—a manufacturing concern with an average number of 500 or fewer employees based upon employment during each pay period for the preceding 12 calendar months;

3. Small organization—a not-for-profit organization which is independently owned and operated and has annual gross receipts of $5 million or less;

4. Small governmental jurisdiction—a government of a city, county, town, township, village, school district or special district with a population of less than 50,000;

5. Small educational institution—an educational institution supported by a qualifying small governmental jurisdiction, or one that is not state or publicly supported and has 500 or fewer labors.[1]

NRC Small Entity Fees

In 10 CFR 171.16 (c), the NRC has established two tiers of small entity fees for licensees that qualify under the NRC's size standards. The NRC is proposing to increase these fees by 25 percent. The proposed fees are as follows:

	Maximum annual fee per licensed category
Small Business Not Engaged in Manufacturing and Small Not-For Profit Organizations (Gross Annual Receipts):	
$350,000 to $5 million	$2,300
Less than $350,000	500
Manufacturing entities that have an average of 500 employees or less:	
35 to 500 employees	2,300
Less than 35 employees	500
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 50,000	2,300
Less than 20,000	500
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Less:	
35 to 500 employees	2,300
Less than 35 employees	500

To pay a reduced annual fee, a licensee must use NRC Form 526, enclosed with the fee invoice, to certify that it meets NRC's size standards for a small entity. Failure to file NRC Form 526 in a timely manner may result in the denial of any refund that might otherwise be due.

Instructions for Completing NRC Form 526

1. File a separate NRC Form 526 for each annual fee invoice received.

2. Complete all items on NRC Form 526 as follows:

a. The license number and invoice number must be entered exactly as they appear on the annual fee invoice.

b. The Standard Industrial Classification (SIC) Code should be entered if it is known.

c. The licensee's name and address must be entered as they appear on the invoice. Name and/or address changes for billing purposes must be annotated on the invoice. Correcting the name and/or address on NRC Form 526 or on the invoice does not constitute a request to amend the license. Any request to amend a license is to be submitted to the respective licensing staffs in the NRC Regional or Headquarters Offices.

d. Check the appropriate size standard under which the licensee qualifies as a small entity. Check one box only. Note the following:

(1) The size standards apply to the licensee, not the individual authorized users listed in the license.

(2) Gross annual receipts as used in the size standards includes all revenue in whatever form received or accrued from whatever sources, not solely receipts from licensed activities. There are limited exceptions as set forth at 13 CFR 121.104. These are: the term receipts excludes net capital gains or losses, taxes collected for and remitted to a taxing authority if included in gross or total income, proceeds from the transactions between a concern and its domestic or foreign affiliates (if also excluded from gross or total income on a consolidated return filed with the IRS), and amounts collected for another by a travel agent, real estate agent, advertising agent, or conference management service provider.

(3) A licensee who is a subsidiary of a large entity does not qualify as a small entity.

(4) The owner of the entity, or an official empowered to act on behalf of the entity, must sign and date the small entity certification.

The NRC sends invoices to its licensees for the full annual fee, even though some entities qualify for reduced fees as a small entity. Licensees who qualify as a small entity and file NRC Form 526, which certifies eligibility for small entity fees, may pay the reduced fee, which for a full year is either $2,300 or $500 depending on the size of the entity, for each fee category shown on the invoice. Licensees granted a license during the first six months of the fiscal year and licensees who file for termination or for a possession only license and permanently cease licensed activities during the first six months of the fiscal year pay only 50 percent of the annual fee for that year. Such an invoice states the ''Amount Billed Represents 50% Proration.'' This means the amount due from a small entity is not the prorated amount shown on the invoice but rather one-half of the maximum annual fee shown on NRC Form 526 for the size standard under which the licensee qualifies, resulting in a fee of either $1150 or $250 for each fee category billed instead of the full small entity annual fee of $2,300 or $500.

A new small entity form (NRC Form 526) must be filed with the NRC each fiscal year to qualify for reduced fees for that fiscal year. Because a licensee's ''size,'' or the size standards, may change from year to year, the invoice reflects the full fee and a new Form must be completed and returned for the fee to be reduced to the small entity fee. LICENSEES WILL NOT BE ISSUED A NEW INVOICE FOR THE REDUCED AMOUNT. The completed NRC Form 526, the payment of the appropriate small entity fee, and the ''Payment Copy '' of the invoice should be mailed to the U. S. Nuclear Regulatory Commission, License Fee and Accounts Receivable Branch at the address indicated on the invoice.

If you have questions about the NRC's annual fees, please call the license fee staff at 301–415–7554, e-mail the fee staff at fees@nrc.gov, or write to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Office of the Chief Financial Officer.

False certification of small entity status could result in civil sanctions being imposed by the NRC under the Program Fraud Civil Remedies Act, 31 U.S.C. 3801 *et seq.* NRC's implementing regulations are found at 10 CFR Part 13.

[FR Doc. 00–6914 Filed 3–24–00; 8:45 am]

BILLING CODE 7590–01–P

[1] An educational institution referred to in the size standards is an entity whose primary function is education, whose programs are accredited by a nationally recognized accrediting agency or association, who is legally authorized to provide a program of organized instruction or study, who provides an educational program for which it awards academic degrees, and whose educational programs are available to the public.

Federal Register

Monday,
March 27, 2000

Part III

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1 and Part 19 et al.
Federal Acquisition Circular 97–16; Introduction; Federal Acquisition Regulation; Small Business Competiveness Demonstration Program; Progress Payments and Related Financing Policies; Technical Amendments; Small Entity Compliance Guide; Interim and Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Circular 97–16; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final and interim rules, and technical amendments.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules issued by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 97–16. The Councils drafted these FAR rules using plain language in accordance with the White House memorandum, Plain Language in Government Writing, dated June 1, 1998. The Councils wrote all new and revised text using plain language. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at http://www.arnet.gov/far.

DATES: For effective dates and comment dates, see separate documents which follow.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact the analyst whose name appears in the table below in relation to each FAR case or subject area. Please cite FAC 97–16 and specific FAR case number(s). Interested parties may also visit our website at http://www.arnet.gov/far.

Item	Subject	FAR case	Analyst
I	Small Business Competitiveness Demonstration Program (Interim).	1999–012	Moss.
II	Progress Payments and Related Financing Policies	1998–400 (98–400)	Olson.
III	Technical Amendments.		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

Federal Acquisition Circular 97–16 amends the FAR as specified below:

Item I—Small Business Competitiveness Demonstration Program (FAR Case 1999–012)

This interim rule amends FAR Subpart 19.10 to clarify language pertaining to the Small Business Competitiveness Demonstration (Comp. Demo.) Program, consistent with revisions to the Program that were contained in an OFPP and SBA joint final policy directive dated May 25, 1999.

The interim rule—

- Advises the contracting officer to consider the 8(a) Program and HUBZone Program, in addition to small business set-asides, for acquisitions of $25,000 or less in one of the four designated industry groups that will not be set aside for emerging small business concerns.
- Adds FAR 19.1006, Exclusions, to specify acquisitions to which Subpart 19.10 does not apply. None of the Small Business Comp. Demo. policies and procedures apply to orders under the Federal Supply Schedule Program or to contracts awarded to educational and nonprofit institutions or governmental entities.

This interim rule only will affect contracting officers at participating agencies when acquiring supplies or services subject to the procedures of the Small Business Comp. Demo. Program. The participating agencies are: Department of Agriculture; Department of Defense, except the National Imagery and Mapping Agency; Department of Energy; Department of Health and Human Services; Department of the Interior; Department of Transportation; Department of Veterans Affairs; Environmental Protection Agency; General Services Administration; and National Aeronautics and Space Administration.

Item II—Progress Payments and Related Financing Policies (FAR Case 1998–400) (98–400)

This final rule revises certain financing policies at FAR Part 32, Contract Financing, and related contract provisions at FAR Part 52. The rule—

- Emphasizes that performance-based payments are the preferred method of contract financing. Performance-based payments are contract financing payments made after achievement of predetermined goals, such as performance objectives or defined events. Contracting officers should consider performance-based payments and deem their use impracticable before deciding to provide customary progress payments;
- Permits contracting officers to provide contract financing on contracts awarded to large businesses if the individual contract is $2 million or more. Previously, the threshold in the FAR for financing a contract with a large business was $1 million;
- Permits a large business to bill the Government for subcontract costs that the large business has incurred but not actually paid, if certain conditions are met. Previously, the FAR permitted only small business concerns to bill for subcontract costs that have been incurred but not paid;
- Permits the contracting officer to use performance-based payments in contracts for research and development, and in contracts awarded through competitive negotiation procedures; and
- Is effective on March 27, 2000. However, it is mandatory only for solicitations issued on or after May 26, 2000. Contracting officers may, at their discretion, include the clauses and provisions in this rule in solicitations issued before that date.

Item III—Technical Amendments

These amendments update references and make editorial changes at sections 1.106, 1.201–1, 1.304, 6.305, 9.404, 9.405, 15.404–1, 49.105–2, 52.212–1, 52.217–9, and 52.219–23.

Dated: March 20, 2000.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 97–16 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

All Federal Acquisition Regulation (FAR) changes and other directive material contained in FAC 97–16 are effective March 27, 2000. For Item II, the rule is mandatory for solicitations issued on or after May 26, 2000, but contracting officers may, at their discretion, include the clauses and provisions in soliciations issued before May 26, 2000. For Item I, the rule is applicable to solicitations issued on or after the rule's effective date.

Dated: March 15, 2000.

R.D. Kerrins, Jr.,

Acting Director, Defense Procurement.

Dated: March 20, 2000.

Sue McIver,

Acting Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: March 16, 2000.

Tom Luedtke,

Associate Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 00–7307 Filed 3–24–00; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 19

[FAC 97–16; FAR Case 1999–012; Item I]

RIN 9000–AI64

Federal Acquisition Regulation; Small Business Competitiveness Demonstration Program

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement the Office of Federal Procurement Policy (OFPP) and Small Business Administration (SBA) final policy directive to provide updated guidance on the Small Business Competitiveness Demonstration Program.

DATES: *Effective Date:* March 27, 2000.

Applicability Date: The FAR, as amended by this rule, is applicable to solicitations issued on or after March 27, 2000.

Comment Date: Interested parties should submit comments to the FAR Secretariat at the address shown below on or before May 26, 2000 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW, Room 4035, Attn: Ms. Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to: farcase.1999–012@gsa.gov. Please submit comments only and cite FAC 97–16, FAR case 1999–012 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Victoria Moss, Procurement Analyst, at (202) 501–4764. Please cite FAC 97–16, FAR case 1999–012.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends FAR Subpart 19.10 to provide updated guidance regarding the Small Business Competitiveness Demonstration Program (Program). The Program was originally established in 1988 by Title VII of Public Law 100–656, as amended, and subsequently implemented in the FAR. As statutory amendments were made to the Program, OFPP issued conforming modifications to its policy directive. With the enactment of Public Law 105–135, the Small Business Reauthorization Act of 1997, the Program was made permanent. The OFPP and SBA published a joint final policy directive on the Program in the **Federal Register** at 64 FR 29693, June 2, 1999. Specific guidance published in the OFPP and SBA final policy directive requires that DoD, GSA, and NASA revise the FAR to provide this updated guidance.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely makes ministerial changes to the existing language and does not change existing policy. Therefore, the Councils have not performed an Initial Regulatory Flexibility Analysis. Comments are invited from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR subpart in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 1999–012), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because this rule implements a joint OFPP/SBA policy directive that became effective on October 1, 1999. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Part 19

Government procurement.

Dated: March 20, 2000.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR part 19 as set forth below:

PART 19—SMALL BUSINESS PROGRAMS

1. The authority citation for 48 CFR part 19 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Amend section 19.502–2 in paragraph (a) by revising the last sentence; and in paragraph (d) by removing ''(see 19.1006(b))'' and adding ''(see 19.1007(b))'' in its place. The revised text reads as follows:

19.502–2 Total small business set-asides.

(a) * * * The small business reservation does not preclude the award

of a contract with a value not greater than $100,000 under Subpart 19.8, Contracting with the Small Business Administration, under 19.1007(c), Solicitations equal to or less than the ESB reserve amount, or under 19.1305, HUBZone set-aside procedures.

* * * * *

3. Amend section 19.1001 by revising the introductory paragraph to read as follows:

19.1001 General.

The Small Business Competitiveness Demonstration Program was established by the Small Business Competitiveness Demonstration Program Act of 1988, Public Law 100–656 (15 U.S.C. 644 note). The program is implemented by a joint OFPP and SBA Policy Directive and Implementation Plan, dated May 25, 1999. The program consists of two major components—

* * * * *

4. Amend section 19.1002 by revising the section heading and adding, in alphabetical order, the definition ''Emerging small business reserve amount'' to read as follows:

19.1002 Definitions.

* * * * *

Emerging small business reserve amount, for the designated groups described in 19.1005, means a threshold established by the Office of Federal Procurement Policy of—

(1) $25,000 for construction, refuse systems and related services, and nonnuclear ship repair; and

(2) $50,000 for architectural and engineering services.

19.1003 [Amended]

5. Amend section 19.1003 by redesignating paragraphs (b) and (c) as (c) and (b), respectively.

6. Amend section 19.1005 by redesignating paragraphs (a)(3) and (a)(4) as (a)(4) and (a)(3), respectively, and revising newly designated (a)(4); and in paragraph (b) by removing ''shall designate'' and adding ''designates'' in its place. The revised text reads as follows:

19.1005 Applicability.

(a) * * *

(4) Architectural and engineering services (including surveying and mapping) under SIC code 7389, 8711, 8712, or 8713 (limited to FPDS service codes C111 through C216, C219, T002, T004, T008, T009, T014, and R404), which are awarded under the qualification-based selection procedures required by 40 U.S.C. 541, *et seq.* (the ''Brooks A–E Act'') (see Subpart 36.6).

* * * * *

19.1006 and 19.1007 [Redesignated as 19.1007 and 19.1008, respectively] [New 19.1006 added]

7a. Redesignate sections 19.1006 and 19.1007 as 19.1007 and 19.1008, respectively; and add a new section 19.1006 to read as follows:

19.1006 Exclusions.

This subpart does not apply to—

(a) Orders placed against Federal Supply Schedules;

(b) Contract awards to educational and nonprofit organizations; or

(c) Contract awards to governmental entities.

7b. Revise the newly designated 19.1007 to read as follows:

19.1007 Procedures.

(a) *General.* (1) All solicitations must include the applicable SIC code and size standards.

(2) The face of each award made pursuant to the program must contain a statement that the award is being issued pursuant to the Small Business Competitiveness Demonstration Program.

(b) *Solicitations greater than the ESB reserve amount.* (1) Solicitations for acquisitions in any of the four designated industry groups that have an anticipated dollar value greater than the emerging small business reserve amount must not be considered for small business set-asides under subpart 19.5. However, agencies may reinstate the use of small business set-asides as necessary to meet their assigned goals, but only within organizational units that failed to meet the small business participation goal.

(2) Acquisitions in the designated industry groups must continue to be considered for placement under the 8(a) Program (see subpart 19.8) and the HUBZone Program (see subpart 19.13).

(c) *Solicitations equal to or less than the ESB reserve amount.* (1) Solicitations for acquisitions in the four designated industry groups with an estimated value equal to or less than the emerging small business reserve amount must be set aside for ESBs, provided that the contracting officer determines that there is a reasonable expectation of obtaining offers from two or more responsible ESBs that will be competitive in terms of market price, quality, and delivery. If no such reasonable expectation exists, the contracting officer must—

(i) For acquisitions $25,000 or less, proceed in accordance with subpart 19.5, 19.8, or 19.13; or

(ii) For acquisitions greater than $25,000 and less than or equal to the ESB reserve amount, proceed in accordance with paragraph (b) of this section.

(2) If the contracting officer proceeds with the ESB set-aside and receives a quotation from only one ESB at a reasonable price, the contracting officer must make the award. If there is no quote from an ESB, or the quote is not at a reasonable price, then the contracting officer must cancel the ESB set-aside and proceed in accordance with paragraph (c)(1)(i) or (ii) of this section.

(d) *Expanding small business participation in targeted industry categories.* Each participating agency must develop and implement a time-phased strategy with incremental goals, including reporting on goal attainment. To the extent practicable, provisions that encourage and promote teaming and joint ventures must be considered. These provisions should permit small business firms to effectively compete for contracts that individual small businesses would be ineligible to compete for because of lack of production capacity or capability.

19.1008 [Amended]

7c. Amend the newly designated 19.1008 in paragraphs (a), (b), and (c) by removing ''The contracting officer shall insert'' and adding ''Insert'' in their place; and in paragraph (b) by removing ''19.1006(c)'' and adding ''19.1007(c)'' in its place.

[FR Doc. 00–7308 Filed 3–24–00; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 32 and 52

[FAC 97–16; FAR Case 1998–400 (98–400); Item II]

RIN 9000–AI27

Federal Acquisition Regulation; Progress Payments and Related Financing Policies

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule

amending the Federal Acquisition Regulation (FAR) to reduce the burdens imposed on contractors and contracting officers by the progress payment type of financing; to permit the use of performance-based payments in contracts for research and development, and contracts awarded through competitive negotiation procedures; to expand the use of subcontractor performance-based and commercial financing payments; and to simplify and clarify related provisions.

DATES: *Effective Date:* March 27, 2000.

Applicability Date: The FAR, as amended by this rule, is mandatory for solicitations issued on or after May 26, 2000. Contracting officers may, at their discretion, include the clauses and provisions in this rule in solicitations issued before May 26, 2000.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jeremy Olson, at (202) 501–0692. Please cite FAC 97–16, FAR case 1998–400.

SUPPLEMENTARY INFORMATION:

A. Background

The Director of Defense Procurement at the Department of Defense established a special interagency team to review existing policies and procedures related to progress payments to make them easier to understand and to minimize the burdens imposed on contractors and contracting officers. This Progress Payment Rewrite Team considered for revision or elimination those regulatory requirements pertaining to progress payments that were not required by statute, required to ensure adequately standardized Government business practices, or required to protect the public interest.

The Progress Payment Rewrite Team published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** on May 1, 1997 (62 FR 23740). The ANPR solicited comments from industry and Government personnel on how the FAR could be revised to result in a simplified and streamlined process of applying for and administering progress payments.

After reviewing progress payment policies and public comments received in response to the ANPR, the team identified potential changes to the FAR. They published a second ANPR in the **Federal Register** on March 5, 1998 (63 FR 11074), that solicited comments on the potential changes identified in the notice. The ANPR also announced a public meeting, that was subsequently held on April 23, 1998. After considering written comments received in response to the two notices, and verbal comments provided during the public meeting, the Progress Payment Rewrite Team submitted a report including a draft proposed rule for consideration by the Councils.

The Councils reviewed the team's recommendations and published a proposed rule in the **Federal Register** on February 10, 1999 (64 FR 6758). Fifteen respondents submitted public comments to the proposed rule. Several respondents expressed concern that the use of performance-based payments in competitive negotiations may lengthen the competitive process and complicate proposal evaluation. The Councils believe that potential procedural impacts are among the factors (along with such issues as the potential impact on small business competitiveness) that the contracting officer may consider when assessing the practicality of the use of performance-based payments under FAR 32.1001. However, the Councils also believe that performance-based payments can be used effectively in competitive negotiations, and that their use may attract new sources, including small businesses, whose accounting systems do not support cost-based financing. Consequently, the Councils concluded the existing FAR prohibition against use of performance-based payments in competitive negotiations is inappropriate. The final rule differs from the proposed rule by making a number of nonsubstantive, clarifying changes.

The final rule revises the FAR to:

1. *Ensure consideration of performance-based payments.* The rule emphasizes that—

(a) Performance-based payments are the preferred method of financing;

(b) Their use should be considered and deemed impracticable by the contracting officer before a decision is made to provide customary progress payments; and

(c) Each payment amount should represent what the contractor could reasonably be expected to incur to achieve the payment event rather than resemble an advance payment or a reward to the contractor for achieving performance levels over and above what is required for successful completion of the contract.

2. *Increase the threshold for contract financing and establish a threshold for individual progress payment requests.* To reduce the administrative burden that small dollar actions place on the contract administration and payment process, the final rule—

(a) Raises the dollar threshold for use of contract financing with large businesses from $1 million to $2 million; and

(b) Adds a minimum dollar threshold of $2,500 for individual progress payment requests, unless a lower amount is authorized in accordance with agency procedures.

3. *Eliminate the ''paid cost rule.''* Prior to implementation of this final rule, a large business was required to pay a subcontractor before including the payment in its billings to the Government. This is referred to as the ''paid cost rule.'' The final FAR rule allows a large business to include, in its billings, subcontract costs that it has incurred but not actually paid, provided the payment to the subcontractor will be made in accordance with the terms and conditions of a subcontract or invoice, and ordinarily prior to the submission of the contractor's next payment request to the Government.

4. *Permit subcontractor performance-based payments or commercial financing payments under prime contracts that have progress payments or cost-reimbursement type of financing.* The final rule permits prime contractors that receive progress payments or cost-reimbursement type of payments to use performance-based payments or commercial financing payments with their subcontractors.

5. *Eliminate the limitation on general and administrative expenses.* The rule removes the limitation at FAR 32.503–7, which applies to only those contractors that have established an inventory suspense account under 48 CFR 9904.410, Allocation of Business Unit General and Administrative Expenses to Final Cost Objectives. This provision dates from 1979 and currently applies to very few remaining contractors.

6. *Eliminate the contracting officer review of quarterly statements.* The rule removes the requirement for the contracting officer to review quarterly statements under price revision or redeterminable contracts. This requirement is unnecessary, as the Government's interests are protected adequately by the contracting officer that has the responsibility for administering progress payments.

7. *Permit the use of performance-based payments in contracts for research and development, and in contracts awarded through competitive negotiation procedures.* The rule removes the prohibition against using performance-based payments type of financing in contracts for research and development, and contracts awarded

through competitive negotiation procedures.

8. *Simplify and clarify.* The rule also simplifies and clarifies the concept that, on a loss contract, application of the loss ratio constitutes the adjustment that ensures progress payments do not exceed the value of work performed; deletes the authorization for the Department of Defense to establish customary progress payment rates for foreign military sales (FMS) and flexible progress payments that differ from the customary rates cited in FAR 32.501–1(a) (DoD no longer uses flexible progress payments and does not intend to establish alternate rates for FMS); and makes a number of editorial changes.

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration stated in the proposed rule that the rule was not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most contracts awarded to small entities have a dollar value less than the simplified acquisition threshold, and, therefore, do not require the progress payment or performance-based payment type of financing. However, some of the commentors expressed the concern that elimination of the ''paid cost rule'' may have a significant impact on a substantial number of small entities. Accordingly, even though an Initial Regulatory Flexibility Analysis had not been done, the Councils prepared a Final Regulatory Flexibility Analysis (FRFA) as a result of those comments. The FRFA is summarized as follows:

The small entities that may be impacted by elimination of the ''paid cost rule'' are subcontractors to large businesses. That is, the current FAR requires large businesses to pay its subcontractors by cash or check before the large business can request payment from the Government under cost reimbursement contracts or progress payments for amounts owed to subcontractors. The final rule will permit prime contractors to request payment of those amounts from the Government when it incurs a cost based on a request for payment from its subcontractors.

We do not have any reporting mechanisms or central data collections that reveal how many subcontractors may be impacted by this rule. However, we have concluded that the number may be substantial.

In order to mitigate any potential impact this portion of the rule may have on small businesses, the Councils adopted a range of safeguards to provide further assurances that payments to subcontractors will not be delayed. These safeguards were adopted rather than merely applying the policies previously used for small businesses that permitted small business prime contractors to recognize subcontract costs immediately after they were incurred, even if they were not yet paid to the subcontractor. This final rule requires that both large and small business prime contractors pay these incurred subcontract amounts in accordance with the terms of the subcontract and ordinarily before submittal of the next payment request sent to the Government.

The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the final rule contains information collection requirements.

1. *Office of Management and Budget (OMB) Control Number 9000–0010.* The final rule decreases the collection requirements under the previously approved OMB Control No. 9000–0010, since the rule raises the threshold for permitting contract financing in the form of progress payments based on costs, and establishes a dollar threshold for contractor requests for progress payments. OMB approved the revised information collection requirement through September 30, 2002. Estimated number of respondents: reduced from 27,000 to 18,090; yearly responses per respondent: 32 (unchanged); average time per response: 33 minutes (unchanged); total yearly burden hours: reduced from 475,000 to 318,384; frequency of report; on occasion.

2. *Office of Management and Budget (OMB) Control Number 9000–0138.* There is no net impact to the collection requirements currently approved under OMB Control No. 9000-0138. The increase in hours associated with the addition of the provision at FAR 52.232–28, Invitation to Propose Performance-Based Payments, is offset by the decrease in hours resulting from raising the contract dollar threshold for permitting performance-based payments.

List of Subjects in 48 CFR Parts 32 and 52

Government procurement.

Dated: March 20, 2000.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 32 and 52 as set forth below:

1. The authority citation for 48 CFR parts 32 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 32—CONTRACT FINANCING

2. Revise section 32.104 to read as follows:

32.104 Providing contract financing.

(a) Prudent contract financing can be a useful working tool in Government acquisition by expediting the performance of essential contracts. Contracting officers must consider the criteria in this part in determining whether to include contract financing in solicitations and contracts. Resolve reasonable doubts by including contract financing in the solicitation. The contracting officer must—

(1) Provide Government financing only to the extent actually needed for prompt and efficient performance, considering the availability of private financing and the probable impact on working capital of the predelivery expenditures and production lead-times associated with the contract, or groups of contracts or orders (*e.g.,* issued under indefinite-delivery contracts, basic ordering agreements, or their equivalent);

(2) Administer contract financing so as to aid, not impede, the acquisition;

(3) Avoid any undue risk of monetary loss to the Government through the financing;

(4) Include the form of contract financing deemed to be in the Government's best interest in the solicitation (see 32.106 and 32.113); and

(5) Monitor the contractor's use of the contract financing provided and the contractor's financial status.

(b) If the contractor is a small business concern, the contracting officer must give special attention to meeting the contractor's contract financing need. However, a contractor's receipt of a certificate of competency from the Small Business Administration has no bearing on the contractor's need for or entitlement to contract financing.

(c) Subject to specific agency regulations and paragraph (d) of this section, the contracting officer—

(1) May provide customary contract financing in accordance with 32.113; and

(2) Must not provide unusual contract financing except as authorized in 32.114.

(d) Unless otherwise authorized by agency procedures, the contracting officer may provide contract financing in the form of performance-based payments (see subpart 32.10) or customary progress payments (see subpart 32.5) if the following conditions are met:

(1) The contractor—

(i) Will not be able to bill for the first delivery of products for a substantial time after work must begin (normally 4 months or more for small business concerns, and 6 months or more for others), and will make expenditures for contract performance during the predelivery period that have a significant impact on the contractor's working capital; or

(ii) Demonstrates actual financial need or the unavailability of private financing.

(2) If the contractor is not a small business concern—

(i) For an individual contract, the contract price is $2 million or more; or

(ii) For an indefinite-delivery contract, a basic ordering agreement or a similar ordering instrument, the contracting officer expects the aggregate value of orders or contracts that individually exceed the simplified acquisition threshold to have a total value of $2 million or more. The contracting officer must limit financing to those orders or contracts that exceed the simplified acquisition threshold.

(3) If the contractor is a small business concern—

(i) For an individual contract, the contract price exceeds the simplified acquisition threshold; or

(ii) For an indefinite-delivery contract, a basic ordering agreement or a similar ordering instrument, the contracting officer expects the aggregate value of orders or contracts to exceed the simplified acquisition threshold.

3. Amend section 32.106 in the introductory paragraph by removing ''shall'' and adding ''must'' in its place; and by revising paragraphs (a) and (b) to read as follows:

32.106 Order of preference.

* * * * *

(a) Private financing without Government guarantee. It is not intended, however, that the contracting officer require the contractor to obtain private financing—

(1) At unreasonable terms; or

(2) From other agencies.

(b) Customary contract financing other than loan guarantees and certain advance payments (see 32.113).

* * * * *

4. Add section 32.110 to read as follows:

32.110 Payment of subcontractors under cost-reimbursement prime contracts.

If the contractor makes financing payments to a subcontractor under a cost-reimbursement prime contract, the contracting officer should accept the financing payments as reimbursable costs of the prime contract only under the following conditions:

(a) The payments are made under the criteria in subpart 32.5 for customary progress payments based on costs, 32.202–1 for commercial item purchase financing, or 32.1003 for performance-based payments, as applicable.

(b) If customary progress payments are made, the payments do not exceed the progress payment rate in 32.501–1, unless unusual progress payments to the subcontractor have been approved in accordance with 32.501–2.

(c) If customary progress payments are made, the subcontractor complies with the liquidation principles of 32.503–8, 32.503–9, and 32.503–10.

(d) If performance-based payments are made, the subcontractor complies with the liquidation principles of 32.1004(d).

(e) The subcontract contains financing payments terms as prescribed in this part.

5. Revise the section heading at 32.112 to read as follows:

32.112 Nonpayment of subcontractors under contracts for noncommercial items.

* * * * *

6. Revise section 32.113 to read as follows:

32.113 Customary contract financing.

The solicitation must specify the customary contract financing offerors may propose. The following are customary contract financing when provided in accordance with this part and agency regulations:

(a) Financing of shipbuilding, or ship conversion, alteration, or repair, when agency regulations provide for progress payments based on a percentage or stage of completion.

(b) Financing of construction or architect-engineer services purchased under the authority of part 36.

(c) Financing of contracts for supplies or services awarded under the sealed bid method of procurement in accordance with part 14 through progress payments based on costs in accordance with subpart 32.5.

(d) Financing of contracts for supplies or services awarded under the competitive negotiation method of procurement in accordance with part 15, through either progress payments based on costs in accordance with subpart 32.5, or performance-based payments in accordance with subpart 32.10 (but not both).

(e) Financing of contracts for supplies or services awarded under a sole-source acquisition as defined in part 6 and using the procedures of part 15, through either progress payments based on costs in accordance with subpart 32.5, or performance-based payments in accordance with subpart 32.10 (but not both).

(f) Financing of contracts for supplies or services through advance payments in accordance with subpart 32.4.

(g) Financing of contracts for supplies or services through guaranteed loans in accordance with subpart 32.3.

(h) Financing of contracts for supplies or services through any appropriate combination of advance payments, guaranteed loans, and either performance-based payments or progress payments (but not both) in accordance with their respective subparts.

7. Amend section 32.205 in the introductory text of paragraph (b) by removing ''shall'' each time it is used (twice) and adding ''must'' in its place; and by revising the first sentence of paragraph (c)(4) to read as follows:

32.205 Procedures for offeror-proposed commercial contract financing.

* * * * *

(c) * * *

(4) The contracting officer must calculate the time value of proposal-specified contract financing arrangements using as the interest rate the nominal discount rate specified in Appendix C of the Office of Management and Budget (OMB) Circular A–94, ''Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs'', appropriate to the period of contract financing. * * *

8. Amend section 32.500 by revising paragraph (a) to read as follows:

32.500 Scope of subpart.

* * * * *

(a) Payments under cost-reimbursement contracts, but see 32.110 for progress payments made to subcontractors under cost-reimbursement prime contracts; or

* * * * *

9. Revise section 32.501–1 to read as follows:

32.501–1 Customary progress payment rates.

(a) The customary progress payment rate is 80 percent, applicable to the total

costs of performing the contract. The customary rate for contracts with small business concerns is 85 percent.

(b) The contracting officer must—

(1) Consider any rate higher than those permitted in paragraph (a) of this section an unusual progress payment; and

(2) Not include a higher rate in a contract unless advance agency approval is obtained as prescribed in 32.501–2.

(c) When advance payments and progress payments are authorized under the same contract, the contracting officer must not authorize a progress payment rate higher than the customary rate.

(d) In accordance with 10 U.S.C. 2307(e)(2) and 41 U.S.C. 255, the limit for progress payments is 80 percent on work accomplished under undefinitized contract actions. The contracting officer must not authorize a higher rate under unusual progress payments or other customary progress payments for the undefinitized actions.

10. Revise section 32.502–1 to read as follows:

32.502–1 Use of customary progress payments.

The contracting officer may use a Progress Payments clause in solicitations and contracts, in accordance with this subpart. The contracting officer must reject as nonresponsive bids conditioned on progress payments when the solicitation did not provide for progress payments.

11. Revise section 32.502–4 to read as follows:

32.502–4 Contract clauses.

(a)(1) Insert the clause at 52.232–16, Progress Payments, in—

(i) Solicitations that may result in contracts providing for progress payments based on costs; and

(ii) Fixed-price contracts under which the Government will provide progress payments based on costs.

(2) If advance agency approval has been given in accordance with 32.501–1, the contracting officer may substitute a different customary rate for other than small business concerns for the progress payment and liquidation rate indicated.

(3) If an unusual progress payment rate is approved for the prime contractor (see 32.501–2), substitute the approved rate for the customary rate in paragraphs (a)(1), (a)(5), and (b) of the clause.

(4) If the liquidation rate is changed from the customary progress payment rate (see 32.503–8 and 32.503–9), substitute the new rate for the rate in paragraphs (a)(1), (a)(5), and (b) of the clause.

(5) If an unusual progress payment rate is approved for a subcontract (see 32.504(c) and 32.501–2), modify paragraph (j)(6) of the clause to specify the new rate, the name of the subcontractor, and that the new rate shall be used for that subcontractor in lieu of the customary rate.

(b) If the contractor is a small business concern, use the clause with its Alternate I.

(c) If the contract is a letter contract, use the clause with its Alternate II.

(d) If the contractor is not a small business concern, and progress payments are authorized under an indefinite-delivery contract, basic ordering agreement, or their equivalent, use the clause with its Alternate III.

(e) If the nature of the contract necessitates separate progress payment rates for portions of work that are clearly severable and accounting segregation would be maintained (*e.g.,* annual production requirements), describe the application of separate progress payment rates in a supplementary special provision within the contract. The contractor must submit separate progress payment requests and subsequent invoices for the severable portions of work in order to maintain accounting integrity.

12. Revise section 32.503–1 to read as follows:

32.503–1 Contractor requests.

Each contractor request for progress payment must—

(a) Be submitted on Standard Form 1443, Contractor's Request for Progress Payment, in accordance with the form instructions and the contract terms;

(b) Include any additional information reasonably requested by the contracting officer; and

(c) Be $2,500 or more, unless agency procedures authorize a lower amount.

13. Amend section 32.503–5 by revising paragraph (c) to read as follows:

32.503–5 Administration of progress payments.

* * * * *

(c) Under indefinite-delivery contracts, the contracting officer should administer progress payments made under each individual order as if the order constituted a separate contract, unless agency procedures provide otherwise.

14. Amend section 32.503–6 in paragraph (e)(3) by removing ''paragraph (a)(2)'' and adding ''paragraph (a)(3)'' in its place; and by revising paragraphs (f) and (g)(4) to read as follows:

32.503–6 Suspension or reduction of payments.

* * * * *

(f) *Fair value of undelivered work.* Progress payments must be commensurate with the fair value of work accomplished in accordance with contract requirements. Governed by the principles of paragraphs (c) and (e) of this subsection, the contracting officer must adjust progress payments when necessary to ensure that the fair value of undelivered work equals or exceeds the amount of unliquidated progress payments. On loss contracts, the application of a loss ratio as described in paragraph (g) of this subsection constitutes this adjustment.

(g) * * *

(4) The following is an example of the supplementary analysis required in paragraph (g)(3) of this subsection:

Section I	
Contract price.	$2,850,000
Change orders and unpriced orders (to extent funds have been obligated)	150,000
Revised contract price	3,000,000
Section II	
Total costs incurred to date	2,700,000
Estimated additional costs to complete	900,000
Total costs to complete	3,600,000

$$\text{Loss ratio factor } \frac{\$3{,}000{,}000}{\$3{,}600{,}000} = 83.3\%$$

Total costs eligible for progress payments	2,700,000
Loss ratio factor	×83.3%
Recognized costs for progress payments	2,249,100
Progress payment rate	×80.0%
Alternate amount to be used	1,799,280
Section III	
Factored costs of items delivered*	750,000
Recognized costs applicable to undelivered items ($2,249,100–750,000)	1,499,100

* This amount must be the same as the contract price of the items delivered.

32.503–7 [Reserved]

15. Remove and reserve section 32.503–7.

16. Revise section 32.503–8 to read as follows:

32.503–8 Liquidation rates—ordinary method.

The Government recoups progress payments through the deduction of liquidations from payments that would otherwise be due to the contractor for completed contract items. To determine the amount of the liquidation, the contracting officer applies a liquidation rate to the contract price of contract

items delivered and accepted. The ordinary method is that the liquidation rate is the same as the progress payment rate. At the beginning of a contract, the contracting officer must use this method.

17. Amend section 32.503–10 in the introductory text of paragraph (a) by removing ''shall'' and adding ''must'' in its place; by revising paragraph (b)(1); in paragraph (b)(2) by removing ''shall'' and adding ''must'' in its place; and by revising paragraph (b)(3) to read as follows:

32.503–10 Establishing alternate liquidation rates.

* * * * *

(b) * * *

(1) The contracting officer must compute the expected progress payments by multiplying the estimated cost of performing the contract by the progress payment rate.

* * * * *

(3) The following are examples of the computation. Assuming an estimated price of $2,200,000 and total estimated costs eligible for progress payments of $2,000,000:

(i) If the progress payment rate is 80 percent, the minimum liquidation rate should be 72.7 percent, computed as follows:

$$\frac{\$2{,}000{,}000 \times 80\%}{\$2{,}200{,}000} = 72.7\%$$

(ii) If the progress payment rate is 85 percent, the minimum liquidation rate should be 77.3 percent, computed as follows:

$$\frac{\$2{,}000{,}000 \times 85\%}{\$2{,}200{,}000} = 77.3\%$$

* * * * *

32.503–13 [Reserved]

18. Remove and reserve section 32.503–13.

19. Revise the section heading and text of section 32.504 to read as follows:

32.504 Subcontracts under prime contracts providing progress payments.

(a) Subcontracts may include either performance-based payments, provided they meet the criteria in 32.1003, or progress payments, provided they meet the criteria in subpart 32.5 for customary progress payments, but not both. Subcontracts for commercial purchases may include commercial item purchase financing terms, provided they meet the criteria in 32.202–1.

(b) The contractor's requests for progress payments may include the full amount of commercial item purchase financing payments, performance-based payments, or progress payments to a subcontractor, whether paid or unpaid, provided that unpaid amounts are limited to amounts that the contractor will pay—

(1) In accordance with the terms and conditions of a subcontract or invoice; and

(2) Ordinarily prior to the submission of the contractor's next progress payment request to the Government.

(c) If the contractor is considering making unusual progress payments to a subcontractor, the parties will be guided by the policies in 32.501–2. If the Government approves unusual progress payments for the subcontract, the contracting officer must issue a contract modification to specify the new rate in paragraph (j)(6) of the clause at 52.232–16, Progress Payments, in the prime contract. This will allow the contractor to include the progress payments to the subcontractor in the cost basis for progress payments by the Government. This modification is not a deviation and does not require the clearance prescribed in 32.502–2(b).

(d) The contractor has a duty to ensure that financing payments to subcontractors conform to the standards and principles prescribed in paragraph (j) of the Progress Payments clause in the prime contract. Although the contracting officer should, to the extent appropriate, review the subcontract as part of the overall administration of progress payments in the prime contract, there is no special requirement for contracting officer review or consent merely because the subcontract includes financing payments, except as provided in paragraph (c) of this section. However, the contracting officer must ensure that the contractor has installed the necessary management control systems, including internal audit procedures.

(e) When financing payments are in the form of progress payments, the Progress Payments clause at 52.232–16 requires that the subcontract include the substance of the Progress Payments clause in the prime contract, modified to indicate that the contractor, not the Government, awards the subcontract and administers the progress payments. The following exceptions apply to wording modifications:

(1) The subcontract terms on title to property under progress payments shall provide for vesting of title in the Government, not the contractor, as in paragraph (d) of the Progress Payments clause in the prime contract. A reference to the contractor may, however, be substituted for ''Government'' in paragraph (d)(2)(iv) of the clause.

(2) In the subcontract terms on reports and access to records, the contractor shall not delete the references to ''Contracting Officer'' and ''Government'' in adapting paragraph (g) of the Progress Payments clause in the contract, but may expand the terms as follows:

(i) The term ''Contracting Officer'' may be changed to ''Contracting Officer or Prime Contractor.''

(ii) The term ''the Government'' may be changed to ''the Government or Prime Contractor.''

(3) The subcontract special terms regarding default shall include paragraph (h) of the Progress Payments clause in the contract through its subdivision (i). The rest of paragraph (h) is optional.

(f) When financing payments are in the form of performance-based payments, the Performance-Based Payments clause at 52.232–32 requires that the subcontract terms include the substance of the Performance-Based Payments clause, modified to indicate that the contractor, not the Government, awards the subcontract and administers the performance-based payments, and include appropriately worded modifications similar to those noted in paragraph (e) of this section.

(g) When financing payments are in the form of commercial item purchase financing, the subcontract must include a contract financing clause structured in accordance with 32.206.

20. Amend section 32.1000—

a. In the introductory paragraph by removing the word ''non-commercial'' and adding ''noncommercial'' in its place;

b. At the end of paragraph (b) by adding ''or'' after the semicolon;

c. By removing paragraph (c) and redesignating paragraph

(d) as paragraph (c); and

d. By revising newly designated (c) to read as follows:

32.1000 Scope of subpart.

* * * * *

(c) Contracts awarded through sealed bid procedures.

21. Revise section 32.1001 to read as follows:

32.1001 Policy.

(a) Performance-based payments are the preferred Government financing method when the contracting officer finds them practical, and the contractor agrees to their use.

(b) Performance-based payments are contract financing payments that are not payment for accepted items.

(c) Performance-based payments are fully recoverable, in the same manner as

progress payments, in the event of default. Except as provided in 32.1003(c), the contracting officer must not use performance-based payments when other forms of contract financing are provided.

(d) For Government accounting purposes, the Government should treat performance-based payments like progress payments based on costs under subpart 32.5.

(e) Performance-based payments are contract financing payments and, therefore, are not subject to the interest-penalty provisions of prompt payment (see subpart 32.9). However, each agency must make these payments in accordance with the agency's policy for prompt payment of contract financing payments.

32.1003 [Amended]

22. Amend section 32.1003 in paragraph (b) by removing ''(but see 32.1005(b))''.

23. Revise the section headings and text of sections 32.1004 and 32.1005 to read as follows:

32.1004 Procedures.

Performance-based payments may be made either on a whole contract or on a deliverable item basis, unless otherwise prescribed by agency regulations. Financing payments to be made on a whole contract basis are applicable to the entire contract, and not to specific deliverable items. Financing payments to be made on a deliverable item basis are applicable to a specific individual deliverable item. (A deliverable item for these purposes is a separate item with a distinct unit price. Thus, a contract line item for 10 airplanes, with a unit price of $1,000,000 each, has 10 deliverable items—the separate planes. A contract line item for 1 lot of 10 airplanes, with a lot price of $10,000,000, has only one deliverable item—the lot.)

(a) *Establishing performance bases.* (1) The basis for performance-based payments may be either specifically described events (*e.g.,* milestones) or some measurable criterion of performance. Each event or performance criterion that will trigger a finance payment must be an integral and necessary part of contract performance and must be identified in the contract, along with a description of what constitutes successful performance of the event or attainment of the performance criterion. The signing of contracts or modifications, the exercise of options, or other such actions must not be events or criteria for performance-based payments. An event need not be a critical event in order to trigger a payment, but the Government must be able to readily verify successful performance of each such event or performance criterion.

(2) Events or criteria may be either severable or cumulative. The successful completion of a severable event or criterion is independent of the accomplishment of any other event or criterion. Conversely, the successful accomplishment of a cumulative event or criterion is dependent upon the previous accomplishment of another event. A contract may provide for more than one series of severable and/or cumulative performance events or criteria performed in parallel. The contracting officer must include the following in the contract:

(i) The contract must not permit payment for a cumulative event or criterion until the dependent event or criterion has been successfully completed.

(ii) The contract must specifically identify severable events or criteria.

(iii) The contract must identify which events or criteria are preconditions for the successful achievement of each cumulative event or criterion.

(iv) Because performance-based payments are contract financing, events or criteria must not serve as a vehicle to reward the contractor for completion of performance levels over and above what is required for successful completion of the contract.

(v) If payment of performance-based finance amounts is on a deliverable item basis, each event or performance criterion must be part of the performance necessary for that deliverable item and must be identified to a specific contract line item or subline item.

(b) *Establishing performance-based finance payment amounts.* (1) The contracting officer must establish a complete, fully defined schedule of events or performance criteria and payment amounts when negotiating contract terms. If a contract action significantly affects the price, or event or performance criterion, the contracting officer responsible for pricing the contract modification must adjust the performance-based payment schedule appropriately.

(2) Total performance-based payments must—

(i) Reflect prudent contract financing provided only to the extent needed for contract performance (see 32.104(a)); and

(ii) Not exceed 90 percent of the contract price if on a whole contract basis, or 90 percent of the delivery item price if on a delivery item basis.

(3) The contract must specifically state the amount of each performance-based payment either as a dollar amount or as a percentage of a specifically identified price (*e.g.,* contract price, or unit price of the deliverable item). The payment of contract financing has a cost to the Government in terms of interest paid by the Treasury to borrow funds to make the payment. Because the contracting officer has wide discretion as to the timing and amount of the performance-based payments, the contracting officer must ensure that—

(i) The total contract price is fair and reasonable, all factors considered; and

(ii) Performance-based payment amounts are commensurate with the value of the performance event or performance criterion, and are not expected to result in an unreasonably low or negative level of contractor investment in the contract. To confirm sufficient investment, the contracting officer may request expenditure profile information from offerors, but only if other information in the proposal, or information otherwise available to the contracting officer, is expected to be insufficient.

(4) Unless agency procedures prescribe the bases for establishing performance-based payment amounts, contracting officers may establish them on any rational basis, including (but not limited to)—

(i) Engineering estimates of stages of completion;

(ii) Engineering estimates of hours or other measures of effort to be expended in performance of an event or achievement of a performance criterion; or

(iii) The estimated projected cost of performance of particular events.

(5) When subsequent contract modifications are issued, the contracting officer must adjust the performance-based payment schedule as necessary to reflect the actions required by those contract modifications.

(c) *Instructions for multiple appropriations.* If there is more than one appropriation account (or subaccount) funding payments on the contract, the contracting officer must provide instructions to the Government payment office for distribution of financing payments to the respective funds accounts. Distribution instructions must be consistent with the contract's liquidation provisions.

(d) *Liquidating performance-based finance payments.* Performance-based amounts must be liquidated by deducting a percentage or a designated dollar amount from the delivery payments. The contracting officer must specify the liquidation rate or

designated dollar amount in the contract. The method of liquidation must ensure complete liquidation no later than final payment.

(1) If the contracting officer establishes the performance-based payments on a delivery item basis, the liquidation amount for each line item is the percent of that delivery item price that was previously paid under performance-based finance payments or the designated dollar amount.

(2) If the performance-based finance payments are on a whole contract basis, liquidation is by predesignated liquidation amounts or liquidation percentages.

(e) *Competitive negotiated solicitations.* (1) If a solicitation requests offerors to propose performance-based payments, the solicitation must specify—

(i) What, if any, terms must be included in all offers; and

(ii) The extent to which and how offeror-proposed performance-based payment terms will be evaluated. Unless agencies prescribe other evaluation procedures, if the contracting officer anticipates that the cost of providing performance-based payments would have a significant impact on determining the best value offer, the solicitation should include an adjustment of proposed prices to reflect the estimated cost to the Government of providing each offeror's proposed performance-based payments (see Alternate I to the provision at 52.232–28).

(2) The contracting officer must—

(i) Review the proposed terms to ensure they comply with this section; and

(ii) Use the adjustment method in 32.205(c) if the price is to be adjusted for evaluation purposes in accordance with paragraph (e)(1)(ii) of this section.

32.1005 Solicitation provision and contract clause.

(a) Insert the clause at 52.232–32, Performance-Based Payments, with the description of the basis for payment and liquidation as required in 32.1004 in—

(1) Solicitations that may result in contracts providing for performance-based payments; and

(2) Fixed-price contracts under which the Government will provide performance-based payments.

(b)(1) Insert the solicitation provision at 52.232–28, Invitation to Propose Performance-Based Payments, in negotiated solicitations that invite offerors to propose performance-based payments.

(2) Use the provision with its Alternate I in competitive negotiated solicitations if the Government intends to adjust proposed prices for proposal evaluation purposes (see 32.1004(e)).

32.1006 [Removed and Reserved]

24. Remove and reserve section 32.1006.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

25. Amend section 52.216–7 by—

a. Revising the date of the clause;

b. In the introductory text of paragraph (b)(1) by removing ''subparagraph (2) below'' and adding ''paragraph (b)(2) of the clause'' in its place;

c. Redesignating paragraphs (b)(1)(ii)(A) through (b)(1)(ii)(E) as (b)(1)(ii)(B) through (b)(1)(ii)(F);

d. Adding a new paragraph (b)(1)(ii)(A); and

e. Revising paragraphs (b)(1)(iii), (b)(2), and (c) to read as follows:

52.216–7 Allowable Cost and Payment.

* * * * *

ALLOWABLE COST AND PAYMENT (MAR 2000)

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) Supplies and services purchased directly for the contract and associated financing payments to subcontractors, provided payments will be made—

(*1*) In accordance with the terms and conditions of a subcontract or invoice; and

(*2*) Ordinarily prior to the submission of the Contractor's next payment request to the Government;

* * * * *

(iii) The amount of financing payments that have been paid by cash, check, or other forms of payment to subcontractors.

(2) Accrued costs of Contractor contributions under employee pension plans shall be excluded until actually paid unless—

(i) The Contractor's practice is to make contributions to the retirement fund quarterly or more frequently; and

(ii) The contribution does not remain unpaid 30 days after the end of the applicable quarter or shorter payment period (any contribution remaining unpaid shall be excluded from the Contractor's indirect costs for payment purposes).

* * * * *

(c) *Small business concerns.* A small business concern may receive more frequent payments than every 2 weeks.

* * * * *

26. Amend section 52.216–26 by—

a. Revising the introductory paragraph and the date of the clause;

b. Removing ''shall'' and adding ''will'' in the introductory text of paragraph (a) of the clause; and

c. Revising paragraphs (a)(1), (d)(2), (d)(3), and (e) of the clause to read as follows:

52.216–26 Payments of Allowable Costs Before Definitization.

As prescribed in 16.603–4(c), insert the following clause:

PAYMENTS OF ALLOWABLE COSTS BEFORE DEFINITIZATION (MAR 2000)

* * * * *

(a) * * *

(1) One hundred percent of approved costs representing financing payments to subcontractors under fixed-price subcontracts, provided that the Government's payments to the Contractor will not exceed 80 percent of the allowable costs of those subcontractors.

* * * * *

(d) * * *

(2) When the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business, costs incurred, but not necessarily paid, for—

(i) Supplies and services purchased directly for the contract, provided payments will be made—

(A) In accordance with the terms and conditions of a subcontract or invoice; and

(B) Ordinarily prior to the submission of the Contractor's next payment request to the Government;

(ii) Materials issued from the Contractor's stores inventory and placed in the production process for use on the contract;

(iii) Direct labor;

(iv) Direct travel;

(v) Other direct in-house costs; and

(vi) Properly allocable and allowable indirect costs as shown on the records maintained by the Contractor for purposes of obtaining reimbursement under Government contracts; and

(3) The amount of financing payments that the Contractor has paid by cash, check, or other forms of payment to subcontractors.

(e) *Small business concerns.* A small business concern may receive more frequent payments than every 2 weeks.

* * * * *

27. Amend section 52.232–7 by revising the date of the clause; in the introductory paragraph by removing ''shall'' and adding ''will'' in its place; and by revising paragraph (b) and Alternate I of the clause to read as follows:

52.232–7 Payments under Time-and-Materials and Labor-Hour Contracts.

* * * * *

PAYMENTS UNDER TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS (MAR 2000)

* * * * *

(b) *Materials and subcontracts.* (1) The Contracting Officer will determine allowable costs of direct materials in accordance with Subpart 31.2 of the Federal Acquisition Regulation (FAR) in effect on the date of this contract. Direct materials, as used in this clause, are those materials that enter directly

into the end product, or that are used or consumed directly in connection with the furnishing of the end product.

(2) The Contractor may include reasonable and allocable material handling costs in the charge for material to the extent they are clearly excluded from the hourly rate. Material handling costs are comprised of indirect costs, including, when appropriate, general and administrative expense allocated to direct materials in accordance with the Contractor's usual accounting practices consistent with Subpart 31.2 of the FAR.

(3) The Government will reimburse the Contractor for items and services purchased directly for the contract only when payments of cash, checks, or other forms of payment have been made for such purchased items or services.

(4)(i) The Government will reimburse the Contractor for costs of subcontracts that are authorized under the subcontracts clause of this contract, provided that the costs are consistent with paragraph (b)(5) of this clause.

(ii) The Government will limit reimbursable costs in connection with subcontracts to the amounts paid for items and services purchased directly for the contract only when the Contractor has made or will make payments of cash, checks, or other forms of payment to the subcontractor—

(A) In accordance with the terms and conditions of a subcontract or invoice; and

(B) Ordinarily prior to the submission of the Contractor's next payment request to the Government.

(iii) The Government will not reimburse the Contractor for any costs arising from the letting, administration, or supervision of performance of the subcontract, if the costs are included in the hourly rates payable under paragraph (a)(1) of this clause.

(5) To the extent able, the Contractor shall—

(i) Obtain materials at the most advantageous prices available with due regard to securing prompt delivery of satisfactory materials; and

(ii) Take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and other benefits. When unable to take advantage of the benefits, the Contractor shall promptly notify the Contracting Officer and give the reasons. The Contractor shall give credit to the Government for cash and trade discounts, rebates, scrap, commissions, and other amounts that have accrued to the benefit of the Contractor, or would have accrued except for the fault or neglect of the Contractor. The Contractor shall not deduct from gross costs the benefits lost without fault or neglect on the part of the Contractor, or lost through fault of the Government.

* * * * *

(End of clause)

Alternate I (Mar 2000). If the nature of the work to be performed requires the Contractor to furnish material that the Contractor regularly sells to the general public in the normal course of business, and the price is under the limitations prescribed in 16.601(b)(3), add the following paragraph (6) to paragraph (b) of the basic clause:

(b)(6) If the nature of the work to be performed requires the Contractor to furnish material that the Contractor regularly sells to the general public in the normal course of business, the price to be paid for such material, notwithstanding the other requirements of this paragraph (b), shall be on the basis of an established catalog or list price, in effect when the material is furnished, less all applicable discounts to the Government, provided that in no event shall such price be in excess of the Contractor's sales price to its most favored customer for the same item in like quantity, or the current market price, whichever is lower.

* * * * *

28. Amend section 52.232–16 by—

a. Removing the introductory text, consisting of paragraphs (a) through (e) and adding in its place a prescription;

b. Revising the date of the clause;

c. Revising the introductory text of the clause;

d. Revising paragraphs (a)(1) and (a)(2) of the clause;

e. Redesignating paragraphs (a)(3) through (a)(6) of the clause as (a)(4) through (a)(7) and adding new paragraphs (a)(3) and (a)(8);

f. Revising the introductory text of newly redesignated paragraph (a)(4);

g. Revising paragraph (j) of the clause; and

h. Revising Alternate I and adding Alternate III to read as follows:

52.232–16 Progress Payments.

As prescribed in 32.502–4(a), insert the following clause:

PROGRESS PAYMENTS (MAR 2000)

The Government will make progress payments to the Contractor when requested as work progresses, but not more frequently than monthly, in amounts of $2,500 or more approved by the Contracting Officer, under the following conditions:

(a) *Computation of amounts.* (1) Unless the Contractor requests a smaller amount, the Government will compute each progress payment as 80 percent of the Contractor's total costs incurred under this contract whether or not actually paid, plus financing payments to subcontractors (see paragraph (j) of this clause), less the sum of all previous progress payments made by the Government under this contract. The Contracting Officer will consider cost of money that would be allowable under FAR 31.205–10 as an incurred cost for progress payment purposes.

(2) The amount of financing and other payments for supplies and services purchased directly for the contract are limited to the amounts that have been paid by cash, check, or other forms of payment, or that will be paid to subcontractors—

(i) In accordance with the terms and conditions of a subcontract or invoice; and

(ii) Ordinarily prior to the submission of the Contractor's next payment request to the Government.

(3) The Government will exclude accrued costs of Contractor contributions under employee pension plans until actually paid unless—

(i) The Contractor's practice is to make contributions to the retirement fund quarterly or more frequently; and

(ii) The contribution does not remain unpaid 30 days after the end of the applicable quarter or shorter payment period (any contribution remaining unpaid shall be excluded from the Contractor's total costs for progress payments until paid).

(4) The Contractor shall not include the following in total costs for progress payment purposes in paragraph (a)(1) of this clause:

* * * * *

(8) Notwithstanding any other terms of the contract, the Contractor agrees not to request progress payments in dollar amounts of less than $2,500. The Contracting Officer may make exceptions.

* * * * *

(j) *Financing payments to subcontractors.* The financing payments to subcontractors mentioned in paragraphs (a)(1) and (a)(2) of this clause shall be all financing payments to subcontractors or divisions, if the following conditions are met:

(1) The amounts included are limited to—

(i) The unliquidated remainder of financing payments made; plus

(ii) Any unpaid subcontractor requests for financing payments.

(2) The subcontract or interdivisional order is expected to involve a minimum of approximately 6 months between the beginning of work and the first delivery; or, if the subcontractor is a small business concern, 4 months.

(3) If the financing payments are in the form of progress payments, the terms of the subcontract or interdivisional order concerning progress payments—

(i) Are substantially similar to the terms of this clause for any subcontractor that is a large business concern, or this clause with its Alternate I for any subcontractor that is a small business concern;

(ii) Are at least as favorable to the Government as the terms of this clause;

(iii) Are not more favorable to the subcontractor or division than the terms of this clause are to the Contractor;

(iv) Are in conformance with the requirements of FAR 32.504(e); and

(v) Subordinate all subcontractor rights concerning property to which the Government has title under the subcontract to the Government's right to require delivery of the property to the Government if—

(A) The Contractor defaults; or

(B) The subcontractor becomes bankrupt or insolvent.

(4) If the financing payments are in the form of performance-based payments, the terms of the subcontract or interdivisional order concerning payments—

(i) Are substantially similar to the Performance-Based Payments clause at FAR 52.232–32 and meet the criteria for, and definition of, performance-based payments in FAR Part 32;

(ii) Are in conformance with the requirements of FAR 32.504(f); and

(iii) Subordinate all subcontractor rights concerning property to which the Government has title under the subcontract to the Government's right to require delivery of the property to the Government if—

(A) The Contractor defaults; or

(B) The subcontractor becomes bankrupt or insolvent.

(5) If the financing payments are in the form of commercial item financing payments, the terms of the subcontract or interdivisional order concerning payments—

(i) Are constructed in accordance with FAR 32.206(c) and included in a subcontract for a commercial item purchase that meets the definition and standards for acquisition of commercial items in FAR Parts 2 and 12;

(ii) Are in conformance with the requirements of FAR 32.504(g); and

(iii) Subordinate all subcontractor rights concerning property to which the Government has title under the subcontract to the Government's right to require delivery of the property to the Government if—

(A) The Contractor defaults; or

(B) The subcontractor becomes bankrupt or insolvent.

(6) If financing is in the form of progress payments, the progress payment rate in the subcontract is the customary rate used by the contracting agency, depending on whether the subcontractor is or is not a small business concern.

(7) Concerning any proceeds received by the Government for property to which title has vested in the Government under the subcontract terms, the parties agree that the proceeds shall be applied to reducing any unliquidated financing payments by the Government to the Contractor under this contract.

(8) If no unliquidated financing payments to the Contractor remain, but there are unliquidated financing payments that the Contractor has made to any subcontractor, the Contractor shall be subrogated to all the rights the Government obtained through the terms required by this clause to be in any subcontract, as if all such rights had been assigned and transferred to the Contractor.

(9) To facilitate small business participation in subcontracting under this contract, the Contractor shall provide financing payments to small business concerns, in conformity with the standards for customary contract financing payments stated in FAR 32.113. The Contractor shall not consider the need for such financing payments as a handicap or adverse factor in the award of subcontracts.

* * * * *

(End of clause)

Alternate I (Mar 2000). If the contract is with a small business concern, change each mention of the progress payment and liquidation rates excepting paragraph (k) to the customary rate of 85 percent for small business concerns (see FAR 32.501–1).

* * * * *

Alternate III (Mar 2000). As prescribed in 32.502–4(d), add the following paragraph (l) to the basic clause. If Alternate II is also being used, redesignate the following paragraph as paragraph (n):

(l) The provisions of this clause will not be applicable to individual orders at or below the simplified acquisition threshold.

29. Add section 52.232–28 to read as follows:

52.232–28 Invitation to Propose Performance-Based Payments.

As prescribed in 32.1005(b)(1), insert the following provision:

Invitation to Propose Performance-Based Payments (Mar 2000)

(a) The Government invites the offeror to propose terms under which the Government will make performance-based contract financing payments during contract performance. The Government will consider performance-based payment financing terms proposed by the offeror in the evaluation of the offeror's proposal. The Contracting Officer will incorporate the financing terms of the successful offeror and the FAR clause, Performance-Based Payments, at FAR 52.232–32, in any resulting contract.

(b) In the event of any conflict between the terms proposed by the offeror and the terms in the clause at FAR 52.232–32, Performance-Based Payments, the terms of the clause at FAR 52.232–32 shall govern.

(c) The Contracting Officer will not accept the offeror's proposed performance-based payment financing if the financing does not conform to the following limitations:

(1) The Government will make delivery payments only for supplies delivered and accepted, or services rendered and accepted in accordance with the payment terms of this contract.

(2) The terms and conditions of the performance-based payments must—

(i) Comply with FAR 32.1004;

(ii) Be reasonable and consistent with all other technical and cost information included in the offeror's proposal; and

(iii) Their total shall not exceed 90 percent of the contract price if on a whole contract basis, or 90 percent of the delivery item price if on a delivery item basis.

(3) The terms and conditions of the performance-based financing must be in the best interests of the Government.

(d) The offeror's proposal of performance-based payment financing shall include the following:

(1) The proposed contractual language describing the performance-based payments (see FAR 32.1004 for appropriate criteria for establishing performance bases and performance-based finance payment amounts).

(2) A listing of—

(i) The projected performance-based payment dates and the projected payment amounts; and

(ii) The projected delivery date and the projected payment amount.

(3) Information addressing the Contractor's investment in the contract.

(e) Evaluation of the offeror's proposed prices and financing terms will include whether the offeror's proposed performance-based payment events and payment amounts are reasonable and consistent with all other terms and conditions of the offeror's proposal.

(End of provision)

Alternate I (Mar 2000). As prescribed in FAR 32.1005(b)(2), add the following paragraph (f) to the basic provision:

(f) The Government will adjust each proposed price to reflect the cost of providing the proposed performance-based payments to determine the total cost to the Government of that particular combination of price and performance-based financing. The Government will make the adjustment using the procedure described in FAR 32.205(c).

[FR Doc. 00–7309 Filed 3–24–00; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 6, 9, 15, and 52

[FAC 97–16; Item III]

Federal Acquisition Regulation; Technical Amendments

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Technical amendments.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation in order to update references and make editorial changes.

EFFECTIVE DATE: March 27, 2000.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755.

List of Subjects in 48 CFR Parts 1, 6, 9, 15, and 52

Government procurement.

Dated: March 20, 2000.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 1, 6, 9, 15, and 52 as set forth below:

1. The authority citation for 48 CFR Parts 1, 6, 9, 15, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Amend section 1.106 in the table following the introductory paragraph by adding entries 23.9, 52.223–13, and 52.223–14, and by revising entry 52.247–64 to read as follows:

1.106 OMB approval under the Paperwork Reduction Act.

* * * * *

FAR segment	OMB control no.
* * * * *	
23.9	9000–0139
* * * * *	
52.223–13	9000–0139
52.223–14	9000–0139
* * * * *	
52.247–64	9000–0061
* * * * *	

1.201–1 [Amended]

3. Amend section 1.201–1(a) by removing ''1.102'' and adding ''1.103'' in its place.

1.304 [Amended]

4. Amend section 1.304(a) by removing ''1.301(c)'' and adding ''1.301(d)'' in its place.

PART 6—COMPETITION REQUIREMENTS

6.305 [Amended]

5. In section 6.305 redesignate paragraphs (1) and (2) as (a) and (b), respectively; and in the newly redesignated paragraph (a) remove ''41 U.S.C. 303(f)(4)'' and add ''41 U.S.C. 253(f)(4)'' in its place.

PART 9—CONTRACTOR QUALIFICATIONS

6. Revise section 9.404 to read as follows:

9.404 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

(a) The General Services Administration (GSA)—

(1) Compiles and maintains a current list of all parties debarred, suspended, proposed for debarment, or declared ineligible by agencies or by the General Accounting Office;

(2) Periodically revises and distributes the list and issues supplements, if necessary, to all agencies and the General Accounting Office; and

(3) Includes in the list the name and telephone number of the official responsible for its maintenance and distribution.

(b) The List of Parties Excluded from Federal Procurement and Nonprocurement Programs includes the—

(1) Names and addresses of all contractors debarred, suspended, proposed for debarment, or declared ineligible, in alphabetical order, with cross-references when more than one name is involved in a single action;

(2) Name of the agency or other authority taking the action;

(3) Cause for the action (see 9.406–2 and 9.407–2 for causes authorized under this subpart) or other statutory or regulatory authority;

(4) Effect of the action;

(5) Termination date for each listing;

(6) DUNS No.; and

(7) Name and telephone number of the point of contact for the action.

(c) Each agency must—

(1) Provide GSA with the information required by paragraph (b) of this section within 5 working days after the action becomes effective;

(2) Notify GSA within 5 working days after modifying or rescinding an action;

(3) Notify GSA of the names and addresses of agency organizations that are to receive the list and the number of copies to be furnished to each;

(4) In accordance with internal retention procedures, maintain records relating to each debarment, suspension, or proposed debarment taken by the agency;

(5) Establish procedures to provide for the effective use of the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, including internal distribution thereof, to ensure that the agency does not solicit offers from, award contracts to, or consent to subcontracts with contractors on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, except as otherwise provided in this subpart; and

(6) Direct inquiries concerning listed contractors to the agency or other authority that took the action.

(d) The List of Parties Excluded from Federal Procurement and Nonprocurement Programs is available as follows:

(1) The printed version is published monthly. Copies may be obtained by purchasing a yearly subscription.

(i) Federal agencies may subscribe through their organization's printing and distribution office.

(ii) The public may subscribe by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or by calling the Government Printing Office Inquiry and Order Desk at (202) 512–1800.

(2) The electronic version is updated daily and is available via—

(i) The internet at http://epls.arnet.gov; or

(ii) Electronic bulletin board. Dial (202) 219–0132. The settings are N–8–1–F.

(e) For general questions about entries on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs or additional information on accessing the electronic bulletin board, call GSA at (202) 501–4873 or 501–4740.

9.405 [Amended]

7. Amend section 9.405 in paragraph (d)(4) by removing the word ''List'' and adding ''List of Parties Excluded from Federal Procurement and Nonprocurement Programs'' in its place.

PART 15—CONTRACTING BY NEGOTIATION

8. Amend section 15.404–1 by revising the last sentence of paragraph (a)(7) to read as follows:

15.404–1 Proposal analysis techniques.

(a) * * *

(7) * * * They are available via the internet at http://www.acq.osd.mil/dp/cpf.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.212–1 [Amended]

9. Amend section 52.212–1 by revising the date of the clause to read ''(MAR 2000)''; and in paragraph (i)(2)(ii)(B) by removing ''http://www.dodssp.daps.mil'' and adding ''http://assist.daps.mil'' in its place.

52.217–9 [Amended]

10. Amend section 52.217–9 by revising the date of the clause to read ''(MAR 2000)''; and in paragraph (b) by removing ''provision'' and adding ''clause'' in its place.

52.219–23 [Amended]

11. Amend the introductory text of Alternate II in section 52.219–23 by removing ''(b)(i)'' both times it appears and adding ''(b)(1)(i)'' in their places.

[FR Doc. 00–7310 Filed 3–24–00; 8:45 am]

BILLING CODE 6820–EP–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Regulation; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121). It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 97–16 which amend the FAR. The rule marked with an asterisk (*) indicates that a regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Interested parties may obtain further information regarding these rules by referring to FAC 97–16 which precedes this document. These documents are also available via the Internet at http://www.arnet.gov/far.

FOR FURTHER INFORMATION CONTACT: Laurie Duarte, FAR Secretariat, (202) 501–4225. For clarification of content, contact the analyst whose name appears in the table below.

LIST OF RULES IN FAC 97–16

Item	Subject	FAR case	Analyst
I	Small Business Competitiveness Demonstration Program (Interim)	1999–012	Moss.
II	Progress Payments and Related Financing Policies*	1998–400 (98–400)	Olson.

Item I—Small Business Competitiveness Demonstration Program (FAR Case 1999–012)

This interim rule amends FAR Subpart 19.10 to clarify language pertaining to the Small Business Competitiveness Demonstration (Comp. Demo.) Program, consistent with revisions to the Program that were contained in an OFPP and SBA joint final policy directive dated May 25, 1999.

The interim rule—

• Advises the contracting officer to consider the 8(a)

Program and HUBZone Program, in addition to small business set-asides, for acquisitions of $25,000 or less in one of the four designated industry groups that will not be set aside for emerging small business concerns.

• Adds FAR 19.1006, Exclusions, to specify acquisitions to which Subpart 19.10 does not apply. None of the Small Business Comp. Demo. policies and procedures apply to orders under the Federal Supply Schedule Program or to contracts awarded to educational and nonprofit institutions or governmental entities.

This interim rule only will affect contracting officers at participating agencies when acquiring supplies or services subject to the procedures of the Small Business Comp. Demo. Program. The participating agencies are: Department of Agriculture; Department of Defense, except the National Imagery and Mapping Agency; Department of Energy; Department of Health and Human Services; Department of the Interior; Department of Transportation; Department of Veterans Affairs; Environmental Protection Agency; General Services Administration; and National Aeronautics and Space Administration.

Item II—Progress Payments and Related Financing Policies (FAR Case 1998–400) (98–400)

This final rule revises certain financing policies at FAR Part 32, Contract Financing, and related contract provisions at FAR Part 52. The rule—

• Emphasizes that performance-based payments are the preferred method of contract financing. Performance-based payments are contract financing payments made after achievement of predetermined goals, such as performance objectives or defined events. Contracting officers should consider performance-based payments and deem their use impracticable before deciding to provide customary progress payments;

• Permits contracting officers to provide contract financing on contracts awarded to large businesses if the individual contract is $2 million or more. Previously, the threshold in the FAR for financing a contract with a large business was $1 million;

• Permits a large business to bill the Government for subcontract costs that the large business has incurred but not actually paid, if certain conditions are met. Previously, the FAR permitted only small business concerns to bill for subcontract costs that have been incurred but not paid;

• Permits the contracting officer to use performance-based payments in contracts for research and development, and in contracts awarded through competitive negotiation procedures; and

• Is effective on March 27, 2000. However, it is mandatory only for solicitations issued on or after May 26, 2000. Contracting officers may, at their discretion, include the clauses and provisions in this rule in solicitations issued before that date.

Dated: March 20, 2000.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 00–7311 Filed 3–24–00; 8:45 am]

BILLING CODE 6820–EP–U

Federal Register

Monday,
March 27, 2000

Part IV

Department of Education

Jacob K. Javits Gifted and Talented Education Program: National Research and Development Center; Notice

DEPARTMENT OF EDUCATION

Jacob K. Javits Gifted and Talented Education Program: National Research and Development Center

AGENCY: Office of Educational Research and Improvement, Department of Education.

ACTION: Notice of proposed priority.

SUMMARY: The Assistant Secretary for the Office of Educational Research and Improvement (OERI) proposes a priority under the Jacob K. Javits Gifted and Talented Education Program—National Research and Development Center (Center). The Assistant Secretary will use this priority for the Center competition in fiscal year (FY) 2000. This priority is intended to focus on research to obtain a better understanding of the under-representation of students from some minority groups among top performers, and on using national data sets to better understand the educational opportunities available to top performing students.

DATES: We must receive your comments on or before April 26, 2000.

ADDRESSES: Address all comments about this proposed priority to Beverly Coleman, U.S. Department of Education, 555 New Jersey Avenue, NW., room 611A, Washington, DC 20208–5521. If you prefer to send your comments through the Internet, use the following address: beverly coleman@ed.gov

FOR FURTHER INFORMATION CONTACT: Beth Fine, U.S. Department of Education, 555 New Jersey Avenue, NW., room 613, Washington, DC 20202–5521. Telephone: (202) 219–1323. 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 alternate format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding this proposed priority.

During and after the comment period, you may inspect all public comments about this proposed priority in room 611a, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed priority. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

General Information

OERI administers the Jacob K. Javits Gifted and Talented Students Education Act of 1994 (Javits Act) under Title X, Part B of Public Law 103–382 (20 U.S.C. 8031 *et seq.*). The purposes of the Javits Act are (1) To support a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students; (2) to encourage rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods used with gifted and talented students; and (3) to supplement and make more effective the expenditure of State and local funds devoted to gifted and talented students.

The Secretary is authorized, under the Javits Act, to create a national research center to carry out: (1) Research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented education programs and methods to serve all students; and (2) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of the Act.

The Javits Act gives the highest priority to: (1) The identification and services for gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged, individuals of limited-English proficiency, and individuals with disabilities); and (2) programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through the cooperative efforts of State and local educational agencies, institutions of higher education, and other public and private agencies.

The Secretary believes that there are certain areas of research in gifted and talented education that are especially significant and in the national interest. He believes that focusing on these areas will substantially increase our knowledge and improve our ability to serve gifted and talented students well. Therefore, the Secretary proposes one priority for the Center competition.

First, the Secretary believes that it is in the national interest to have a better understanding of the reasons for the under-representation of some minority groups among top performing students. National surveys reveal that only about ten percent of the students performing at the highest levels are African-Americans, Latinos, or Native Americans, even though they make up about one-third of the population. There has been very little sustained and coordinated research to investigate the reasons for the under-representation of minorities at the highest levels of achievement or to develop and evaluate methods for increasing the number of minority students performing at the highest levels.

Second, there is a substantial body of information on gifted and talented students and their educational programs contained in national and international studies, such as those conducted by the National Center for Education Statistics (NCES), that could and should be used to inform our understanding of the opportunities available for top-performing students. There are robust data sets in a number of national and international studies that address issues related to the education of high achieving and high ability students. These studies have not been analyzed, to any significant degree, in order to gain a national and international portrait of these students and the educational opportunities available to them. These studies include, but are not limited to, the Early Childhood Longitudinal Study, the National Educational Longitudinal Study (NELS 88), the National Assessment of Educational Progress (NAEP), and the Third International Mathematics and Science Study (TIMSS). For example, data from the Early Childhood Longitudinal Study could provide findings about the early childhood experiences of high achieving minority and nonminority children, both at home and in school. Data from the National Educational Longitudinal Study (NELS) could help address a number of questions related to the opportunities and achievement of middle and high school students, such as: what can we learn about the educational experiences of minority students identified as high

achieving in eighth grade? What coursework did they take, and did this lead to differences in achievement? Did they go on to higher education? How is this the same or different from nonminority students? The Secretary believes that analyzing these studies will lead to a better understanding of how top performing students are identified and served throughout the nation and the world.

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** concurrent with or following publication of the notice of final priority.

Priority

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition only one application that meets this absolute priority.

Proposed Priority—Research on Gifted and Talented Students

The Secretary will only fund a Center application that proposes to carry out the following activities—

(a) Conducts a coherent and sustained program of research that:

(1) Investigates the causes for disparities in achievement at the highest levels of performance among various racial and ethnic groups;

(2) Studies models for increasing the proportion of under represented students performing at the highest levels; and

(3) Generates findings and applications that build the capacity of teachers and schools to improve the performance of under-represented students.

(b) Informs the research carried out under paragraph (a) by conducting analyses of existing national and international databases to determine what is known about the opportunities available to, and educational outcomes of gifted and talented, high achieving or high ability students from these studies. Special attention would be given to studies that provide analyses that:

(1) Lead to a better understanding of what contributes to the educational achievement of these students, disaggregated by socio-economic status and race;

(2) Frame questions not yet being asked that will guide future discussion and inquiry;

(3) Propose new approaches to enduring problems; and

(4) Influence discussion of subsequent research, practice, and policy activities.

(c) Reserves five percent of each budget period's funds to support activities that fall within the Center's priority area, are designed and mutually agreed to by the Center and OERI, and enhance OERI's ability to carry out its mission. These activities may include developing research agenda, conducting research projects collaborating with other federally-supported entities, and engaging in research agenda setting and dissemination activities,

(d) Prepares, at the end of the award period, a report that synthesizes the findings and advances in knowledge that resulted from the Center's program of work and that describes the potential impact on the improvement of American education, including any observable impact to date.

Executive Order 12372

This program is not subject to Executive Order 12372 and the regulations in 34 CFR Part 79.

Applicable Program Regulations: 34 CFR Part 700.

Program Authority: 20 U.S.C. 8034(c).

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(Catalog of Federal Domestic Assistance Number: 84.206R Jacob K. Javits National Research and Development Center for Gifted and Talented Education Program)

Dated: March 21, 2000.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 00–7363 Filed 3–24–00; 8:45 am]

BILLING CODE 4001–01–U

Federal Register

Monday,
March 27, 2000

Part V

Department of Housing and Urban Development

24 CFR Parts 5 and 266
Uniform Financial Reporting Standards for HUD Housing Programs; Revised Report Filing Date; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5 and 266

[Docket No. FR–4321–F–07]

RIN 2501–AC49

Uniform Financial Reporting Standards for HUD Housing Programs; Revised Report Filing Date

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends HUD's regulations on Uniform Financial Reporting Standards to provide for certain entities subject to these standards an annual financial report filing date that is no later than 90 days after the end of the entity's fiscal year. This amendment provides these entities with an additional 30 days to prepare and submit their annual financial reports. This rule also makes certain technical corrections to these regulations.

EFFECTIVE DATE: April 26, 2000.

FOR FURTHER INFORMATION CONTACT: For further information contact Beverly Miller, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–1320 (this is not a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at 1–800 877–8399.

SUPPLEMENTARY INFORMATION: HUD's Uniform Financial Reporting Standards regulations, codified at 24 CFR part 5, subpart H (issued by final rule on September 1, 1998 at 63 FR 46582), establish uniform annual financial reporting standards for HUD's Public Housing, Section 8 housing, and multifamily insured housing programs. The regulations provide that the financial information required to be submitted to HUD on an annual basis under these programs must be submitted electronically and prepared in accordance with generally accepted accounting principles (GAAP).

The move to uniform financial reporting standards in HUD programs was part of Secretary Cuomo's HUD 2020 Management Reform Plan. The requirement for electronic submission of the financial report responds to the Vice President's call to all federal agencies to expand the use of new technologies and telecommunications to create an electronic government (September 7, 1993, Report of the Vice President's National Performance Review, pp. 113–117, Ref. 2).

Since issuance of the September 1, 1998 final rule, HUD believes that the transition to electronic reporting of financial information, using uniform accounting principles is proceeding well. HUD has worked closely with the entities subject to these standards (covered entities) to assist them in becoming familiar with GAAP and reporting information electronically. Additionally, given the introduction of a new uniform and electronic financial reporting system, HUD has been sensitive to transition difficulties and HAS provided additional time and assistance where additional time and assistance was needed. For example, in January 1999, at the request of covered entities for more time to file their first financial reports, HUD changed the filing due date for the first financial report from April 30, 1999, to June 30, 1999 (see final rule issued on January 11, 1999 at 64 FR 1504). In June 1999, HUD again responded to a request by entities for additional time to submit first financial reports under the Uniform Financial Reporting Standards (see final rule issued on June 24, 1999 at 64 FR 33755).

With a little over a year's experience with this new reporting system, HUD has determined that for certain entities the annual financial report due date should be changed from 60 days after the end of the entity's fiscal year to 90 days after fiscal year end. These entities are owners of housing assisted under any Section 8 project-based housing assistance payments program, as described in 24 CFR 801.1(a)(3), and owners of certain multifamily projects receiving direct or indirect assistance from HUD, or with mortgages insured, coinsured or held by HUD under the programs listed in 24 CFR 801.1(a)(4). Experience to date has shown that 90 days after fiscal year end is a more reasonable period of time for these owners to prepare and submit their financial reports to HUD.

Public housing agencies and owners assisted under section 8 project-based assistance are also covered by the Uniform Financial Reporting Standards regulations in 24 CFR part 5, subpart H (see 24 CFR 801.1(a)(1), (2) and (3). This rule does not revise the reporting due date for these entities. HUD recently amended the Public Housing Assessment System regulations on January 11, 2000 (65 FR 1712). The PHAS regulations are applicable to public housing agencies (PHAs) and adopt the uniform financial reporting requirements in 24 CFR part 5, subpart H. Although the PHAs provides some additional time without penalties for PHAs to submit their fiscal year end financial reports, the PHAS did not change the reporting due date for PHAs. In accordance with 902.33, PHAs must submit their financial reports no later than two months after the end of the PHA's fiscal year end. (See 24 CFR 902.33 of PHAS Amendments final rule at 65 FR 1744.)

Therefore, the revised due date is only applicable to those multifamily housing entities listed in 24 CFR 5.801(a)(4). In addition to revising the reporting due for multifamily housing covered entities, HUD is removing the provisions in 24 CFR 5.801(c) that were applicable only to the first year reports. Those reports have been submitted and the regulatory language is no longer applicable.

This rule makes three technical corrections in addition to the amendments made to § 5.801, discussed above. HUD is removing from the list of multifamily programs subject to the Uniform Financial Reporting Standards, the reference to HUD's Housing Finance Agency Risk Sharing Program. This rule was inadvertently included in these regulations, and these regulations are not applicable to this program. The regulations for the Housing Finance Agency Risk Sharing Program in 24 CFR part 266 are corrected to remove the cross reference to the part 5, subpart H regulations. The cross reference is found in § 266.505(b). Also, HUD's rule implementing OMB Circular A–133 (Administrative Requirements for Grantees to Reflect the Single Audit Act Amendments of 1996), published November 18, 1997 (62 FR 61616) removed parts 44 and 45 of HUD's regulations. (These regulations addressed, respectively, Non-Federal Audit Requirements for State and Local Governments, and Non-Federal Audit Requirements for Institutions of Higher Learning). This rule also will remove the cross-reference to part 44 in § 266.510(c). The applicable cross reference to be made concerning non-federal audits is now found in 24 CFR 85.26.

Findings and Certifications

Justification for Final Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide for exceptions from that general rule where the Department finds good cause to omit advance notice and public participation. The good cause

requirement is satisfied when the prior public procedure is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). The Department finds that good cause exists to publish this final rule for effect without first soliciting public comment, in that prior public procedure is unnecessary. Public procedure is unnecessary entities subject to HUD's regulations in 24 CFR part 5, subpart H, requested the change in the report filing date, which this rule provides, and seeks expeditious implementation of this change. The regulatory amendment made by this rule, therefore, alleviates a burden for these entities. In addition to extending the reporting due date, the rule makes three technical corrections. No policies or standards are changed by this rulemaking.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this final rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule is limited to changing the reporting filing date owners of multifamily housing who are subject to HUD's Uniform Financial Reporting Standards. Although this change alleviates a burdensome requirement for these entities, which include small entities, the rule does not result either adversely or beneficially in any significant economic impact on a substantial number of small entities.

Environmental Impact

This final rule is exempt from the environmental review procedures under HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) because of the exemption under § 50.19(c)(1). This final rule only amends the financial reporting deadline of existing regulations.

Executive Order 13132, Federalism

This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of Executive Order 13132 (entitled ''Federalism'').

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the programs that would be affected by this rule are:

14.126—Mortgage—Insurance—Cooperative Projects (Section 213)
14.129—Mortgage—Insurance—Nursing Homes, Intermediate Care Facilities, Board and Care Homes and Assisted Living Facilities (Section 232)
14.134—Mortgage—Insurance—Rental Housing (Section 207)
14.135—Mortgage—Insurance—Rental and Cooperative Housing for Moderate Income Families and Elderly, Market Rate Interest (Sections 221(d)(3) and (4))
14.138—Mortgage—Insurance—Rental Housing for Elderly (Section 231)
14.139—Mortgage—Insurance—Rental Housing in Urban Areas (Section 220 Multifamily)
14.157—Supportive—Housing for the Elderly (Section 202)
14.181—Supportive—Housing for Persons with Disabilities (Section 811)
14.188—Housing—Finance Agency (HFA) Risk Sharing Pilot Program (Section 542(c))
14.850—Public Housing
14.851—Low Income Housing—Homeownership Opportunities for Low Income Families (Turnkey III)
14.852—Public Housing—Comprehensive Improvement Assistance Program
14.855—Section 8 Rental Voucher Program
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14.859—Public Housing—Comprehensive Grant Program

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24 CFR Part 266

Aged, Fair housing, Intergovernmental relations, Low-and moderate-income housing, Mortgage insurance, Risk-sharing, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the preamble, title 24 of the CFR is amended as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

1. The authority citation for 24 CFR part 5 continues to read as follows:

Authority: 42 U.S.C. 3535(d), unless otherwise noted.

2. In § 5.801, paragraph (a)(4)(xiv) is removed and paragraph (c) is revised to read as follows;

§ 5.801 Uniform financial reporting standards.

* * * * *

(c) *Annual financial report filing dates.* (1) For entities listed in paragraphs (a)(1) and (2) of this section, the financial information to be submitted to HUD in accordance with paragraph (b) of this section, must be submitted to HUD annually, no later than 60 days after the end of the fiscal year of the reporting period, and as otherwise provided by law (for public housing agencies, see also 24 CFR 903.33).

(2) For entities listed in paragraphs (a)(3) and (4) of this section, the financial information to be submitted to HUD in accordance with paragraph (b) of this section, must be submitted to HUD annually, no later than 90 days after the end of the fiscal year of the reporting period, and as otherwise provided by law.

* * * * *

PART 266—HOUSING FINANCE AGENCY RISK-SHARING PROGRAM FOR INSURED AFFORDABLE MULTIFAMILY PROJECT LOANS

3. The authority citation for 24 CFR part 266 continues to read as follows:

Authority: 12 U.S.C. 1707, 42 U.S.C. 3535(d).

4. Paragraph (b)(7) of § 266.505 is revised to read as follows;

§ 266.505 Regulatory agreement requirements.

* * * * *

(b) * * *

(1) * * *

* * * * *

(7) Maintain complete books and records established solely for the project.

* * * * *

5. Paragraph (c) of § 266.510 is revised to read as follows;

§ 266.510 HFA Responsibilities.

* * * * *

(c) *HFA's annual financial statement.* The HFA must provide HUD with annual audited financial statement in accordance with the requirements of 24 CFR part 85.26.

Dated: March 20, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 00–7366 Filed 3–24–00; 8:45 am]

BILLING CODE 4210–27–P

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S. 376/P.L. 106–180

Open-market Reorganization for the Betterment of International Telecommunications Act (Mar. 17, 2000; 114 Stat. 48)

Last List March 16, 2000

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1200–End	(869–042–00041–2)	25.00	Jan. 1, 2000
15 Parts:			
0–299	(869–042–00042–1)	28.00	Jan. 1, 2000
300–799	(869–038–00043–1)	36.00	Jan. 1, 1999
800–End	(869–038–00044–0)	24.00	Jan. 1, 1999
16 Parts:			
0–999	(869–038–00045–8)	32.00	Jan. 1, 1999
1000–End	(869–038–00046–6)	37.00	Jan. 1, 1999
17 Parts:			
1–199	(869–038–00048–2)	29.00	Apr. 1, 1999
200–239	(869–038–00049–1)	34.00	Apr. 1, 1999
240–End	(869–038–00050–4)	44.00	Apr. 1, 1999
18 Parts:			
1–399	(869–038–00051–2)	48.00	Apr. 1, 1999
400–End	(869–038–00052–1)	14.00	Apr. 1, 1999
19 Parts:			
1–140	(869–038–00053–9)	37.00	Apr. 1, 1999
141–199	(869–038–00054–7)	36.00	Apr. 1, 1999
200–End	(869–038–00055–5)	18.00	Apr. 1, 1999
20 Parts:			
1–399	(869–038–00056–3)	30.00	Apr. 1, 1999
400–499	(869–038–00057–1)	51.00	Apr. 1, 1999
500–End	(869–038–00058–0)	44.00	[7] Apr. 1, 1999
21 Parts:			
1–99	(869–038–00059–8)	24.00	Apr. 1, 1999
100–169	(869–038–00060–1)	28.00	Apr. 1, 1999
170–199	(869–038–00061–0)	29.00	Apr. 1, 1999
200–299	(869–038–00062–8)	11.00	Apr. 1, 1999
300–499	(869–038–00063–6)	18.00	Apr. 1, 1999
500–599	(869–038–00064–4)	28.00	Apr. 1, 1999
600–799	(869–038–00065–2)	9.00	Apr. 1, 1999
800–1299	(869–038–00066–1)	35.00	Apr. 1, 1999
1300–End	(869–038–00067–9)	14.00	Apr. 1, 1999
22 Parts:			
1–299	(869–038–00068–7)	44.00	Apr. 1, 1999
300–End	(869–038–00069–5)	32.00	Apr. 1, 1999
23	(869–038–00070–9)	27.00	Apr. 1, 1999
24 Parts:			
0–199	(869–038–00071–7)	34.00	Apr. 1, 1999
200–499	(869–038–00072–5)	32.00	Apr. 1, 1999
500–699	(869–038–00073–3)	18.00	Apr. 1, 1999
700–1699	(869–038–00074–1)	40.00	Apr. 1, 1999
1700–End	(869–038–00075–0)	18.00	Apr. 1, 1999
25	(869–038–00076–8)	47.00	Apr. 1, 1999
26 Parts:			
§§ 1.0-1–1.60	(869–038–00077–6)	27.00	Apr. 1, 1999
§§ 1.61–1.169	(869–038–00078–4)	50.00	Apr. 1, 1999
§§ 1.170–1.300	(869–038–00079–2)	34.00	Apr. 1, 1999
§§ 1.301–1.400	(869–038–00080–6)	25.00	Apr. 1, 1999
§§ 1.401–1.440	(869–038–00081–4)	43.00	Apr. 1, 1999
§§ 1.441-1.500	(869-038-00082-2)	30.00	Apr. 1, 1999
§§ 1.501–1.640	(869–038–00083–1)	27.00	[7] Apr. 1, 1999
§§ 1.641–1.850	(869–038–00084–9)	35.00	Apr. 1, 1999
§§ 1.851–1.907	(869–038–00085–7)	40.00	Apr. 1, 1999
§§ 1.908–1.1000	(869–038–00086–5)	38.00	Apr. 1, 1999
§§ 1.1001–1.1400	(869–038–00087–3)	40.00	Apr. 1, 1999
§§ 1.1401–End	(869–038–00088–1)	55.00	Apr. 1, 1999
2–29	(869–038–00089–0)	39.00	Apr. 1, 1999
30–39	(869–038–00090–3)	28.00	Apr. 1, 1999
40–49	(869–038–00091–1)	17.00	Apr. 1, 1999
50–299	(869–038–00092–0)	21.00	Apr. 1, 1999
300–499	(869–038–00093–8)	37.00	Apr. 1, 1999
500–599	(869–038–00094–6)	11.00	Apr. 1, 1999
600–End	(869–038–00095–4)	11.00	Apr. 1, 1999
27 Parts:			
1–199	(869–038–00096–2)	53.00	Apr. 1, 1999

Title	Stock Number	Price	Revision Date
200–End	(869–038–00097–1)	17.00	Apr. 1, 1999
28 Parts:			
0-42	(869–038–00098–9)	39.00	July 1, 1999
43-end	(869-038-00099-7)	32.00	July 1, 1999
29 Parts:			
0–99	(869–038–00100–4)	28.00	July 1, 1999
100–499	(869–038–00101–2)	13.00	July 1, 1999
500–899	(869–038–00102–1)	40.00	[8] July 1, 1999
900–1899	(869–038–00103–9)	21.00	July 1, 1999
1900–1910 (§§ 1900 to 1910.999)	(869–038–00104–7)	46.00	July 1, 1999
1910 (§§ 1910.1000 to end)	(869–038–00105–5)	28.00	July 1, 1999
1911–1925	(869–038–00106–3)	18.00	July 1, 1999
1926	(869–038–00107–1)	30.00	July 1, 1999
1927–End	(869–038–00108–0)	43.00	July 1, 1999
30 Parts:			
1–199	(869–038–00109–8)	35.00	July 1, 1999
200–699	(869–038–00110–1)	30.00	July 1, 1999
700–End	(869–038–00111–0)	35.00	July 1, 1999
31 Parts:			
0–199	(869–038–00112–8)	21.00	July 1, 1999
200–End	(869–038–00113–6)	48.00	July 1, 1999
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–038–00114–4)	46.00	July 1, 1999
191–399	(869–038–00115–2)	55.00	July 1, 1999
400–629	(869–038–00116–1)	32.00	July 1, 1999
630–699	(869–038–00117–9)	23.00	July 1, 1999
700–799	(869–038–00118–7)	27.00	July 1, 1999
800–End	(869–038–00119–5)	27.00	July 1, 1999
33 Parts:			
1–124	(869–038–00120–9)	32.00	July 1, 1999
125–199	(869–038–00121–7)	41.00	July 1, 1999
200–End	(869–038–00122–5)	33.00	July 1, 1999
34 Parts:			
1–299	(869–038–00123–3)	28.00	July 1, 1999
300–399	(869–038–00124–1)	25.00	July 1, 1999
400–End	(869–038–00125–0)	46.00	July 1, 1999
35	(869–038–00126–8)	14.00	[8] July 1, 1999
36 Parts			
1–199	(869–038–00127–6)	21.00	July 1, 1999
200–299	(869–038–00128–4)	23.00	July 1, 1999
300–End	(869–038–00129–2)	38.00	July 1, 1999
37	(869–038–00130–6)	29.00	July 1, 1999
38 Parts:			
0–17	(869–038–00131–4)	37.00	July 1, 1999
18–End	(869–038–00132–2)	41.00	July 1, 1999
39	(869–038–00133–1)	24.00	July 1, 1999
40 Parts:			
1–49	(869–038–00134–9)	33.00	July 1, 1999
50–51	(869–038–00135–7)	25.00	July 1, 1999
52 (52.01–52.1018)	(869–038–00136–5)	33.00	July 1, 1999
52 (52.1019–End)	(869–038–00137–3)	37.00	July 1, 1999
53–59	(869–038–00138–1)	19.00	July 1, 1999
60	(869–038–00139–0)	59.00	July 1, 1999
61–62	(869–038–00140–3)	19.00	July 1, 1999
63 (63.1–63.1119)	(869–038–00141–1)	58.00	July 1, 1999
63 (63.1200–End)	(869–038–00142–0)	36.00	July 1, 1999
64–71	(869–038–00143–8)	11.00	July 1, 1999
72–80	(869–038–00144–6)	41.00	July 1, 1999
81–85	(869–038–00145–4)	33.00	July 1, 1999
86	(869–038–00146–2)	59.00	July 1, 1999
87-135	(869–038–00146–1)	53.00	July 1, 1999
136–149	(869–038–00148–9)	40.00	July 1, 1999
150–189	(869–038–00149–7)	35.00	July 1, 1999
190–259	(869–038–00150–1)	23.00	July 1, 1999
260–265	(869–038–00151–9)	32.00	July 1, 1999
266–299	(869–038–00152–7)	33.00	July 1, 1999
300–399	(869–038–00153–5)	26.00	July 1, 1999
400–424	(869–038–00154–3)	34.00	July 1, 1999
425–699	(869–038–00155–1)	44.00	July 1, 1999
700–789	(869–038–00156–0)	42.00	July 1, 1999
790–End	(869–038–00157–8)	23.00	July 1, 1999
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–038–00158–6)	14.00	July 1, 1999
101	(869–038–00159–4)	39.00	July 1, 1999
102–200	(869–038–00160–8)	16.00	July 1, 1999
201–End	(869–038–00161–6)	15.00	July 1, 1999
42 Parts:			
1–399	(869–038–00162–4)	36.00	Oct. 1, 1999
400–429	(869–038–00163–2)	44.00	Oct. 1, 1999
430–End	(869–038–00164–1)	54.00	Oct. 1, 1999
43 Parts:			
1–999	(869–038–00165–9)	32.00	Oct. 1, 1999
1000–end	(869–038–00166–7)	47.00	Oct. 1, 1999
44	(869–038–00167–5)	28.00	Oct. 1, 1999
45 Parts:			
1–199	(869–038–00168–3)	33.00	Oct. 1, 1999
200–499	(869–038–00169–1)	16.00	Oct. 1, 1999
500–1199	(869–038–00170–5)	30.00	Oct. 1, 1999
1200–End	(869–038–00171–3)	40.00	Oct. 1, 1999
46 Parts:			
1–40	(869–038–00172–1)	27.00	Oct. 1, 1999
41–69	(869–038–00173–0)	23.00	Oct. 1, 1999
70–89	(869–038–00174–8)	8.00	Oct. 1, 1999
90–139	(869–038–00175–6)	26.00	Oct. 1, 1999
140–155	(869–038–00176–4)	15.00	Oct. 1, 1999
156–165	(869–038–00177–2)	21.00	Oct. 1, 1999
166–199	(869–038–00178–1)	27.00	Oct. 1, 1999
200–499	(869–038–00179–9)	23.00	Oct. 1, 1999
500–End	(869–038–00180–2)	15.00	Oct. 1, 1999
47 Parts:			
0–19	(869–038–00181–1)	39.00	Oct. 1, 1999
20–39	(869–038–00182–9)	26.00	Oct. 1, 1999
40–69	(869–038–00183–7)	26.00	Oct. 1, 1999
70–79	(869–038–00184–5)	39.00	Oct. 1, 1999
80–End	(869–038–00185–3)	40.00	Oct. 1, 1999
48 Chapters:			
1 (Parts 1–51)	(869–038–00186–1)	55.00	Oct. 1, 1999
1 (Parts 52–99)	(869–038–00187–0)	30.00	Oct. 1, 1999
2 (Parts 201–299)	(869–038–00188–8)	36.00	Oct. 1, 1999
3–6	(869–038–00189–6)	27.00	Oct. 1, 1999
7–14	(869–038–00190–0)	35.00	Oct. 1, 1999
15–28	(869–038–00191–8)	36.00	Oct. 1, 1999
29–End	(869–038–00192–6)	25.00	Oct. 1, 1999
49 Parts:			
1–99	(869–038–00193–4)	34.00	Oct. 1, 1999
100–185	(869–038–00194–2)	53.00	Oct. 1, 1999
186–199	(869–038–00195–1)	13.00	Oct. 1, 1999
200–399	(869–038–00196–9)	53.00	Oct. 1, 1999
400–999	(869–038–00197–7)	57.00	Oct. 1, 1999
1000–1199	(869–038–00198–5)	17.00	Oct. 1, 1999
1200–End	(869–038–00199–3)	14.00	Oct. 1, 1999
50 Parts:			
1–199	(869–038–00200–1)	43.00	Oct. 1, 1999
200–599	(869–038–00201–9)	22.00	Oct. 1, 1999

Title	Stock Number	Price	Revision Date
600–End	(869–038–00202–7)	37.00	Oct. 1, 1999
CFR Index and Findings Aids	(869–038–00047–4)	48.00	Jan. 1, 1999
Complete 1998 CFR set		951.00	1998
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1998
Individual copies		1.00	1998
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[5] No amendments to this volume were promulgated during the period January 1, 1998 through December 31, 1998. The CFR volume issued as of January 1, 1997 should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 1998, through April 1, 1999. The CFR volume issued as of April 1, 1998, should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 1998, through July 1, 1999. The CFR volume issued as of July 1, 1998, should be retained.